AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

FEDERAL REGISTER

Vol. 79 Wednesday,
No. 112 June 11, 2014

Pages 33419–33646

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. 112

Wednesday, June 11, 2014

Agricultural Marketing Service
RULES
Decreased Assessment Rates:
Olives Grown in California, 33419–33420

Agriculture Department
See Agricultural Marketing Service
See Commodity Credit Corporation
See Forest Service
See Rural Housing Service

Air Force Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 33531
Privacy Act; Systems of Records, 33531–33534

Army Department
NOTICES
Meetings:
Army Science Board, 33534

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Job Search Assistance Strategies Evaluation, 33559
Trafficking Victims Tracking System, 33558

Coast Guard
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 33572–33578

Commerce Department
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration

Commodity Credit Corporation
NOTICES
Funds Availability:
Biomass Crop Assistance Program, 33492–33495

Comptroller of the Currency
NOTICES
Meetings:
Minority Depository Institutions Advisory Committee, 33642

Copyright Royalty Board
PROPOSED RULES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Use of Sound Recordings Under Statutory License; Extension of Comment Period, 33491

Corporation for National and Community Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 33528

Defense Department
See Air Force Department
See Army Department
See Navy Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Bid, Performance, and Payment Bonds, 33556–33557
Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions, 33557–33558
Privacy Act; Systems of Records, 33528–33531

Education Department
RULES
Final Priorities:
Undergraduate International Studies and Foreign Language Program, 33432–33434
PROPOSED RULES
Proposed Priorities:
Capacity Building Program for Traditionally Underserved Populations, etc., 33486–33491
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Annual State Application under Part C of the Individuals with Disabilities Education Act as Amended in 2004, 33536–33537
OSERS Peer Review Data Form, 33537
State and EIS Record Keeping and Reporting Requirements under Part C, 33535–33536
Applications for New Awards:
Undergraduate International Studies and Foreign Language Program, 33537–33543

Employment and Training Administration
NOTICES
Requests for Nominations:
Advisory Council Member, 33597–33598

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Meetings:
Nuclear Science Advisory Committee, 33543
Quadrennial Energy Review, 33544–33545

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
New York; Control of Emissions from Existing Sewage Sludge Incineration Units, 33456–33458
Washington; Regional Haze State Implementation Plan; Federal Implementation Plan for Best Available Retrofit Technology for Alcoa Intalco Operations, Tesoro Refining and Marketing, and Alcoa Wenatchee, 33438–33456
Pesticide Tolerances:
Spirodiclofen, 33458–33465
Tricyclazole; Exemptions from Requirements, 33465–33468

Pesticide Tolerances; Exemptions from Requirements:
Alpha–Alkyl–Omega–Hydroxypoly (Oxypropylene) and/or Poly (Oxyethylene) Polymers; etc., 33469–33474
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Hazardous Waste Generator Standards, 33547–33548
Draft National Pollutant Discharge Elimination System General Permits:
Small Municipal Separate Storm Sewer Systems in the Commonwealth of Puerto Rico and Federal Facilities within the Commonwealth of Puerto Rico, 33548–33549
Pesticide Products:
Registration Applications for New Active Ingredients; Correction, 33549–33550
Pesticides:
Consideration of Volatilization in Pesticide Risk Assessment; Reopening of Comment Period, 33550
Requests to Voluntarily Cancel Certain Pesticide Registrations, 33550–33552

Executive Office of the President
See Presidential Documents

Federal Aviation Administration
RULES
Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures:
Miscellaneous Amendments, 33420–33431
PROPOSED RULES
Airworthiness Directives:
The Boeing Company Airplanes, 33484–33486

Federal Communications Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 33552–33553

Federal Emergency Management Agency
NOTICES
Flood Hazard Determinations; Changes, 33578–33584
Major Disaster and Related Determinations:
Alabama; Amendment 4, 33584–33585
Alaska; Amendment 1, 33584
Major Disaster Declarations:
Alabama; Amendment No. 1, 33585
Alabama; Amendment No. 2, 33585
Major Disasters and Related Determinations:
Alabama, 33585–33586
Alaska; Amendment 1, 33586

Federal Energy Regulatory Commission
NOTICES
Combined Filings, 33545
Filings:
Essential Power Rock Springs, LLC; Essential Power Operating Co., LLC, 33546
Initial Market-Based Rate Filings Including Requests for Blanket Section 204 Authorization:
Danskammer Energy, LLC, 33546
Lonestar Power Marketing LLC, 33546–33547

Federal Highway Administration
NOTICES
Buy America Waivers, 33632–33633
Buy America Waivers:, 33633–33634

Federal Maritime Commission
NOTICES
Agreements Filed, 33553
Investigation and Hearing Orders:
Huntington International, Inc., JC Horizon Ltd., and Judy Lee; Possible Violations of the Shipping Act of 1984, 33553–33554
Ocean Transportation Intermediary License Reissuances, 33554
Ocean Transportation Intermediary License Revocations and Terminations, 33554

Federal Motor Carrier Safety Administration
NOTICES
Hours of Service of Drivers; Exemption Applications:
National Pork Producers Council, 33634–33638

Federal Reserve System
NOTICES
Changes in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company, 33554–33555
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 33555–33556
Proposals to Engage in or to Acquire Companies Engaged in Permissible Nonbanking Activities, 33556

Fish and Wildlife Service
NOTICES
Permits:
Endangered Species, 33591–33592

Food and Drug Administration
RULES
Listing of Color Additives Exempt from Certification; Spirulina Extract:
Confirmation of Effective Date, 33431–33432
NOTICES
Advice About Eating Fish; Draft Update, 33559–33562
Determination of Regulatory Review Period for Purposes of Patent Extension:
VANDETANIB, 33562–33564
Draft Guidance for Industry and Staff; Availability:
Distributing Scientific and Medical Publications on Risk Information for Approved Prescription Drugs and Biological Products, Recommended Practices, 33569–33572
Drug Supply Chain Security Act Implementation: Identification of Suspect Product and Notification, 33564–33568
Global Unique Device Identification Database, 33568–33569

Foreign-Trade Zones Board
NOTICES
Establishments under Alternative Site Framework:
Cortland County, NY, 33505

Forest Service
RULES
Idaho Roadless Rule, 33436–33438

General Services Administration
RULES
Federal Management Regulations:
Mail Management; Requirements for Agencies, 33477–33482
Restrictions on International Transportation of Freight and Household Goods, 33474–33477

NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Bid, Performance, and Payment Bonds, 33556–33557
Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions, 33557–33558

Health and Human Services Department
See Children and Families Administration
See Food and Drug Administration
See Health Resources and Services Administration

Health Resources and Services Administration
NOTICES
Meetings:
Advisory Committee on Infant Mortality, 33572

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency

Housing and Urban Development Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Choice Neighborhoods Evaluation, Phase II, 33590–33591
FHA-Insured Mortgage Loan Servicing of Delinquent, Default and Foreclosure with Service Members Act, 33588
HUD-Owned Real Estate Dollar Home Sales Program, 33587
Public Housing Annual Contributions Contract and Inventory Removal Application, 33588–33590
Recertification of Family Income, etc., 33586–33587

Indian Affairs Bureau
NOTICES
Indian Gaming:
Approved Tribal–State Class III Gaming Compact, 33592

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau
See National Park Service
See Surface Mining Reclamation and Enforcement Office
RULES
Native American Graves Protection and Repatriation Act:
Definition of Indian Tribe, 33482–33483

International Trade Administration
NOTICES
Antidumping and Countervailing Duty Administrative Reviews; Results, Extensions, Amendments, etc.:
Polyethylene Retail Carrier Bags from Thailand, 33505–33507
Export Trade Certificates of Review:
Northwest Fruit Exporters, 33507–33508
United States Shippers Association, 33508
Willians Global Trade Concierge, LLC, 33508–33509

International Trade Commission
NOTICES
Antidumping and Countervailing Duty Orders; Results, Extensions, Amendments, etc.:
1–Hydroxyethylidene–1, 1–Diphosphonic acid (HEDP) from China and India, 33595
Investigations; Determinations, Modifications and Rulings, etc.:
Certain Silicon Tuners and Products Containing Same, Including Television Tuners, 33595–33596

Labor Department
See Employment and Training Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Prohibited Transaction Class Exemption 1996–62, Process for Expedited Approval of an Exemption for Prohibited Transaction, 33596–33597

Land Management Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 33592–33593

Library of Congress
See Copyright Royalty Board

National Aeronautics and Space Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Bid, Performance, and Payment Bonds, 33556–33557
Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions, 33557–33558

National Archives and Records Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery, 33598–33599
Records Schedules, 33599–33600

National Highway Traffic Safety Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 33638–33639
Temporary Exemptions; Petitions:
Toyota Motor North America, Inc.; Electrical Safety Requirement of FMVSS No. 305, 33639–33641

National Oceanic and Atmospheric Administration
NOTICES
Endangered and Threatened Wildlife and Plants:
Great Hammerhead Shark; Petitions to List as Threatened or Endangered under the Endangered Species Act, 33509–33526
Fisheries of the Exclusive Economic Zone Off Alaska:
Prohibited Species Donation Program, 33526–33528

National Park Service
RULES
National Cemeteries, Demonstration, Special Event, 33434–33436

Navy Department
NOTICES
Government-Owned Inventions Available for Licensing, 33534–33535
Records of Decisions:
Introduction of the P–8A Multi-Mission Maritime Aircraft into the Navy Fleet in Florida, Washington, and Hawaii, 33535

Nuclear Regulatory Commission
NOTICES
Draft Guidances for Industry and Staff; Availability:
Well Logging, Tracer, and Field Flood Study Licenses, 33600–33601

Personnel Management Office
NOTICES
Excepted Service, 33601–33604
Meetings:
Hispanic Council on Federal Employment, 33604–33605

Presidential Documents
PROCLAMATIONS
Special Observances:
Flag Day and National Flag Week (Proc. 9140), 33643–33646

Rural Housing Service
NOTICES
Funding Availability:
Section 533 Housing Preservation Grants for Fiscal Year 2014, 33495–33505

Securities and Exchange Commission
NOTICES
Self-Regulatory Organizations; Proposed Rule Changes:
BATS Exchange, Inc., 33630–33632
Chicago Board Options Exchange, Inc., 33614–33618, 33627–33629
Chicago Stock Exchange, Inc., 33611–33613
NASDAQ Stock Market LLC, 33605
New York Stock Exchange LLC, 33625–33627
NYSE Arca, Inc., 33619–33625
NYSE MKT LLC, 33605–33607
Options Clearing Corp., 33607–33611

Surface Mining Reclamation and Enforcement Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 33593–33595

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

Treasury Department
See Comptroller of the Currency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 33641
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Survey of Foreign Ownership of U.S. Securities as of June 30, 2014, 33641–33642

Separate Parts In This Issue

Part II
Presidential Documents, 33643–33646

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.

3 CFR

Proclamations:

9140 33645

7 CFR

932 33419

14 CFR

97 (4 documents) 33420, 33421, 33426, 33430

Proposed Rules:

39 33484

21 CFR

73 33431

34 CFR

Ch. VI 33432

Proposed Rules:

Ch. II 33486

36 CFR

12 33434

294 33436

37 CFR

Proposed Rules:

370 33491

40 CFR

52 33438

62 33456

180 (3 documents) 33458, 33465, 33469

41 CFR

102–117 33474

102–192 33477

43 CFR

10 33482

Rules and Regulations

Federal Register
Vol. 79, No. 112
Wednesday, June 11, 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

Agricultural Marketing Service

7 CFR Part 932

[Doc. No. AMS–FV–14–0002; FV14–932–1 FIR]

Olives Grown in California; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim rule that decreased the assessment rate established for the California Olive Committee (Committee) for the 2014 and subsequent fiscal years from $21.16 to $15.21 per ton of assessable olives handled. The Committee locally administers the marketing order, which regulates the handling of olives grown in California. Assessments upon olive handlers are used by the Committee to fund reasonable and necessary expenses of the program. The fiscal year began January 1 and ends December 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Effective June 12, 2014.

FOR FURTHER INFORMATION CONTACT: Jerry L. Simmons, Marketing Specialist, or Martin Engeler, Regional Director, California Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or Email: *Jerry.Simmons@ams.usda.gov* or *Martin.Engeler@ams.usda.gov.*

Small businesses may obtain information on complying with this and other marketing order regulations by viewing a guide at the following Web site: *http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide;* or by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 148 and Order No. 932, both as amended (7 CFR part 932), regulating the handling of olives grown in California, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 12866, 13563, and 13175.

Under the order, California olive handlers are subject to assessments, which provide funds to administer the order. Assessment rates issued under the order are intended to be applicable to all assessable California olives for the entire fiscal year and continue indefinitely until amended, suspended, or terminated. The Committee's fiscal year began on January 1 and ends on December 31.

In an interim rule published in the **Federal Register** on March 14, 2014, and effective on March 15, 2014, (79 FR 14367, Doc. No. AMS–FV–14–0002, FV14–932–1 IR), § 932.230 was amended by decreasing the assessment rate established for California olives for the 2014 and subsequent fiscal years from $21.16 to $15.21 per ton of assessable olives. Income derived from handler assessments plus funds from the carryover reserve will be adequate to cover budgeted expenses.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 1,000 producers of California olives in the production area and two handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration as those having annual receipts of less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $7,000,000 (13 CFR 121.201).

In addition, based on information provided by the industry and the California Agricultural Statistics Service, the average grower price for 2013 was approximately $1,057.56 per ton of assessable olives, and total grower deliveries were 79,495 tons. Based on production, producer prices, and the total number of California olive producers, the average annual producer revenue is less than $750,000. In view of the foregoing, the majority of California olive producers may be classified as small entities. Neither of the two California olive handlers may be classified as small entities.

This rule continues in effect the action that decreased the assessment rate established for the Committee and collected from handlers for the 2014 and subsequent fiscal years from $21.16 to $15.21 per ton of assessable olives. The Committee unanimously recommended 2014 expenditures of $1,262,460. The quantity of assessable California olives for the 2013–14 season is 79,495 tons. However, the quantity of olives actually assessed is expected to be slightly lower because some of the tonnage may be diverted by handlers to exempt outlets on which assessments are not paid. Income derived from the assessment rate of $15.21 combined with carryover reserve funds should provide assessment income adequate to meet this year's expenses.

This rule continues in effect the action that decreased the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces

the burden on handlers and may reduce the burden on producers.

In addition, the Committee's meeting was widely publicized throughout the California olive industry, and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the December 9, 2013, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0178, Generic Vegetable Crops. No changes in those requirements as a result of this action are anticipated. Should any changes become necessary, they would be submitted to OMB for approval.

This action imposes no additional reporting or recordkeeping requirements on either of the two California olive handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Comments on the interim rule were required to be received on or before May 13, 2014. No comments were received. Therefore, for reasons given in the interim rule, we are adopting the interim rule as a final rule, without change.

To view the interim rule, go to: *http://www.regulations.gov/#!documentDetail;D=AMS-FV-14-0002-0001.*

This action also affirms information contained in the interim rule concerning Executive Orders 12866, 12988, 13175, and 13563; the Paperwork Reduction Act (44 U.S.C. Chapter 35); and the E-Gov Act (44 U.S.C. 101).

After consideration of all relevant material presented, it is found that finalizing the interim rule, without change, as published in the **Federal Register** (79 FR 14367, March 14, 2014) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

PART 932—OLIVES GROWN IN CALIFORNIA

Accordingly, the interim rule amending 7 CFR part 932, which was published at 79 FR 14367 on March 14, 2014, is adopted as a final rule, without change.

Dated: June 5, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–13553 Filed 6–10–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30959 Amdt. No. 3591]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective June 11, 2014. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 11, 2014.

ADDRESSES: Availability of matters incorporated by reference in the aendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability—All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit *http://www.nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham III, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or revoking SIAPS, Takeoff Minimums and/or ODPS. The complete regulators description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The applicable FAA Forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, in addition to their complex nature and the need for a special format make publication in the **Federal Register** expensive and impractical. Furthermore, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their depiction on charts printed by publishers of aeronautical materials. The advantages of incorporation by reference are realized and publication of

the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA forms is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs and the effective dates of the, associated Takeoff Minimums and ODPs. This amendment also identifies the airport and its location, the procedure, and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as contained in the transmittal. Some SIAP and Takeoff Minimums andtextual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPS and Takeoff Minimums and ODPS, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPS contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPS and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedures before adopting these SIAPS, Takeoff Minimums and ODPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

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. 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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC, on May 9, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures and/or Takeoff Minimums and/or Obstacle Departure Procedures effective at 0902 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 26 JUNE 2014

San Jose, CA, Norman Y. Mineta San Jose Intl, RNAV (GPS) RWY 11, Orig-C, CANCELED
San Jose, CA, Norman Y. Mineta San Jose Intl, RNAV (GPS) RWY 29, Orig-D, CANCELED
Gaylord, MI, Gaylord Rgnl, ILS OR LOC RWY 9, Amdt 1A
Elizabeth City, NC, Elizabeth City CG Air Station/Rgnl, Takeoff Minimums and Obstacle DP, Amdt 1 Schenectady, NY, Schenectady County, Takeoff Minimums and Obstacle DP, Amdt 5
Murfreesboro, TN, Murfreesboro Muni, RNAV (GPS) RWY 18, Amdt 1B

Effective 24 JULY 2014

Bettles, AK, Bettles, LOC/DME RWY 1, Amdt 5A, CANCELED
Fairbanks, AK, Fairbanks Intl, VOR/DME OR TACAN RWY 20R, Orig
Fairbanks, AK, Fairbanks Intl, VOR OR TACAN RWY 20R, Amdt 2, CANCELED
Denver, CO, Denver Intl, ILS OR LOC RWY 16L, Amdt 3A
Denver, CO, Denver Intl, ILS OR LOC RWY 16R, Amdt 1A
Atlanta, GA, Hartsfield—Jackson Atlanta Intl, RNAV (RNP) Z RWY 8L, Amdt 1B, CANCELED
Atlanta, GA, Hartsfield—Jackson Atlanta Intl, RNAV (RNP) Z RWY 8R, Amdt 1, CANCELED
Atlanta, GA, Hartsfield—Jackson Atlanta Intl, RNAV (RNP) Z RWY 9L, Amdt 1, CANCELED
Atlanta, GA, Hartsfield—Jackson Atlanta Intl, RNAV (RNP) Z RWY 9R, Amdt 1, CANCELED
Atlanta, GA, Hartsfield—Jackson Atlanta Intl, RNAV (RNP) Z RWY 10, Amdt 2, CANCELED
Atlanta, GA, Hartsfield—Jackson Atlanta Intl, RNAV (RNP) Z RWY 26L, Amdt 1, CANCELED
Atlanta, GA, Hartsfield—Jackson Atlanta Intl, RNAV (RNP) Z RWY 26R, Amdt 1, CANCELED
Atlanta, GA, Hartsfield—Jackson Atlanta Intl, RNAV (RNP) Z RWY 27L, Amdt 2, CANCELED
Atlanta, GA, Hartsfield—Jackson Atlanta Intl, RNAV (RNP) Z RWY 27R, Amdt 1, CANCELED
Atlanta, GA, Hartsfield—Jackson Atlanta Intl, RNAV (RNP) Z RWY 28, Amdt 2B, CANCELED
Augusta, GA, Daniel Field, Takeoff Minimums and Obstacle DP, Amdt 6
Iowa Falls, IA, Iowa Falls Muni, RNAV (GPS) RWY 13, Orig-A
Bunkie, LA, Bunkie Muni, NDB RWY 36, Orig-A, CANCELED
Minneapolis, MN, Flying Cloud, RNAV (GPS) RWY 10L, Amdt 1A
Minneapolis, MN, Flying Cloud, RNAV (GPS) RWY 28R, Amdt 2B
Ava, MO, Ava Bill Martin Memorial, VOR–A, Amdt 3A
Lebanon, MO, Floyd W. Jones Lebanon, SDF RWY 36, Amdt 5C
Mountain Grove, MO, Mountain Grove Memorial, RNAV (GPS) RWY 8, Orig
Mountain Grove, MO, Mountain Grove Memorial, RNAV (GPS) RWY 26, Orig
Mountain Grove, MO, Mountain Grove Memorial, VOR/DME RWY 8, Amdt 1
Poplar Bluff, MO, Poplar Bluff Muni, SDF RWY 36, Amdt 1B, CANCELED
Springfield, MO, Springfield-Branson National, ILS OR LOC RWY 2, Amdt 18B
Greensboro, NC, Piedmont Triad Intl, NDB RWY 14, Amdt 15E, CANCELED
Rugby, ND, Rugby Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Teterboro, NJ, Teterboro, Takeoff Minimums and Obstacle DP, Amdt 8
Columbia, SC, Columbia Metropolitan, RADAR 1, Amdt 13, CANCELED
Falfurrias, TX, Brooks County, NDB RWY 35, Amdt 2, CANCELED

[FR Doc. 2014–13393 Filed 6–10–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30962; Amdt. No. 3594]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective June 11, 2014. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 11, 2014.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability—All SIAPs are available online free of charge. Visit *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham III, Flight Procedure Standards Branch (AFS–420) Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (FDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of Title 14 of the Code of Federal Regulations.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAP and the corresponding effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P–NOTAMs.

The SIAPs, as modified by FDC P–NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

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. 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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC, on May 23, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
26-Jun-14	ND	Oakes	Oakes Muni	4/0002	05/07/14	RNAV (GPS) RWY 30, Orig.
26-Jun-14	NE	Superior	Superior Muni	4/0014	05/09/14	RNAV (GPS) RWY 14, Orig.
26-Jun-14	WA	Tacoma	Tacoma Narrows	4/0024	05/13/14	NDB RWY 35, Amdt 8.
26-Jun-14	WA	Tacoma	Tacoma Narrows	4/0025	05/13/14	RNAV (GPS) RWY 35, Orig.
26-Jun-14	UT	Tooele	Bolinder Field-Tooele Valley.	4/0030	05/12/14	ILS OR LOC/DME RWY 17, Amdt 2.
26-Jun-14	UT	Tooele	Bolinder Field-Tooele Valley.	4/0039	05/12/14	RNAV (GPS) RWY 17, Amdt 3.
26-Jun-14	LA	Ruston	Ruston Rgnl	4/0046	05/07/14	RNAV (GPS) RWY 36, Orig.
26-Jun-14	DC	Washington	Washington Dulles Intl	4/0245	05/13/14	VOR/DME RWY 12, Amdt 9A.
26-Jun-14	DC	Washington	Washington Dulles Intl	4/0246	05/13/14	RNAV (RNP) Z RWY 1C, Orig-F.
26-Jun-14	SC	Allendale	Allendale County	4/2224	05/09/14	RNAV (GPS) RWY 35, Orig.
26-Jun-14	SC	Allendale	Allendale County	4/2225	05/09/14	RNAV (GPS) RWY 17, Orig.
26-Jun-14	AL	Talladega	Talladega Muni	4/2231	05/09/14	RNAV (GPS) RWY 4 Amdt, 1B.
26-Jun-14	AL	Talladega	Talladega Muni	4/2233	05/09/14	VOR/DME RWY 4, Amdt 6.
26-Jun-14	AL	Talladega	Talladega Muni	4/2238	05/09/14	ILS OR LOC/DME RWY 4, Orig-A.
26-Jun-14	AL	Talladega	Talladega Muni	4/2239	05/09/14	RNAV (GPS) RWY 22, Amdt 1A.
26-Jun-14	MS	Tunica	Tunica Muni	4/2243	05/12/14	RNAV (GPS) RWY 35, Amdt 2.
26-Jun-14	MA	Worcester	Worcester Rgnl	4/2276	05/12/14	ILS OR LOC RWY 29, Amdt 4A.
26-Jun-14	MA	Worcester	Worcester Rgnl	4/2277	05/12/14	VOR/DME RWY 33, Amdt 1A.
26-Jun-14	MA	Worcester	Worcester Rgnl	4/2280	05/12/14	ILS OR LOC RWY 11, Amdt 23A.
26-Jun-14	FL	Stuart	Witham Field	4/2282	05/07/14	RNAV (GPS) RWY 12, Amdt 1.
26-Jun-14	MA	Worcester	Worcester Rgnl	4/2285	05/12/14	RNAV (GPS) RWY 29, Amdt 1.
26-Jun-14	MA	Worcester	Worcester Rgnl	4/2286	05/12/14	RNAV (GPS) RWY 11, Amdt 1.
26-Jun-14	FL	Stuart	Witham Field	4/2287	05/07/14	RNAV (GPS) RWY 30, Amdt 1.
26-Jun-14	TN	Gallatin	Sumner County Rgnl	4/2344	05/09/14	RNAV (GPS) RWY 35, Amdt 1.
26-Jun-14	TN	Gallatin	Sumner County Rgnl	4/2346	05/09/14	RNAV (GPS) RWY 17, Amdt 1.
26-Jun-14	MS	Madison	Bruce Campbell Field	4/2362	05/07/14	RNAV (GPS) RWY 17, Amdt 1.
26-Jun-14	MS	Madison	Bruce Campbell Field	4/2363	05/07/14	VOR/DME RWY 17, Orig-A.
26-Jun-14	CA	Concord	Buchanan Field	4/2364	05/14/14	RNAV (GPS) Z RWY 19R, Orig-A.
26-Jun-14	CA	Concord	Buchanan Field	4/2371	05/14/14	LDA RWY 19R, Amdt 7C.
26-Jun-14	CA	Concord	Buchanan Field	4/2372	05/14/14	RNAV (GPS) Y RWY 19R, Amdt 1.
26-Jun-14	ME	Brunswick	Brunswick Executive	4/2413	05/09/14	RNAV (GPS) RWY 19L, Amdt 1.
26-Jun-14	CA	Sacramento	Sacramento Intl	4/2414	05/06/14	ILS RWY 16R (SA CAT I), Amdt 15.
26-Jun-14	CA	Sacramento	Sacramento Intl	4/2416	05/06/14	ILS RWY 16R (CAT II & III), Amdt 15.
26-Jun-14	CA	Sacramento	Sacramento Intl	4/2419	05/06/14	RNAV (RNP) Z RWY 16R, Orig.
26-Jun-14	CA	Sacramento	Sacramento Intl	4/2420	05/06/14	RNAV (GPS) Y RWY 16R, Amdt 1.
26-Jun-14	CA	Sacramento	Sacramento Intl	4/2422	05/06/14	RNAV (GPS) Y RWY 34L, Amdt 1A.
26-Jun-14	CA	Sacramento	Sacramento Intl	4/2423	05/06/14	RNAV (RNP) Z RWY 34L, Orig.
26-Jun-14	CA	Sacramento	Sacramento Intl	4/2424	05/06/14	ILS OR LOC RWY 16R, Amdt 15.
26-Jun-14	CA	Sacramento	Sacramento Intl	4/2427	05/06/14	RNAV (GPS) Y RWY 34R, Orig-D.
26-Jun-14	CA	Sacramento	Sacramento Intl	4/2429	05/06/14	RNAV (RNP) Z RWY 16L, Orig-A.
26-Jun-14	MD	Ridgely	Ridgely Airpark	4/2438	05/07/14	RNAV (GPS) RWY 12, Orig-A.
26-Jun-14	AZ	Lake Havasu City	Lake Havasu City	4/2440	05/12/14	RNAV (GPS) RWY 14, Orig.
26-Jun-14	AL	Fayette	Richard Arthur Field	4/2442	05/07/14	RNAV (GPS) RWY 18, Amdt 1A.
26-Jun-14	WI	Antigo	Langlade County	4/2447	05/12/14	RNAV (GPS) RWY 27, Orig.
26-Jun-14	CA	Oakdale	Oakdale	4/2461	05/12/14	RNAV (GPS) RWY 28, Amdt 1.
26-Jun-14	CA	Oakdale	Oakdale	4/2462	05/12/14	RNAV (GPS) RWY 10, Amdt 1.
26-Jun-14	KY	Hartford	Ohio County	4/2463	05/07/14	RNAV (GPS) RWY 21, Orig-A.
26-Jun-14	KY	Hartford	Ohio County	4/2464	05/07/14	RNAV (GPS) RWY 3, Orig-A.
26-Jun-14	FL	Okeechobee	Okeechobee County	4/2465	05/07/14	RNAV (GPS) RWY 14, Amdt 1.
26-Jun-14	MT	Forsyth	Tillitt Field	4/2468	05/12/14	NDB RWY 26, Amdt 3.
26-Jun-14	MT	Forsyth	Tillitt Field	4/2471	05/12/14	RNAV (GPS) RWY 26, Orig-A.
26-Jun-14	FL	Live Oak	Suwannee County	4/2473	05/07/14	RNAV (GPS) RWY 7, Orig-A.
26-Jun-14	SD	Gregory	Gregory Muni—Flynn Fld	4/2513	05/09/14	RNAV (GPS) RWY 13, Orig.
26-Jun-14	CA	San Martin	South County Arpt Of Santa Clara County.	4/2563	05/12/14	RNAV (GPS) RWY 32, Orig.
26-Jun-14	MO	Branson	Branson	4/2612	05/14/14	RNAV (GPS) RWY 32, Orig.
26-Jun-14	PA	Grove City	Grove City	4/2628	05/09/14	RNAV (GPS) RWY 10, Amdt 1.
26-Jun-14	PA	Grove City	Grove City	4/2629	05/09/14	RNAV (GPS) RWY 28, Amdt 1.
26-Jun-14	MI	Holland	West Michigan Rgnl	4/2641	05/07/14	ILS OR LOC/DME RWY 26, Amdt 2A.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
26-Jun-14	MI	Holland	West Michigan Rgnl	4/2642	05/07/14	RNAV (GPS) RWY 8, Amdt 2A.
26-Jun-14	IN	Monticello	White County	4/2644	05/07/14	RNAV (GPS) RWY 18, Orig.
26-Jun-14	IN	Monticello	White County	4/2645	05/07/14	RNAV (GPS) RWY 36, Orig.
26-Jun-14	OK	Shawnee	Shawnee Rgnl	4/2738	05/14/14	RNAV (GPS) RWY 35, Orig-A.
26-Jun-14	IA	Sac City	Sac City Muni	4/2825	05/07/14	NDB RWY 36, Amdt 4.
26-Jun-14	IA	Sac City	Sac City Muni	4/2826	05/07/14	RNAV (GPS) RWY 36, Amdt 1.
26-Jun-14	KS	Clay Center	Clay Center Muni	4/2893	05/07/14	NDB RWY 35, Amdt 2.
26-Jun-14	KS	Clay Center	Clay Center Muni	4/2894	05/07/14	RNAV (GPS) RWY 35, Orig.
26-Jun-14	KS	Concordia	Blosser Muni	4/2900	05/07/14	RNAV (GPS) RWY 17, Orig.
26-Jun-14	KS	El Dorado	El Dorado/Captain Jack Thomas Memorial.	4/2922	05/07/14	RNAV (GPS) RWY 15, Amdt 1.
26-Jun-14	KS	Hill City	Hill City Muni	4/2930	05/07/14	RNAV (GPS) RWY 36, Amdt 1.
26-Jun-14	OK	Mc Alester	Mc Alester Rgnl	4/2960	05/19/14	VOR/DME RWY 20, Amdt 2D.
26-Jun-14	WI	Sparta	Sparta/Fort Mc Coy	4/3148	05/12/14	NDB RWY 29, Amdt 4.
26-Jun-14	WI	Sparta	Sparta/Fort Mc Coy	4/3151	05/12/14	RNAV (GPS) RWY 29, Amdt 1.
26-Jun-14	MN	Fosston	Fosston Muni	4/3347	05/07/14	NDB RWY 34, Amdt 4.
26-Jun-14	MN	Fosston	Fosston Muni	4/3359	05/07/14	RNAV (GPS) RWY 34, Orig-A.
26-Jun-14	WY	Saratoga	Shively Field	4/3372	05/13/14	RNAV (GPS) B, Orig.
26-Jun-14	WY	Saratoga	Shively Field	4/3375	05/13/14	NDB A, Amdt 1.
26-Jun-14	WY	Saratoga	Shively Field	4/3376	05/13/14	RNAV (GPS) RWY 5, Orig.
26-Jun-14	IA	Forest City	Forest City Muni	4/3382	05/07/14	RNAV (GPS) RWY 15, Orig.
26-Jun-14	IA	Forest City	Forest City Muni	4/3383	05/07/14	NDB RWY 33, Amdt 2.
26-Jun-14	MT	Plentywood	Sher-Wood	4/3387	05/12/14	RNAV (GPS) RWY 12, Orig.
26-Jun-14	MT	Plentywood	Sher-Wood	4/3389	05/12/14	RNAV (GPS) RWY 30, Orig.
26-Jun-14	CA	Sacramento	Sacramento Intl	4/3503	05/06/14	ILS OR LOC RWY 16L, Amdt 2A.
26-Jun-14	GA	Dublin	W H 'Bud' Barron	4/3519	05/07/14	RNAV (GPS) RWY 2, Orig-A.
26-Jun-14	MT	Poplar	Poplar Muni	4/3520	05/12/14	RNAV (GPS) RWY 27, Amdt 1.
26-Jun-14	GA	Dublin	W H 'Bud' Barron	4/3525	05/07/14	ILS OR LOC RWY 2, Amdt 2B.
26-Jun-14	MT	Poplar	Poplar Muni	4/3529	05/12/14	RNAV (GPS) RWY 9, Orig.
26-Jun-14	MO	Branson	Branson	4/3672	05/14/14	RNAV (GPS) RWY 14, Orig.
26-Jun-14	IA	Pocahontas	Pocahontas Muni	4/3765	05/14/14	NDB RWY 12, Amdt 5A.
26-Jun-14	IA	Pocahontas	Pocahontas Muni	4/3779	05/14/14	RNAV (GPS) RWY 12, Orig-A.
26-Jun-14	CA	Sacramento	Sacramento Intl	4/4528	05/06/14	RNAV (RNP) Z RWY 34R, Orig-A.
26-Jun-14	CA	Sacramento	Sacramento Intl	4/4529	05/06/14	RNAV (GPS) Y RWY 16L, Amdt 1A.
26-Jun-14	NE	Red Cloud	Red Cloud Muni	4/4647	05/07/14	RNAV (GPS) RWY 16, Orig.
26-Jun-14	TX	Plains	Yoakum County	4/4656	05/09/14	RNAV (GPS) RWY 21, Amdt 1.
26-Jun-14	IN	Winchester	Randolph County	4/4666	05/07/14	RNAV (GPS) RWY 8, Orig.
26-Jun-14	OR	Portland	Portland Intl	4/4723	05/06/14	RNAV (GPS) Y RWY 10L, Amdt 2.
26-Jun-14	OR	Portland	Portland Intl	4/4727	05/06/14	ILS OR LOC RWY 10L, Amdt 4.
26-Jun-14	OR	Portland	Portland Intl	4/4728	05/06/14	RNAV (RNP) Z RWY 28L, Orig.
26-Jun-14	OR	Portland	Portland Intl	4/4729	05/06/14	LOC/DME RWY 21, Amdt 8B.
26-Jun-14	OR	Portland	Portland Intl	4/4730	05/06/14	RNAV (RNP) Z RWY 10L, Amdt 1.
26-Jun-14	OR	Portland	Portland Intl	4/4731	05/06/14	RNAV (RNP) Z RWY 10R, Orig-A.
26-Jun-14	OR	Portland	Portland Intl	4/4732	05/06/14	RNAV (GPS) Y RWY 10R, Amdt 2.
26-Jun-14	OR	Portland	Portland Intl	4/4733	05/06/14	ILS OR LOC RWY 28L, Amdt 3.
26-Jun-14	OR	Portland	Portland Intl	4/4734	05/06/14	RNAV (RNP) Y RWY 28L, Amdt 1.
26-Jun-14	OR	Portland	Portland Intl	4/4735	05/06/14	RNAV (GPS) X RWY 28L, Amdt 2.
26-Jun-14	OR	Portland	Portland Intl	4/4736	05/06/14	RNAV (GPS) X RWY 28R, Amdt 2.
26-Jun-14	OR	Portland	Portland Intl	4/4737	05/06/14	ILS OR LOC RWY 28R, Amdt 15.
26-Jun-14	OR	Portland	Portland Intl	4/4738	05/06/14	RNAV RNP Y RWY 28R, Amdt 1.
26-Jun-14	OR	Portland	Portland Intl	4/4739	05/06/14	ILS OR LOC RWY 10R, ILS RWY 10R (SA CAT I), ILS RWY 10R (CAT II & III), Amdt 34B.
26-Jun-14	KY	Campbellsville	Taylor County	4/5057	05/13/14	NDB RWY 23, Amdt 4.
26-Jun-14	KY	Campbellsville	Taylor County	4/5058	05/13/14	RNAV (GPS) RWY 5, Orig-A.
26-Jun-14	KY	Campbellsville	Taylor County	4/5059	05/13/14	RNAV (GPS) RWY 23, Orig.
26-Jun-14	TX	Gruver	Gruver Muni	4/5203	05/12/14	RNAV (GPS) RWY 2, Orig.
26-Jun-14	OH	Cadiz	Harrison County	4/5211	05/09/14	RNAV (GPS) RWY 13, Orig.
26-Jun-14	MS	Kosciusko	Kosciusko-Attala County	4/5245	05/07/14	RNAV (GPS) RWY 32, Orig-A.
26-Jun-14	MS	Kosciusko	Kosciusko-Attala County	4/5248	05/07/14	RNAV (GPS) RWY 14, Orig-A.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
26-Jun-14	ID	Lewiston	Lewiston-Nez Perce County.	4/5403	05/13/14	RNAV (GPS) Y RWY 12, Amdt 2A.
26-Jun-14	ID	Lewiston	Lewiston-Nez Perce County.	4/5404	05/13/14	RNAV (GPS) Y RWY 8, Amdt 2.
26-Jun-14	ID	Lewiston	Lewiston-Nez Perce County.	4/5405	05/13/14	ILS RWY 26, Amdt 13B.
26-Jun-14	NE	Lincoln	Lincoln	4/5413	05/07/14	VOR RWY 18, Amdt 13.
26-Jun-14	NE	Lincoln	Lincoln	4/5414	05/07/14	ILS OR LOC RWY 18, Amdt 7.
26-Jun-14	NE	Lincoln	Lincoln	4/5425	05/07/14	ILS OR LOC RWY 36, Amdt 11G.
26-Jun-14	WA	Toledo	Ed Carlson Memorial Field—South Lewis Co.	4/6517	05/14/14	RNAV (GPS) RWY 24, Orig-A.
26-Jun-14	CA	Bishop	Eastern Sierra Rgnl	4/6885	05/14/14	RNAV (GPS) Z RWY 12, Orig-A.
26-Jun-14	TN	Springfield	Springfield Robertson County.	4/7011	05/09/14	RNAV (GPS) RWY 4, Amdt 1.
26-Jun-14	TN	Springfield	Springfield Robertson County.	4/7044	05/09/14	LOC RWY 4, Amdt 3.
26-Jun-14	TN	Springfield	Springfield Robertson County.	4/7046	05/09/14	RNAV (GPS) RWY 22, Amdt 1.
26-Jun-14	TX	Hamilton	Hamilton Muni	4/7343	05/12/14	RNAV (GPS) RWY 36, Amdt 1.
26-Jun-14	TX	Hamilton	Hamilton Muni	4/7344	05/12/14	RNAV (GPS) RWY 18, Amdt 1.
26-Jun-14	OH	Lancaster	Fairfield County	4/7346	05/09/14	RNAV (GPS) RWY 28, Amdt 1.
26-Jun-14	MI	Sturgis	Kirsch Muni	4/7416	05/19/14	Takeoff Minimums and Obstacle DP, Amdt 3.
26-Jun-14	NE	Imperial	Imperial Muni	4/7492	05/14/14	RNAV (GPS) RWY 31, Amdt 1.
26-Jun-14	AZ	St Johns	St Johns Industrial Air Park.	4/7914	05/13/14	RNAV (GPS) RWY 14, Amdt 1.
26-Jun-14	CA	San Francisco	San Francisco Intl	4/8150	05/14/14	RNAV (GPS) RWY 19R, Amdt 1.
26-Jun-14	CA	San Francisco	San Francisco Intl	4/8151	05/14/14	RNAV (GPS) RWY 19L, Amdt 2A.
26-Jun-14	CA	San Francisco	San Francisco Intl	4/8153	05/14/14	VOR RWY 19L, Amdt 10.
26-Jun-14	CA	San Francisco	San Francisco Intl	4/8154	05/14/14	ILS OR LOC RWY 28L, Amdt 24B.
26-Jun-14	CA	San Francisco	San Francisco Intl	4/8157	05/14/14	RNAV (RNP) Y RWY 28R, Amdt 2.
26-Jun-14	CA	San Francisco	San Francisco Intl	4/8160	05/14/14	ILS OR LOC RWY 28R, ILS RWY 28R (SA CAT I), ILS RWY 28R (CAT II & III), Amdt 12A.
26-Jun-14	CA	San Francisco	San Francisco Intl	4/8161	05/14/14	RNAV (GPS) Z RWY 28R, Amdt 4.
26-Jun-14	CA	San Francisco	San Francisco Intl	4/8163	05/14/14	LDA/DME RWY 28, Amdt 2.
26-Jun-14	CA	San Francisco	San Francisco Intl	4/8164	05/14/14	LDA PRM RWY 28R, (SIMULTANEOUS CLOSE PARALLEL), Amdt 2.
26-Jun-14	CA	San Francisco	San Francisco Intl	4/8165	05/14/14	ILS OR LOC RWY 19L, Amdt 20A.
26-Jun-14	CA	San Francisco	San Francisco Intl	4/8168	05/14/14	ILS RWY 28L (SA CAT II), Amdt 24B.
26-Jun-14	CA	San Francisco	San Francisco Intl	4/8169	05/14/14	RNAV (GPS) RWY 28L, Amdt 4.
26-Jun-14	CA	San Francisco	San Francisco Intl	4/8170	05/14/14	RNAV (GPS) PRM RWY 28L (SIMULTANEOUS CLOSE PARALLEL), Amdt 1.
26-Jun-14	CA	San Francisco	San Francisco Intl	4/8171	05/14/14	RNAV (GPS) RWY 10L, Amdt 2.
26-Jun-14	CA	San Francisco	San Francisco Intl	4/8172	05/14/14	RNAV (RNP) Z RWY 10R, Amdt 2.
26-Jun-14	CA	San Francisco	San Francisco Intl	4/8173	05/14/14	ILS PRM RWY 28L (SIMULTANEOUS CLOSE PARALLEL), Amdt 3.
26-Jun-14	CA	San Francisco	San Francisco Intl	4/8174	05/14/14	RNAV (GPS) X RWY 28R, Amdt 1.
26-Jun-14	CA	San Francisco	San Francisco Intl	4/8175	05/14/14	RNAV (GPS) PRM X RWY 28R (SIMULTANEOUS CLOSE PARALLEL), Amdt 1.
26-Jun-14	CA	San Francisco	San Francisco Intl	4/8179	05/14/14	RNAV (GPS) Y RWY 10R, Amdt 2.
26-Jun-14	OH	Ravenna	Portage County	4/8212	05/19/14	RNAV (GPS) RWY 9, Orig.
26-Jun-14	LA	Abbeville	Abbeville Chris Crusta Memorial.	4/8555	05/14/14	LOC RWY 16, Orig.
26-Jun-14	LA	Abbeville	Abbeville Chris Crusta Memorial.	4/8556	05/14/14	RNAV (GPS) RWY 34, Amdt 1.
26-Jun-14	LA	Abbeville	Abbeville Chris Crusta Memorial.	4/8559	05/14/14	RNAV (GPS) RWY 16, Amdt 1.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
26-Jun-14	LA	Abbeville	Abbeville Chris Crusta Memorial.	4/8561	05/14/14	VOR/DME B, Amdt 3A.
26-Jun-14	LA	Abbeville	Abbeville Chris Crusta Memorial.	4/8562	05/14/14	VOR/DME A, Amdt 2A.
26-Jun-14	KY	Ashland	Ashland Rgnl	4/8717	05/12/14	RNAV (GPS) RWY 28, Amdt 1.
26-Jun-14	FL	Wauchula	Wauchula Muni	4/8718	05/07/14	RNAV (GPS) RWY 18, Amdt 1.
26-Jun-14	FL	Wauchula	Wauchula Muni	4/8719	05/07/14	RNAV (GPS) RWY 36, Amdt 1.
26-Jun-14	KY	Ashland	Ashland Rgnl	4/8720	05/12/14	RNAV (GPS) RWY 10, Amdt 1.
26-Jun-14	NC	Wilmington	Wilmington Intl	4/8788	05/09/14	ILS Y OR LOC/DME RWY 6, Amdt 2.
26-Jun-14	NC	Wilmington	Wilmington Intl	4/8789	05/09/14	ILS Z RWY 6, Orig.
26-Jun-14	NC	Wilmington	Wilmington Intl	4/8790	05/09/14	ILS Z RWY 24, Orig.
26-Jun-14	NC	Wilmington	Wilmington Intl	4/8791	05/09/14	ILS Y OR LOC RWY 35, Amdt 22.
26-Jun-14	NC	Wilmington	Wilmington Intl	4/8792	05/09/14	RNAV (GPS) RWY 24, Amdt 2.
26-Jun-14	NC	Wilmington	Wilmington Intl	4/8793	05/09/14	RNAV (GPS) RWY 17, Amdt 3.
26-Jun-14	NC	Wilmington	Wilmington Intl	4/8794	05/09/14	ILS Z RWY 35, Orig.
26-Jun-14	NC	Wilmington	Wilmington Intl	4/8795	05/09/14	ILS Y OR LOC RWY 24, Amdt 1.
26-Jun-14	NC	Wilmington	Wilmington Intl	4/8796	05/09/14	RNAV (GPS) RWY 35, Amdt 3.
26-Jun-14	NC	Wilmington	Wilmington Intl	4/8797	05/09/14	RNAV (GPS) RWY 6, Amdt 3.
26-Jun-14	TX	Mason	Mason County	4/9062	05/09/14	RNAV (GPS) RWY 18, Orig.
26-Jun-14	TX	Giddings	Giddings-Lee County	4/9166	05/14/14	VOR/DME A, Amdt 3.
26-Jun-14	TX	Giddings	Giddings-Lee County	4/9168	05/14/14	RNAV (GPS) RWY 35, Orig.
26-Jun-14	TX	Giddings	Giddings-Lee County	4/9169	05/14/14	RNAV (GPS) RWY 17, Orig.
26-Jun-14	ME	Old Town	Dewitt Fld,Old Town Muni	4/9182	05/14/14	RNAV (GPS) RWY 30, Orig.
26-Jun-14	ME	Old Town	Dewitt Fld,Old Town Muni	4/9183	05/14/14	RNAV (GPS) RWY 12, Orig.
26-Jun-14	ME	Old Town	Dewitt Fld,Old Town Muni	4/9184	05/14/14	RNAV (GPS) RWY 22, Orig.
26-Jun-14	ME	Old Town	Dewitt Fld,Old Town Muni	4/9185	05/14/14	VOR/DME RWY 22, Amdt 5.
26-Jun-14	MA	Stow	Minute Man Air Field	4/9188	05/14/14	RNAV (GPS) RWY 21, Orig.
26-Jun-14	TX	Corpus Christi	Corpus Christi Intl	4/9624	05/14/14	ILS OR LOC RWY 13, Amdt 27A.
26-Jun-14	IL	Mount Carmel	Mount Carmel Muni	4/9836	05/14/14	RNAV (GPS) RWY 4, Orig.
26-Jun-14	MO	Charleston	Mississippi County	4/9896	05/07/14	RNAV (GPS) RWY 18, Orig.
26-Jun-14	MO	Charleston	Mississippi County	4/9898	05/07/14	RNAV (GPS) RWY 36, Orig.
26-Jun-14	MO	Charleston	Mississippi County	4/9900	05/07/14	NDB RWY 36, Amdt 4.
26-Jun-14	ND	Kindred	Hamry Field	4/9901	05/08/14	RNAV (GPS) RWY 11, Amdt 1.
26-Jun-14	NY	Montauk	Montauk	4/9905	05/09/14	RNAV (GPS) RWY 6, Orig.
26-Jun-14	WI	Medford	Taylor County	4/9925	05/12/14	RNAV (GPS) RWY 16, Orig.
26-Jun-14	ND	Tioga	Tioga Muni	4/9926	05/07/14	RNAV (GPS) RWY 30, Amdt 1.
26-Jun-14	TX	Taylor	Taylor Muni	4/9928	05/13/14	VOR/DME RWY 17, Amdt 1A.
26-Jun-14	CO	Telluride	Telluride Rgnl	4/9932	05/12/14	LOC/DME RWY 9, Amdt 2.
26-Jun-14	CO	Telluride	Telluride Rgnl	4/9933	05/12/14	RNAV (GPS) RWY 9, Orig-A.
26-Jun-14	KS	Paola	Miami County	4/9979	05/07/14	RNAV (GPS) RWY 21, Amdt 1.
26-Jun-14	WV	Parkersburg	Mid-Ohio Valley Rgnl	4/9982	05/09/14	VOR RWY 21, Amdt 17.
26-Jun-14	WV	Parkersburg	Mid-Ohio Valley Rgnl	4/9983	05/09/14	RNAV (GPS) RWY 21, Amdt 2

[FR Doc. 2014–13391 Filed 6–10–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30960; Amdt. No. 3592]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective June 11, 2014. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 11, 2014.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/*

federal_register/code_of_federal_regulations/ibr_locations.html.

Availability—All SIAPs are available online free of charge. Visit nfdc.faa.gov to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham III, Flight Procedure Standards Branch (AFS–420) Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (FDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of Title 14 of the Code of Federal Regulations.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAP and the corresponding effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P–NOTAMs.

The SIAPs, as modified by FDC P–NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

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. 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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC, on May 9, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows;

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
26-Jun-14	IN	Terre Haute	Terre Haute Intl-Hulman Field.	4/0021	4/29/14	VOR/DME RWY 5, Amdt 17D.
26-Jun-14	IN	Terre Haute	Terre Haute Intl-Hulman Field.	4/0022	4/29/14	RNAV (GPS) RWY 5, Orig-B.
26-Jun-14	IN	Terre Haute	Terre Haute Intl-Hulman Field.	4/0023	4/29/14	ILS OR LOC RWY 5, Amdt 22G.
26-Jun-14	MT	Bozeman	Bozeman Yellowstone Intl.	4/0026	4/30/14	ILS OR LOC RWY 12, Amdt 9.
26-Jun-14	MT	Bozeman	Bozeman Yellowstone Intl.	4/0028	4/30/14	VOR/DME RWY 12, Amdt 4A.
26-Jun-14	IL	Sparta	Sparta Community-Hunter Field.	4/0047	4/29/14	RNAV (GPS) RWY 18, Amdt 1.
26-Jun-14	CA	Sacramento	Sacramento Mather	4/0050	4/29/14	VOR RWY 4R, Orig-E.
26-Jun-14	CA	Sacramento	Sacramento Mather	4/0051	4/29/14	RNAV (GPS) RWY 4R, Amdt 1A.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
26-Jun-14	CA	Sacramento	Sacramento Mather	4/0054	4/29/14	VOR/DME RWY 22L, Orig-E.
26-Jun-14	CA	Sacramento	Sacramento Mather	4/0055	4/29/14	RNAV (GPS) RWY 22L, Amdt 2.
26-Jun-14	CA	Sacramento	Sacramento Mather	4/0057	4/29/14	ILS OR LOC/DME RWY 22L, Amdt 5A.
26-Jun-14	NY	Watertown	Watertown Intl	4/0239	4/30/14	RNAV (GPS) RWY 10, Orig.
26-Jun-14	NY	Watertown	Watertown Intl	4/0242	4/30/14	ILS OR LOC RWY 7, Amdt 7.
26-Jun-14	NY	Watertown	Watertown Intl	4/0244	4/30/14	RNAV (GPS) RWY 7, Amdt 2A.
26-Jun-14	NY	Watertown	Watertown Intl	4/0247	4/30/14	RNAV (GPS) RWY 28, Orig.
26-Jun-14	NY	Watertown	Watertown Intl	4/0258	4/30/14	VOR RWY 7, Amdt 14.
26-Jun-14	MS	Vicksburg	Vicksburg Muni	4/2223	4/30/14	RNAV (GPS) RWY 1, Amdt 1.
26-Jun-14	UT	Bryce Canyon	Bryce Canyon	4/2369	4/30/14	RNAV (GPS) RWY 21, Amdt 1A.
26-Jun-14	UT	Bryce Canyon	Bryce Canyon	4/2370	4/30/14	RNAV (GPS) RWY 3, Orig-B.
26-Jun-14	CA	San Diego	San Diego Intl	4/2379	4/30/14	LOC RWY 27, Amdt 5A.
26-Jun-14	CA	San Diego	San Diego Intl	4/2381	4/30/14	RNAV (GPS) RWY 27, Amdt 3A.
26-Jun-14	IL	Salem	Salem-Leckrone	4/2383	4/29/14	RNAV (GPS) RWY 18, Amdt 1.
26-Jun-14	WY	Laramie	Laramie Rgnl	4/2433	4/30/14	RNAV (GPS) RWY 3, Orig.
26-Jun-14	WY	Laramie	Laramie Rgnl	4/2434	4/30/14	RNAV (GPS) RWY 21, Orig.
26-Jun-14	OH	Toledo	Toledo Executive Airport	4/2435	4/30/14	RNAV (GPS) RWY 32, Orig.
26-Jun-14	OH	Toledo	Toledo Executive Airport	4/2436	4/30/14	RNAV (GPS) RWY 4, Orig.
26-Jun-14	CO	Lamar	Lamar Muni	4/2437	4/30/14	RNAV (GPS) RWY 8, Amdt 1.
26-Jun-14	FL	Lakeland	Lakeland Linder Rgnl	4/2443	4/29/14	VOR RWY 27, Amdt 7D.
26-Jun-14	FL	Lakeland	Lakeland Linder Rgnl	4/2444	4/29/14	RNAV (GPS) RWY 9, Amdt 2A.
26-Jun-14	FL	Lakeland	Lakeland Linder Rgnl	4/2449	4/29/14	ILS OR LOC/DME RWY 9, Orig.
26-Jun-14	FL	Lakeland	Lakeland Linder Rgnl	4/2450	4/29/14	RNAV (GPS) RWY 27, Amdt 2.
26-Jun-14	FL	Lakeland	Lakeland Linder Rgnl	4/2451	4/29/14	RNAV (GPS) RWY 23, Orig-A.
26-Jun-14	FL	Lakeland	Lakeland Linder Rgnl	4/2454	4/29/14	VOR RWY 9, Amdt 4B.
26-Jun-14	KS	Larned	Larned-Pawnee County	4/2459	4/29/14	RNAV (GPS) RWY 35, Orig.
26-Jun-14	AL	Tuskegee	Moton Field Muni	4/2494	4/29/14	RNAV (GPS) RWY 13, Amdt 2.
26-Jun-14	AL	Tuskegee	Moton Field Muni	4/2496	4/29/14	RNAV (GPS) RWY 31, Amdt 2.
26-Jun-14	MT	Livingston	Mission Field	4/2503	4/30/14	RNAV (GPS) RWY 22, Orig.
26-Jun-14	OR	North Bend	Southwest Oregon Rgnl	4/2542	4/30/14	VOR/DME RWY 4, Amdt 10.
26-Jun-14	OR	North Bend	Southwest Oregon Rgnl	4/2543	4/30/14	RNAV (GPS) Y RWY 4, Orig-A.
26-Jun-14	OR	North Bend	Southwest Oregon Rgnl	4/2544	4/30/14	ILS OR LOC RWY 4, Amdt 7B.
26-Jun-14	WI	Mosinee	Central Wisconsin	4/2646	4/29/14	RNAV (GPS) RWY 17, Amdt 1.
26-Jun-14	KS	Wichita	Wichita Mid-Continent	4/2708	4/29/14	RNAV (GPS) RWY 1R, Amdt 1A.
26-Jun-14	KS	Wichita	Wichita Mid-Continent	4/2709	4/29/14	VOR RWY 14, Amdt 1D.
26-Jun-14	OR	Redmond	Roberts Field	4/2715	4/30/14	RNAV (RNP) Z RWY 4, Orig.
26-Jun-14	OR	Redmond	Roberts Field	4/2716	4/30/14	ILS OR LOC/DME RWY 22, Amdt 3.
26-Jun-14	OR	Redmond	Roberts Field	4/2717	4/30/14	RNAV (RNP) Z RWY 22, Orig.
26-Jun-14	KS	Goodland	Renner Fld/Goodland Muni/.	4/2923	4/29/14	RNAV (GPS) RWY 12, Amdt 1.
26-Jun-14	KS	Goodland	Renner Fld/Goodland Muni/.	4/2924	4/29/14	RNAV (GPS) RWY 23, Amdt 1.
26-Jun-14	KS	Herington	Herington Rgnl	4/2926	4/29/14	RNAV (GPS) RWY 35, Amdt 1.
26-Jun-14	KS	Herington	Herington Rgnl	4/2927	4/29/14	RNAV (GPS) RWY 17, Amdt 1.
26-Jun-14	KS	Hutchinson	Hutchinson Muni	4/2933	4/29/14	RNAV (GPS) RWY 31, Amdt 1A.
26-Jun-14	KS	Hutchinson	Hutchinson Muni	4/2934	4/29/14	RNAV (GPS) RWY 4, Orig.
26-Jun-14	KS	Hutchinson	Hutchinson Muni	4/2939	4/29/14	VOR RWY 4, Amdt 19B.
26-Jun-14	LA	Shreveport	Shreveport Rgnl	4/3358	4/29/14	LOC RWY 6, Amdt 2.
26-Jun-14	TX	Sherman	Sherman Muni	4/3361	4/29/14	RNAV (GPS) RWY 16, Orig.
26-Jun-14	LA	Shreveport	Shreveport Rgnl	4/3362	4/29/14	RNAV (GPS) RWY 6, Amdt 2.
26-Jun-14	IA	Sheldon	Sheldon Muni	4/3371	4/29/14	RNAV (GPS) RWY 15, Amdt 1.
26-Jun-14	PA	Allentown	Allentown Queen City Muni.	4/3524	4/30/14	RNAV (GPS) RWY 7, Amdt 1B.
26-Jun-14	KS	Herington	Herington Rgnl	4/3573	4/29/14	NDB RWY 35, Amdt 2.
26-Jun-14	KS	Herington	Herington Rgnl	4/3574	4/29/14	NDB RWY 17, Amdt 2.
26-Jun-14	MI	Mackinac Island	Mackinac Island	4/3620	4/29/14	RNAV (GPS) RWY 8, Amdt 1.
26-Jun-14	MI	Mackinac Island	Mackinac Island	4/3621	4/29/14	RNAV (GPS) RWY 26, Amdt 1.
26-Jun-14	MI	Benton Harbor	Southwest Michigan Rgnl.	4/3625	4/30/14	VOR RWY 10, Amdt 10A.
26-Jun-14	MI	Benton Harbor	Southwest Michigan Rgnl.	4/3626	4/30/14	VOR RWY 28, Amdt 19A.
26-Jun-14	MI	Benton Harbor	Southwest Michigan Rgnl.	4/3627	4/30/14	ILS OR LOC RWY 28, Amdt 8.
26-Jun-14	MI	Benton Harbor	Southwest Michigan Rgnl.	4/3628	4/30/14	RNAV (GPS) RWY 28, Amdt 2.
26-Jun-14	MI	Benton Harbor	Southwest Michigan Rgnl.	4/3629	4/30/14	NDB RWY 28, Amdt 10B.
26-Jun-14	MI	Benton Harbor	Southwest Michigan Rgnl.	4/3630	4/30/14	RNAV (GPS) RWY 10, Amdt 1A.
26-Jun-14	MI	Ann Arbor	Ann Arbor Muni	4/3739	4/29/14	RNAV (GPS) RWY 6, Amdt 2.
26-Jun-14	MI	Ann Arbor	Ann Arbor Muni	4/3744	4/29/14	VOR RWY 6, Amdt 13C.
26-Jun-14	MI	East Tawas	Iosco County	4/3745	4/30/14	RNAV (GPS) RWY 8, Orig.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
26-Jun-14	MI	Hancock	Houghton County Memorial.	4/3749	4/29/14	RNAV (GPS) RWY 25, Amdt 1.
26-Jun-14	MI	Battle Creek	W K Kellogg	4/3763	4/29/14	RNAV (GPS) RWY 5L, Amdt 1.
26-Jun-14	AR	Springdale	Springdale Muni	4/4391	4/29/14	VOR/DME RWY 36, Amdt 9C.
26-Jun-14	AR	Springdale	Springdale Muni	4/4392	4/29/14	RNAV (GPS) RWY 18, Amdt 1C.
26-Jun-14	AR	Springdale	Springdale Muni	4/4393	4/29/14	VOR RWY 18, Amdt 15C.
26-Jun-14	AR	Springdale	Springdale Muni	4/4396	4/29/14	ILS OR LOC RWY 18, Amdt 8C.
26-Jun-14	AR	Springdale	Springdale Muni	4/4397	4/29/14	RNAV (GPS) RWY 36, Amdt 1C.
26-Jun-14	MI	Troy	Oakland/Troy	4/4403	4/29/14	RNAV (GPS) RWY 9, Amdt 2.
26-Jun-14	NJ	Somerville	Somerset	4/4569	4/30/14	VOR RWY 8, Amdt 12.
26-Jun-14	NJ	Somerville	Somerset	4/4570	4/30/14	RNAV (GPS) RWY 30, Amdt 1.
26-Jun-14	MN	Hibbing	Range Rgnl	4/4578	4/29/14	VOR RWY 13, Amdt 13.
26-Jun-14	MN	Hibbing	Range Rgnl	4/4579	4/29/14	ILS OR LOC/DME RWY 13, Amdt 1.
26-Jun-14	MN	Hibbing	Range Rgnl	4/4600	4/29/14	RNAV (GPS) RWY 13, Amdt 1.
26-Jun-14	OH	Youngstown/Warren	Youngstown-Warren Rgnl.	4/4631	4/29/14	RNAV (GPS) RWY 32, Orig-A.
26-Jun-14	OH	Youngstown/Warren	Youngstown-Warren Rgnl.	4/4639	4/29/14	ILS OR LOC RWY 32, Amdt 27.
26-Jun-14	OH	Youngstown/Warren	Youngstown-Warren Rgnl.	4/4642	4/29/14	NDB RWY 32, Amdt 20.
26-Jun-14	IL	Rochelle	Rochelle Muni Airport-Koritz Field.	4/5049	4/29/14	RNAV (GPS) RWY 25, Amdt 1.
26-Jun-14	WI	Superior	Richard I Bong	4/5050	4/29/14	RNAV (GPS) RWY 4, Orig.
26-Jun-14	RI	Providence	Theodore Francis Green State.	4/5145	4/30/14	RNAV (GPS) RWY 34, Amdt 1.
26-Jun-14	RI	Providence	Theodore Francis Green State.	4/5146	4/30/14	ILS OR LOC RWY 23, Amdt 6.
26-Jun-14	RI	Providence	Theodore Francis Green State.	4/5147	4/30/14	RNAV (RNP) Z RWY 23, Orig.
26-Jun-14	RI	Providence	Theodore Francis Green State.	4/5149	4/30/14	VOR RWY 5, Amdt 14.
26-Jun-14	RI	Providence	Theodore Francis Green State.	4/5150	4/30/14	ILS OR LOC/DME RWY 34, Amdt 11.
26-Jun-14	RI	Providence	Theodore Francis Green State.	4/5151	4/30/14	RNAV (GPS) Y RWY 23, Amdt 1A.
26-Jun-14	LA	Minden	Minden	4/5213	4/29/14	RNAV (GPS) RWY 1, Orig.
26-Jun-14	LA	Minden	Minden	4/5214	4/29/14	RNAV (GPS) RWY 19, Orig.
26-Jun-14	WY	Greybull	South Big Horn County	4/5233	4/30/14	RNAV (GPS) RWY 34, Amdt 1.
26-Jun-14	WY	Greybull	South Big Horn County	4/5234	4/30/14	NDB RWY 34, Amdt 3.
26-Jun-14	WY	Greybull	South Big Horn County	4/5236	4/30/14	RNAV (GPS) RWY 7, Orig.
26-Jun-14	MT	Lewistown	Lewistown Muni	4/5428	4/30/14	RNAV (GPS) RWY 8, Amdt 1A.
26-Jun-14	MT	Lewistown	Lewistown Muni	4/5429	4/30/14	RNAV (GPS) RWY 26, Orig.
26-Jun-14	GA	Augusta	Augusta Rgnl At Bush Field.	4/5451	4/29/14	RNAV (GPS) Y RWY 8, Amdt 1.
26-Jun-14	GA	Augusta	Augusta Rgnl At Bush Field.	4/5452	4/29/14	ILS OR LOC RWY 17, Amdt 9.
26-Jun-14	GA	Augusta	Augusta Rgnl At Bush Field.	4/5453	4/29/14	ILS OR LOC RWY 35, Amdt 28.
26-Jun-14	GA	Augusta	Augusta Rgnl At Bush Field.	4/5454	4/29/14	RNAV (GPS) RWY 17, Amdt 2.
26-Jun-14	GA	Augusta	Augusta Rgnl At Bush Field.	4/5459	4/29/14	RNAV (GPS) RWY 26, Amdt 1.
26-Jun-14	GA	Augusta	Augusta Rgnl At Bush Field.	4/5460	4/29/14	RNAV (GPS) Z RWY 8, Orig.
26-Jun-14	GA	Augusta	Augusta Rgnl At Bush Field.	4/5462	4/29/14	VOR/DME RWY 17, Amdt 4.
26-Jun-14	FL	Vero Beach	Vero Beach Muni	4/5483	4/29/14	RNAV (GPS) RWY 12R, Amdt 2A.
26-Jun-14	FL	Vero Beach	Vero Beach Muni	4/5485	4/29/14	VOR RWY 12R, Amdt 14B.
26-Jun-14	FL	Vero Beach	Vero Beach Muni	4/5504	4/29/14	VOR/DME RWY 30L, Amdt 4A.
26-Jun-14	FL	Vero Beach	Vero Beach Muni	4/5505	4/29/14	RNAV (GPS) RWY 4, Amdt 1A.
26-Jun-14	FL	Vero Beach	Vero Beach Muni	4/5516	4/29/14	RNAV (GPS) RWY 22, Amdt 1A.
26-Jun-14	FL	Vero Beach	Vero Beach Muni	4/5517	4/29/14	RNAV (GPS) RWY 30L, Amdt 2A.
26-Jun-14	TX	Beaumont/Port Arthur	Jack Brooks Rgnl	4/6406	4/29/14	VOR RWY 12, Amdt 9B.
26-Jun-14	TX	Beaumont/Port Arthur	Jack Brooks Rgnl	4/6507	4/29/14	ILS OR LOC RWY 12, Amdt 23A.
26-Jun-14	GA	Augusta	Augusta Rgnl At Bush Field.	4/8061	4/29/14	RNAV (GPS) RWY 35, Amdt 2.
26-Jun-14	FL	Tampa	Tampa Intl	4/9364	4/29/14	ILS OR LOC RWY 19L, ILS RWY 19L (SA CAT I), ILS RWY 19L (CAT II), Amdt 40B.
26-Jun-14	FL	Tampa	Tampa Intl	4/9365	4/29/14	RNAV (GPS) RWY 1L, Amdt 2A.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
26-Jun-14	FL	Tampa	Tampa Intl	4/9366	4/29/14	RNAV (RNP) Y RWY 19L, Amdt 1C.
26-Jun-14	FL	Tampa	Tampa Intl	4/9367	4/29/14	ILS OR LOC RWY 19R, Amdt 5A.
26-Jun-14	FL	Tampa	Tampa Intl	4/9368	4/29/14	RNAV (GPS) RWY 28, Amdt 1.
26-Jun-14	FL	Tampa	Tampa Intl	4/9369	4/29/14	RNAV (GPS) RWY 19R, Amdt 2A.
26-Jun-14	FL	Tampa	Tampa Intl	4/9370	4/29/14	ILS OR LOC RWY 1L, ILS RWY 1L (SA CAT I), ILS RWY 1L (CAT II–III), Amdt 16C.
26-Jun-14	FL	Tampa	Tampa Intl	4/9371	4/29/14	RNAV (GPS) Z RWY 19L, Amdt 2B.

[FR Doc. 2014–13399 Filed 6–10–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30961 Amdt. No. 3593]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective June 11, 2014. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 11, 2014.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability—All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit *http://www.nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham III, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or revoking SIAPS, Takeoff Minimums and/or ODPS. The complete regulators description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, in addition to their complex nature and the need for a special format make publication in the Federal Register expensive and impractical. Furthermore, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their depiction on charts printed by publishers of aeronautical materials. The advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA forms is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs and the effective dates of the, associated Takeoff Minimums and ODPs. This amendment also identifies the airport and its location, the procedure, and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as contained in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPS and Takeoff Minimums and ODPS, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPS contained in this amendment are based on the criteria contained in the U.S. Standard for

Terminal Instrument Procedures (TERPS). In developing these SIAPS and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedures before adopting these SIAPS, Takeoff Minimums and ODPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

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. 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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC, on May 23, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures and/or Takeoff Minimums and/or Obstacle Departure Procedures effective at 0902 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 26 JUNE 2014

Alexander City, AL, Thomas C Russell Fld, Takeoff Minimums and Obstacle DP, Amdt 3
Aliceville, AL, George Downer, RNAV (GPS) RWY 6, Orig–B
Mojave, CA, Mojave, Takeoff Minimums and Obstacle DP, Amdt 2A
Akron, NY, Akron, Takeoff Minimums and Obstacle DP, Amdt 1
Bend, OR, Bend Muni, RNAV (GPS) Y RWY 16, Amdt 2
Bend, OR, Bend Muni, VOR/DME RWY 16, Amdt 10
Lewisburg, TN, Ellington, Takeoff Minimums and Obstacle DP, Amdt 1
Dallas, TX, Collin County Rgnl At Mc Kinney, ILS OR LOC RWY 18, Amdt 5
Winchester, VA, Winchester Rgnl, RNAV (GPS) RWY 14, Amdt 1

Effective 24 JULY 2014

Susanville, CA, Susanville Muni, RNAV (GPS) RWY 29, Amdt 1A
Jacksonville, FL, Herlong Recreational, RNAV (GPS) RWY 25, Amdt 1
Zephyrhills, FL, Zephyrhills Muni, NDB RWY 18, Amdt 1A, CANCELED
Zephyrhills, FL, Zephyrhills Muni, NDB RWY 22, Amdt 1A, CANCELED
Zephyrhills, FL, Zephyrhills Muni, NDB RWY 36, Amdt 1A, CANCELED
Jeffersonville, IN, Clark Rgnl, ILS OR LOC RWY 18, Amdt 3
Jeffersonville, IN, Clark Rgnl, NDB RWY 18, Amdt 2
Jeffersonville, IN, Clark Rgnl, VOR RWY 18, Amdt 4, CANCELED
Natchitoches, LA, Natchitoches Rgnl, Takeoff Minimums and Obstacle DP, Amdt 7
Indian Head, MD, Maryland, RNAV (GPS) RWY 2, Orig
Indian Head, MD, Maryland, RNAV (GPS) RWY 36, Orig–C, CANCELED
Indian Head, MD, Maryland, Takeoff Minimums and Obstacle DP, Orig
Indian Head, MD, Maryland, VOR–A, Orig–B, CANCELED
Marlette, MI, Marlette, VOR/DME–A, Amdt 6, CANCELED
Plymouth, MI, Canton-Plymouth-Mettetal, RNAV (GPS) RWY 18, Orig, CANCELED
Plymouth, MI, Canton-Plymouth-Mettetal, RNAV (GPS)–B, Orig
Branson, MO, Branson, ILS OR LOC RWY 32, Orig–A
Grenada, MS, Grenada Muni, ILS OR LOC/DME RWY 13, Amdt 2
Elizabeth City, NC, Elizabeth City CG Air Station/Rgnl, RNAV (GPS) RWY 28, ORIG–A
Kinston, NC, Kinston Rgnl Jetport At Stallings Fld, VOR RWY 23, Amdt 16
Stigler, OK, Stigler Rgnl, Takeoff Minimums and Obstacle DP, Amdt 1
Newport, OR, Newport Muni, RNAV (GPS) RWY 34, Orig–A
Redmond, OR, Roberts Field, RNAV (GPS) RWY 10, Amdt 1
Redmond, OR, Roberts Field, RNAV (GPS) Y RWY 4, Amdt 1
Redmond, OR, Roberts Field, RNAV (GPS) Y RWY 22, Orig–B
Redmond, OR, Roberts Field, RNAV (RNP) Z RWY 4, Amdt 1
Redmond, OR, Roberts Field, RNAV (RNP) Z RWY 22, Amdt 1
Redmond, OR, Roberts Field, VOR–A, Amdt 6
Altoona, PA, Altoona-Blair County, ILS OR LOC RWY 21, Amdt 8
Latrobe, PA, Arnold Palmer Rgnl, Takeoff Minimums and Obstacle DP, Amdt 5
Philadelphia, PA, Philadelphia Intl, ILS V RWY 9R (CONVERGING), Amdt 4B
Philadelphia, PA, Philadelphia Intl, ILS V RWY 17 (CONVERGING), Amdt 6B
Philadelphia, PA, Philadelphia Intl, ILS Z OR LOC RWY 9R, ILS Z RWY 9R (CAT II), ILS Z RWY 9R (CAT III), Amdt 9B
Philadelphia, PA, Philadelphia Intl, ILS Z OR LOC RWY 17, Amdt 8A
Greeneville, TN, Greeneville-Greene County Muni, NDB RWY 5, Amdt 5
Greeneville, TN, Greeneville-Greene County Muni, RNAV (GPS) RWY 5, Orig
Greeneville, TN, Greeneville-Greene County Muni, Takeoff Minimums and Obstacle DP, Amdt 4
Smyrna, TN, Smyrna, ILS OR LOC/DME RWY 32, Amdt 6
Smyrna, TN, Smyrna, NDB RWY 32, Amdt 9B, CANCELED
Moundsville, WV, Marshall County, Takeoff Minimums and Obstacle DP, Amdt 2

[FR Doc. 2014–13401 Filed 6–10–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. FDA–2012–C–0900]

Listing of Color Additives Exempt From Certification; Spirulina Extract; Confirmation of Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA or we) is confirming the effective date of May 13, 2014, for the final rule that appeared in the **Federal Register** of April 11, 2014, and that amended the color additive regulations to expand the permitted use of spirulina extract made from the dried biomass of the cyanobacteria *Arthrospira platensis* (*A. platensis*) as a color additive in food.

DATES: The effective date for the final rule published April 11, 2014 (79 FR 20095), is confirmed as May 13, 2014.

FOR FURTHER INFORMATION CONTACT: Felicia M. Ellison, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration,

5100 Paint Branch Pkwy., College Park, MD 20740–3835, 240–402–1264.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 11, 2014 (79 FR 20095), we amended the color additive regulations in § 73.530 *Spirulina extract* (21 CFR 73.530) to expand the permitted use of spirulina extract made from the dried biomass of the cyanobacteria *A. platensis,* as a color additive in confections (including candy and chewing gum), frostings, ice cream and frozen desserts, dessert coatings and toppings, beverage mixes and powders, yogurts, custards, puddings, cottage cheese, gelatin, breadcrumbs, and ready-to-eat cereals (excluding extruded cereals).

We gave interested persons until May 12, 2014, to file objections or requests for a hearing. We received no objections or requests for a hearing on the final rule. Therefore, we find that the effective date of the final rule that published in the **Federal Register** of April 11, 2014, should be confirmed.

List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 379e) and under authority delegated to the Commissioner of Food and Drugs, and redelegated to the Director, Office of Food Additive Safety, we are giving notice that no objections or requests for a hearing were filed in response to the April 11, 2014, final rule. Accordingly, the amendments issued thereby became effective May 13, 2014.

Dated: June 6, 2014.

Philip L. Chao,

Acting Director, Office of Regulations, Policy and Social Sciences, Center for Food Safety and Applied Nutrition.

[FR Doc. 2014–13524 Filed 6–10–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF EDUCATION

34 CFR Chapter VI

[Docket ID ED–2014–OPE–0036; CFDA Number 84.016A.]

Final Priority; Undergraduate International Studies and Foreign Language Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Final Priority.

SUMMARY: The Acting Assistant Secretary for Postsecondary Education announces a priority under the Undergraduate International Studies and Foreign Language (UISFL) Program administered by the International and Foreign Language Education Office. The Acting Assistant Secretary may use this priority for competitions in fiscal year (FY) 2014 and later years. We take this action to focus Federal financial assistance on an identified national need. We intend the priority to address a gap in the types of institutions, faculty, and students that have historically benefited from international education opportunities.

DATES: *Effective Date:* This priority is effective July 11, 2014.

FOR FURTHER INFORMATION CONTACT: Tanyelle Richardson, U.S. Department of Education, 1990 K Street NW., Room 6099, Washington, DC 20006–8521. Telephone: (202) 502–7626 or by email: *tanyelle.richardson@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 UISFL Program provides grants for planning, developing, and carrying out programs to strengthen and improve undergraduate instruction in international studies and foreign languages.

Program Authority: 20 U.S.C. 1124.

Applicable Program Regulations: 34 CFR parts 655 and 658.

We published a notice of proposed priority for this program in the **Federal Register** on March 18, 2014 (79 FR 15087). That notice contained background information and our reasons for proposing this particular priority.

There are technical differences between the proposed priority and this final priority. We have clarified how applicants that are consortia or partnerships may meet the priority.

Public Comment: In response to our invitation in the notice of proposed priority, six parties submitted comments.

Generally, we do not address technical and other minor changes.

Analysis of Comments and Changes: An analysis of the comments and any changes in the priority since publication of the notice of proposed priority follows.

Comment: Several commenters noted their support of the proposed priority, and praised the Department's efforts to promote the participation of Minority-Serving Institutions (MSIs) and community colleges in programs funded under Title VI of the Higher Education Act of 1965, as amended (HEA), and to serve students that are historically under-represented in international education programs.

Discussion: We appreciate the commenters' support.

Changes: None.

Comment: One commenter suggested that traditional four-year colleges and universities are better prepared to serve as the lead applicant in a consortium than are community colleges and MSIs, as they are better able, in the current fiscal climate, to devote resources to study-abroad activities and the study of critical languages. The commenter also suggested that community colleges and MSIs struggle to continue and sustain efforts begun with UISFL grant funds.

Discussion: We disagree that community colleges and MSIs would not be able to serve effectively as the lead applicant in a consortium for this program. This priority aims to increase the number of MSIs and community colleges that become grantees, in order to increase their students' access to academic coursework, instructional activities, and training that would better prepare them for the 21st-century global economy, careers in international service, and lifelong engagement with the diverse communities in which they will live.

Although the Department notes the commenter's concerns, the UISFL Program is not meant to be utilized solely for study abroad or critical language study efforts. The program is also intended to support institution-wide internationalization efforts that are customized according to the institution's and its students' needs and goals. This could include a program of study that does not include study abroad or critical language study.

Where fiscal and other resources are limited, the Department encourages applicants to the UISFL Program to design consortium applications in which institutions join together to build upon the resources, financial and otherwise, of their partners. In this way, the partnership increases the likelihood of projects being sustained and fully supported. In addition, the program's matching requirement is meant to encourage sustainability and demonstrate commitment by an applicant institution's administration.

Changes: None.

Comment: One commenter suggested that the Department has underestimated the number of additional burden hours required to complete new, OMB-approved forms on project- specific performance measures. The commenter also suggested that new applicants to the program would be at a disadvantage until they are familiar with the forms.

Discussion: Consistent with the Paperwork Reduction Act of 1995 and agency practice, the Department calculated burden hours only for applicants, not grantees. With regard to the additional burden hours related to evaluation and performance measures, applicants will not be required to fully complete the performance measure forms, but to provide a project goal statement with accompanying performance measures and project activities.

Note that UISFL applicants that are selected as grantees will be required to collect and report on additional performance measure data, and the burden hours for these collections will be addressed through separate processes. We believe that the estimated burden hours to accomplish this task are accurate. Further, we believe that the minor burden is outweighed by the benefit because effective program evaluation will allow IFLE to monitor accountability for the expenditure of public funds, enhance congressional decision-making by providing Congress with objective information on the effectiveness of Federal programs, and promoting Federal programs' results, delivery of services, and customers' satisfaction.

Changes: None.

Final Priority

Final Priority: Applications from Minority-Serving Institutions (MSIs) (as defined in this notice) or community colleges (as defined in this notice), whether as individual applicants or as part of a consortium of institutions of higher education (IHEs) (consortium) or a partnership between nonprofit educational organizations and IHEs (partnership).

An application from a consortium or partnership that has an MSI or community college as the lead applicant will receive more points under this priority than applications where the MSI or community college is a member of a consortium or partnership but not the lead applicant.

A consortium or partnership must undertake activities designed to incorporate foreign languages into the curriculum of the MSI or community college and to improve foreign language and international or area studies instruction on the MSI or community college campus.

For the purpose of this priority:

Community college means an institution that meets the definition in section 312(f) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1058(f)); or an institution of higher education (as defined in section 101 of the HEA (20 U.S.C. 1001)) that awards degrees and certificates, more than 50 percent of which are not bachelor's degrees (or an equivalent) or master's, professional, or other advanced degrees.

Minority-Serving Institution means an institution that is eligible to receive assistance under sections 316 through 320 of part A of Title III, under part B of Title III, or under Title V of the HEA.

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 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.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

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 6, 2014.

Lynn B. Mahaffie,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 2014–13654 Filed 6–10–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 12

[NPS–WASO–REGS–14841; PX.XVPAD0517.00.1; 1024–AE01]

National Cemeteries, Demonstration, Special Event

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The National Park Service is revising the definition of the terms *demonstration* and *special event,* applicable to the national cemeteries administered by the National Park Service.

DATES: This rule is effective on July 11, 2014.

FOR FURTHER INFORMATION CONTACT: A.J. North, National Park Service Regulations Program, by telephone: 202–513–7742 or email: *waso_regulations@nps.gov*.

SUPPLEMENTARY INFORMATION: We published a proposed rule on this subject in the **Federal Register** on August 29, 2013 (78 FR 53383). The proposed rule's comment period ended on October 28, 2013, and resulted in three timely submitted comments, a portion of which were duplicative of each other. After carefully considering the comments, we have decided to adopt the proposed rule unchanged. The comments and our considerations are summarized in this preamble under Consideration of Comments.

Background

The National Park Service (NPS) is responsible for protecting and managing fourteen national cemeteries, which are administered as integral parts of larger NPS historical units. A list of the national cemeteries managed by the NPS may be viewed at *http://www.cem.va.gov/cem/cems/doi.asp*.

The national cemeteries administered by the NPS have been set aside as resting places for members of the fighting forces of the United States. Many activities and events that may be appropriate in other park areas are inappropriate in a national cemetery because of its protected atmosphere of peace, calm, tranquility, and reverence. The NPS continues to maintain its substantial interest in maintaining this protected atmosphere in its national cemeteries, where individuals can quietly visit, contemplate, and reflect upon the significance of the contributions made to the nation by those who have been interred there.

In *Boardley* v. *Department of the Interior,* 605 F.Supp. 2d 8 (D.D.C. 2009), the United States District Court for the District of Columbia noted that the NPS definition of the term *demonstration* in 36 CFR 2.51(a) and 7.96(g)(1)(i) could pose a problem on the scope of the agency's discretion, insofar as it could be construed to allow NPS officials to restrict speech based on their determination that a person intended to draw a crowd with their conduct. The NPS had not applied, nor intended to apply, its regulations in an impermissible manner. Nevertheless, to address the District Court's concerns in *Boardley,* the NPS narrowed the definition of *demonstration* in 36 CFR 2.50, 2.51, and 7.96 (78 FR 14673, March 7, 2013; 78 FR 37713, June 24, 2013).

The NPS desires to maintain consistency in the regulations governing demonstrations and special events in park units, including our national cemeteries. Accordingly, we proposed to amend the terms *demonstration* and *special event* in § 12.3 to mirror the language used in 36 CFR 2.51 and 7.96. To avoid the possibility of a decision based on impermissible grounds, the rule revises the § 12.3 definitions of *demonstration* and *special event* by eliminating the terms ''intent, effect, or likelihood'' and replacing them with the term ''reasonably likely to draw a crowd or onlookers.'' These proposed revisions do not substantively alter the § 12.4 prohibition of special events and demonstrations within national cemeteries.

Consideration of Comments

Comment 1: The first commenter suggests the phrase ''that attracts or'' be added to the definition before the phrase ''is reasonably likely to attract.'' The commenter suggests this would help ''avoid quarrelsome demonstrator's [sic] efforts to subvert the rule's purpose by arguing what is 'reasonably likely'.''

Response: After review, we believe the suggested additional phrase is unnecessary. As explained in the proposed rule preamble, we believe that a ''reasonably likely'' standard is objective and easily and consistently understood. Further, this same standard has been successfully implemented in

NPS regulations governing ''demonstrations'' in 36 CFR 2.50, 2.51, and 7.96.

Comment 2: The second commenter suggests that ''peaceful demonstrations or vigils'' should be allowed to occur in national cemeteries if they do not interfere with the NPS interests in maintaining a solemn atmosphere. The comment also suggests that while the NPS's revised definition is a more objective standard, it lacks a necessary *mens rea* requirement and guidance ''as to what is reasonably likely to draw a crowd.''

Response: After review, the NPS respectfully disagrees. As detailed in the proposed rule, the NPS's national cemeteries were established as national shrines in tribute to the gallant dead of our Armed Forces, and are to be protected, managed, and administered as suitable and dignified burial grounds and as significant cultural resources. These national cemeteries are intended to have a protected atmosphere of peace, calm, tranquility, and reverence, where individuals should be able to quietly contemplate and reflect upon the significance of the contributions made to the nation by those interred. Because the NPS has a substantial governmental interest to maintain this protected atmosphere, we have determined that even ''peaceful'' demonstrations and vigils would have a negative impact on the cemeteries' atmosphere of peace, calm, tranquility, and reverence, and should be prohibited.

Moreover, because the NPS national cemeteries are non-public forums, the NPS need not prove that a ''peaceful'' demonstration or vigil threatens the cemetery's intended use. The Supreme Court has said that such a determination is not necessary for nonpublic forums, where ''[t]he State, no less than a private owner of property, has power to preserve property under its control for the use to which it is lawfully dedicated.'' ''We have not required that [proof of past disturbances or likelihood of future disturbances] be present to justify the denial of access to a non-public forum on grounds that the proposed use may disrupt the property's intended function.'' *Perry Education Ass'n* v. *Perry Local Educators' Ass'n,* 460 U.S. at 46, 52 n.12 (1983).

The NPS rule does contain an implicit *mens rea* requirement, a criminal-intent element that courts generally find necessary for criminal regulations that impact First Amendment activity, and which may be found either in the rule's text, its regulatory history, or presumed by the courts. Finally, for the reasons earlier detailed, we believe that the ''reasonably likely'' standard is well understood.

Comment 3: The third commenter argues that the verb form definition of the word ''conduct'' and the phrase ''casual park use'' are ambiguous, suggests these could be construed to prohibit a mother who ''inadvertently lets out a wail of despair'' at the grave of her deceased son, and recommends that the word ''conduct'' be deleted.

Response: After review, we believe that neither the word nor phrase is ambiguous, when one fully considers the NPS's complete two-sentence definition. The NPS notes that the word ''conduct'' is being used in its noun form, which addresses the manner in which a person behaves, and which the commenter concedes is not ambiguous. As earlier explained, the regulation's ''reasonably likely'' standard is also well understood. As such, an expression of grief that is uttered by a mother at her son's grave-side would not fall within the definition of a *demonstration,* especially since the national cemeteries are ''where individuals can quietly visit, contemplate, and reflect upon the significance'' of the interned. (78 FR 53384, August 29, 2013)

For the reasons detailed here and in the proposed rule, and consistent with First Amendment jurisprudence, the NPS is accordingly finalizing unchanged its proposed revised definitions of the terms *demonstrations* and *special events* at 36 CFR 12.3.

Compliance With Other Laws, Executive Orders, and Department Policy

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of Executive Order 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act (RFA)

This rule will not have a significant economic effect on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*).

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the SBREFA. This rule:

(a) Does not have an annual effect on the economy of $100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act (UMRA)

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local or tribal governments or the private sector. It addresses public use of national park lands, and imposes no requirements on other agencies or governments. A statement containing the information required by the UMRA (2 U.S.C. 1531 *et seq.*) is not required.

Takings (Executive Order 12630)

This rule does not affect a taking of private property or otherwise have taking implications under Executive Order 12630. A takings implication assessment is not required.

Federalism (Executive Order 13132)

Under the criteria in section 1 of Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. This proposed rule only affects use of NPS administered lands and waters. It has no outside effects on other areas. A Federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

This rule complies with the requirements of Executive Order 12988. Specifically, this rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be

reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Consultation With Indian Tribes (Executive Order 13175 and Department Policy)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Indian tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on federally recognized Indian tribes and that consultation under the Department's tribal consultation policy is not required.

Paperwork Reduction Act (PRA)(44 U.S.C. 3501 et seq.)

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget under the PRA is not required.

National Environmental Policy Act (NEPA)

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the NEPA of 1969 is not required because we have determined the rule is categorically excluded under 43 CFR 46.210(i) because it is administrative, legal, and technical in nature. We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under the NEPA.

Effects on the Energy Supply (Executive Order 13211)

This rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects in not required.

Drafting Information: The primary author of this regulation was C. Rose Wilkinson, National Park Service, Regulations and Special Park Uses, Washington, DC.

List of Subjects in 36 CFR Part 12

Cemeteries, Military personnel, National parks, Reporting and recordkeeping requirements, Veterans.

In consideration of the foregoing, the National Park Service amends 36 CFR Part 12 as follows:

PART 12—NATIONAL CEMETERIES

■ 1. The authority citation for Part 12 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, and 462(k); E.O. 6166, 6228, and 8428.

■ 2. Revise the part heading as set forth above.

■ 3. Amend § 12.3 by revising the definitions of ''demonstration'' and ''special event'' to read as follows:

§ 12.3 Definitions.

* * * * *

Demonstration means a demonstration, picketing, speechmaking, marching, holding a vigil or religious service, or any other like form of conduct that involves the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which is reasonably likely to attract a crowd or onlookers. This term does not include casual park use by persons that is not reasonably likely to attract a crowd or onlookers.

* * * * *

Special event means a sports event, pageant, celebration, historical reenactment, entertainment, exhibition, parade, fair, festival, or similar activity that is not a demonstration, engaged in by one or more persons, the conduct of which is reasonably likely to attract a crowd or onlookers. This term does not include casual park use by persons that is not reasonably likely to attract a crowd or onlookers.

* * * * *

Dated: May 27, 2014.

Rachel Jacobson,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2014–13623 Filed 6–10–14; 8:45 am]

BILLING CODE 4312–EJ–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 294

Idaho Roadless Rule

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: The U.S. Department of Agriculture (USDA), Forest Service is modifying the boundaries for the Big Creek, Grandmother Mountain, Pinchot Butte, Roland Point, and Wonderful Peak Idaho Roadless Areas on the Idaho Panhandle National Forests to include lands acquired within and/or adjacent to these roadless areas. In addition, the Forest Service is correcting mapping errors involving Forest Plan Special Areas in the Salmo-Priest and Upper Priest Idaho Roadless Areas. The Forest Service is also making an administrative correction to add the Buckhorn Ridge Idaho Roadless Area to the list under the Kootenai National Forest. These modifications and corrections are pursuant to Forest Service regulations.

DATES: This final rule is effective June 11, 2014.

FOR FURTHER INFORMATION CONTACT: Anne Davy, Idaho Roadless Coordinator, USDA Forest Service, Northern Region, 200 E. Broadway, Missoula, MT 5980; (406) 329–3314. Additional information concerning these administrative corrections and modifications, including the corrected maps, may be obtained on the Internet at *http://roadless.fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

The following modifications and corrections will update five roadless areas due to land exchanges that occurred after the Idaho Roadless Rule was finalized, correct two roadless area mapping errors associated with Forest Plan Special Areas, and correct the list at 36 CFR 294.29 because an area had been inappropriately shown as only located on the Idaho Panhandle National Forest instead of split between the Idaho Panhandle and Kootenai National Forests. The Idaho Roadless Rule authorizes administrative corrections to the maps of lands identified in 36 CFR 294.22(c), including but not limited to, adjustment that remedy clerical errors, typographical errors, mapping errors, or improvements in mapping technology. Pursuant to 36 CFR 294.27(b), the Chief of the Forest Service may issue administrative corrections after a 30-day public notice and opportunity to comment. The Final Rule also authorizes modifications that add to, remove from, or modify the designations and management classifications listed in 36 CFR 294.29 based on changed circumstances or public need. The Chief of the Forest Service may issue modifications after a 45-day public notice and opportunity to comment.

The Forest Service published a proposed rule in the **Federal Register** on April 19, 2013 (78 FR 23522) for a 45-day public comment period. The Forest Service presented the corrections and modifications to the State of Idaho's Roadless Rule Advisory Commission on April 5, 2012 and the Governor of Idaho has recommended the Forest Service proceed with the modifications.

Comments on the Proposal

The Forest Service received two comments on the proposed modifications and corrections.

The first respondent was opposed to the expansion of the five Idaho Roadless Areas. This respondent did not feel the expansion would better the country, state, counties, and cities.

Response: The modifications to the five Idaho Roadless Areas adds 1,464 acres to the existing 9.3 million acres of roadless areas in Idaho. The additions are necessary because of land exchanges that occurred since the Idaho Roadless Rule was finalized. All the acres are either surrounded by existing Idaho Roadless Areas or are adjacent to an existing Idaho Roadless Area. Adding these lands to existing or adjacent roadless areas will result in a consistent management approach. The Idaho Roadless Rule represents a compromise that balances the nationally recognized need for conservation of roadless areas with being more responsive to local communities and citizens.

The second respondent agreed with the modifications and administrative corrections to Big Creek, Pinchot Butte, Roland Point, Wonderful Peak, Salmo-Priest, and Upper Priest Idaho Roadless Areas, but did not agree with two of the five modifications to Grandmother Mountain. Two of the parcels are adjacent to lands classified as Wildland Recreation and lands classified as Backcountry/Restoration. The respondent believes the acquired lands should be classified as Wildland Recreation, not Backcountry/Restoration.

Response: The Forest Service believes the Backcountry/Restoration is the more appropriate management classification for these parcels for two reasons. First, the majority of the parcels border existing Idaho Roadless Areas classified as Backcountry Restoration. A smaller portion of the parcels that border existing Idaho Roadless Areas classified as Wildland Recreation. Second, the respondent is a member of the State of Idaho's Roadless Rule Advisory Commission and supported the Commission's April 23, 2012 letter to the Governor of Idaho supporting the proposed modifications.

Modifications Due to Lands Acquired Through Land Exchanges

The Forest Service is modifying the following Idaho Roadless Areas due to acquisition of lands through land exchanges that occurred since the Idaho Roadless Rule was finalized in the fall of 2008. These modifications will update the maps with correct ownership and management classifications.

Big Creek Idaho Roadless Area #143. Two parcels of land, 158 acres, are added to the Big Creek roadless area and are classified as Backcountry Restoration. These modifications occur in T46N, R2E, section 11; and T47N, R2E, section 35, Boise Meridian and were part of the Spooky Butte Land Exchange.

Grandmother Mountain Idaho Roadless Area #148. Five parcels of land, 1,107 acres, are added to Grandmother Mountain roadless area and are classified as Backcountry Restoration. These modifications occur in T43N, R3E, section 26; and T43N, R4E, sections 5, 7, 17, and 31, Boise Meridian and were part of the Grandmother Mountain Land Exchange and an unnamed land exchange with a single party.

Pinchot Butte Idaho Roadless Area #149. One parcel of land, 80 acres, is added to Pinchot Butte roadless area and is classified as Backcountry Restoration. Bureau of Land Management lands surround this parcel on three sides and are also roadless. These modifications occur in T43N, R4E, section 33, Boise Meridian and were part of the Grandmother Mountain Land Exchange.

Roland Point Idaho Roadless Area #146. One parcel of land, 60 acres, is added to Roland Point roadless area and will be classified as Backcountry Restoration. These modifications occur in T47N, R6E, sections 29, 31, and 32, Boise Meridian and were part of the Lucky Swede Land Exchange.

Wonderful Peak Idaho Roadless Area #152. One parcel of land, 59 acres, is added to Wonderful Peak roadless area and will be classified as Backcountry Restoration. These modifications occur in T47N, R6E, sections 19 and 20, Boise Meridian and were part of the Olson Wondeful Land Exchange.

Technical Correction to Theme Classifications

Salmo-Priest Idaho Roadless Area #981. The Idaho Roadless Rule is modified to correct a mapping error. A small portion (65 acres) of the Salmo-Priest Idaho Roadless Area is changed from a Forest Plan Special Area to Wild Land Recreation. This change reflects the width of the eligible Wild and Scenic River (Hughes Fork) located in this section. These modifications occur in T63N, R5W, sections 5 and 6; T64N, R5W, sections 20, 28 and 29, Boise Meridian.

Upper Priest Idaho Roadless Area #123. The Idaho Roadless Rule is modified to correct a mapping error. A small portion (112 acres) of the Upper Priest Roadless Area is changed from Backcountry/Restoration to a Forest Plan Special Area. This change reflects the width of the eligible Wild and Scenic River (Hughes Fork) located in this section. These proposed modifications occur in T62N, R4W, sections 6, 7 and 8; T62N, R5W, section 1; T63N, R5W, sections 12, 13, 16, 21, 28, 33, and 34, Boise Meridian.

List of Subjects in 36 CFR Part 294

National Forests, Navigation (air), Recreation areas, State petitions for inventoried roadless area management.

For the reasons set forth in the preamble, the Forest Service amends part 294 of Title 36 of the Code of Federal Regulations as follows:

PART 294—SPECIAL AREAS

■ 1. The authority citation for part 294 continues to read as follows:

Authority: 16 U.S.C. 472, 529, 551, 1608, 1613; 23 U.S.C. 201, 205.

Subpart C—Idaho Roadless Area Management

■ 2. Amend the table in § 294.29 by adding a new entry for the Kootenai National Forest to read as follows:

§ 294.29 List of designated Idaho Roadless Areas.

* * * * *

Forest	Idaho roadless area	#	WLR	Primitive	BCR	GFRG	SAHTS	FPSA
Kootenai	Buckhorn Ridge	661	.....	.....	X	.....	.....	.....

* * * * *

Dated: June 6, 2014.

Thomas L. Tidwell,

Chief, Forest Service.

[FR Doc. 2014–13627 Filed 6–10–14; 8:45 am]

BILLING CODE 3411–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2010–1071; FRL–9911–83–Region 10]

Approval and Promulgation of Implementation Plans; State of Washington; Regional Haze State Implementation Plan; Federal Implementation Plan for Best Available Retrofit Technology for Alcoa Intalco Operations, Tesoro Refining and Marketing, and Alcoa Wenatchee

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is taking final action to partially approve and partially disapprove a State Implementation Plan (SIP) submitted by the State of Washington (State) on December 22, 2010, as meeting the requirements of Clean Air Act (CAA or the Act) section 169 and federal regional haze regulations and to promulgate a Federal Implementation Plan (FIP) for the disapproved elements of the SIP. As described in Part I of this preamble, this final rule approves numerous elements in the SIP including the State's Best Available Retrofit Technology (BART) determinations for a number of sources. This action also: Disapproves the NO_X BART determination and promulgates a Federal BART alternative for five BART emission units at the Tesoro Refining and Marketing refinery (Tesoro refinery) located in Anacortes, Washington; finalizes a limited approval and limited disapproval of the State's SO_2 BART determination and promulgates a Federal BART alternative for the Intalco Aluminum Corp. (Intalco facility) potline operation located in Ferndale, Washington; and disapproves the State's BART exemption for the Alcoa Wenatchee Works located in Malaga, Washington (Wenatchee Works), determines that the Wenatchee Works is subject to BART, and promulgates Federal BART for all emission units subject to BART at the facility.

DATES: This final rule is effective on July 11, 2014.

ADDRESSES: The EPA has established a docket for this action under Docket Identification No. EPA–R10–OAR–2010–1071. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the EPA Region 10, Office of Air, Waste, and Toxics, AWT–107, 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101. The EPA requests that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Steve Body at (206) 553–0782, *Body.Steve@epa.gov*, or at the above EPA Region 10 address.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean the EPA. Information is organized as follows:

Table of Contents

I. Summary of our Final Action
II. Background
III. Response to Comments
IV. Conclusion
V. Statutory and Executive Orders Review

I. Summary of our Final Action

The EPA is taking final action to partially approve and partially disapprove the Washington Regional Haze SIP submitted on December 22, 2010. In this action, the EPA is approving the following provisions of the Washington SIP: The identification of affected Class I areas and determination of baseline conditions, the natural conditions and uniform rate of progress (URP) for each Class I area; the emission inventories; the sources of visibility impairment in Washington's Class I areas; the State's monitoring strategy; the State's consultation with other states and Federal Land Managers (FLMs); the reasonable progress goals (RPGs); the long-term strategy (LTS); and the commitment to submit the periodic SIP revisions and 5-year Progress Reports.

In today's action, we are also approving the State's BART determinations for the BP Cherry Point Refinery, the Port Townsend Paper Company, the LaFarge North America facility, and Weyerhaeuser's Longview facility, as well as portions of the BART determinations for the Tesoro refinery and the Intalco facility. The EPA is disapproving Washington's NO_X BART determination and promulgating a BART Alternative for five emission units at the Tesoro refinery. The EPA is also finalizing a limited approval and limited disapproval of the State's SO_2 BART determination for the potlines at the Intalco facility and promulgating an SO_2 BART Alternative for the potlines, consisting of an annual limit of 80% of base year SO_2 emissions. Finally, the EPA is disapproving the State's BART exemption for the Wenatchee Works and promulgating BART for SO_2, NO_X, and PM emissions at the facility.

The resulting BART FIP for the Tesoro refinery, the Intalco facility, and the Wenatchee Works does not require the purchase or installation of new air pollution control equipment, but rather establishes BART based on existing control technology. Thus, the only additional costs incurred by these facilities will be minimal expenditures for monitoring, reporting, and recordkeeping. The benefit to the environment is the prevention of visibility degradation due to potential future increases in emissions from changes envisioned at the facilities.

This final action is consistent with our proposed actions and meets the requirements of CAA sections 169A and 169B and 40 CFR 51.308.

II. Background

In the CAA Amendments of 1977, Congress established a program to protect and improve visibility in national parks and wilderness areas. *See* CAA section 169A. Congress amended the visibility provisions in the CAA in 1990 to focus attention on the problem of regional haze. *See* CAA section 169B. The EPA promulgated regulations in 1999 to implement sections 169A and 169B of the Act. These regulations require states to develop and implement plans to ensure reasonable progress toward improving visibility in mandatory Class I Federal areas [1] (Class

[1] Areas designated as mandatory Class I Federal areas consist of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977. 42 U.S.C. 7472(a). In accordance with section 169A of the CAA, the EPA, in consultation with the Department of Interior, promulgated a list of 156 areas where visibility is identified as an important value. 44 FR 69122 (November 30, 1979). The extent of a mandatory Class I area includes subsequent changes in boundaries, such as park expansions. 42 U.S.C. 7472(a). Although states and tribes may designate

I areas). 64 FR 35714 (July 1, 1999); *See* also 70 FR 39104 (July 6, 2005).

On behalf of the State of Washington, the Washington State Department of Ecology (Ecology) submitted its Regional Haze State Implementation Plan (Regional Haze SIP or SIP) to the EPA on December 22, 2010. In an action published on December 6, 2012, the EPA approved BART provisions for the TransAlta Centralia Generation, LLC coal-fired power plant. 77 FR 72742.

On December 26, 2012, the EPA proposed to partially approve and partially disapprove the remaining portions of the Washington Regional Haze SIP covering the first implementation period (77 FR 76714). In that action, the EPA proposed to approve the following SIP elements:

We proposed to approve Washington's identification of affected Class I areas in the State. The State calculated the baseline visibility conditions in each Class I area using data from the Interagency Monitoring of Protected Visual Environments (IMPROVE) from monitoring sites representing each Class I area.

We proposed to approve the State's determination of natural conditions and the uniform rate of progress (URP) for each Class I area. Washington used the Western Regional Air Partnership (WRAP) derived natural visibility conditions. In general, the WRAP based their estimates on the EPA guidance document titled, ''Guidance for Estimating Natural Visibility Conditions Under the Regional Haze Program'' (EPA–45/B–03–0005 September 2003). However, the WRAP incorporated refinements into its estimates that the EPA believes provide results more appropriate for western states than the general EPA default approach.

We proposed to approve the statewide emission inventory of pollutants that are reasonably anticipated to cause or contribute to visibility impairment in the Class I areas. The WRAP, with data supplied by Washington, compiled emission inventories for all major source categories in Washington for the 2002 baseline year and for estimated emissions in 2018. Emission estimates for 2018 were generated from anticipated population growth, growth in industrial activity, and emission reductions from implementation of expected control measures, e.g., implementation of BART emission limitations and reductions in motor vehicle tailpipe emissions.

We proposed to approve the State's identification of the sources of visibility impairment in each Washington Class I areas, which used the approach and modeling tools recommended by the WRAP. These modeling tools were state-of-the-science, and the EPA determined that these tools were appropriately used by WRAP for regional haze planning.

We proposed to approve the State's monitoring strategy. The primary monitoring network for regional haze in Washington is the IMPROVE network. There are currently IMPROVE monitoring sites that represent conditions for all Class I areas in Washington. The State commits to rely on the IMPROVE network for future regional haze implementation periods. Data from the IMPROVE network will be used for preparing the 5-year progress reports and the 10-year SIP revisions.

We proposed to approve the State's consultation with other states and FLMs. Through the WRAP, member states and the Tribes worked extensively with the FLMs from the U.S. Departments of the Interior and Agriculture to develop technical analyses that support the regional haze SIPs for the WRAP states. In addition, the State provided its proposed SIP to the FLMs for comment in March 2010. The State also consulted with the states of Idaho and Oregon, as well as the other WRAP member states and Tribes.

We proposed to approve the State-identified visibility improvement anticipated by 2018 in each of the Class I areas as a result of the BART emission limits established in the SIP. The projected improvement was determined by using the results of the Community Multi-Scale Air Quality (CMAQ) modeling conducted by WRAP. The WRAP CMAQ modeling predicted visibility impairment in each Class I area based on 2018 projected source emission inventories, which included federal and state regulations already in place (''on the books'') and BART emission limitations.

We proposed to approve the State's LTS because it includes the documentation and control measures necessary to achieve the RPGs at all Class I areas affected by the State's sources. The State's LTS included consideration of all anthropogenic sources of visibility impairment, including major and minor stationary sources, mobile sources, and area sources. The anticipated net effect on visibility over the first planning period due to changes in point, area, and mobile source emissions is an improvement in visibility in all Class I areas in Washington.

We proposed to approve the State's commitment to develop and submit a comprehensive Regional Haze SIP revision to the EPA by July 31, 2018, and every ten years thereafter. The State also committed to submit a report to the EPA every five years that evaluates the progress being made towards the RPGs and the need for any additional control measures.

We proposed to approve the majority of the State's BART determinations. The State appropriately identified all BART-eligible sources located in Washington and, with one exception, appropriately identified those BART-eligible sources that are subject to BART. In this action, we are finalizing our approval of these SIP elements as proposed.

In our December 26, 2012 and December 30, 2013 actions, we also proposed to disapprove the following SIP elements and promulgate a FIP to fill any gaps left by our partial disapproval:

We proposed a limited disapproval of the State's SO_2 BART determination for Alcoa's Intalco facility potlines. The State determined that installing new control technology was not cost-effective and that the level of existing control for the potlines was BART. We identified a number of errors with the State's cost analysis that rendered the State's control determination unreasonable. We conducted our own analysis and determined that limestone slurry forced oxidation (LSFO) was SO_2 BART. However, Alcoa asserted that it could not afford LSFO at the Intalco facility and remain a viable business. In response, we conducted an affordability analysis, which included updated information as described in the December 30, 2013 proposal, and proposed to concur that LSFO was not affordable at the Intalco facility. Alcoa offered a BART Alternative of implementing pollution prevention measures, primarily the requirement of 3% or less sulfur in the anode coke, and limiting potline SO_2 emissions to 80% of base year emissions. We included this BART Alternative in our FIP. The BART Alternative makes Washington's pollution prevention requirements federally enforceable and makes the 20% SO_2 reduction from baseline permanent and federally enforceable.

We proposed to disapprove the State's NO_X BART determination for five emission units subject to BART at the Tesoro refinery. The State determined that NO_X controls were not cost-effective. We determined the State's cost estimates were unreasonably high

as Class I additional areas which they consider to have visibility as an important value, the requirements of the visibility program set forth in section 169A of the CAA apply only to ''mandatory Class I Federal areas.'' Each mandatory Class I Federal area is the responsibility of a ''Federal Land Manager.'' *Id.* 7602(i). When we use the term ''Class I area'' in this action, we mean a ''mandatory Class I Federal area.''

because the State assumed that controls could not be installed when the facility is shut down for maintenance in the estimated 2017 turnaround cycle and still fall within the five year BART implementation period. Tesoro offered a BART Alternative consisting of exclusive use of low-sulfur refinery gas in several non-BART heaters and boilers in lieu of installing the NO_X BART controls. We included this BART Alternative in our proposed FIP.

We initially proposed to approve the State's determination that the Wenatchee Works did not contribute to visibility impairment in any Class I area and was therefore not subject to BART. During the comment period, however, we received adverse comments that the State's determination was based on visibility modeling that relied upon an unapproved and unproven fine-grid modeling protocol. Consequently, we issued a supplemental notice of proposed rulemaking on December 30, 2013, and proposed to disapprove the State's determination that the Wenatchee Works was not subject to BART and also proposed a BART FIP (78 FR 79344). In that notice, we proposed to find that one of the four potlines at the Wenatchee Works, as well as some of the supporting emission units, are subject to BART. After evaluating various control technologies, we proposed to find that the costs of compliance and the anticipated visibility benefits did not warrant new controls at the facility. We therefore proposed that the existing controls at the facility were BART and proposed to adjust some emission limits in the facility's operating permit to reflect the level of emission reductions achievable by those existing controls.

This final action is the result of our initial proposed action, the re-proposal for the Wenatchee Works, and our consideration of all public comments received. This final action is consistent with our proposed actions. However, as explained below in the response to comments we revised 40 CFR 52.2470(d) to correct the list of conditions which are applicable to BP Cherry Point. Additionally, we revised the NO_X emission limit and made minor adjustments to the FIP provisions related to the Wenatchee Works. Finally, the compliance dates for the Wenatchee Works and the Tesoro refinery were slightly modified.

III. Response to Comments

We are responding to comments received on both the initial proposal and the re-proposal. However, the re-proposal summarized and responded to some comments received on the initial proposal. 78 FR 79347–79355. Those comments and our responses will not be repeated here. The following are our responses to the remaining comments received on the initial proposal for which we have not yet responded and new comments received on the re-proposal. We are also responding to comments received on the additional information that was provided for public review in the re-proposal.

Comments:

A. BP Cherry Point Refinery BART Determination

Comment: One commenter noted that the BART Order 7836 for the BP Cherry Point Refinery included BART emission limits for boilers #6 and #7, despite the fact that these units were constructed in 2007 and are not BART-eligible emission units. These units should not be regulated in the BART Order. Thus, conditions 1.1, 1.3.1, 2.1, 3.1, and 6.1 of the BART Order should not be approved into the Washington SIP.

Response: The EPA agrees that the BP Cherry Point Refinery boilers #6 and #7 are not BART-eligible and thus not subject to BART. Subsequent to the publication of the initial proposal, the State of Washington sent the EPA a letter dated July 31, 2013, requesting that conditions 1.1, 1.3.1, 2.1 3.1 and 6.1 and Finding B.c. be withdrawn from their SIP submittal. These conditions and Finding B.c. will not be incorporated by reference into the SIP.

B. Tesoro-BART Alternative

Comment: Several comments were received on our initial proposal that the EPA should use dispersion modeling to demonstrate the visibility improvement from the proposed BART Alternative for the Tesoro Refinery and compare the results to the visibility improvement from BART.

Response: Based on consideration of the comments, we concluded that additional modeling analysis was appropriate for the BART Alternative demonstration at the Tesoro Refinery. The EPA requested Tesoro provide such a modeling demonstration. The results of that modeling were presented in the December 30, 2013 re-proposal. The modeling protocol and results were posted in the docket for this action and the Federal Docket Management System (FDMS) site on December 30, 2013. The public was notified of its availability. 78 FR 79354–79355. The comments received on the initial proposal and our response regarding the need for dispersion modeling for the Tesoro BART Alternative, as set forth in the re-proposal, will not be reiterated here. The following is our response to the remaining comments received on the initial proposal, as well as new comments received on the re-proposal and the additional information that was provided for public review.

Comment: One commenter inquired whether the EPA evaluated the model input and output files that Tesoro used in modeling for the BART Alternative. Such a review is needed to verify that the proper model settings have been used and that only the emission rates for the listed emission units have been changed from the original modeling.

Response: The EPA reviewed the model input and output files and verified the proper settings were used.

Comment: A commenter questioned why the EPA used the annual average concentration limit for total reduced sulfur (TRS) content of refinery fuel gas rather than the maximum 24-hour rate as required by the BART Guidelines. The justification to use the annual average vs. the 24-hour maximum rate needs to be clearly included in the administrative record. The commenter said that if the justification cannot be made, then the BART Alternative should be rejected and the NO_X BART should be required.

Response: As described in our December 30, 2013 proposal, the purpose of visibility modeling is to demonstrate whether the BART Alternative provides greater reasonable progress than BART considering the different atmospheric chemistry between SO_2 and NO_X. The modeling described in the BART Guidelines is for determining the maximum potential impact of a source at Class I areas and whether the source is subject to BART. The purpose of the more recent modeling here is to evaluate the relative visibility impacts from the atmospheric formation of visibility impairing aerosols of sulfate and nitrate. The absolute value of emission rates is not of concern, because we are evaluating the ratio of SO_2 to NO_X emission rates and the resulting relative visibility impairment.

It should also be noted that the model used the maximum monthly average total reduced sulfur (TRS) emission rate during the time period 2004–2006, not annual emission rates as stated by the commenter. *See* May 14, 2013 letter from Tesoro to the EPA.

Comment: A commenter suggested that trading SO_2 emissions for NO_X emissions does not meet the EPA's guidance on BART alternative programs. The commenter specifically references an EPA, Office of Air Quality Planning and Standards (OAQPS), Q&A document, August 3, 2006, that states,

''The regulations, however, do allow States to adopt alternative measures in lieu of BART, so long as the alternative measures provide for greater reasonable progress than would be BART. Inter-pollutant trading is not allowed in a trading program alternative to BART.''

Response: We believe the commenter has misunderstood the Agency's policy. The complete explanation of the policy is in the **Federal Register** action referenced in the Q&A document cited by the commenter. The Agency allows for inter-pollutant trading as long as it is based on a technically acceptable approach for demonstrating the BART Alternative provides for greater reasonable progress. The **Federal Register** action for the Regional Haze Rule (40 CFR 51.308) (RHR) explains:

> . . . interpollutant trading should not be allowed until the technical difficulties associated with ensuring equivalence in the overall environmental effect are resolved. Some other emissions trading programs (e.g., trading under the acid rain program) prohibit emission trades between pollutants. An emissions trading program for regional haze might also need to restrict trades to common pollutants. Each of the five pollutants which cause or contribute to visibility impairment has a different impact on light extinction for a given particle mass, making it therefore extremely difficult to judge the equivalence of interpollutant trades in a manner that would be technically credible, yet convenient to implement in the timeframe needed for transactions to be efficient. This analysis is further complicated by the fact that the visibility impact that each pollutant can have varies with humidity, so that control of different pollutants can have markedly different effects on visibility in different geographic areas and at different times of the year. Despite the technical difficulties associated with interpollutant trading today, EPA would be willing to consider such trading programs in the future that demonstrate an acceptable technical approach. 64 FR 35743.

This guidance on BART alternatives is primarily envisioned for large statewide, or region-wide (multi-state) emissions trading programs where emissions could be traded across large, geographically separated areas. 64 FR 35741–35743. The technical difficulties discussed in the above policy statement also are focused on situations where a BART alternative trading program is based on emission reduction equivalency in determining Better-than-BART results. In such a trading program, when SO_2 emissions are traded for NO_X emissions, the demonstration that the BART alternative provides greater reasonable progress may be technically difficult, or impossible, due to spatial, temporal, climate and meteorological differences between the sources in the program. In particular, the OAQPS Q&A document refers to a regional trading program. However, in this specific situation for the Tesoro Refinery, the BART Alternative is not a state-wide or regional trading program, but rather trading within the same facility. Therefore, the technical difficulties that may be associated with interpollutant trading in a state-wide or regional trading program are of less concern.

The Tesoro BART Alternative is confined to one facility with emissions of SO_2 and NO_X coming from essentially the same location. The CALPUFF model is used to estimate the impacts from all visibility impairing pollutants, including SO_2 and NO_X, and is the regulatory tool used to determine whether a BART-eligible source is subject to BART. We believe that the CALPUFF model used in Washington (and other states within EPA Region 10) to demonstrate visibility impacts on Class I areas to evaluate whether sources are subject to BART, is technically adequate to demonstrate whether or not a BART Alternative measure that relies on interpollutant trading results in greater reasonable progress. As described in the **Federal Register** preamble to the RHR (64 FR 35734), it may be difficult to assess the impacts of different pollutants due to the potential difference in light extinction for a given particle mass and due to seasonal and geographic variations. The CALPUFF model, using the approved modeling protocol, addresses the different light extinction properties of different pollutants. In the Tesoro Refinery case, the emissions from both the BART and the BART Alternative emission units are from the same facility. Thus, the potential concern regarding interpollutant trading of emissions from emission units separated by large distances is not present. Also, because the model includes the three year baseline period, seasonal variation is also not a concern in this instance.

Comment: Several commenters stated that trading between BART and non-BART sources is not allowed.

Response: The preamble to the RHR encourages both BART and non-BART sources to be included in a BART alternative. 64 FR 35743. Specifically, ''the regional trading program may include sources not subject to BART. Inclusion of such sources provides for a more economically efficient and robust trading program. The EPA believes the program can include diverse sources, including mobile and area sources, so long as the reductions from these sources can be accurately calculated and tracked.'' 64 FR 35743.

Comment: One commenter states that the NO_X controls for the five Tesoro Refinery emission units should be imposed as reasonable progress controls if they are not required as BART. The EPA should still require unit-specific NO_X controls on the five BART units as reasonable progress controls.

Response: The RHR provides states with the opportunity to establish alternative measures as an alternative to BART. As discussed previously, the RHR provides that a BART alternative measure can include non-BART emission units. This approach can result in a more cost-effective control strategy. Because we are proposing to approve the State's reasonable progress goals as providing sufficient progress for this planning period, we do not believe that any additional reasonable progress controls are necessary on the BART-eligible units at the Tesoro Refinery at this time. However, the State may consider these units for reasonable progress controls in the next regional haze SIP due for submittal to the EPA in 2018.

Comment: A commenter stated that the CAA instructs states to issue SIPs requiring BART, and provides a process for exempting a source from BART. The statute does not authorize the EPA to allow a source to escape its BART obligations other than through the exemption process.

Response: The commenter seems to be saying that by imposing a BART alternative, we are exempting Tesoro from BART. The Tesoro facility and the emission units associated with the BART Alternative are not exempt from BART. Rather, the facility is meeting its BART obligation through a BART Alternative measure as allowed under the RHR. 40 CFR 51.308(e)(2).

Comment: Several commenters suggested the SO_2 emission reductions in the BART Alternative are not surplus reductions. They say the emission reductions were needed to meet other CAA requirements including Prevention of Significant Deterioration (PSD) requirements. They also cite the H_2S concentration limit that is already part of a Federally enforceable permit. They also say the emission reductions were achieved prior to the SIP submittal.

Response: The RHR requires that emission reductions resulting from the alternative measure must be ''surplus to those reductions resulting from measures adopted to meet requirements of the CAA as of the baseline date of the SIP.'' 40 CFR 51.308(e)(2)(iv). When promulgating this requirement in 1999, the EPA explained that emission reductions must be ''surplus to other Federal requirements as of the baseline date of the SIP, that is, the date of the emissions inventories on which the SIP

relies. *See* 64 FR 35714, 35742; *see also* 70 FR 39143. ''[W]hatever the origin of the emission reduction requirement, the relevant question for BART purposes is whether the alternative program makes greater reasonable progress.'' The Washington Regional Haze SIP relies on emission inventories in the baseline period 2002–2005. *See* Washington Regional Haze SIP, chapter 6, section 6.3, included in the docket for this action. Thus, reductions resulting from any measure adopted after 2002 are considered 'surplus' under 40 CFR 51.308(e)(2)(iv).

The EPA examined the permitting history for the Tesoro Refinery and confirmed that the emission reductions achieved through the installation and operation in 2007 of the flue gas desulfurization (FGD) system to remove sulfur from the refinery fuel gas (RFG) used to fire several heaters and boilers occurred after the emission inventory baseline and are surplus for the purposes of the alternative measure.

Comment: A commenter noted that the SO_2 reductions resulting from the modifications to the refinery gas system occurred for plant-specific reasons, not to meet a regulatory requirement. These reductions occurred in the past and will not be the result of imposing BART controls on any aspect of plant operations. The commenter requests that the EPA reject the BART Alternative in favor of the EPA BART proposal, which would result in additional reduction of nearly 500 tons of NO_X.

Response: As described previously, even if the emission reductions at this facility occurred for plant-specific reasons, the reductions may be considered surplus for purposes of a BART alternative. Additionally, as previously explained, the EPA has determined and confirmed with modeling that the reductions resulting from the now federally enforceable requirement to operate the FGD system result in greater reasonable progress towards meeting natural visibility conditions than the NO_X controls that the EPA determined to be BART.

Comment: A commenter cited a letter dated September 16, 2011, from the EPA Region 5 to the State of Wisconsin that describes what emissions are considered surplus. The commenter further explained that the Economic Incentive Program (EIP) defines ''surplus reductions to mean emission reductions that are not otherwise relied on in any of several programs, including reductions made to insure compliance with the NAAQS as well as reductions included in the relevant SIP.'' Thus the commenter stated that to the extent the SO_2 emissions requirements have been incorporated into the Washington SIP and relied on to meet other applicable requirements, they are not ''surplus'' under the EIP.

Response: As explained previously, we have determined that the emission reductions are surplus for BART alternative purposes and as such, this action is consistent with the EIP position that consideration (or credits) may only be given for surplus reductions. The SO_2 emission reductions resulting from the combustion of low-sulfur RFG in these heaters and boilers have not been incorporated into the Washington SIP, nor have they been relied on to meet any other applicable requirements of the Act. In our final action on the Wisconsin SIP, we noted that, ''In cases like this where a subject is addressed by both the general guidance in the draft Economic Incentive Program Guidance and in program-specific guidance that more directly addresses specific statutory requirements, the EPA gives more weight to the regulatory provisions that are promulgated for the specific statutory requirements, in this case to the provisions of the regional haze rule. As noted above, the regional haze regulations promulgated in 40 CFR 51.308 allow credit for reductions achieved after the baseline date of the SIP (2002), irrespective of any recommendations to the contrary in the draft Economic Incentives Program Guidance.'' 77 FR 46592 (January 31, 2008.)

Comment: A commenter requested that the EPA evaluate BART for the Tesoro Refinery flare, Unit X–819, including consideration of flare minimization efforts to reduce emissions from this unit.

Response: BART is an emission limitation based on the five-factor analysis and considers the degree of reduction available through the application of the best system of continuous emission reduction for each pollutant that is emitted by an existing stationary facility. As reflected in our December 26, 2012, proposal, Unit X–819 is subject to BART and we agree with the State's BART determination. We considered the flare requirements of other regulatory air pollution agencies to determine whether there are any available control techniques for reducing emissions from flares. In particular we reviewed the California, Bay Area Air Quality Management District (BAAQMD), Reg. 12, Rule 12, which requires San Francisco Bay Area refineries to prepare a flare management plan (FMP), to reduce the frequency and magnitude of flaring events. The rule provides for no specific control technology. Rather, it requires refineries to minimize the need to flare gases through careful planning of maintenance, start-up, and shutdown of various refinery processes. However, should an upset condition occur, it does not prevent or otherwise restrict flaring. It does not appear that the requirement for a FMP would represent BART.

Additionally, Tesoro and the State evaluated whether adding a second gas compressor to handle excess gas resulting from emergency vents and directed to the RFG system would be cost effective. *See* SIP, appendix L. Tesoro determined it would cost $21,960/ton of SO_2 removed and reduce emissions by 10 tons/year. We find that it is not cost-effective to require the addition of a second gas compressor at this facility as BART.

C. Intalco Facility

As part of the December 26, 2012 proposal, we proposed that Alcoa could not afford limestone slurry forced oxidation (LSFO) as the basis for BART. As explained in the re-proposal, we received comments on the affordability determination, requesting that we update the affordability assessment with current information and expressing concern with the use of information that was not publically available. We responded to these comments in the re-proposal and explained that we obtained updated information and revised the 2012 Affordability Assessment. The Revised Affordability Assessment and supporting documentation was made available to the public for review as part of the re-proposal. We received no further comment on the Revised Affordability Assessment. We believe the updated analysis continues to support our determination that installation and operation of LSFO at the Intalco facility is not affordable.

A number of comments were received regarding our proposed BART determination for the Intalco facility. The comments focused on procedural issues, issues regarding the BART determination and the affordability analysis, and the BART Alternative.

Comment: A commenter asserted that the EPA proposed BART for Intalco fails to comply with the public notice requirements of the CAA because it is impossible for the public to understand and comment on the affordability claim because critical information is not available. The CAA forbids the EPA from promulgating a rule that relies in whole or part on information not included in the docket. The commenter stated that critical information regarding

Alcoa's affordability claim had been excluded from the record, specifically Attachment 2 of Alcoa's June 2012 letter, and that the failure to disclose this information means that they are unable to provide meaningful comment on Alcoa's claim that they cannot afford LSFO controls. Finally the commenter claimed that that the EPA has failed to identify any support in the CAA that permits the EPA to ignore the requirements of the CAA for public review and comment.

Response: The EPA recognizes the importance of making information available to the public so that the public can meaningfully comment upon proposed rules and, if they choose, ultimately challenge its rules. This task is somewhat more complicated when, as here, the rulemaking necessarily requires consideration of material claimed as Confidential Business Information (CBI). Nevertheless, the CAA, the EPA's implementing regulations, and other statutes impose stringent procedures for the use and availability of information claimed to be CBI, *See, e.g.,* 42 U.S.C. 7414, 33 U.S.C. 1318(b); 40 CFR 2.204, 2.205, and 2.301. As explained in the BART Guidelines, an economic analysis regarding how the installation of controls may impact the viability of continued plant operation must preserve the confidentiality of sensitive business information.

Alcoa provided information to the EPA to support its claim that the company cannot afford the installation of LSFO. *See* June 22, 2012 Alcoa letter to the EPA. Alcoa requested that Attachment 2 of the letter be treated as confidential.

Under the CAA and EPA's regulations, a company may assert a business confidentiality claim covering information furnished to the EPA. 40 CFR 2.203(b). Once a claim is asserted, the Agency must consider the information to be confidential and must treat it accordingly either until the EPA determines that the information is not subject to CBI protection or until the EPA determines that release of the information is relevant to a proceeding and in the public interest. 40 CFR 2.205, 2.301(g). The EPA's regulations set forth the specific procedures that the EPA must follow when making a CBI determination. 40 CFR 2.204, 2.205, and 2.301(g). Under the regulations, the EPA must provide the affected businesses with notice and, usually, an opportunity to comment on the impending CBI determination or release, including an opportunity to justify their CBI claims. *See, e.g.,* 40 CFR 2.204(e), 2.209(d), and 2.301(g)(2).

Following the procedures outlined in 40 CFR part 2, the EPA requested that Alcoa substantiate its CBI claim. The company narrowed its CBI claim but informed us that portions of Attachment 2 were still claimed as CBI and provided a version of Attachment 2 with the CBI information redacted. The redacted information consists of six years (2008–2013) of ''after tax'' cash flow values. After consideration of applicable information, requirements and case law, the EPA completed its CBI determination and found that the redacted information in Attachment 2 constitutes CBI within the meaning of the CBI regulations. The final CBI determination is dated July 10, 2013. Accordingly, the information may not be disclosed to the public at this time.

When the EPA assembled the record for this rulemaking, it physically separated the CBI portion of the record from the rest of the publicly available record. The EPA placed into the public record all information for which no claim of CBI was asserted. Any information or analyses based on CBI, was presented in such a way to avoid disclosing the underlying CBI. In addition, the EPA placed into the public record the Revised Affordability Analysis which included an extensive list of references to other publicly available information relevant to the economic analyses, such as company-specific public financial reports, cost information reported in trade journals and industry conference presentations, and price quotations obtained from vendors.

Subsequent to the proposal and in response to comments, the EPA conducted additional analysis regarding Alcoa's affordability claim. More specifically, the EPA reviewed the recent long term power supply contract between Alcoa and the Bonneville Power Administration (BPA) which established the amount and rate at which electricity would be supplied to the Intalco facility. The EPA also conducted additional investigation to obtain publically available and updated financial information and economic forecasts regarding the aluminum industry. This new and additional information was placed in the docket and made available for public review on December 30, 2013. The docket also contains the June 22, 2011 Alcoa letter with the redacted version of Attachment 2. As is evident by the list of documents in the docket, a considerable amount of information regarding Alcoa's financial condition is included and has been made available for public review.

The publicly available information taken together with the EPA's Affordability Analyses, and the description of our analysis in the prior **Federal Register** proposals are sufficient to support and explain today's final action. Therefore, for the reasons stated above, the EPA believes that the public record is adequate to allow meaningful review of the EPA's decision regarding Alcoa's claim that they cannot afford LSFO controls.

Comment: Referring to CAA section 110(k)(5), a commenter asserts that before the EPA may promulgate a FIP there must be a finding that the state implementation plan is substantially inadequate to comply with the CAA requirement. The commenter claims that because the Administrator has not made such a finding, has not notified Washington of the inadequacies of the SIP or that the SIP needs to be revised, and has not established a reasonable deadline to revise and submit a revised SIP, the proposed FIP is premature. This action is premature under CAA section 110(k)(5).

Response: The EPA disagrees with this comment. Section 110(k)(5) of the CAA states ''[w]henever the Administrator finds that the applicable implementation plan for any area is substantially inadequate to . . . comply with any requirement of [the Act], the Administrator shall require the State to revise the plan as necessary to correct such inadequacies.'' This provision requires the EPA to issue what is known as a ''SIP call'' whenever the EPA finds that a state's existing SIP is substantially inadequate to meet CAA requirements. Importantly, this provision bears no relation to the EPA's authority to review SIP submissions and revisions, which by definition are not incorporated into the state's existing SIP until they have been approved by the EPA. Rather, when the EPA receives a SIP submission or revision from a state, CAA sections 110(k)(3) and 110(*l*) provide that the EPA can only approve the SIP if it meets all CAA requirements and would not otherwise interfere with any applicable requirement of the Act. If the EPA determines that a SIP submission or revision does not comply with all applicable CAA requirements, then the EPA must disapprove the SIP in whole or in part. At that time, CAA section 110(c)(1)(B) provides the EPA with the authority ''to promulgate a Federal implementation plan at any time within 2 years'' of the disapproval. Additionally, the EPA has the authority to promulgate a FIP after finding that a state has failed to make a required SIP submission or revision entirely or that a state has submitted an incomplete SIP. CAA section 110(c)(1)(A). The EPA's obligation to promulgate a FIP does not

expire unless the state corrects the deficiency, and the EPA approves the SIP before promulgating a FIP. CAA section 110(c)(1).

Here, Washington's Regional Haze SIP was due on December 17, 2007. On January 15, 2009, the EPA published notice of its finding that Washington and 36 other States, the District of Columbia, and the U.S. Virgin Islands had failed to timely submit their regional haze SIPs. 74 FR 2392 (January 15, 2009). The notice explained that the finding started the ''two year clock'' for the promulgation by the EPA of a FIP. The notice also explained that the EPA's FIP obligation would expire only if a state submitted a SIP and the EPA approved that SIP before the EPA had promulgated a FIP. At approximately the same time as the notice was signed, the Region 10 Administrator sent a letter to the Department of Ecology informing the Director that Washington had failed to make the required regional haze SIP submission and explaining that within two years, the EPA would need to either fully approve the Washington Regional Haze SIP or promulgate a FIP. EPA sent similar letters to the other states, the District of Colombia, and the U.S. Virgin Islands.

Washington submitted its Regional Haze SIP on December 22, 2010. As we explained in the December 26, 2012 proposal, the EPA could not approve the entire SIP. 78 FR 79344. Thus, the EPA proposed to disapprove in part the Washington Regional Haze SIP and proposed to promulgate a FIP to fill the gaps left by the EPA's partial disapproval. *See* CAA section 302(y). Thus, based on both the EPA's prior finding of failure to submit and the EPA's partial disapproval of the Washington Regional Haze SIP, the EPA has the authority and obligation to promulgate a FIP. We also note that the EPA's authority to issue a FIP in these circumstances has been upheld recently by both the Eighth and Tenth Circuit Courts of Appeal. *North Dakota* v. *EPA,* 730 F.3d 750, 759 (8th Cir. 2013), *Oklahoma* v. *EPA,* 723 F.3d 1201, 1222–24 (10th Cir. 2013).

Comment: A commenter stated that the EPA's proposed action of limited approval and limited disapproval does not comport with the CAA or the regulatory requirements of 40 CFR 51, subpart P. More specifically the commenter asserts that: (1) The CAA requires the Administrator to approve a state's implementation plan 'in whole' if it meets applicable requirements; (2) Ecology dutifully executed its statutory and regulatory obligations by preparing and submitting a complete SIP, which included the requisite BART determinations, consistent with the CAA and promulgated regulations; (3) the EPA's partial disapproval is unfounded either because the EPA has not shown that Ecology's BART determination is not grounded in its thorough consideration of the five factors or because the EPA abused its statutory discretion with regard to rendering its analysis of the cost of compliance; and (4) it is the State's obligation to determine BART. The EPA does not have the authority to override Ecology's cost estimates and BART determinations.

Response: As explained in our initial proposal, the Washington Regional Haze SIP does not meet all of the applicable CAA requirements. Therefore the EPA proposed a partial approval and partial disapproval. Specifically, the EPA does not agree that the State's BART determinations for the Intalco facility and the Tesoro Refinery are consistent with the EPA's regulations. The EPA agrees that in the first instance, it is State's obligation to determine BART, but contrary to the comment, the EPA does have the authority to disapprove Ecology's cost of compliance estimates and BART determinations when it finds that they are not in compliance with the applicable CAA requirements.

The commenter's claim that the EPA has failed to show that Ecology's BART determination is not grounded in its thorough consideration of the five factors or that it abused its statutory discretion is not supported by the record. As explained in our initial proposal, and further described here, there are deficiencies in the State's cost of compliance calculations for the Intalco facility. As also explained, the State's BART determination for Tesoro is no longer accurate because it was based on the assumption that the retrofit would need to occur before the next scheduled maintenance shutdown period (turnaround) which would significantly increase the cost. This assumption is no longer valid because the retrofit may occur during a scheduled Tesoro turnaround and is now considered cost-effective. Also importantly, Intalco and Tesoro both requested that the EPA consider a BART Alternative. The EPA then found that each BART Alternative would result in greater overall reasonable progress towards attaining the national visibility goal than would requiring BART. We therefore proposed these BART Alternative measures instead of BART.

Comment: A commenter stated that the EPA Region 10 referenced sections of the EPA Air Pollution Control Cost Manual that are irrelevant to SO_2 control technologies but then the EPA Region 10 disregarded an SO_2-specific example in section 5 of the Control Cost Manual which uses a 15-year equipment lifetime. The commenter further claimed that by using a 30-year equipment lifetime in the cost effectiveness calculations for the LSFO scrubber, the EPA Region 10 ignored agency precedent from the EPA Regions 4 and 8 and that on more than one occasion Region 8 has had sources reanalyze annualized costs for scrubbers using 15-years.

Response: The EPA Air Pollution Control Cost Manual [2] (Cost Manual) states that the actual expected equipment lifetime of an air pollution control device should be used for purposes of cost calculations. Section 1, chapter 2 of the Cost Manual addresses the capital recovery factor (CRF), which is determined using the control equipment lifetime and interest rate. The Cost Manual clearly defines the control equipment lifetime as the entire life of the control. For example, on page 2–19, the Cost Manual states: ''For each alternative: calculate a discounting factor each year over the life of the equipment . . .'' and on page 2–21: ''In essence, annualization involves establishing an annual 'payment' sufficient to finance the investment for its entire life, using the formula . . . [CRF] . . . where PMT is the equivalent uniform payment amount over the life of the control, 'n', at an interest rate, 'i.' '' The variable 'n' in the CFR equation used to annualize total capital investment is thus the actual life of the control.

The commenter provided no basis for the 15-year equipment lifetime. Rather the comment simply pointed to examples of different situations or types of control technologies where 15 years was used. The commenter's citation of specific equipment lifetimes within calculations in the Cost Manual implying that these specific lifetimes must always be used for a particular control technology is incorrect. The 15-year equipment lifetime contained within section 5 of the Cost Manual does not preclude the use of a different, better supported time period for the equipment lifetime of packed tower absorbers, the technology addressed in section 5.

In this case, as explained in the proposal, we determined that 30 years is a reasonable and well founded estimate of the expected life of wet FGD systems, such as LSFO. This determination

[2] U.S. Environmental Protection Agency, *Air Pollution Control Cost Manual, Sixth Edition,* January 2002. Section 1—Introduction, Chapter 2—Cost Estimation: Concepts and Methodology. p. 2–19 through 2–21. EPA–452/B–02–001.

considered among other things standard cost estimating handbooks,[3] published papers,[4] and published EPA reports [5] that report 30 years as a typical life for a scrubber as well as industry reports that identify specific scrubbers in operation since the 1970s and 1980s.[6] Additional support for a 30 year scrubber life can also be found in the EPA Response to Comments for the final Oklahoma Regional Haze FIP.[7]

Region 10's use of a 30-year life is not inconsistent with other Agency decisions; the EPA Region 6 used 30 years for SO_2 spray dry scrubbing on energy generation units in the final Oklahoma FIP. The EPA Region 6 research included wet FGD technologies such as LSFO, and indicated that the 30-year lifetime was equally applicable to both wet and spray dry FGD scrubbing. The EPA action on the Oklahoma Regional Haze FIP occurred subsequent to the EPA Region 8 letters cited by the commenter. The Region 4 action cited by the commenter reflects the EPA approval of a case-specific BART determination made by the State of Tennessee, and does not necessarily reflect EPA endorsement of all aspects of the underlying BART analysis conducted by the facility in question.

Combined, the EPA Region 6 research and analysis and the subsequent related work by the EPA Region 10 reflect a current and robust technical basis for both spray dry and wet scrubbing FGD equipment life. We therefore find that use of 30 years as the equipment life for LSFO in the Intalco BART analysis remains appropriate.

Comment: A commenter stated that the EPA Region 10 decision to use the lower of two vendor air pollution control cost quotes is arbitrary and instead we should have used the average of the two quotes. The commenter states that it is inconsistent that the EPA Region 10 would assert that it was improper for Washington to rely on the average of the two quotes when the EPA Region 4 concluded that Tennessee's BART analysis relying on the same average costs was reasonable. The comment also states that the EPA Region 10's use of the lower of the two quotes is inconsistent with an EPA Region 9 action that ''relied primarily on the highest of several cost estimates. . . .''

Response: As described in the initial proposal and supporting documents, it is appropriate to base the cost of compliance calculation on the lower of the two vendor quotes. While not explicitly stated as a directive in section 1, chapter 2 of the Cost Manual (which discusses general methodology), the Cost Manual includes a discussion indicating support for the use of the most competitive, lowest responsive bid within cost effectiveness calculations. In Section 6, chapter 3, the Cost Manual states that ''[s]ignificant savings can be had by soliciting multiple quotes,'' [8] and in section 4.2, chapter 1, the Cost Manual suggests that vendor quotes be ''compare[d] to other bids.'' [9] These sections inherently recognize the practice of competitive bidding in the contracting process with the goal of procuring air pollution control equipment using the most cost effective option.[10] That these statements are made within chapters of the Cost Manual that address specific control technologies does not reduce their applicability to cost effectiveness calculations in general.

The two vendor quotes were from experienced, reliable equipment vendors, and the lower of the two quotes was in fact more robust and detailed.

Using the lowest responsive bid also makes common sense from a contracting perspective. Given multiple responsive bids from well qualified equipment suppliers, it is reasonable to expect that the lower cost supplier is most likely to be chosen to provide the control equipment. The use of the average of multiple bids, as advocated by the commenter, is illogical since the resulting cost does not reflect the actual cost of control equipment from any supplier.

We acknowledge that the EPA Region 4 approved the State's decision regarding the BART analysis for the Alcoa facility in Tennessee. However, Region 4 did not initiate this approach, but rather approved the State's approach. In instances where the EPA is conducting the BART analysis (rather than the EPA reviewing a state's analysis), we are consistent.

Contrary to the comment, the Region 9 and Region 10 approaches regarding cost are consistent. The EPA Region 9 BART cost analysis for the Four Corners Power Plant (FCPP) was based on a combination of cost information submitted from equipment suppliers as well as information based on the Cost Manual. In the course of developing the FCPP FIP, the EPA Region 9 received three bids from the same vendor containing pricing information that was updated as the project proceeded. The second bid submitted was the highest cost bid. The EPA Region 9 used the second bid in their cost analysis because the third bid, which reflected lower costs, was submitted later in the BART analysis process and the overall difference between the three bids was not significant enough to affect the cost effectiveness determination.

The EPA Region 9 statement in the action cited by the commenter [11] was intended to communicate that the EPA Region 9 considered the costs to be conservatively high, which still resulted in the control equipment being determined to be cost effective. This position is stated more explicitly in the technical support document for the FCPP BART FIP developed by the EPA Region 9: ''. . . the EPA's revised cost information and our additional analysis that rely on the capital and annual costs are conservatively overestimated.'' [12]

Additionally, we note that the EPA Region 9 did not accept the bid as submitted, but revised numerous cost elements based on independent research, competing equipment supplier bids for certain control equipment elements, and information contained in the Cost Manual. Therefore, the final cost numbers used in the EPA Region 9's analysis, while based on the highest of the three base vendor bids, were lower than the third vendor bid due to the changes made by the EPA Region 9.

[3] Vatavuk, W.M., *Estimating Costs for Air Pollution Control.* 1990: Lewis Publishers. p. 198.

[4] Warych, J., Szymanowski, M., *Optimum Values of Process Parameters of the ''Wet Limestone Flue Gas Desulfurization System''.* Chemical Engineering Technology, 2002. 25: p. 427–432.

[5] Kaplan, N., *Retrofit Costs of SO_2 and NO_X Control at 200 U.S. Coal-Fired Power Plants,* September 11, 1990.

[6] Electric Power Research Institute, *Flue Gas Desulfurization Systems: Component Material Performance and Welding.* December 2005.

[7] U.S. Environmental Protection Agency, *Response to Technical Comments for Sections E. through H. of the* ***Federal Register*** *Notice for the Oklahoma Regional Haze and Visibility Transport Federal Implementation Plan,* December 13, 2011. Docket No. EPA–R06–OAR–2010–0190.

[8] U.S. Environmental Protection Agency, *Air Pollution Control Cost Manual, Sixth Edition,* January 2002. Section 6—Particulate Matter Controls, Chapter 3—Electrostatic Precipitators. p. 3–38. EPA–452/B–02–001.

[9] U.S. Environmental Protection Agency, *Air Pollution Control Cost Manual, Sixth Edition,* January 2002. Section 4.2—NO_X Post Combustion, Chapter 1—Selective Non-catalytic Reduction. p. 1–29. EPA–452/B–02–001.

[10] U.S. Environmental Protection Agency, *Air Pollution Control Cost Manual, Sixth Edition,* January 2002. Section 4.2—NO_X Post Combustion, Chapter 1—Selective Non-catalytic Reduction. p. 1–30. Chapter 2—Selective Catalytic Reduction. p. 2–40. EPA–452/B–02–001.

[11] U.S. Environmental Protection Agency, *Source Specific Federal Implementation Plan Best Available Retrofit Technology for Four Corners Power Plant: Navajo Nation.* Final Rule. Docket Number EPA–R09–OAR–2010–0683. 77 FR 51620.

[12] U.S. Environmental Protection Agency, *Proposed Rule: Source Specific Federal Implementation Plan Best Available Retrofit Technology for Four Corners Power Plant: Navajo Nation, Technical Support Document.* Docket Number EPA–R09–OAR–2010–0683, p. 30.

Thus, the EPA Region 9 action in fact relied on the principles of competitive bidding where appropriate, consistent with the EPA Region 10 action.

Comment: A commenter states that the EPA Region 10 cost analysis disregarded the fact that the EPA Region 10's internal economic analysis concluded that the gypsum by-product market is speculative and did not prove there would be a guaranteed market for the gypsum in the future. The commenter also states that the EPA Region 10 ignored relevant market information provided by Alcoa and that this biased the EPA Region 10's control cost estimate in favor of controls being deemed cost effective.

Response: The EPA Region 10 continues to believe it is unreasonable to assume that the gypsum produced by LSFO would require disposal in a landfill given its suitability as a feedstock in many re-use applications and that it is appropriate to eliminate the disposal cost for purposes of the cost effectiveness analysis. The assumption that the by-product gypsum would be reused is consistent with the approach taken in a 2003 technology evaluation conducted by Sargent and Lundy, where a disposal cost of zero was used.[13]

Contrary to the comment, the EPA Region 10 did consider all information submitted by Alcoa, including the letter dated June 22, 2012. In this letter, Alcoa outlines technical challenges associated with re-use of the gypsum in various potential applications, but includes no discussion regarding potential resolutions of these technical challenges. The EPA Region 10 found that the financial incentive to avoid disposal costs for a re-usable product would encourage reuse. For example, although moist synthetic gypsum may be inappropriate for use in cement manufacturing, dry synthetic gypsum may be appropriate. In a cost analysis conducted by Sargent and Lundy for the LSFO scrubber built for the coal-fired power plant in Centralia Washington,[14] it was assumed that the gypsum by-product would be re-used, and a gypsum credit of $5/ton was assumed. In fact the gypsum produced by Centralia plant was re-used by local wallboard manufacturers.[15] [16]

The EPA Region 10 further believes that, were landfill disposal required, the disposal cost assumed in the original Alcoa BART analysis of $145/ton is excessively high. The 1996 Sargent & Lundy report cites landfill disposal costs of only $6/ton, and a more recent Sargent & Lundy paper cites landfill disposal costs of only $12/ton for a similar waste product from dry FGD.[17] A disposal cost several times higher than that cited by Sargent & Lundy would not significantly impact the cost effectiveness determination for LSFO at Intalco.

Thus, while recognizing some gypsum market uncertainty, we conclude that the gypsum disposal costs are properly excluded in the cost effectiveness calculation for LSFO.

Comment: One commenter requested the EPA reject the affordability argument as the affordability claim is unprecedented and the EPA's reliance on affordability in this instance is inconsistent with the EPA's approach to BART determinations across the country. The commenter asserted that because the EPA has proposed and/or finalized BART determinations in other areas that have contributed to power plants shutting down because the electrical generating units (EGUs) were not profitable enough after accounting for the cost of pollution controls (e.g. New York, Oklahoma, Four Corners, Boardman, and TransAlta) that the EPA must explain the different outcome for this BART determination. Intalco is the only BART determination where a company is excused from complying with the law on the grounds that it cannot 'afford' the law.

Response: The BART Guidelines explain that, even where a control technology is cost-effective, ''there may be cases where the installation of controls would affect the viability of continued plant operations.'' 40 CFR part 51, appendix Y, section IV.E.3.1. In these unusual circumstances, the BART Guidelines allow states and the EPA to take into consideration how requiring controls could affect ''product prices, the market share, and profitability of the source.'' *Id.* section IV.E.3.2. Nevertheless, only when these effects are ''judged to have a severe impact on plant operations'' can they play a role in the ultimate control determination. The affordability analysis we conducted for Intalco was therefore proper. As explained in our re-proposal, the results of the analysis demonstrated that requiring controls at the Intalco facility would have a ''severe impact'' on the facility's ability to continue business operations. The examples cited by the commenter, on the other hand, are inapposite. In those instances, none of the sources submitted affordability analyses to the EPA as part of the BART evaluation process. While the sources may have determined that it was in their financial interest to cease operating certain EGUs rather than install pollution control technology, the EPA has no reason to believe that the sources could not afford the controls in question. Rather, the sources made voluntary business decisions that the benefits of continuing to generate electricity at the affected units were outweighed by a number of factors, which likely included the costs of controls, potential future regulatory requirements, market trends, the availability of alternative generating strategies, etc. The EPA has no evidence to suggest, however, that the costs of controls in those instances were so onerous that the sources simply could not afford them or that the sources' decisions to cease operations were in essence involuntary.

Comment: One commenter requested the EPA's or Ecology's commitment to revisit the BART determination for the Intalco facility every 10 years based on then current information. Two commenters recommended that the EPA explain how the Intalco facility will be reevaluated in the 5-year report or next SIP planning cycle to determine if LSFO does become affordable in the future.

One commenter would like the EPA or Ecology to commit to revisiting the BART determination for Intalco in each round of revised regional haze SIPs (i.e., every 10 years) utilizing the technological and financial information that is current for this source at that time.

Response: BART is a 'one time' decision that is not required to be revisited in future planning cycles. However, the source could in the future be subject to an analysis of control to achieve reasonable progress, should a new breakthrough in technology occur and cost effective controls be identified. The RHR explains that ''After a state has met the requirements for BART, or implemented an emission trading program, or other alternative measure that achieves more reasonable progress than the installation and operation of BART, BART eligible sources will be

[13] Sargent & Lundy LLC, *Wet Flue Gas Desulfurization Technology Evaluation,* January 2003. *http://www.lime.org/documents/uses_of_lime/wet_fgdte2003.pdf*

[14] Sargent & Lundy LLC, *Cost Study for a 1,400 MW Flue Gas Desulfurization Unit, Centralia Units 1 & 2,* October 1996.

[15] ''*TransAlta and George Pacific Share Win-Win Situation''.* Daniel Brunell. Association of Washington Business online article. July-August 2004. *http://www.awb.org/articles/environment/transalta_and_georgia_pacific_share_win_win_situation.htm.*

[16] *''Why Centralia Matters to Washington State''.* TransAlta. April 2010. *http://www.transalta.com/sites/default/files/Why-Centralia-Matters.pdf.*

[17] Sargent & Lundy LLC, *Economics of Lime and Limestone for Control of Sulfur Dioxide,* 2003. *http://www.graymont-mx.com/technical/Economics_of_Lime_and_Limestone_Control_Sulfur_Dioxide.pdf.*

subject to the requirements of paragraph (d) of this section in the same manner as other sources.'' 40 CFR 51.308(e)(5).

A commitment to revisit whether cost effective controls are available for a particular source in the future is not a required SIP element of this planning cycle and is not required for the EPA to approve the regional haze plan. A stated intention in the State's SIP submittal to revisit controls in the future is not an enforceable requirement. Accordingly the EPA's approval today is not conditioned upon the State's commitment to conduct future control technology reviews on a specific schedule.

Comment: One commenter recommended that the EPA consider the number of Class I areas impacted.

Response: The EPA considered the fact that Intalco had impacts greater than 0.5 deciview (dv) at six Class I areas. Additionally, we took into account Intalco's significant impact of over 1 dv at Olympic National Park. Thus, as explained in the proposal, the EPA considered cumulative visibility impacts, as well as the other BART factors in reaching its BART determination for this facility. *See* 77 FR 76191.

Comment: A commenter suggested that it was improper to use baseline emissions rather than future (or even current) conditions to assess visibility improvement.

Response: As previously described in our response regarding Tesoro's baseline emissions, the BART Guidelines (40 CFR part 51, appendix Y) provide, ''In general, for existing sources subject to BART, you will estimate the anticipated annual emissions based upon actual emissions from a baseline period.'' 40 CFR part 51, appendix Y, section IV.D.4.d.1. The baseline period in the Washington SIP submittal for emissions used in the BART analysis is 2002–2005. The BART Alternative analysis correctly used the highest 24-hour emission rate in the baseline period to assess visibility improvement.

Comment: One commenter requested that the EPA clarify that the modeled BART Alternative improvements are not improvements from current conditions.

Response: Intalco has seen dramatic fluctuation in production over the last decade ranging from no production to production at approximately 80% of full operation. Thus, visibility improvement in Class I areas impacted by the Intalco facility will vary based on operating rates. The Intalco facility is currently operating at slightly less than 80% of full operation. As stated in the **Federal Register** proposal of December 26, 2012, the proposal to limit SO_2 emissions to 80% of baseline, combined with making the other components in the BART Alternative permanent and federally enforceable, will prevent degradation if the Intalco facility increases production above 80%. 77 FR 76193.

D. Alcoa Wenatchee Works

Comment: Several commenters suggested that the Alcoa Wenatchee Works was improperly exempted from BART review. This comment is based on Ecology's use of refined air quality dispersion modeling (0.5 km grid) which the commenters believe underestimates visibility impact. The commenters asserted that the use of fine grid modeling inappropriately underestimates the Wenatchee Works impacts at the Alpine Lakes Wilderness Area to a level below the BART threshold thus allowing it to be improperly exempt from BART. Allowing the use of fine grid modeling is contrary to numerous prior statements by the EPA. The commenters requested that the EPA disapprove Washington's BART exemption determination and conduct a BART analysis for the Wenatchee Works.

Response: In response to the comments, the EPA re-evaluated the dispersion modeling that the State used to exempt the Wenatchee Works from BART. On December 30, 2013, we published a proposed rulemaking action where we explained our rationale for proposing to disapprove the State's BART exemption determination, proposing that the facility was subject to BART, and proposing a BART FIP for the Wenatchee Works. 78 FR 79344. The adverse comments on that re-proposal are addressed below.

Comment: A commenter asserts that the EPA failed to address and resolve deficiencies in the Draft ''*Modeling Protocol for the Application of the CALPUFF Modeling System Pursuant to the Best Available Retrofit Technology (BART) Regulation*'' (the draft Three State Protocol) as identified by Alcoa to the EPA in a June 30, 2006 letter to EPA Region 10. The commenter claimed that this failure adversely affected the subject-to-BART modeling activities and improperly determined visibility impairment within the State of Washington.

Response: The major concern raised in the June 30, 2006 letter was that the draft Three State Protocol did not include a provision to allow for site specific protocols that include technical enhancements, such as better resolution and other site specific improvements. The June 30, 2006 letter requested that such enhancements be allowed in the BART exemption modeling and the BART determination modeling. It also stated that the 4 kilometer (km) grid resolution [18] did not replicate on-the-ground terrain features such as valley flow and land/water boundaries. For purposes of this action, a 4 km grid is considered a course grid and a 0.5 km grid is considered to be a fine grid.

The final Three State Protocol provided for site specific protocols. Deviations from and site specific improvements to the Three State Protocol are allowed. The *Modeling Protocol for Washington, Oregon, and Idaho: Protocol for the Application of the CALPUFF Modeling System Pursuant to the Best Available Retrofit Technology (BART) Regulation* (the final Three State Protocol) states in section 1.1 that:

> This modeling protocol is a cooperative effort among Idaho Department of Environmental Quality (IDEQ), Oregon Department of Environmental Quality (ODEQ), and Washington Department of Ecology (WDOE) to develop an analysis that will be applied consistently to the Idaho, Washington, and Oregon BART-eligible sources. The U.S. Fish and Wildlife Service, National Park Service, U.S. Forest Service, and U.S. EPA Region 10 were consulted during the development of this protocol (EPA 2006a, b, c). This protocol adopts the BART Guideline and addresses both the BART exemption as well as the BART determination modeling. The three agencies are also collaborating on the development of a consistent three-year meteorological data set. Collaboration on the protocol and meteorological data set helps ensure modeling consistency and the sharing of resources and workload.

As stated above, the development of the Three State Protocol was a collaborative effort that included seven government agencies. The Three State Protocol was viewed as guidance and not a prescription of how the modeling must be done in all cases. Consequently, if a BART-eligible source preferred to deviate from the Three State Protocol, such as generate its own predicted mesoscale meteorology simulations or employ a different grid resolution, as in the Wenatchee Works case, the state with jurisdiction would consult with the other six government agencies, including the EPA, before accepting the deviation. The purpose of the consultation is to resolve differing opinions on the deviation, ensure consistency and the integrity of the

[18] Grid resolution is the distance between points for which model data is established. In this case the data is the elevation above mean sea level. A course grid may miss changes in elevation in mountainous terrain (i.e. river valley features) and the model may not account for channeling of wind flow. The grid points are also the points where estimated pollutant concentrations and visibility impairment are calculated.

Three State Protocol, and maintain fairness to the BART-eligible sources. The EPA's endorsement of significant deviations from the Three State Protocol is necessary to effectively evaluate the SIP for technical adequacy in this important case of exempting a source from BART. As described below, the EPA had concerns with the deviation.

In July 2008, the EPA Region 10 communicated to Washington our concerns regarding use of fine grid modeling for the Wenatchee Works. In a July 8, 2008 email message to Ecology we stated, ''Nevertheless, R10 is willing to allow the use of new procedures, techniques or options as long as an acceptability demonstration is made in accordance with applicable guidance and is fully vetted by peers.'' The email also explained that, ''[t]he CALPUFF modeling system has never been evaluated or tested against tracer gas studies/experiments using a fine grid. As a minimum, Ecology and TRC should have submitted a protocol to R10 for acceptance to evaluate and test the sensitivity using a fine grid resolution in CALPUFF Version 5.8.'' The State failed to address these concerns.

Comment: A commenter claims that the EPA ''cherry picked'' statements and portrayed out of context, portions of the EPA's 2009 Modeling Clearinghouse Memorandum and misrepresented its relevance to the Wenatchee Works BART exemption modeling.

Response: The EPA disagrees with the commenter that the Modeling Clearinghouse Memorandum, dated May 15, 2009, was taken out of context to justify the rejection of the Wenatchee Works BART exemption modeling. The memorandum states in part that, ''. . . the Otter Tail Protocol presents no scientific evidence to support the claim that 1 km CALMET resolution increases the objective accuracy of the final wind field, especially in areas of relatively modest topographic relief, such as for each of the three proposed domains.'' Similarly, the commenter did not present any scientific evidence to support its claim that the proposed 500 meter grid resolution will adequately capture the terrain influenced wind flows (e.g., valley and slope) at its river valley location.

CALMET is a diagnostic meteorological model that produces non-steady-state hourly meteorological data but has limited ability to independently capture the full three-dimensional structure of complex wind flows at the Wenatchee Work's river valley location. Unlike the Otter Tail situation where the benefit may be limited, the EPA believes a network of meteorological monitoring stations (e.g., surface and upper air measurements) at the river valley location would better capture the three-dimensional, non-steady-state meteorology of this site. These data could be used to create a more accurate wind field that could then be used to more accurately predict the visibility impact from the Wenatchee Works.

Comment: A commenter questioned the value of revising the PM emission limitations that are being required of various emission units at the Wenatchee Works. The commenter states that the potential visibility improvement resulting from the reduction in allowable emissions is below the capability of the model to determine. Any potential visibility improvement that may accrue from imposing the SO_2 limit on Potline 5 would far exceed that of the direct $PM_{2.5}$ being emitted by these stacks. However another commenter said, ''We support retaining the existing particulate matter limit of .005 gr/dscf.''

Response: We acknowledge that tightening the particulate matter emission limits may have little effect on visibility improvement because the existing fabric filters are high efficiency control devices. However, in some instances the existing emission limits are well above the level that a properly operating fabric filter can achieve. BART is defined as an emission limit based on the degree of reduction achievable through the application of the best system of continuous emission reduction. The existing emission limits in some cases are not based on the degree of reduction achievable at this facility. The BART emission limits we are establishing reflect the achievable emission reductions for these units, and result in tighter limits.

Comment: A commenter said that they have been unable to ascertain the source of the emission factor for NO_X emissions from Potline 5. Additionally, they wonder about the value of an emission limitation based solely on the potline aluminum production rate and an emission factor. The commenter suggests three options; that the NO_X emission limit be removed, the emission factor be substantiated, or the emissions be based on actual monitoring.

Response: The EPA understands that this emission factor has been used by Alcoa to report NO_X emissions to the Department of Ecology for years. However, we recognize the lack of substantiation for the emission factor and Alcoa has indicated that they cannot quickly provide the EPA with a basis for the factor. In response to this comment, the EPA has revised the NO_X BART emission limit from the proposed 0.95 tons per calendar month to a ''test and set'' requirement that will require Alcoa to conduct source tests and develop a unit-specific NO_X emission factor for Potline 5. That emission factor will then be used to establish a monthly NO_X emission limit for Potline 5.

Comment: A commenter states that the EPA erroneously asserts that there are ''no'' SO_2 emissions associated with Ingot Furnaces No. 1, 2, and 11. The commenter requests that the statement be corrected to indicate there are trivial amounts of SO_2 created during the combustion of natural gas. Should the EPA elect not to withdraw its proposed actions and approve the Washington SIP, the commenter asks that the EPA determine that BART for SO_2 for these furnaces be comparable to the BART limit proposed for NO_X, which is a limitation on the type of fuel that may be combusted.

Response: There are trivial amounts of SO_2 emissions from the Ingot furnaces. The total SO_2 emitted from the three Ingot furnaces is 0.014 t/yr. We consider these insignificant, but as requested by the commenter, we will establish a BART requirement for SO_2. We agree with the commenter that BART for SO_2 would be the continued combustion of natural gas in the Ingot Furnaces. Thus, we are requiring the combustion of natural gas as BART for NO_X emissions and are adding a provision that requires the combustion of natural gas as BART for SO_2 emissions as well.

Comment: A commenter suggests that the EPA appears to be inconsistent in the cost analyses produced for limestone scrubbing for SO_2. The commenter explains that, in what appears to be the final cost analysis (document #501 in the docket), the EPA has included no costs for gypsum disposal, but that documents #503 and #504 in the docket do contain a disposal cost for gypsum. Based on experience with similar useable waste materials the commenter states that the EPA should include a disposal cost for the gypsum produced by the limestone scrubbing system. The commenter has found that even a useful waste like gypsum cannot be disposed of or given away at no cost to the source. At a minimum, the company generating the waste material has to cover the cost of storage and transport to a user.

Response: The commenter appears to be confusing cost analyses conducted by Alcoa (documents #503 and #504) with the EPA's cost analysis (document #501). A detailed response to the comment with regard to the inclusion of gypsum disposal cost in the cost analysis has been provided above addressing a similar comment regarding

the SO_2 BART analysis for the Intalco facility.

Comment: A commenter states that the EPA Region 10 ignored agency precedent and other factual information in the development of the Wenatchee Works cost of compliance analysis when it relied on the cost analysis for a similar scrubber at the Intalco facility. The commenter states that the EPA made the same flaws in the Wenatchee analysis that it made in the Intalco analysis specifically: Equipment life, use of vendor quotes, use of unsubstantiated costs, ignoring cost data provided by Alcoa, and using data that underestimate the cost of LSFO.

Response: This comment for the Wenatchee Works is similar to a comment about the Intalco BART analysis addressed above. See our response regarding the cost of compliance calculation for the Intalco facility. The same rationale for our response to the Intalco BART analysis comment applies to this comment regarding the Wenatchee Works.

Comment: A commenter suggests that the process description for the anode bake furnace at the Wenatchee facility is incorrect in the preamble to the December 30, 2013 re-proposal.

Response: The commenter is correct in that the carbon anodes are not used in an electric arc furnace, rather the facility produces aluminum from alumina via an electrochemical reduction process that occurs in ''electrolytic reduction cells'' commonly known as (pots) using the Hall-Heroult process.

Comment: A commenter said that provisions for alternative fuel use should be included, when a change to fuel use is permitted or required pursuant to governmental dictate.

Response: We understand that Alcoa may change to an alternate fuel in the future. However, we cannot ensure that the requirement for BART is met by simply allowing for the use of an alternative fuel that is permitted or required by the government. If Alcoa choses to change to a fuel other than natural gas, the normal process would be to request the EPA to revise this rule and establish an appropriate BART emission limit for the alternative fuel. We do, however, believe that we can provide for the situation where the use of an alternative fuel may be approved in a Prevention of Significant Deterioration (PSD) permit. It is the EPA's position that a Best Available Control Technology (BACT) emission limit for a pollutant established in a PSD permit will likely be at least as stringent as a BART emission limit for that pollutant. We have added a provision to this rule that would allow a federally-enforceable BACT emission limit for NO_X which is established in a PSD permit to supersede the BART emission limit for NO_X established in this rule.

Comment: A commenter notes there appears to be a discrepancy between the baseline SO_2 emissions and emissions reduced through LFSO at Potline 5. The proposal states that Potline 5 has a baseline emissions rate of 1000.8 tons of SO_2 per year. However, the supporting BART analysis appears to assume that an LFSO scrubber could reduce emissions by 1955 tons per year which would be greater than the annual baseline emissions.

Response: The EPA does not agree that there is a discrepancy between the SO_2 emission values for Potline 5 in the proposal and in the BART analysis. The 1000.8 tons per year value in the proposal is the baseline SO_2 emission rate which represents the actual annual emissions from the Potline during the baseline period. The 1955 tons per year emission reduction in the BART analysis represents an estimate of the potential emission reduction from the maximum potential to emit from the Potline that could be expected from the application of LFSO.

Comment: A commenter said that the EPA should consider ways to monitor and make more easily enforceable the proposed BART emissions limits. Most of the units at the Wenatchee Works do not have continuous emissions monitoring systems (''CEMS''), and for many of the units, the EPA is proposing limits based on the content of the fuel or emissions per unit of production. For Potline 5, the EPA proposes a BART limit expressed as pounds of SO_2 per ton of aluminum produced, per calendar month. Potline 5 has the highest SO_2 emissions of any BART-eligible unit at the Wenatchee facility, but it does not currently have a CEMS. To gather more accurate data on the unit's actual emissions and to ensure compliance with any emissions limit, the commenter believes that the EPA should require installation of a CEMS and express the emissions limit in terms of SO_2 emitted per month, as a rolling 30-day average.

Response: Emissions from primary aluminum plants have traditionally been regulated with emission standards in the form of pounds of emissions per ton of aluminum produced (*see, e.g.,* the EPA's New Source Performance Standards for aluminum plants at 40 CFR part 60, subpart S, the EPA's Maximum Achievable Control Technology standards for aluminum plants at 40 CFR part 63, subpart LL, and Ecology's emission limits for aluminum plants at WAC 173–415). The EPA believes that establishing BART emission limits in the same form as the limits for other pollutants set under other programs will both ensure enforceable limits on visibility impairing pollutants as well as provide a consistent set of requirements for the regulated sources. The EPA also believes that for SO_2 emissions, a mass balance approach to demonstrating compliance, rather than CEMS, is appropriate for Potline 5. SO_2 from Potline 5 is emitted both from the gas treatment centers air pollution control units (GTC) and the roof vents. Measuring SO_2 emissions from the roof vents with CEMS is not feasible. In addition, a mass balance approach with frequent monitoring of the sulfur in the anodes adequately accounts for the SO_2 emissions from both the GTC and the roof vents. Similarly, restricting BART-eligible units to a particular fuel (e.g., natural gas) and then monitoring the fuel combusted in the units that have no other SO_2 emission controls also adequately accounts for the SO_2 emissions from those units.

Comment: A commenter said that the EPA merged monitoring and compliance demonstration requirements in 40 CFR 52.2502(c)(1)(i) and created ambiguity that requires further clarification.

Response: We agree with the commenter that the proposed rule merged the monitoring and compliance demonstration requirements for the sulfur limit for incoming coke in a way that was confusing. We have reformatted the provision to more clearly specify how compliance is demonstrated for the sulfur limit for incoming coke and the required monitoring to determine the sulfur content of incoming coke. Note that this SO_2 BART limit for the anode bake furnaces does not affect the SO_2 BACT emission limit in the 1982 EPA PSD permit (PSD–X82–04) for Potlines 1 through 3.

Comment: A commenter notes that the emissions in excess of the various BART limits proposed throughout the final rule must not be exceeded one-hundred twenty days after the final rule is published in the **Federal Register**. The commenter claims a more appropriate compliance date for these emission limits is the requirement to comply with the BART limits ''within 120 days of the final rule becoming effective,'' not when the final rule is published in the **Federal Register**. The EPA should restate the compliance date for the BART requirements affected by this proposed regulation.

Response: We have changed the compliance dates throughout the rule to reflect both the expected effective date of this action as well as to tie the compliance date to the effective date of the final rule. Specifically, the compliance date for the Intalco facility's calendar year SO_2 BART limit is set at January 1, 2015. The compliance date for the NO_X 'test and set' emission limit is 180 days after the effective date of the final rule. The compliance dates for all other BART emission limits are 120 days after the effective date of this action. The compliance date for the Tesoro refinery was also revised to 120 days after the effective date of this action.

IV. Conclusion

EPA is taking final action to partially approve and partially disapprove Washington's SIP for Regional Haze and to promulgate a FIP for the disapproved elements. The EPA is approving portions of the Washington Regional Haze SIP as meeting the requirements of 40 CFR 51.308 for the first planning period and disapproving other portions. The disapproved portions are corrected with today's promulgation of FIP elements.

As discussed above, promulgation of the FIP BART elements for the Tesoro refinery, the Intalco facility, and the Wenatchee Works does not require the purchase or installation new air pollution control equipment, but rather establishes BART based on existing control technology. Thus, the only additional costs incurred by the owners of these facilities will be minimal expenditures for monitoring, reporting, and recordkeeping. EPA expects that this action will prevent visibility degradation in the Class I areas by limiting potential future increases in emissions from changes at the facilities.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action finalizes approval of portions of the Washington SIP and a FIP for emission units subject to BART at three facilities. This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011). It is therefore not a rule of general applicability.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq*. Burden is defined at 5 CFR 1320.3(b). Because the final FIP applies to just three facilities, the Paperwork Reduction Act does not apply. *See* 5 CFR 1320(c).

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of today's final rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. After considering the economic impacts of today's final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. The FIP that the EPA is finalizing for purposes of the regional haze program consists of imposing Federal controls to meet the BART requirements for three specifically identified facilities. The net result of this FIP action is that the EPA is finalizing emission limits on selected units at only three sources which are not considered small business. The sources in question are two aluminum smelters and a petroleum refinery. The final partial approval of the SIP merely approves state law as meeting Federal requirements and does not impose additional requirements.

D. Unfunded Mandates Reform Act (UMRA)

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments and the private sector. Under section 202 of UMRA, the EPA generally must prepare a written statement, including a cost-benefit analysis, for final rules with ''Federal mandates'' that may result in expenditures to State, local, and Tribal governments, in the aggregate, or to the private sector, of $100 million or more (adjusted for inflation) in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of UMRA generally requires the EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 of UMRA do not apply when they are inconsistent with applicable law. Moreover, section 205 of UMRA allows the EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including Tribal governments, it must have developed under section 203 of UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of the EPA regulatory actions with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements. Under title II of UMRA, the EPA has determined that this final rule does not contain a Federal mandate that may result in expenditures that exceed the inflation-adjusted UMRA threshold of $100 million ($150 in 2013 when adjusted for inflation) by State, local, or Tribal governments or the private sector in any one year. The private sector expenditures that will result from the FIP, including BART emission limits, are insignificant. The BART emission limits for the Alcoa Intalco Operations and Alcoa Wenatchee Works do not involve installation of new control technology, but rather establish BART emission limits based on the existing control technology. The BART Alternative for the Tesoro refinery involves taking credit for voluntary SO_2 emission reductions in-lieu of installing BART-level NO_X control technology on emission units subject to BART. Thus, because the annual expenditures associated with the FIP are less than the inflation-adjusted threshold of $150 million in any one year, this rule is not

subject to the requirements of sections 202 or 205 of UMRA. This rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments.

E. Executive Order 13132: Federalism

Executive Order 13132, *Federalism,* (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires the EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that 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.'' Under Executive Order 13132, the EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by state and local governments, or the EPA consults with state and local officials early in the process of developing the final regulation. The EPA also may not issue a regulation that has federalism implications and that preempts state law unless the Agency consults with state and local officials early in the process of developing the final regulation. This rule will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely addresses the State not fully meeting its obligation under the CAA to include in its SIP provisions to meet the visibility requirements of part C of title I of the CAA and to prohibit emissions from interfering with other states measures to protect visibility. Thus, Executive Order 13132 does not apply to this action.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled *Consultation and Coordination With Indian Tribal Governments* (65 FR 67249, November 9, 2000), requires the EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This final rule does not have Tribal implications, as specified in Executive Order 13175 because the SIP and FIP do not have substantial direct effects on Tribal governments. Thus, Executive Order 13175 does not apply to this rule. The EPA nonetheless provided a consultation opportunity to Tribes in Idaho, Oregon and Washington in letters dated January 14, 2011. The EPA received one request for consultation. We followed-up with that Tribe and the Tribe does not think consultation is necessary at this time. On September 20, 2012, EPA provided an additional consultation opportunity to seven Tribes in Washington near the facilities that would be regulated under the FIP. We received no requests for consultation.

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

The EPA interprets EO 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the EO has the potential to influence the regulation. This action is not subject to EO 13045 because it implements specific standards established by Congress in statutes. However, to the extent this final rule will limit emissions of NO_X and PM, the rule will have a beneficial effect on children's health by reducing air pollution.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards (VCS) in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. VCS are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs the EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable VCS. The EPA believes that VCS are inapplicable to the partial approval of the SIP that if merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. The FIP portion of this rulemaking involves technical standards. The EPA is using American Society for Testing and Materials (ASTM) Methods and generally accepted test methods previously promulgated by the EPA. Because all of these methods are generally accepted and are widely used by State and local agencies for determining compliance with similar rules, the EPA believes it would be impracticable and potentially confusing to put in place methods that vary from what is already accepted. As a result, the EPA believes it is unnecessary and inappropriate to consider alternative technical standards.

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

Executive Order 12898 (59 FR 7629, February 16, 1994), establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. We have determined that this final action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the

Congress and to the Comptroller General of the United States. Section 804 exempts from section 801 the following types of rules (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). The EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability.

L. Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 11, 2014. Pursuant to CAA section 307(d)(1)(B), this action is subject to the requirements of CAA section 307(d) as it promulgates a FIP under CAA section 110(c). Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* CAA section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Regional haze, Visibility, and Volatile organic compounds.

Dated: May 30, 2014.

Gina McCarthy,

Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart WW—Washington

■ 2. Section 52.2470 is amended as follows:

■ a. In paragraph (d) by adding footnote 1 to the table and adding six entries to the end of the table.

■ b. In paragraph (e) by adding in TABLE 2—ATTAINMENT, MAINTENANCE, AND OTHER PLANS an entry ''Regional Haze SIP'' at the end of the section with the heading ''Visibility and Regional Haze Plans.''

§ 52.2470 Identification of plan.

* * * * *

(d) * * *

EPA-APPROVED WASHINGTON SOURCE-SPECIFIC REQUIREMENTS [1]

Name of source	Order/permit number	State effective date	EPA approval date	Explanation
*	*	*	*	*
BP Cherry Point Refinery	Administrative Order No. 7836.	7/7/2010	6/11/2014 [Insert page number where the document begins].	The following conditions: 1.2, 1.2.1, 1.3, 1.3.2, 1.3.3, 2.2, 2.2.1,2.2.2,2.2.3, 2.2.4, 2.2.5, 2.3, 2,3,1, 2.3.2, 2.4, 2.4.1, 2.4.2, 2.5, 2.5.1, 2.5.2, 2.5.2.1, 2.6, 2.6.1, 2.6.1.1., 2.6.1.2, 2.6.2, 2.6.3, 2.6.4, 2.7, 2.7.1, 2.7.2, 2.7.3, 2.8, 2.8.1, 2.8.2, 2.8.3, 2.8.4, 2.9, 2.9.1, 2.9.2, 2.9.3, 2.9.4, 2.9.5, 2.9.6, 3., 3.2, 3.2.1, 3.2.2, 3.3, 3.3.1, 3.3.1.1, 3.3.2, 3.3.3, 3.3.4, 4, 4.1, 4.1.1, 4.1.1.1, 4.1.1.2, 4.1.1.3, 4.1.1.4, 5., 6, 6.2, 6.3, 6.4, 7.
Alcoa Intalco Works	Administrative Order No. 7837, Revision 1.	11/15/10	6/11/14 [Insert page number where the document begins].	The following conditions: 1, 2., 2.1, 3., 4., 4.1, Attachment A conditions: A1, A2, A3, A4, A5, A6, A7, A8, A9, A10, A11, A12, A13, A14.
Tesoro Refining and Marketing Company.	Administrative Order 7838.	7/7/10	6/11/14 [Insert page number where the document begins].	The following conditions: 1., 1.1, 1.1.1, 1.1.2, 1.2, 1.3, 1.4, 1.5, 1.5.1, 1.5.1.1,1.5.1.2, 1.5.1.3, 1.5.2, 1.5.3, 1.5.4, 1.5.5, 1.5.6, 2., 2.1, 2.1.1, 2.1.1.1, 2.1.2, 2.1.3, 2.2, 2.2.1, 3. 3.1, 3.1.1, 3.1.2, 3.1.2.1, 3.1.2.2, 3.1.2.3, 3.2, 3.2.1, 3.2.1.1, 3.2.1.2, 3.2.1.3, 3.2.1.4, 3.2.1.4.1, 3.2.1.4.2, 3.2.1.4.3, 3.2.1.4.4, 3.2.1.4.5, 3.3, 3.3.1, 3.4, 3.4.1, 3.4.2, 4., 4.1, 5., 5.1, 6., 6.1, 6.1.1, 6.1.2, 6.1.3, 6.1.4, 7., 7.1, 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.5, 7.2, 7.2.1, 7.2.2, 7.2.3, 7.2.4, 8. 8.1, 8.1.1, 8.1.2, 8.2, 8.2.1, 8.2.2, 8.2.3, 8.3, 8.3.1, 8.3.2, 9., 9.1, 9.1.1, 9.1.2, 9.2, 9.2.1, 9.39.3.1, 9.3.2, 9.3.3,9.4, 9.4.1, 9.4.2, 9.4.3, 9.4.5, 9.4.6, 9.5, 10, 11, 12, 13, 13.1, 13.2, 13.3, 13.4, 13.5, 13.6.
Port Townsend Paper Corporation.	Administrative Order No. 7839, Revision 1.	10/20/10	6/11/14 [Insert page number where the document begins].	The following Conditions:1, 1.1, 1.2, 1.3, 2, 2.1, 3, 3.1, 4.

EPA-APPROVED WASHINGTON SOURCE-SPECIFIC REQUIREMENTS [1]—Continued

Name of source	Order/permit number	State effective date	EPA approval date	Explanation
Lafarge North America, Inc. Seattle, Wa.	Administrative Revised Order No. 7841.	7/28/10	6/11/14 [Insert page number where the document begins].	The following Conditions: 1, 1.1, 1.2, 2, 2.1, 2.1.1, 2.1.2, 2.2, 2.3, 3, 3.1, 3.1.1, 3.1.2, 3.1.3, 3.2, 3.3, 4, 4.1, 5, 5.1, 5.1.1, 5.1.2, 5.2, 5.3, 6, 6.1, 7, 7.1, 7.2, 7.3, 7.4, 7.5, 8, 8.1, 8.2, 8.3, 8.4, 8.5, 9, 10, 11, 12.
Weyerhaeuser Corporation, Longview, Wa.	Administrative Order No. 7840.	7/7/10	6/11/14 [Insert page number where the document begins].	The following Conditions: 1, 1.1, 1.1.1, 1.1.2, 1.1.3, 1.2, 1.2.1, 1.2.2, 1.2.3, 1.3, 1.3.1, 1.4, 2, 2.1, 3, 3.1, 4, 4.1.

[1] The EPA does not have the authority to remove these source-specific requirements in the absence of a demonstration that their removal would not interfere with attainment or maintenance of the NAAQS, violate any prevention of significant deterioration increment or result in visibility impairment. Washington Department of Ecology may require removal by submitting such a demonstration to the EPA as a SIP revision.

(e) * * *

* * * * *

TABLE 2—ATTAINMENT, MAINTENANCE, AND OTHER PLANS

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
*	*	*	*	*
Visibility and Regional Haze Plans				
*	*	*	*	*
Regional Haze SIP	State-wide	12/22/10	6/11/14 [Insert page number where the document begins].	The Regional Haze SIP including those provisions relating to BART incorporated by reference in § 52.2470 'Identification of plan' with the exception of the BART provisions that are replaced with a BART FIP in § 52.2498 Visibility protection., § 52.2500 Best available retrofit technology requirements for the Intalco Aluminum Corporation (Intalco Works) primary aluminum plant—Better than BART Alternative., § 52.2501 Best available retrofit technology (BART) requirement for the Tesoro Refining and Marketing Company oil refinery—Better than BART Alternative., § 52.2502 Best available retrofit technology requirements for the Alcoa Inc.—Wenatchee Works primary aluminum smelter.
*	*	*	*	*

■ 3. Section 52.2475 is amended by revising the heading of paragraph (g) and paragraph (g)(1) to read as follows:

§ 52.2475 Approval of plans.

* * * * *

(g) *Visibility protection.* (1) The EPA approves portions of a Regional Haze SIP submitted by the Washington Department of Ecology on December 22, 2010, as meeting the requirements of Clean Air Act section 169A and 169B and 40 CFR 51.308, with the exception of certain BART requirements for the Alcoa Intalco Works, the Alcoa Wenatchee Works, and the Tesoro Refining and Marketing Company.

* * * * *

■ 4. Section 52.2498 is amended by adding paragraph (c) to read as follows:

§ 52.2498 Visibility protection.

* * * * *

(c) The requirements of sections 169A and 169B of the Clean Air Act are not met because the plan does not include approvable provisions for protection of visibility in mandatory Class I Federal areas, specifically the Best Available Retrofit Technology (BART) requirement for regional haze visibility impairment (§ 51.308(e)). The EPA BART requirements are found in §§ 52.2500, 52.2501, and 52.2502.

■ 5. Section 52.2500 is added to subpart WW to read as follows:

§ 52.2500 Best available retrofit technology requirements for the Intalco Aluminum Corporation (Intalco Works) primary aluminum plant—Better than BART Alternative.

(a) *Applicability.* This section applies to the Intalco Aluminum Corporation (Intalco) primary aluminum plant located in Ferndale, Washington and to its successors and/or assignees.

(b) *Better than BART Alternative—Sulfur dioxide* (SO_2) *emission limit for potlines.* Starting January 1, 2015, SO_2 emissions from all potlines in aggregate must not exceed a total of 5,240 tons for any calendar year.

(c) *Compliance demonstration.* (1) Intalco must determine on a calendar month basis, SO_2 emissions using the following formula:

SO_2 emissions in tons per calendar month = (carbon consumption ratio) × (% sulfur in baked anodes/100) × (% sulfur converted to SO_2/100) × (2 pounds of SO_2 per pound of sulfur) × (tons of aluminum production per calendar month)

(i) Carbon consumption ratio is the calendar month average of tons of baked anodes consumed per ton of aluminum produced as determined using the baked anode consumption and production records required in paragraph (e)(2) of this section.

(ii) % sulfur in baked anodes is the calendar month average sulfur content as determined in paragraph (d) of this section.

(iii) % sulfur converted to SO_2 is 95%.

(2) Calendar year SO_2 emissions shall be calculated by summing the 12 calendar month SO_2 emissions for the calendar year.

(d) *Emission monitoring.* (1) Intalco must determine the % sulfur of baked anodes using ASTM Method D6376 or an alternative method approved by the EPA Region 10.

(2) Intalco must collect at least four anode core samples during each calendar week.

(3) Calendar month average sulfur content shall be determined by averaging the sulfur content of all samples collected during the calendar month.

(e) *Recordkeeping.* (1) Intalco must record the calendar month SO_2 emissions and the calendar year SO_2 emissions determined in paragraphs (c)(1) and (c)(2) of this section.

(2) Intalco must maintain records of the baked anode consumption and aluminum production data used to develop the carbon consumption ratio used in paragraph (c)(1)(i) of this section.

(3) Intalco must retain a copy of all calendar month carbon consumption ratio and potline SO_2 emission calculations.

(4) Intalco must record the calendar month net production of aluminum and tons of aluminum produced each calendar month. Net production of aluminum is the total mass of molten metal produced from tapping all pots in all of the potlines that operated at any time in the calendar month, measured at the casthouse scales and the rod shop scales.

(5) Intalco must record the calendar month average sulfur content of the baked anodes.

(6) Records are to be retained at the facility for at least five years and be made available to the EPA Region 10 upon request.

(f) *Reporting.* (1) Intalco must report the calendar month SO_2 emissions and the calendar year SO_2 emissions to the EPA Region 10 at the same time as the annual compliance certification required by the Part 70 operating permit for the Intalco facility is submitted to the Title V permitting authority.

(2) All documents and reports must be sent to the EPA Region 10 electronically, in a format approved by the EPA Region 10, to the following email address: *R10-AirPermitReports@epa.gov.*

■ 6. Section 52.2501 is added to subpart WW to read as follows:

§ 52.2501 Best available retrofit technology (BART) requirement for the Tesoro Refining and Marketing Company oil refinery—Better than BART Alternative.

(a) *Applicability.* This section applies to the Tesoro Refining and Marketing Company oil refinery (Tesoro) located in Anacortes, Washington and to its successors and/or assignees.

(b) *Better than BART Alternative.* The sulfur dioxide (SO_2) emission limitation for non-BART eligible process heaters and boilers (Units F–101, F–102, F–201, F–301, F–652, F–751, and F–752) follows.

(1) *Compliance Date.* Starting no later November 10, 2014, Units F–101, F–102, F–201, F–301, F–652, F–751, and F–752 shall only fire refinery gas meeting the criteria in paragraph (b)(2) of this section or pipeline quality natural gas.

(2) *Refinery fuel gas requirements.* In order to limit SO_2 emissions, refinery fuel gas used in the units from blend drum V–213 must not contain greater than 0.10 percent by volume hydrogen sulfide (H_2S), 365-day rolling average, measured according to paragraph (d) of this section.

(c) *Compliance demonstration.* Compliance with the H_2S emission limitation must be demonstrated using a continuous emissions monitoring system as required in paragraph (d) of this section.

(d) *Emission monitoring.* (1) A continuous emissions monitoring system (CEMS) for H_2S concentration must be installed, calibrated, maintained and operated measuring the outlet stream of the fuel gas blend drum subsequent to all unmonitored incoming sources of sulfur compounds to the system and prior to any fuel gas combustion device. The monitor must be certified in accordance with 40 CFR part 60 appendix B and operated in accordance with 40 CFR part 60 appendix F.

(2) Tesoro must record the calendar day average H_2S concentration of the refinery fuel gas as measured by the CEMS required in paragraph (d)(1) of this section. The daily averages must be used to calculate the 365-day rolling average.

(e) *Recordkeeping.* Records of the daily average H_2S concentration and 365-day rolling averages must be retained at the facility for at least five years and be made available to the EPA Region 10 upon request.

(f) *Reporting.* (1) Calendar day and 365-day rolling average refinery fuel gas H_2S concentrations must be reported to the EPA Region 10 at the same time that the semi-annual monitoring reports required by the Part 70 operating permit for the Tesoro oil refinery are submitted to the Title V permitting authority.

(2) All documents and reports must be sent to the EPA Region 10 electronically, in a format approved by the EPA Region 10, to the following email address: *R10-AirPermitReports@epa.gov.*

■ 7. Section 52.2502 is added to subpart WW to read as follows:

§ 52.2502 Best available retrofit technology requirements for the Alcoa Inc.—Wenatchee Works primary aluminum smelter.

(a) *Applicability.* This section applies to the Alcoa Inc.—Wenatchee Works primary aluminum smelter (Wenatchee Works) located near Wenatchee, Washington and to its successors and/or assignees.

(b) *Best available retrofit technology (BART) emission limitations for Potline 5*—(1) *Sulfur dioxide* (SO_2) *emission limit.* Starting November 10, 2014, SO_2 emissions from Potline 5 must not exceed 46 pounds per ton of aluminum produced during any calendar month as calculated in paragraph (b)(1)(i) of this section.

(i) *Compliance demonstration.* Alcoa must determine SO_2 emissions, on a calendar month basis using the following formulas:

SO_2 emissions in pounds = (carbon ratio) × (tons of aluminum produced during the calendar month) × (% sulfur in baked anodes/100) × (% sulfur converted to SO_2/100) × (2 pounds of SO_2 per pound of sulfur)

SO_2 emissions in pounds per ton of aluminum produced = (SO_2 emissions in pounds during the calendar month)/(tons of aluminum produced during the calendar month)

(A) The carbon ratio is the calendar month average of tons of baked anodes consumed per ton of aluminum produced as determined using the baked anode consumption and aluminum production records required in paragraph (h)(2) of this section.

(B) The % sulfur in baked anodes is the calendar month average sulfur content as determined in paragraph (b)(1)(ii) of this section.

(C) The % sulfur converted to SO_2 is 90%.

(ii) *Emission monitoring.* The % sulfur of baked anodes must be determined using ASTM Method D6376 or an alternative method approved by the EPA Region 10.

(A) At a minimum, Alcoa must collect no less than four baked anode core samples during each calendar week.

(B) Calendar month average sulfur content must be determined by averaging the sulfur content of all samples collected during the calendar month.

(2) *Particulate matter (PM) emission limit.* Starting November 10, 2014, PM emissions from the Potline 5 Gas Treatment Center stack must not exceed 0.005 grains per dry standard cubic foot of exhaust gas.

(3) *Nitrogen oxides (NO_X) emission limit.* Starting January 7, 2015, NO_X emissions from Potline 5 must not exceed, in tons per calendar month, the emission limit determined under paragraph (b)(3)(iii) of this section.

(i) *Compliance demonstration.* Alcoa must determine NO_X emissions, on a calendar month basis using the following formula:

NO_X emissions in tons per calendar month = (the emission factor determined under paragraph (b)(3)(ii) of this section, in pounds of NO_X per ton of aluminum produced) × (number of tons of aluminum produced in the calendar month)/(2000 pounds per ton).

(ii) *NO_X emission factor development.* By September 9, 2014, Alcoa must submit to the EPA a plan for testing NO_X emissions from Potline 5 and developing an emission factor in terms of pounds of NO_X per ton of aluminum produced. This plan must include testing NO_X emissions from both the Gas Treatment Center stack and the potline roof vents along with measurements of volumetric flow and aluminum production such that mass emissions can be determined and correlated with aluminum production. Within 90 days after the EPA approval of the plan, Alcoa shall conduct the testing and submit the resultant emission factor to the EPA at the address listed in paragraph (i)(5) of this section.

(iii) *NO_X emission limit.* NO_X emission limit in tons per calendar month = (the emission factor determined under paragraph (b)(3)(ii) of this section, in pounds of NO_X per ton of aluminum produced) × (5546.2 tons of aluminum per month)/(2000 pounds per ton).

(c) *Best available retrofit technology (BART) emission limitations for Anode Bake Furnace #62*—(1) *Sulfur dioxide (SO_2) emission limit.* Starting November 10, 2014, the sulfur content of the coke used in anode manufacturing must not exceed a weighted average of 3.0 percent during any calendar month as calculated in paragraph (c)(1)(i) of this section.

(i) *Compliance demonstration.* The weighted monthly average sulfur content of coke used in manufacturing shall be calculated as follows:

Weighted average percent sulfur = $\Sigma(C_{1\text{-}n} \times SC_{1\text{-}n}/100)/\Sigma C_{1\text{-}n} * 100$

Where:

C_n is the quantity of coke in shipment n in tons

SC_n is the percent sulfur content by weight of the coke in shipment n

n is the number of shipments of coke in the calendar month

(ii) *Emission monitoring.* Alcoa must test each shipment of coke for sulfur content using ASTM Method D6376 or an alternative method approved by the EPA Region 10. Written documentation from the coke supplier certifying the sulfur content is an approved alternative method.

(2) *Particulate matter (PM) emission limit.* Starting November 10, 2014, the PM emissions from the anode bake furnaces stack must not exceed 0.01 grains per dry standard cubic foot of exhaust gas.

(3) *Nitrogen oxides (NO_X) emission limit.* Starting November 10, 2014, the anode bake furnaces must only combust natural gas.

(i) *Compliance demonstration.* Compliance shall be demonstrated through fuel purchase records.

(ii) *Best Available Retrofit Technology (BART) Nitrogen oxides (NO_X) emission limit for an approved alternative fuel.* Compliance with a Best Available Control Technology (BACT) emission limit for NO_X for the anode bake furnaces, established in a Prevention of Significant Deterioration (PSD) permit issued pursuant to 40 CFR 52.21 or pursuant to an EPA-approved PSD program that meets the requirements of 40 CFR 51.166, shall be deemed to be compliance with BART for a fuel other than natural gas.

(d) *Best available retrofit technology (BART) emission limitations for Ingot Furnace 1 (IP–1), Ingot Furnace 2 (IP–2), and Ingot Furnace 11 (IP–11)*—(1) *Particulate matter (PM) emission limits.* Starting November 10, 2014, the PM emissions from each of ingot furnaces IP–1, IP–2, and IP–11 must not exceed 0.1 grains per dry standard cubic foot of exhaust gas.

(2) *Nitrogen oxides (NO_X) emission limit.* Starting November 10, 2014, each of the ingot furnaces IP–1, IP–2, and IP–11 must only combust natural gas.

(3) *Sulfur dioxide (SO_X) emission limit.* Starting November 10, 2014, each of the ingot furnaces IP–1, IP–2, and IP–11 must only combust natural gas.

(i) *Compliance demonstration.* Alcoa must demonstrate compliance through fuel purchase records.

(ii) [Reserved]

(e) *Best available retrofit technology (BART) particulate matter (PM) emission limitations for the Green Mill.* (1) Starting November 10, 2014, the PM emissions from the Green Mill Dry Coke Scrubber must not exceed 0.005 grains per dry standard cubic foot of exhaust gas.

(2) Starting November 10, 2014, the PM emissions from the Green Mill Dust Collector 2 must not exceed 0.01 grains per dry standard cubic foot of exhaust gas.

(f) *Best available retrofit technology (BART) particulate matter (PM) emission limitations for alumina handling operations.* (1) Starting November 10, 2014, the opacity from the alumina handling fabric filters (21M and 19C) must not exceed 20 percent.

(2) Starting November 10, 2014, the PM emissions from the alumina rail car unloading baghouse (43E) must not exceed 0.005 grains per dry standard cubic foot of exhaust gas.

(g) *Source testing.* (1) Alcoa must perform source testing to demonstrate compliance with emission limits established in this section upon request by the EPA Region 10 Administrator.

(2) The reference test method for measuring PM emissions is EPA Method 5 (40 CFR part 60, appendix A).

(3) The reference test method for measuring opacity from the alumina handling fabric filters (21M and 19C) is EPA Method 9 (40 CFR part 60, appendix A).

(4) The EPA Region 10 may approve the use of an alternative to a reference test method upon an adequate

demonstration by Alcoa that such alternative provides results equivalent to that of the reference method.

(h) *Recordkeeping.* Except as provided in paragraph (h)(6) of this section, starting November 10, 2014, Alcoa must keep the following records:

(1) Alcoa must retain a copy of all calendar month Potline 5 SO_2 emissions calculations.

(2) Alcoa must maintain records of the baked anode consumption and aluminum production data used to develop the carbon ratio.

(3) Alcoa must retain a copy of all calendar month carbon ratio and potline SO_2 emission calculations.

(4) Alcoa must record the calendar day and calendar month production of aluminum.

(5) Alcoa must record the calendar month average sulfur content of the baked anodes.

(6) Starting January 7, 2015, Alcoa must retain a copy of all calendar month potline NO_X emission calculations.

(7) Alcoa must record the sulfur content of each shipment of coke and the quantity of each shipment of coke.

(8) Alcoa must keep fuel purchase records showing the type(s) of fuel combusted in the anode bake furnaces.

(9) Alcoa must keep fuel purchase records showing the type(s) of fuel combusted in the ingot furnaces.

(10) Records must be retained at the facility for at least five years and be made available to the EPA Region 10 upon request.

(i) *Reporting.* (1) Alcoa must report SO_2 emissions by calendar month to the EPA Region 10 on an annual basis at the same time as the annual compliance certification required by the Part 70 operating permit for the Wenatchee Works is submitted to the Title V permitting authority.

(2) Alcoa must report NO_X emissions by calendar month to the EPA Region 10 on an annual basis at the same time as the annual compliance certification required by the Part 70 operating permit for the Wenatchee Works is submitted to the Title V permitting authority.

(3) Alcoa must report the monthly weighted average sulfur content of coke received at the facility for each calendar month during the compliance period to the EPA Region 10 at the same time as the annual compliance certification required by the Part 70 operating permit for the Wenatchee Works is submitted to the Title V permitting authority.

(4) Alcoa must report the fuel purchase records for the anode bake furnaces and the ingot furnaces during the compliance period to the EPA Region 10 at the same time as the annual compliance certification required by the Part 70 operating permit for the Wenatchee Works is submitted to the Title V permitting authority.

(5) All documents and reports must be sent to the EPA Region 10 electronically, in a format approved by the EPA Region 10, to the following email address: *R10-AirPermitReports@epa.gov.*

[FR Doc. 2014–13491 Filed 6–10–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R02–OAR–2014–0127; FRL–9912–05–Region 2]

Approval and Promulgation of State Plans for Designated Facilities; New York; Control of Emissions From Existing Sewage Sludge Incineration Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the section 111(d)/129 plan submitted by New York State for the purpose of implementing and enforcing the emission guidelines for existing sewage sludge incineration (SSI) units. The intended effect of this action is to approve a plan required by the Clean Air Act (CAA) which establishes emission limits and other requirements for existing sewage sludge incineration units and provides for the implementation and enforcement of those limits and other requirements. New York submitted its plan to fulfill the requirements of sections 111 and 129 of the CAA.

DATES: This rule is effective on July 11, 2014.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R02–OAR–2014–0127. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region II Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is 212–637–4249.

FOR FURTHER INFORMATION CONTACT: Anthony (Ted) Gardella (*Gardella.Anthony@EPA.Gov*), Air Programs Branch, Environmental Protection Agency, Region 2, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–3892.

SUPPLEMENTARY INFORMATION:

I. What action is EPA taking today?

EPA is approving New York's plan, and the elements therein, as submitted on July 1, 2013, for the control of air emissions from existing sewage sludge incineration (SSI) units throughout the State, except for any existing SSI units located in Indian Nation Land.[1] When EPA developed the New Source Performance Standards (NSPS) (subpart LLLL) for SSI units on March 21, 2011, it concurrently promulgated Emission Guidelines (subpart MMMM) to control air emissions from existing SSI units.

The New York State Department of Environmental Conservation (NYSDEC) developed a plan, as required by sections 111(d) and 129 of the Clean Air Act (CAA), to adopt the Emission Guidelines (EG) into its body of regulations, and EPA is acting today to approve New York's plan.

II. What are the details of EPA's action?

On March 21, 2011, in accordance with sections 111(d) and 129 of the CAA, EPA promulgated the SSI EG and compliance times for the control of emissions from existing SSI units. See 76 FR 15371. EPA codified these guidelines at 40 CFR part 60, subpart MMMM. They include a model rule at 40 CFR 60.5085 through 62.5250 that States may use to develop their own plans. Under that rule, EPA has defined an ''SSI unit,'' in part, as any device that combusts sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter. 40 CFR 60.5250.

On July 1, 2013,[2] New York submitted a plan for implementing and enforcing EPA's EG for existing SSI units. Section 60.5015 of the EG describes all of the required elements that must be included in a state's plan for existing SSI units. New York's State plan includes all of the required elements described in section 60.5015 of the EG. For further

[1] If there are any existing SSI units located in Indian Nation Land these existing SSI units will be subject to the Federal plan.

[2] On February 28, 2014, New York provided clarifying information concerning its State plan. To view this information see EPA's electronic docket at *www.regulations.gov.*

details, the reader is referred to EPA's proposal located in EPA's electronic docket at *www.regulations.gov.*

III. What comments were received on the proposed approval and how has EPA responded to them?

There were no comments received on EPA's proposed rulemaking (79 FR 16271, March 25, 2014) regarding New York's State plan for existing SSI units. The 30-day public comment period on EPA's proposed approval ended on April 24, 2014.

IV. What is EPA's conclusion?

For the reasons described in this rulemaking and in EPA's proposal, EPA is approving New York's sections 111(d) and 129 plan for existing SSI units.

V. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a Federal requirement, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it approves a state rule implementing a Federal standard.

In reviewing New York's submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a New York submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a New York submission, to use VCS in place of a New York submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the Attorney General's ''Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order.

This rule for the approval of New York's section 111(d)/129 plan for SSI units does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 11, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving New York's Section 111(d)/129 plan for existing sewage sludge incineration units may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Incorporation by reference, Administrative practice and procedure, Aluminum, Fertilizers, Fluoride, Intergovernmental relations, Paper and paper products industry, Phosphate, Reporting and recordkeeping requirements, Sulfur oxides, Sulfuric acid plants, Waste treatment and disposal.

Dated: May 30, 2014.

Judith A. Enck,

Regional Administrator, Region 2.

40 CFR part 62 is amended as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

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

Subpart HH—New York

■ 2. Part 62 is amended by adding § 62.8108 and an undesignated heading to subpart HH to read as follows:

Air Emissions From Existing Sewage Sludge Incineration Units

§ 62.8108 Identification of plan.

(a) On July 1, 2013, the New York State Department of Environmental Conservation (NYSDEC) submitted to the Environmental Protection Agency a section 111(d)/129 plan for implementation and enforcement of 40 CFR part 60, subpart MMMM, Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration

Units. On February 28, 2014, the NYSDEC submitted clarifying information concerning the State's plan.

(b) *Identification of sources.* The plan applies to existing sewage sludge incineration (SSI) units that:

(1) Commenced construction on or before October 14, 2010, or

(2) Commenced a modification on or before September 21, 2011 primarily to comply with New York's plan, and

(3) Meets the definition of a SSI unit defined in New York's plan.

(c) The effective date of the plan for existing sewage sludge incineration units is July 11, 2014.

[FR Doc. 2014–13594 Filed 6–10–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2013–0411; FRL–9910–52]

Spirodiclofen; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends a tolerance for residues of spirodiclofen in or on citrus, oil. Bayer CropScience requested this tolerance amendment under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective June 11, 2014. Objections and requests for hearings must be received on or before August 11, 2014, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2013–0411, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2013–0411 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before August 11, 2014. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2013–0411, by one of the following methods:

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

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

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of February 4, 2010 (75 FR 5790) (FRL–8807–5), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 9E7632) by IR–4, 500 College Road East, Suite 201 W., Princeton, NJ 08540. The petition requested that 40 CFR 180.608 be amended by establishing tolerances for residues of the insecticide spirodiclofen, (3-(2,4-dichlorophenyl)-2-oxo-1-oxaspiro[4,5]dec-3-en-4-yl 2,2-dimethylbutanoate), in or on bushberry subgroup 13–07B at 4.0 parts per million (ppm). The petition additionally requested to revise the tolerance expression under paragraphs (a)(1) and (a)(2) to read as follows: ''(a)(1). Tolerances are established for residues of the insecticide spirodiclofen, including its metabolites and degradates. Compliance with the tolerance levels specified is to be determined by measuring only spirodiclofen (3-(2,4-dichlorophenyl)-2-oxo-1-oxaspiro[4,5]dec-3-en-4-yl 2,2-dimethylbutanoate)''; and ''(a)(2). Tolerances are established for residues of the insecticide spirodiclofen, including its metabolites and degradates. Compliance with the tolerance levels specified is to be determined by measuring only the sum of spirodiclofen (3-(2,4-dichlorophenyl)-2-oxo-1-oxaspiro[4,5]dec-3-en-4-yl 2,2-dimethylbutanoate) and its metabolite, 3-(2,4-dichlorophenyl)-4-hydroxy-1-oxaspiro[4,5]dec-3-en-2-one, calculated

as the stoichiometric equivalent of spirodiclofen.'' That notice referenced a summary of the petition prepared on behalf of IR–4 by Bayer CropScience, the registrant, which is available in the docket, *http://www.regulations.gov.*

In the **Federal Register** of March 29, 2011 (76 FR 17374) (FRL–8867–4), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 0E7820) by IR–4, 500 College Rd. East, Suite 201W, Princeton, NJ 08540. The petition requested that 40 CFR 180.608 be amended by establishing tolerances for residues of the insecticide spirodiclofen, (3-(2,4-dichlorophenyl)-2-oxo-1-oxaspiro[4.5]dec-3-en-4-yl 2,2-dimethylbutanoate), in or on sugar apple, cherimoya, atemoya, custard apple, ilama, soursop, biriba, guava, feijoa, jaboticaba, wax jambu, starfruit, passionfruit, persimmon and acerola at 0.45 ppm; and lychee, longan, Spanish lime, rambutan and pulasan at 3.5 ppm. That notice referenced a summary of the petition prepared on behalf of IR–4 by Bayer CropScience, the registrant, which is available in the docket, *http://www.regulations.gov.*

Finally, in the **Federal Register** of July 19, 2013 (78 FR 43115) (FRL–9392–9), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 3F8152) by Bayer CropScience, 2 TW Alexander Dr., Research Triangle Park, NC 27709. The petition requested that 40 CFR 180.608 be amended by amending the established tolerance for residues of the insecticide spirodiclofen, 3-(2,4-dichlorophenyl)-2-oxo-1-oxaspiro[4.5]dec-3-en-4-yl 2,2-dimethylbutanoate, in or on citrus, oil from 20 ppm to 35 ppm. That document referenced a summary of the petition prepared by Bayer CropScience, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

IR–4 has since withdrawn PP#s 9E7632 and 0E7820 due to unresolved labeling issues regarding pollinators. However, the EPA has determined that the proposed changes to the tolerance expression under the notice for PP# 9E7632 are appropriate. Additionally, EPA is relying upon the risk assessments supporting those actions in order to amend the citrus, oil tolerance, since the higher citrus, oil level was considered in these assessments. Therefore, risk estimates characterized in the underlying assessments for those actions are considered overestimations of risk, because the uses associated with PP#s 9E7632 and 0E7820 have since been withdrawn; however, those assessments will support the amended citrus, oil tolerance.

III. Aggregate Risk Assessment and Determination of Safety

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

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

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Spirodiclofen has a low acute toxicity via the oral, dermal and inhalation routes. It is not an eye or dermal irritant; however, it is a potential skin sensitizer. Following repeated exposures, the primary target organs identified are the adrenal glands in both sexes and testes in males. Increased cytoplasmic vacuolation in the Zona fasciculate of the adrenal cortex was observed in several subchronic and chronic studies in rats, mice and dogs of both sexes. Female rats and dogs appeared to be the more sensitive to adrenal effects, with the dog as the most sensitive species. The effects on the adrenal glands generally coincided with increased adrenal weight. Other organs with histopathology findings reported in male dogs included the testes (vacuolation and hypertrophy/activation of Leydig cells), epididymis (degeneration and/or immaturity of germinal epithelium, oligo- and aspermia), prostate (immaturity signs), and thymus (atrophy). Increased liver weights were also reported in male dogs along with decreases in prostate weights.

The effects reported in chronic dog studies were similar to subchronic studies and occurred at lower administered oral doses of spirodiclofen. As with subchronic studies, histopathology of the adrenal gland revealed an increased incidence of cortical vacuolation in the Zona fasciculata of both sexes. In the testes, increased incidences of Leydig cell vacuolation, slight Leydig cell hypertrophy, and tubular degeneration were observed in males. Other effects reported in chronic studies included decreases in cholesterol and triglycerides, decreased body weights and body-weight gains, increased APh levels and increased vacuolated jejunum enterocytes in rats, and increased incidences of Leydig cell hyperplasia in rats and mice.

There was no evidence of developmental toxicity in the rabbit developmental toxicity study. The rat developmental toxicity study resulted in developmental toxicity (an increased incidence of slight dilatation of the renal pelvis) at the highest dose tested; a dose which did not cause maternal toxicity. In the 2-generation reproductive toxicity study in rats, developmental effects were observed in F_1 males (delayed sexual maturation, decreased testicular spermatid and epididymal sperm counts/oligospermia; and atrophy of the testes, epididymides, prostate, and seminal vesicles) and F_1 females (increased severity of ovarian luteal cell vacuolation/degeneration), but at a higher dose than the systemic effects seen for parents and offspring.

There was no evidence of neurotoxicity in the acute and subchronic neurotoxicity studies for spirodiclofen. In a developmental neurotoxicity (DNT) study, a decrease in retention was observed in the memory phase of the water maze for postnatal day 60 female offspring at all doses. In this DNT study, the morphometric measurements were not performed at the low- and mid-dose; therefore,

another DNT study was conducted using identical experimental conditions as the previous study. The results of the second DNT study demonstrated no treatment-related neurotoxicity, but the two DNT studies for spirodiclofen suggest increased susceptibility of offspring. An acceptable immunotoxicity study, which was reviewed by the EPA after the risk assessment was finalized, showed no treatment related systemic or immunotoxic related effects up to the highest dose tested.

Chronic toxicity and carcinogenicity studies showed an increased incidence of uterine adenocarcinoma in female rats, Leydig cell adenoma in male rats, and liver tumors in mice. The EPA has classified spirodiclofen as ''likely to be carcinogenic to humans'' by the oral route based on evidence of Leydig cell adenomas in male rat testes, uterine adenomas and/or adenocarcinoma in female rats, and liver tumors in mice. Results of genotoxicity testing were negative.

Specific information on the studies received and the nature of the adverse effects caused by spirodiclofen as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found in the document, ''Spirodiclofen. Human-Health Risk Assessment for Proposed Uses in/on Sugar Apple, Cherimoya, Atemoya, Custard Apple, Ilama, Soursop, Biriba, Lychee, Longan, Spanish Lime, Rambutan, Pulasan, Guava, Feijoa, Jaboticaba, Wax Jambu, Starfruit, Passionfruit, Persimmon, and Acerola.'' At pages 28–30 in docket ID number EPA–HQ–OPP–2013–0411.

B. Toxicological Points of Departure/ Levels of Concern

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

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

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

Exposure/scenario	Point of departure and uncertainty/ safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (All populations, including infants and children).	An appropriate endpoint attributable to a single dose was not identified. Therefore, an acute dietary assessment was not performed.		
Chronic dietary (All populations)	NOAEL= 1.38 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.014 mg/kg/day. cPAD = 0.014 mg/kg/day	Chronic Oral Toxicity Study in Dogs LOAEL = 4.7 mg/kg/day based on increased relative adrenal weights in both sexes, increased relative testis weights in males and histopathology findings in adrenal glands of both sexes.
Cancer (Oral, dermal, inhalation).	Classification: ''Likely to be Carcinogenic to Humans''; Q_1* (mg/kg/day)$^{-1}$ = 1.49 x 10^{-2}.		

UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies). FQPA SF = Food Quality Protection Act Safety Factor. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. mg/kg/day = milligram/kilogram/day.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to spirodiclofen, EPA considered exposure under the petitioned-for tolerances as well as all existing spirodiclofen tolerances in 40 CFR 180.608. EPA assessed dietary exposures from spirodiclofen in food as follows:

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

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the United States Department of Agriculture (USDA) 1994–1996 and 1998 Nationwide Continuing Surveys of Food Intake by Individuals (CSFII). As to residue levels in food, EPA utilized average field trial residues; experimentally determined processing factors for citrus fruit, pome fruit and grape; and Dietary Exposure Evaluation Model (DEEM (ver 7.81)) default processing factors for the remaining processed commodities. The assessment also utilized percent crop treated for new uses (PCTn) on hops and blueberry, and percent crop treated (PCT) estimates for several other registered commodities.

iii. *Cancer.* EPA determines whether quantitative cancer exposure and risk assessments are appropriate for a food-use pesticide based on the weight of the evidence from cancer studies and other relevant data. If quantitative cancer risk assessment is appropriate, Cancer risk may be quantified using a linear or nonlinear approach. If sufficient information on the carcinogenic mode

of action is available, a threshold or nonlinear approach is used and a cancer RfD is calculated based on an earlier noncancer key event. If carcinogenic mode of action data are not available, or if the mode of action data determines a mutagenic mode of action, a default linear cancer slope factor approach is utilized. Based on the data summarized in Unit III.A., EPA has concluded that spirodiclofen should be classified as ''Likely to be Carcinogenic to Humans'' and a linear approach has been used to quantify cancer risk. Cancer risk was quantified using the same food residue estimates as discussed in Unit III.C.1.ii.

iv. *Anticipated residue and percent crop treated (PCT) information.* Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

Section 408(b)(2)(F) of FFDCA states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if:

- Condition a: The data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain the pesticide residue.
- Condition b: The exposure estimate does not underestimate exposure for any significant subpopulation group.
- Condition c: Data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area.

In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by FFDCA section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency estimated the PCT for existing uses as follows: Almond, 5%; apple, 5%; apricot, 5%; cherry, 2%; grapefruit, 50%; grape, raisin, 10%; grape, table, 30%; grape, wine, 5%; hazelnuts, 2%; lemon, 1%; nectarine, 10%; orange, 10%; peach, 5%; pear, 10%; pecan, 2%; pistachio, 1%; plum/prune, 5%; and walnut, 5%.

In most cases, EPA uses available data from USDA/National Agricultural Statistics Service (USDA/NASS), proprietary market surveys, and the National Pesticide Use Database for the chemical/crop combination for the most recent 6–7 years. EPA uses an average PCT for chronic dietary risk analysis. The average PCT figure for each existing use is derived by combining available public and private market survey data for that use, averaging across all observations, and rounding to the nearest 5%, except for those situations in which the average PCT is less than one. In those cases, 1% is used as the average PCT and 2.5% is used as the maximum PCT. EPA uses a maximum PCT for acute dietary risk analysis. The maximum PCT figure is the highest observed maximum value reported within the recent 6 years of available public and private market survey data for the existing use and rounded up to the nearest multiple of 5%.

The Agency estimated the PCT for new uses as follows: Blueberry, 2%; and hops, 92%.

In the **Federal Register** of May 7, 2008 (73 FR 25533) (FRL–8362–2), the Agency estimated the PCT for the proposed use of spirodiclofen on hops to be 92%. Since spirodiclofen has only been registered on hops since 2008, EPA relied on the previously estimated PCT for hops.

The EPA estimate of the percent PCT for these new uses of spirodiclofen represents the upper bound of use expected during the pesticide's initial five years of registration; that is, the PCT for spirodiclofen is a threshold of use that EPA is reasonably certain will not be exceeded for this registered use site. The PCT recommended for use in the chronic dietary assessment is calculated as the average PCT of the miticide with the highest usage (i.e., the miticides with the greatest PCT) on that crop over the three most recent years of available data. The PCT recommended for use in the chronic dietary assessment is 2% for blueberries and 92% for hops. Comparisons are only made among pesticides of the same pesticide type (i.e., the miticide with the highest usage on the use crop is selected for comparison with a new miticide). The highest miticide PCT included in the estimation may not be the same for each year since different miticides may have the highest usage in different years.

Typically, EPA uses USDA/NASS surveys as the source data because they are publicly available and directly report values for PCT. When a specific use crop is not reported by USDA/NASS, EPA uses proprietary data and calculates the PCT based on reported data on acres treated and acres grown. If no proprietary data are available, EPA may extrapolate PCT for new uses from other crops if the production area and pest spectrum are substantially similar.

A retrospective analysis to validate this approach shows few cases where the PCT for the highest miticides were exceeded (EPA, 2006). Further review of these cases identified factors contributing to the exceptionally high use of a new pesticide. To evaluate whether the PCT for spirodiclofen could be exceeded, EPA considered whether or not there may be unusually high pest pressure, as indicated in emergency exemption requests for spirodiclofen, the pest spectrum of the new pesticide in comparison with the highest miticides, whether or not the highest miticides are well-established for that use and whether or not pest resistance issues with past miticides provide spirodiclofen with significant market potential. Given currently available information, the Agency concludes that it is unlikely that actual PCT for spirodiclofen will exceed the estimated PCT for new uses during the next five years.

The Agency believes that the three conditions discussed in Unit III.C.1.iv. have been met. With respect to Condition a, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions b and c, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available reliable information on the regional consumption of food to which spirodiclofen may be applied in a particular area.

2. *Dietary exposure from drinking water.* EPA concluded that the residues of concern in drinking water for purposes of risk assessment are spirodiclofen and its three metabolites

(BAJ 2510, BAJ 2740-dihydroxy, and BAJ 2740-ketohydroxy). Therefore, the Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for spirodiclofen and its metabolites in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of spirodiclofen and its metabolites. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm*.

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and Screening Concentration in Ground Water (SCI–GROW) models, the estimated drinking water concentrations (EDWCs) of spirodiclofen and its metabolites for chronic exposures for non-cancer assessments are estimated to be 4.99 parts per billion (ppb) for surface water and 0.44 ppb for ground water. The EDWCs for chronic exposures for cancer assessments are estimated to be 1.67 ppb for surface water and 0.44 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For chronic dietary risk assessment, the water concentration of value 4.99 ppb was used to assess the contribution to drinking water. For cancer dietary risk assessment, the water concentration of value 1.67 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Spirodiclofen is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' EPA has not found spirodiclofen to share a common mechanism of toxicity with any other substances, and spirodiclofen does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that spirodiclofen does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative*.

D. Safety Factor for Infants and Children

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

2. *Prenatal and postnatal sensitivity.* The spirodiclofen toxicity database is adequate to evaluate the potential increased susceptibility of infants and children, and includes developmental toxicity studies in rat and rabbit, a 2-generation toxicity study in rat, and two rat DNT studies. There is no evidence of increased susceptibility in the rabbit developmental toxicity study or in the 2-generation rat reproductive toxicity study following *in utero*/pre- and postnatal exposures of spirodiclofen. However, evidence for quantitative susceptibility was observed in a rat developmental toxicity study, where an increased incidence of slight dilatation of the renal pelvis was observed at the highest dose tested (1,000 mg/kg/day) in the absence of maternal toxicity. Additionally, two rat DNT studies are available. The first study demonstrated increased quantitative susceptibility of offspring based on the observed decreased retention in the memory phase of the water maze for postnatal day 60 female offspring at all doses and changes in brain morphometric parameters at the highest dose tested of 135.9 mg/kg/day (including caudate putamen, parietal cortex, hippocampal gyrus, and dentate gyrus); there was no maternal toxicity noted at any dose. EPA requested information concerning the brain morphometric parameters in the low- and mid doses with the petitioner indicating that the brain tissues were not appropriately preserved and analysis was therefore not possible. As a result, a second rat DNT study was submitted which also indicated increased susceptibility in offspring based on decreased pre-weaning body weight and body weight gain in males and females and decreased post-weaning body weights in males. The second rat DNT demonstrated no treatment-related neurotoxicity in the offspring.

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

i. The toxicity database for spirodiclofen is complete. Changes to 40 CFR Part 158 require immunotoxicity testing (OPPTS Guideline 870.7800) for pesticide registration. At the time of the last completed risk assessment for spirodiclofen, which was finalized on November 11, 2011, an immunotoxicity study was a data gap in the toxicity database. However, since the time of the risk assessment, EPA has received and reviewed an acceptable immunotoxicity study for spirodiclofen. Upon review of the study, the Agency has determined that there is no treatment related systemic or immunotoxic related effects. Therefore, the immunotoxicity study does not impact the findings of the 2011 risk assessment. Additionally, EPA has determined a subchronic inhalation toxicity study is not required for spirodiclofen at this time. This approach considered all of the available hazard and exposure information for spirodiclofen, including: (1) Its low acute inhalation toxicity; (2) the lowest short- and intermediate-term MOEs calculated using an oral POD are 6,200 and 1,000 respectively; and (3) its physical and chemical properties, including its low volatility. Therefore, an additional UF is not needed to account for the lack of this study.

ii. Two DNT studies have been submitted and reviewed by the EPA. The Agency has determined that there is no concern for the increased quantitative susceptibility seen in the first DNT study because the results were not reproduced in the second DNT study conducted using identical doses and experimental conditions. The second DNT provided no evidence of neurotoxicity, and concern for the increased quantitative susceptibility (slight changes in body weights) noted in this study is low because there is a well-established NOAEL, only marginal developmental toxicity was noted, and all developmental/functional parameters were comparable to controls. In addition, doses selected for risk assessment of spirodiclofen are much lower than the dose where the effects in

the second DNT were noted. Finally, there was no evidence of neurotoxicity or neuropathology in the acute and subchronic neurotoxicity studies. Therefore, there is no need for an additional UF to account for neurotoxicity. Additional information about the two DNT studies can be found at *http://www.regulations.gov* in the **Federal Register** of May 7, 2008 (*http://www.epa.gov/fedrgstr/EPA-PEST/2008/May/Day-07/p9826.htm*).

iii. Quantitative susceptibility was noted in the developmental toxicity study in rats. However, EPA determined that the degree of concern is low for the noted effects because the increased incidence of slight renal pelvic dilation was observed only at the highest dose tested, in the absence of statistical significance and dose response. Additionally, renal pelvic dilation was considered to be a developmental delay and not a severe effect for developmental toxicity. The low background incidences in this study may also be idiosyncratic to this strain (Wistar) of rats since renal pelvic dilations are commonly seen at higher incidences in other strains (Sprague-Dawley or Fisher) of rats. Furthermore, there is a well-established NOAEL at which all developmental/functional parameters were comparable to controls, and lower doses are being used for the risk assessment of spirodiclofen. As noted above, concern is low for the increased quantitative susceptibility noted in offspring in the DNT studies. There was no evidence of increased susceptibility in the developmental toxicity study in rabbits or the 2-generation reproduction study in rats. Therefore, there are no residual concerns regarding developmental effects in the young.

iv. There are no residual uncertainties identified in the exposure databases. The chronic and cancer dietary exposure assessments were refined, utilizing average field trial residues; experimentally determined processing factors for citrus fruit, pome fruit, and grape; and DEEM (ver. 7.81) default processing factors for the remaining processed commodities. The assessment also included PCTn estimates for hops and blueberry and PCT data for several additional registered commodities. EPA made conservative (protective) assumptions in the ground water and surface water modeling used to assess exposure to spirodiclofen and its metabolites in drinking water. These assessments will not underestimate the exposure and risks posed by spirodiclofen.

E. Aggregate Risks and Determination of Safety

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

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

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to spirodiclofen from food and water will utilize 3.2% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. There are no residential uses for spirodiclofen.

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account short- and intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). A short- and intermediate-term adverse effect was identified; however, spirodiclofen is not registered for any use patterns that would result in short- or intermediate-term residential exposure. Short- and intermediate-term risk is assessed based on short- and intermediate-term residential exposure plus chronic dietary exposure. Because there are no short- or intermediate-term residential exposures and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short- and intermediate-term risk), no further assessment of short- or intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating short- and intermediate-term risk for spirodiclofen.

4. *Aggregate cancer risk for U.S. population.* Using the exposure assumptions described in Unit III.C.1.iii., EPA has concluded the cancer risk from food and water for all existing and proposed spirodiclofen uses will result in a lifetime cancer risk of 3×10^{-6}. EPA generally considers cancer risks in the range of 10^{-6} or less to be negligible. The precision which can be assumed for cancer risk estimates is best described by rounding to the nearest integral order of magnitude on the log scale; for example, risks falling between 3×10^{-7} and 3×10^{-6} are expressed as risks in the range of 10^{-6}. Considering the precision with which cancer hazard can be estimated, the conservativeness of low-dose linear extrapolation, and the rounding procedure described above in this unit, cancer risk should generally not be assumed to exceed the benchmark level of concern of the range of 10^{-6} until the calculated risk exceeds approximately 3×10^{-6}. This is particularly the case where some conservatism is maintained in the exposure assessment.

For the following reasons, EPA concludes that there are conservatisms in the spirodiclofen exposure assessment. Based on a critical commodity analysis conducted in DEEM-Food Commodity Intake Database (DEEM–FCID)™, the major contributors to the cancer risk were hops (44% of the total exposure) and water (21% of the total exposure). EPA notes the following conservative assumptions, which were incorporated into the cancer analysis for hops and water:

i. *Hops.* DEEM–FCID™ assumes that 100% of the residues in hops are transferred to beer during the brewing process (no residues remain in/on the spent hops). Since spirodiclofen has low water solubility, this is a conservative assumption. Additionally, the assessment assumed a PCT estimate of 92% for hops; PCT estimates for new uses are designed to provide a conservative estimate of the actual PCT estimates; and

ii. *Drinking water.* The water residue estimate assumed 87% of the basin is cropped with 100% of the crops treated at the maximum labeled rate.

Therefore, EPA concludes that the cancer risk estimate provided in this assessment is conservative and actual cancer risk will be lower than the estimate provided in this document.

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

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology, a liquid chromatography/mass spectrometry/mass spectrometry (LC/

MS/MS) method, is available to enforce the tolerance expression.

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

B. International Residue Limits

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

The Codex has not established a MRL for spirodiclofen in or on citrus oil.

V. Conclusion

Therefore, a tolerance for residues of spirodiclofen, 3-(2,4-dichlorophenyl)-2-oxo-1-oxaspiro[4.5]dec-3-en-4-yl 2,2-dimethylbutanoate, in or on citrus, oil is amended from 20 ppm to 35 ppm. Additionally, the tolerance expression is amended for spirodiclofen in order to clarify (1) that, as provided in FFDCA section 408(a)(3), the tolerance covers metabolites and degradates of spirodiclofen not specifically mentioned; and (2) that compliance with the specified tolerance levels is to be determined by measuring only spirodiclofen.

VI. Statutory and Executive Order Reviews

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

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

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

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

VII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: June 2, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. Section 180.608 is amended by:

■ a. Revising the introductory text of paragraphs (a)(1) and (a)(2); and

■ b. Revising the commodity ''Citrus, oil'' in the table in paragraph (a)(1) to read as follows:

§ 180.608 Spirodiclofen; tolerances for residues.

(a) *General.* (1) Tolerances are established for residues of spirodiclofen, including its metabolites and degradates, in or on the commodities listed below. Compliance with the following tolerance levels is to be determined by measuring only spirodiclofen (3-(2,4-dichlorophenyl)-2-oxo-1-oxaspiro[4.5]dec-3-en-4-yl 2,2-dimethylbutanoate).

Commodity	Parts per million
* * * * *	
Citrus, oil	35
* * * * *	

(2) Tolerances are established for residues of spirodiclofen, including its metabolites and degradates, in or on the commodities listed below. Compliance with the following tolerance levels is to be determined by measuring only spirodiclofen (3-(2,4-dichlorophenyl)-2-oxo-1-oxaspiro[4.5]dec-3-en-4-yl 2,2-dimethylbutanoate) and its metabolite 3-(2,4-dichlorophenyl)-4-hydroxy-1-oxaspiro[4,5] dec-3-en-2-one, calculated

as the stoichiometric equivalent of spirodiclofen.

* * * * *

[FR Doc. 2014–13233 Filed 6–10–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2012–0903; FRL–9910–39]

Tricyclazole; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of tricyclazole in or on imported rice. Dow AgroSciences, LLC, requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective June 11, 2014. Objections and requests for hearings must be received on or before August 11, 2014, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2012–0903, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2012–0903, in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before August 11, 2014. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2012–0903, by one of the following methods:

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

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

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of January 16, 2013 (78 FR 3377) (FRL–9375–4), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 2E8114) by Dow AgroSciences, LLC, 9330 Zionsville Road, Indianapolis, IN 46268. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the fungicide tricyclazole, 5-methyl-1,2,4-triazolo[3.4-b] benzothiazole, including its metabolites and degradates, in or on rice at 3.0 parts per million (ppm). That document referenced a summary of the petition prepared by Dow AgroSciences, LLC, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Tricyclazole is a new active ingredient and is not currently registered or proposed for use in the United States. The only anticipated exposure to tricyclazole residues is from the dietary consumption of imported rice. Therefore, acute and chronic dietary assessments were conducted for tricyclazole residues of concern in food only.

Based upon review of the data supporting the petition, EPA has determined that the parent compound, tricyclazole, is suitable as a residue definition for purposes of both tolerance enforcement and risk assessment in rice. This determination is based on tricyclazole being the only major residue in rice grain and the observation that in samples from field trials with quantifiable levels of the alcohol metabolite, the metabolite is reduced to less than the level of detection upon husking. EPA has not revised the tolerance proposed by Dow in the notice of filing. EPA has added the compliance statement which clarifies that only the parent compound is to be analyzed for enforcement purposes.

III. Aggregate Risk Assessment and Determination of Safety

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

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

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

In oral rat and dog studies, decreased body weight was the primary effect observed in the database; in oral mouse studies, effects were mainly seen in the liver. In rats, decreased body weight was the only treatment related effect seen in adult animals in the subchronic and chronic studies, with body weight decreases occurring at a lower dose after chronic exposure. Decreased body weight was also seen in adult rats in developmental and reproduction studies. Other effects observed in rats included clinical signs (weakness, cold body, piloerection) in the developmental toxicity study at a dose similar to that in the subchronic study where decreased body weight was noted. Brain weight changes were also observed in rats in the chronic study; however, due to inconsistency in the data the effects were not considered treatment related. In dogs, decreased body weight was the only treatment related effect observed after chronic exposure. In mice, mortality was seen after 90 days, as well as hematological changes (increased WBC, decreased lymphocyte count, increased neutrophil) and liver effects (increased weights, enzymes, and histopathology). However, it is noteworthy to mention that the 90-day subchronic study was considered unacceptable due to numerous deficiencies. Increased mortality was not observed in other toxicity studies in mice. After 10 months, only liver effects (increased weights, microsomal activity, and histopathology) were observed in mice and no treatment related effects were observed after 1 year. However, chronic exposure in mice (cancer mouse study), resulted in liver effects including, increased liver weights and liver histopathology (acidophilic degeneration and fatty change) at doses lower than those producing liver effects in the shorter term mouse studies.

Delayed ossification was observed in fetuses in the rabbit developmental study while decreased body weight was observed in fetuses in the rat developmental study. The effects were seen in the absence of maternal toxicity indicating quantitative susceptibility. In the rat reproduction study, offspring effects included pup death (post-natal day (PND 1–4)), decreases in pup body weight, and an increase in the number of small pups in the presence of less severe maternal toxicity (decreased body weight) indicating qualitative susceptibility. Although susceptibility was observed in the developmental/reproduction studies, the doses and endpoints selected for risk assessment are protective and the degree of concern for the susceptibility observed in the studies is low. The Agency has classified tricyclazole as ''Not Likely to be Carcinogenic to Humans.'' There were no treatment-related increases in tumors observed in the submitted carcinogenicity studies in rats and/or mice.

Neurotoxicity (acute, subchronic, and developmental) and immunotoxicity studies are not available for tricyclazole. However, EPA, using a weight of the evidence (WOE) approach, concluded that these studies are not required. Dermal toxicity and dermal penetration studies are also not available for tricyclazole. However, these studies are not required to support import tolerances.

Specific information on the studies received and the nature of the adverse effects caused by tricyclazole as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* on pages 22–28, in the document titled, ''Tricyclazole: Human Health Risk Assessment for the Establishment of Tolerances with No U.S. Registration for the New Fungicide in/on Imported Rice'' in docket ID number EPA–HQ–OPP–2012–0903.

B. Toxicological Points of Departure/Levels of Concern

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

Since the proposed uses of tricyclazole are all non-domestic, there is no potential for drinking water, occupational, and/or residential exposure, and the only anticipated exposure to tricyclazole is dietary exposure through consumption of imported rice. Therefore, endpoints and PODs were only selected for acute and chronic dietary risk assessment.

For acute dietary risk assessment (all populations including females 13–49), the no observed adverse effect level (NOAEL) of 7 milligrams/kilogram/day (mg/kg/day) was selected from a

reproduction study in rats. An increased incidence of pup death was seen at the lowest observed adverse effect level (LOAEL) of 26.7 mg/kg/day. Decreased pup weight and small pups were also observed at the LOAEL but were not considered to be single dose effects.

For chronic dietary exposure, a NOAEL of 6.67 mg/kg/day was selected from a cancer study in mice based on liver effects observed at the LOAEL of 21.8 mg/kg/day. For acute and chronic dietary risk assessments, a 100X uncertainty factor was applied (interspecies factor of 10X and intraspecies factor of 10X).

C. Exposure Assessment

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

i. *Acute and chronic exposure.* Acute and chronic dietary (food only) exposure assessments were conducted with the Dietary Exposure Evaluation Model (DEEM–FCID), Version 3.16. This software uses 2003–2008 food consumption data from the U.S. Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). Conservative acute and chronic exposure analyses were performed for the general U.S. population and population subgroups. Recommended tolerance-level residues were used to estimate dietary exposure. The analyses assumed 100% of imported rice is treated.

ii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that tricyclazole does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

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

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

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

D. Safety Factor for Infants and Children

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

2. *Prenatal and postnatal sensitivity.* The toxicological database is complete with regard to pre-and postnatal toxicity. Although there was evidence of quantitative susceptibility in developmental rat and rabbit toxicity studies and qualitative susceptibility in the reproduction study, the degree of concern for the effects observed in the studies is low. There are clear NOAELs/LOAELs for the fetal/pup effects seen and the effects in the developmental and reproduction studies were observed at levels significantly higher than the current PODs selected for risk assessment. Therefore, the acute and chronic dietary risk assessments are protective of potential fetal/offspring effects.

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

i. The toxicity database for tricyclazole is complete with regard to pre- and postnatal toxicity.

ii. The endpoints and doses selected for risk assessment are protective of the increased qualitative susceptibility observed in the reproduction study in rats and the increased quantitative susceptibility seen in the developmental rat and rabbit studies; therefore the degree of concern for the susceptibility is low.

iii. The endpoints and doses selected for risk assessment are also protective of the observed clinical signs in the database and neurotoxicity studies (acute, subchronic, and developmental) are not required; an immunotoxicity study is also not required.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100% CT and tolerance-level residues. These assessments will not underestimate the exposure and risks posed by tricyclazole.

IV. Other Considerations

A. Analytical Enforcement Methodology

Three methods have undergone successful independent laboratory validation for use as enforcement analytical methods. The first method is suitable for the analysis of both parent tricyclazole and the alcohol metabolite. It involves acid hydrolysis, extraction of residues into dichloromethane, clean-up by strong cation exchange (SCX) solid-phase extraction, silylation of the alcohol metabolite, and analysis by gas chromatography/mass spectrometry (GC/MS). The validated limit of quantitation (LOQ) is 0.02 ppm for rice grain, polished rice, and rice husks, and 0.05 ppm for rice forage, straw, and processed byproducts. The remaining two methods are multi-residue methods (DFG S19 and modified QuEChERS). DFG S19 uses acetone extraction, clean-up by partitioning and gel-permeation chromatography (GPC), and analysis by GC–MS. The validated LOQ is 0.02 ppm (parent only). The modified QuEChERS method uses acetonitrile/water extraction, clean-up by solid-phase partitioning, and analysis by liquid chromatography/mass spectrometry (LC–MS/MS). The validated LOQ is 0.01 ppm each for the parent compound and the alcohol metabolite.

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

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever

possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level. The Codex has not established a MRL for tricyclazole in rice.

C. Revisions to Petitioned-For Tolerances

EPA has not revised the tolerance levels, added or deleted tolerances, or otherwise modified the petition as proposed in the notice of filing. However, EPA has added the compliance statement which clarifies that the parent compound, tricyclazole, it so be measured for enforcement purposes.

V. Conclusion

Therefore, a tolerance is established for residues of tricyclazole, 5-methyl-1,2,4-triazolo[3,4-b] benzothiazole, including its metabolites and degradates, in or on rice, grain at 3.0 ppm. Compliance with the tolerance is to be determined by measuring only tricyclazole.

VI. Statutory and Executive Order Reviews

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

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

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

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

VII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: May 29, 2014.

Jack Housenger,

Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. Section 180.678 is added to subpart C to read as follows:

§ 180.678 Tricyclazole; tolerances for residues.

(a) *General.* (1) Tolerances are established for residues of the fungicide tricyclazole, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only tricyclazole (5-methyl-1,2,4-triazolo[3,4-b]benzothiazole).

Commodity	Parts per million
Rice, grain [1]	3.0

[1] There are no U.S. Registrations on Rice as of June 11, 2014.

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

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

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

[FR Doc. 2014–13404 Filed 6–10–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2013–0210; FRL–9910–87]

[alpha]-alkyl-[omega]-hydroxypoly (oxypropylene) and/or poly (oxyethylene) Polymers Where the Alkyl Chain Contains a Minimum of Six Carbons, and [alpha]-alkyl-[omega]-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers Where the Alkyl Chain Contains a Minimum of Six Carbons and a Minimum Number Average Molecular Weight (in amu) 1,100; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of [alpha]-alkyl-[omega]-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons, and [alpha]-alkyl-[omega]-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons and a minimum number average molecular weight (in amu) 1,100 herein referred to as ''AAAs'' (alkyl alcohol alkoxylates) to include Chemical Abstract Service Registry Number (CAS Reg. No.) 116810–31–2 when used as an inert ingredient as a surfactant in pesticide formulations, under 40 CFR 180.910, 180.930, 180.940a, and 180.960, in growing crops without limitations. Akzo Nobel Surface Chemistry submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an amendment to an existing requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of AAAs.

DATES: This regulation is effective June 11, 2014. Objections and requests for hearings must be received on or before August 11, 2014, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2013–0210. All documents in the docket are listed in the docket index available at *http://www.regulations.gov.* Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov,* or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

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

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2013–0210 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before August 11, 2014. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit a copy of your non-CBI objection or hearing request, identified by docket ID number EPA–HQ–OPP–2013–0210, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

II. Petition for Exemption

In the **Federal Register** of August 5, 2009 (74 FR 38935) (FRL–8430–1), EPA issued a final rule, announcing the establishment of a tolerance exemption pursuant to a pesticide petition (PP 9E7534) by The Joint Inerts Task Force (JITF), Cluster Support Team Number 1 (CST1), c/o CropLife America, 1156 15th St. NW., Suite 400, Washington,

DC 20005. The petition requested that 40 CFR 180.910, 40 CFR 180.930, 40 CFR 180.940a, and 40 CFR 180.960 be amended by establishing exemptions from the requirement of a tolerance for residues of a group of substances known as AAAs. The exemptions narratively describe the subject chemical as α-alkyl-ω-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons and specify the individual chemicals covered by the exemptions by a listing of CAS Reg. Nos. The current petition seeks to expand these exemptions by adding an additional chemical identified by CAS Reg. No.

In the **Federal Register** of July 19, 2013 (78 FR 43118) (FRL–9392–9), EPA issued a notice pursuant to section 408 of FFDCA, 21 U.S.C. 346a, announcing the filing of a pesticide petition (IN–10544) by Spring Trading Company, 10805 W. Timberwagon Cir., Spring, TX 77380–4030, on behalf of Akzo Nobel Surface Chemistry, LLC, 525 West Van Buren, Chicago, IL 60607–3823. The petition requested that 40 CFR 180.920, 180.930, and 180.960 be amended by modifying the exemption from the requirement of a tolerance for residues of AAAs by adding residues of additional chemicals of [alpha]-alkyl-[omega]-hydroxypoly (oxypropylene) and/or poly(oxyethylene) polymers where the alkyl chain contains a minimum of six carbons, and alkyl-*w*-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons, minimum number average molecular weight (in AMU) 1,100 in or on growing crops at no limitation when used as an inert ingredient in pesticide formulations. That notice referenced a summary of the petition prepared by Akzo Nobel Surface Chemistry, the petitioner, which is available in the docket, *http://www.regulations.gov.* Comments were received on the notice of filing. A public comment noted that the requested 40 CFR sections, 180.920, 180.930, or 180.960 were not all the correct sections for AAAs. The petitioner agreed and resubmitted their request.

In the **Federal Register** of February 25, 2014 (79 FR 03861) (FRL–9906–77), EPA issued a notice pursuant to section 408 of FFDCA, 21 U.S.C. 346a, announcing the filing of a pesticide petition (IN–10544) by Spring Trading Company, 10805 W. Timberwagon Cir., Spring, TX 77380–4030, on behalf of Akzo Nobel Surface Chemistry, LLC, 525 West Van Buren, Chicago, IL 60607–3823. The petition requested that 40 CFR 180.910, 180.930, 180.940(a) and 180.960 be amended by modifying the exemption from the requirement of a tolerance for residues of AAAs to include CAS Reg. No.: 116810–31–2 when used as an inert ingredient in pesticide formulations applied to growing crops without limitations. That notice referenced a summary of the petition prepared by Akzo Nobel Surface Chemistry, the petitioner, which is available in the docket, *http://www.regulations.gov.* Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit V.C.

In this petition, Akzo Nobel Surface Chemistry claims that the chemical CAS Reg. No.; 116810–31–2 is covered by the published tolerance exemption for AAAs and that no further data or review is required to amend the existing tolerance exemption to include the additional CAS Reg. No.

Based upon review of the data supporting the petition, EPA has confirmed that the requested CAS Reg. No. is acceptable for consideration under the currently approved descriptor. This limitation is based on the Agency's risk assessment which can be found at *http://www.regulations.gov* in document IN–10544 requesting to amend the exemption from the requirement of a tolerance for [alpha]-alkyl-[omega]-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons, and a-alkyl-w-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons and a minimum number average molecular weight (in amu) 1,100, under 40 CFR 180.910, 180.930, 180.940(a) or 180.960 in docket ID number EPA–HQ–OPP–2013–0210.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

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

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

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

The Agency agrees with the petitioner that CAS Reg. No.: 116810–31–2 is an AAA having molecular structures conforming to the chemical description given in the tolerance exemption expression, i.e., α-alkyl-ω-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons and which do not contain additional structural elements that are not included within the tolerance exemption expression description. In 2009, in establishing the exemption for the AAAs, EPA assessed their safety generally using worst case exposure assumptions. (74 FR 149) (FRL–8430–1). EPA concluded that that assessment showed that exempting the AAAs from the requirement from a tolerance would be safe. Inclusion of additional chemicals described above in the risk assessment for the AAAs would in no way alter that prior risk assessment given the generic findings on toxicity and the worst case exposure assumptions used in that risk assessment. Accordingly, based on the findings in that earlier rule, EPA has determined that there is a reasonable certainty that no harm to any population subgroup, including infants and children, will result from aggregate exposure to AAAs, by including the additional chemicals described above, under reasonably foreseeable circumstances. Therefore, the amendment of an exemption from tolerance under 40 CFR 180.910, 180.930, 180.940, and 180.960, for residues of AAAs to include the chemicals described above is safe under FFDCA section 408.

V. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

B. International Residue Limits

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

The Codex has not established a MRL for AAAs.

C. Response to Comments

One comment was received for a notice of filing from a private citizen who opposed the authorization to sell any pesticide that leaves a residue on food. The Agency understands the commenter's concerns and recognizes that some individuals believe that no residue of pesticides should be allowed. However, under the existing legal framework provided by section 408 of the FFDCA, EPA is authorized to establish pesticide tolerances or exemptions where persons seeking such tolerances or exemptions have demonstrated that the pesticide meets the safety standard imposed by the statute.

VI. Conclusions

Therefore, the exemptions from the requirement of a tolerance under 40 CFR 180.910, 180.930, 180.940a, and 180.960 for AAAs when used as an inert ingredient as a surfactant in pesticide formulations applied to growing crops is amended to add the following CAS No.: 116810–31–2.

VII. Statutory and Executive Order Reviews

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

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

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

VIII. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: May 29, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.910, the table is amended by revising the following inert ingredients to read as follows:

§ 180.910 Inert ingredients used pre- and post-harvest; exemptions from the requirement of a tolerance.

* * * * *

Inert ingredients	Limits	Uses
* * * * *	*	*
α-alkyl-ω-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons (CAS Reg. No.: 9002–92–0; 9004–95–9; 9004–98–2; 9005–00–9; 9035–85–2; 9038–29–3; 9038–43–1; 9040–05–5; 9043–30–5; 9087–53–0; 25190–05–0; 24938–91–8; 25231–21–4; 26183–52–8; 26468–86–0; 26636–39–5; 27252–75–1; 27306–79–2; 31726–34–8; 34398–01–1; 34398–05–5; 37251–67–5; 37311–00–5; 37311–01–6; 37311–02–7; 37311–04–9; 39587–22–9; 50861–66–0; 52232–09–4; 52292–17–8; 52609–19–5; 57679–21–7; 59112–62–8; 60828–78–6; 61702–78–1; 61725–89–1; 61791–13–7; 61791–20–6; 61791–28–4; 61804–34–0; 61827–42–7; 61827–84–7; 62648–50–4; 63303–01–5; 63658–45–7; 63793–60–2; 64366–70–7; 64415–24–3; 64415–25–4; 64425–86–1; 65104–72–5; 65150–81–4; 66455–14–9: 66455–15–0; 67254–71–1; 67763–08–0; 68002–96–0; 68002–97–1; 68131–39–5; 68131–40–8; 68154–96–1; 68154–97–2; 68154–98–3; 68155–01–1; 68213–23–0; 68213–24–1; 68238–81–3; 68238–82–4; 68409–58–5; 68409–59–6; 68439–30–5; 68439–45–2; 68439–46–3; 68439–48–5; 68439–49–6; 68439–50–9; 68439–51–0; 68439–53–2; 68439–54–3; 68458–88–8; 68526–94–3; 68526–95–4; 68551–12–2; 68551–13–3; 68551–14–4; 68603–20–3; 68603–25–8; 68920–66–1; 68920–69–4; 68937–66–6; 68951–67–7; 68954–94–9; 68987–81–5; 68991–48–0; 69011–36–5; 69013–18–9; 69013–19–0; 69227–20–9; 69227–21–0; 69227–22–1; 69364–63–2; 70750–27–5; 70879–83–3; 70955–07–6; 71011–10–4; 71060–57–6; 71243–46–4; 72066–65–0; 72108–90–8; 72484–69–6; 72854–13–8; 72905–87–4; 73018–31–2; 73049–34–0; 74432–13–6; 74499–34–6; 78330–19–5; 78330–20–8; 78330–21–9; 78330–23–1; 79771–03–2; 84133–50–6; 85422–93–1; 97043–91–9; 97953–22–5; 102782–43–4; 103331–86–8; 103657–84–7; 103657–85–8; 103818–93–5; 103819–03–0; 106232–83–1; 111905–54–5; 116810–31–2; 116810–32–3; 116810–33–4; 120313–48–6; 120944–68–5; 121617–09–2; 126646–02–4; 126950–62–7; 127036–24–2; 139626–71–4; 152231–44–2; 154518–36–2; 157627–86–6; 157627–88–8; 157707–41–0; 157707–43–2; 159653–49–3; 160875–66–1; 160901–20–2; 160901–09–7; 160901–19–9; 161025–21–4; 161025–22–5; 166736–08–9; 169107–21–5; 172588–43–1; 176022–76–7; 196823–11–7; 287935–46–0; 288260–45–7; 303176–75–2; 954108–36–2).	.....	Surfactants, related adjuvants of surfactants.
* * * * *	*	*

■ 3. In § 180.930, the table is amended by revising the following inert ingredients to read as follows:

§ 180.930 Inert ingredients applied to animals; exemptions from the requirement of a tolerance.

* * * * *

Inert ingredients	Limits	Uses
* * * * *	*	*
α-alkyl-ω-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons (CAS Reg. No.: 9002–92–0; 9004–95–9; 9004–98–2; 9005–00–9; 9035–85–2; 9038–29–3; 9038–43–1; 9040–05–5; 9043–30–5; 9087–53–0; 25190–05–0; 24938–91–8; 25231–21–4; 26183–52–8; 26468–86–0; 26636–39–5; 27252–75–1; 27306–79–2; 31726–34–8; 34398–01–1; 34398–05–5; 37251–67–5; 37311–00–5; 37311–01–6; 37311–02–7; 37311–04–9; 39587–22–9; 50861–66–0; 52232–09–4; 52292–17–8; 52609–19–5; 57679–21–7; 59112–62–8; 60828–78–6; 61702–78–1; 61725–89–1; 61791–13–7; 61791–20–6; 61791–28–4; 61804–34–0; 61827–42–7; 61827–84–7; 62648–50–4; 63303–01–5; 63658–45–7; 63793–60–2; 64366–70–7; 64415–24–3; 64415–25–4; 64425–86–1; 65104–72–5; 65150–81–4; 66455–14–9: 66455–15–0; 67254–71–1; 67763–08–0; 68002–96–0; 68002–97–1; 68131–39–5; 68131–40–8; 68154–96–1; 68154–97–2; 68154–98–3; 68155–01–1; 68213–23–0; 68213–24–1; 68238–81–3; 68238–82–4; 68409–58–5; 68409–59–6; 68439–30–5; 68439–45–2; 68439–46–3; 68439–48–5; 68439–49–6; 68439–50–9; 68439–51–0; 68439–53–2; 68439–54–3; 68458–88–8; 68526–94–3; 68526–95–4; 68551–12–2; 68551–13–3; 68551–14–4; 68603–20–3; 68603–25–8; 68920–66–1; 68920–69–4; 68937–66–6; 68951–67–7; 68954–94–9; 68987–81–5; 68991–48–0; 69011–36–5; 69013–18–9; 69013–19–0; 69227–20–9; 69227–21–0; 69227–22–1; 69364–63–2; 70750–27–5; 70879–83–3; 70955–07–6; 71011–10–4; 71060–57–6; 71243–46–4; 72066–65–0; 72108–90–8; 72484–69–6; 72854–13–8; 72905–87–4; 73018–31–2; 73049–34–0; 74432–13–6; 74499–34–6; 78330–19–5; 78330–20–8; 78330–21–9; 78330–23–1; 79771–03–2; 84133–50–6; 85422–93–1; 97043–91–9; 97953–22–5; 102782–43–4; 103331–86–8; 103657–84–7; 103657–85–8; 103818–93–5; 103819–03–0; 106232–83–1; 111905–54–5; 116810–31–2; 116810–32–3; 116810–33–4; 120313–48–6; 120944–68–5; 121617–09–2; 126646–02–4; 126950–62–7; 127036–24–2; 139626–71–4; 152231–44–2; 154518–36–2; 157627–86–6; 157627–88–8; 157707–41–0; 157707–43–2; 159653–49–3; 160875–66–1; 160901–20–2; 160901–09–7; 160901–19–9; 161025–21–4; 161025–22–5; 166736–08–9; 169107–21–5; 172588–43–1; 176022–76–7; 196823–11–7; 287935–46–0; 288260–45–7; 303176–75–2; 954108–36–2).	.....	Surfactants, related adjuvants of surfactants.
* * * * *	*	*

■ 4. In § 180.940, the table is amended by revising the following entry to the table in paragraph (a):

§ 180.940 Tolerance exemptions for active and inert ingredients for use in antimicrobial formulations (Food-contact surface sanitizing solutions).

(a) * * *

* * * * *

Pesticide chemical	CAS Reg. No.	Limits
* *	* * * * *	*
α-alkyl-ω-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons.	9002–92–0; 9004–95–9; 9004–98–2; 9005–00–9; 9035–85–2; 9038–29–3; 9038–43–1; 9040–05–5; 9043–30–5; 9087–53–0; 25190–05–0; 24938–91–8; 25231–21–4; 26183–52–8; 26468–86–0; 26636–39–5; 27252–75–1; 27306–79–2; 31726–34–8; 34398–01–1; 34398–05–5; 37251–67–5; 37311–00–5; 37311–01–6; 37311–02–7; 37311–04–9; 39587–22–9; 50861–66–0; 52232–09–4; 52292–17–8; 52609–19–5; 57679–21–7; 59112–62–8; 60828–78–6; 61702–78–1; 61725–89–1; 61791–13–7; 61791–20–6; 61791–28–4; 61804–34–0; 61827–42–7; 61827–84–7; 62648–50–4; 63303–01–5; 63658–45–7; 63793–60–2; 64366–70–7; 64415–24–3; 64415–25–4; 64425–86–1; 65104–72–5; 65150–81–4; 66455–14–9: 66455–15–0; 67254–71–1; 67763–08–0; 68002–96–0; 68002–97–1; 68131–39–5; 68131–40–8; 68154–96–1; 68154–97–2; 68154–98–3; 68155–01–1; 68213–23–0; 68213–24–1; 68238–81–3; 68238–82–4; 68409–58–5; 68409–59–6; 68439–30–5; 68439–45–2; 68439–46–3; 68439–48–5; 68439–49–6; 68439–50–9; 68439–51–0; 68439–53–2; 68439–54–3; 68458–88–8; 68526–94–3; 68526–95–4; 68551–12–2; 68551–13–3; 68551–14–4; 68603–20–3; 68603–25–8; 68920–66–1; 68920–69–4; 68937–66–6; 68951–67–7; 68954–94–9; 68987–81–5; 68991–48–0; 69011–36–5; 69013–18–9; 69013–19–0; 69227–20–9; 69227–21–0; 69227–22–1; 69364–63–2; 70750–27–5; 70879–83–3; 70955–07–6; 71011–10–4; 71060–57–6; 71243–46–4; 72066–65–0; 72108–90–8; 72484–69–6; 72854–13–8; 72905–87–4; 73018–31–2; 73049–34–0; 74432–13–6; 74499–34–6; 78330–19–5; 78330–20–8; 78330–21–9; 78330–23–1; 79771–03–2; 84133–50–6; 85422–93–1; 97043–91–9; 97953–22–5; 102782–43–4; 103331–86–8; 103657–84–7; 103657–85–8; 103818–93–5; 103819–03–0; 106232–83–1; 111905–54–5; 116810–31–2; 116810–32–3; 116810–33–4; 120313–48–6; 120944–68–5; 121617–09–2; 126646–02–4; 126950–62–7; 127036–24–2; 139626–71–4; 152231–44–2; 154518–36–2; 157627–86–6; 157627–88–8; 157707–41–0; 157707–43–2; 159653–49–3; 160875–66–1; 160901–20–2; 160901–09–7; 160901–19–9; 161025–21–4; 161025–22–5; 166736–08–9; 169107–21–5; 172588–43–1; 176022–76–7; 196823–11–7; 287935–46–0; 288260–45–7; 303176–75–2; 954108–36–2.	

Pesticide chemical	CAS Reg. No.	Limits
* * *	* * *	* * *

■ 5. In § 180.960, the table is amended by revising the following entry to read as follows:

§ 180.960 Polymers; exemptions from the requirement of a tolerance.

* * * * *

Polymer	CAS Reg. No.
* *	* * * * *
α-alkyl-ω-hydroxypoly (oxypropylene) and/or poly (oxyethylene) polymers where the alkyl chain contains a minimum of six carbons and a minimum number average molecular weight (in amu) 1,100.	9002–92–0; 9004–95–9; 9004–98–2; 9005–00–9; 9035–85–2; 9038–29–3; 9038–43–1; 9040–05–5; 9043–30–5; 9087–53–0; 25190–05–0; 24938–91–8; 25231–21–4; 26183–52–8; 26468–86–0; 26636–39–5; 27252–75–1; 27306–79–2; 31726–34–8; 34398–01–1; 34398–05–5; 37251–67–5; 37311–00–5; 37311–01–6; 37311–02–7; 37311–04–9; 39587–22–9; 50861–66–0; 52232–09–4; 52292–17–8; 52609–19–5; 57679–21–7; 59112–62–8; 60828–78–6; 61702–78–1; 61725–89–1; 61791–13–7; 61791–20–6; 61791–28–4; 61804–34–0; 61827–42–7; 61827–84–7; 62648–50–4; 63303–01–5; 63658–45–7; 63793–60–2; 64366–70–7; 64415–24–3; 64415–25–4; 64425–86–1; 65104–72–5; 65150–81–4; 66455–14–9: 66455–15–0; 67254–71–1; 67763–08–0; 68002–96–0; 68002–97–1; 68131–39–5; 68131–40–8; 68154–96–1; 68154–97–2; 68154–98–3; 68155–01–1; 68213–23–0; 68213–24–1; 68238–81–3; 68238–82–4; 68409–58–5; 68409–59–6; 68439–30–5; 68439–45–2; 68439–46–3; 68439–48–5; 68439–49–6; 68439–50–9; 68439–51–0; 68439–53–2; 68439–54–3; 68458–88–8; 68526–94–3; 68526–95–4; 68551–12–2; 68551–13–3; 68551–14–4; 68603–20–3; 68603–25–8; 68920–66–1; 68920–69–4; 68937–66–6; 68951–67–7; 68954–94–9; 68987–81–5; 68991–48–0; 69011–36–5; 69013–18–9; 69013–19–0; 69227–20–9; 69227–21–0; 69227–22–1; 69364–63–2; 70750–27–5; 70879–83–3; 70955–07–6; 71011–10–4; 71060–57–6; 71243–46–4; 72066–65–0; 72108–90–8; 72484–69–6; 72854–13–8; 72905–87–4; 73018–31–2; 73049–34–0; 74432–13–6; 74499–34–6; 78330–19–5; 78330–20–8; 78330–21–9; 78330–23–1; 79771–03–2; 84133–50–6; 85422–93–1; 97043–91–9; 97953–22–5; 102782–43–4; 103331–86–8; 103657–84–7; 103657–85–8; 103818–93–5; 103819–03–0; 106232–83–1; 111905–54–5; 116810–31–2; 116810–32–3; 116810–33–4; 120313–48–6; 120944–68–5; 121617–09–2; 126646–02–4; 126950–62–7; 127036–24–2; 139626–71–4; 152231–44–2; 154518–36–2; 157627–86–6; 157627–88–8; 157707–41–0; 157707–43–2; 159653–49–3; 160875–66–1; 160901–20–2; 160901–09–7; 160901–19–9; 161025–21–4; 161025–22–5; 166736–08–9; 169107–21–5; 172588–43–1; 176022–76–7; 196823–11–7; 287935–46–0; 288260–45–7; 303176–75–2; 954108–36–2
* * *	* * * * *

[FR Doc. 2014–13383 Filed 6–10–14; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 102–117

[Change 2014–03; FMR Case 2012–102–5; Docket 2012–0017, Sequence 1]

RIN 3090–AJ34

Federal Management Regulation (FMR); Restrictions on International Transportation of Freight and Household Goods

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: GSA is amending the Federal Management Regulation (FMR) provisions pertaining to the use of United States air carriers for cargo under the ''Fly America Act''; updating the current provisions in the FMR regarding the Cargo Preference Act of 1954, as amended; and clarifying FMR language to state clearly that this part applies to all agencies and wholly-owned Government corporations except where otherwise expressly provided.

DATES: This final rule is effective June 11, 2014.

FOR FURTHER INFORMATION CONTACT: Lee Gregory, Office of Asset and Transportation Management, Office of Government-wide Policy, General Services Administration, 1800 F Street NW., Washington, DC 20405, by phone at (202) 507–0871 or by email at *lee.gregory@gsa.gov.* Please cite FMR Case 2012–102–5.

SUPPLEMENTARY INFORMATION:

A. Background

GSA reviewed the transportation management policy regarding international shipments and published a proposed rule in the **Federal Register** on June 19, 2013 (78 FR 36723).

The Fly America Act, 49 U.S.C. 40118, requires the use of United States air carrier service for all air cargo transportation services funded by the United States (U.S.) Government. One exception to this requirement is transportation provided under a bilateral or multilateral air transport agreement, to which the U.S. Government and the government of a foreign country are parties, and which the Department of Transportation has determined meets the requirements of the Fly America Act.

The U.S. Government has entered into several air transport agreements that allow Federally-funded transportation services for cargo movements to use foreign air carriers under certain circumstances. For example, on April 25 and April 30, 2007, the United States-European Union (EU) Air Transport Agreement (U.S.-EU Agreement) was signed, providing EU air carriers the right to transport cargo, including household goods, on scheduled and charter flights funded by the U.S. Government (excluding transportation funded by the Secretary of Defense or in the Secretary of a military department), between any point in the U.S. and any

point in an EU Member State or between any two points outside the U.S. for which a U.S. Government civilian Department, Agency, or instrumentality: (1) Obtains the transportation for itself or in carrying out an arrangement under which payment is made by the U.S. Government or payment is made from amounts provided for use of the U.S. Government; or (2) provides transportation to or for a foreign country or international or other organization without reimbursement.

The U.S. Government and the European Union amended the U.S.-EU Agreement with a Protocol signed on June 24, 2010. In the amended agreement, the U.S. further extended the rights of EU air carriers to transport cargo on scheduled and charter flights funded by the U.S. Government between any point in the United States and any point outside the United States, or between any two points outside the United States. Norway and Iceland joined the U.S.-EU Air transportation agreement as amended by the Protocol on June 21, 2011, granting carriers from those countries the same rights.

The U.S. Government has air transport agreements with Australia, Switzerland, and Japan, which allow carriers from those countries to transport cargo subject to the Fly America Act between their respective home countries and the United States and between two points outside the United States. The provisions in the agreements with Australia and Switzerland became effective on October 1, 2008. The provisions in the agreement with Japan took effect on October 1, 2011.

The U.S. Government previously entered into an agreement with Saudi Arabia regarding Federally-funded transportation services for cargo movements under which Saudi Arabian air carriers are permitted to transport cargo from Saudi Arabia to the United States and from the United States to Saudi Arabia when the transportation is funded by U.S. Government contractors providing services to Federal Government entities.

Accordingly, rather than amend the FMR to include language from agreements, and thereafter amending the FMR each time there is a change in air transport agreements that affect U.S. Government-funded cargo transportation, GSA is issuing this final rule that directs customers to the Department of State Internet-based source of information (*http://www.state.gov/e/eb/tra/ata/index.htm*) relating to such agreements. This approach will allow GSA to provide and quickly update relevant information as new agreements are signed or current agreements are amended without invoking the regulatory process. In the future, if GSA were to determine that further guidance is necessary, GSA may issue FMR Bulletins, or involve the regulatory process, as appropriate.

Additionally, GSA is updating the FMR to include exceptions to the Fly America Act, such as cargo transportation services that are fully reimbursed by a third party, *e.g.,* a foreign government, an international agency, or other organization. As the Federal Government is not expending any of its own funds, such services are not covered by the Fly America Act.

Further, in accordance with 49 U.S.C. 40118(c), GSA is amending regulations under which agencies may expend appropriations for cargo transportation using foreign air carriers when it is deemed necessary. There have been limited circumstances in the past where the use of a foreign air carrier was deemed necessary. For example, when the Government Accountability Office (formerly the General Accounting Office), had responsibility for implementing the Fly America Act, the Comptroller General held that when time requirements could not be met the use of a foreign flag carrier was deemed necessary (See *The Honorable Norman Y. Mineta Chairman, Subcommittee on Aviation Committee on Public Works and Transportation, House of Representatives,* Comptroller General, B–210293, June 13, 1983).

The use of foreign carriers should be very limited and agency approval should only be granted after a determination that one or more of these circumstances exist: No U.S. flag air carrier can provide the specific air transportation needed; no U.S. flag air carrier can accomplish the agency's mission; no U.S. flag air carrier can meet the time requirements in cases of emergency; there is a lack of or inadequate U.S. flag air carrier aircraft, or to avoid an unreasonable risk to safety when using a U.S. flag air carrier.

Further, this final rule updates FMR section 102–117.135(b) to include the current telephone number, email address, and Web site for the Department of Transportation Maritime Administration (MARAD), Office of Cargo Preference and Domestic Trade. This final rule also identifies the Web site for agencies to go to for information that MARAD requires to be submitted by the shipping Department or Agency when cargo is shipped subject to 46 U.S.C. 55305, the Cargo Preference Act of 1954, as amended.

Finally, GSA is revising the language in FMR section 102–117.15 to state clearly that this part applies to all agencies and wholly-owned Government corporations except as otherwise expressly provided.

B. Public Comments and Responses

In the proposed rule, GSA provided the public a 30-day comment period which ended on July 19, 2013. GSA received five recommendations from the National Air Carrier Association (NACA). NACA represents 16 member carriers who transport cargo and passengers on both scheduled and non-scheduled U.S. domestic and international flights. NACA comments related to the focus of the proposed change; how GSA will monitor and control compliance with the Fly America Act; and questioned how there will be consistency of interpretations by U.S. Government agencies for the exceptions listed.

Comment: There must be a mechanism to ensure U.S. Government agencies arrange flights using foreign flag air carriers *only when it is a matter of necessity,* on a case-by-case basis, according to the exceptions listed in the amendment.

Response: Regulatory and other guidance already exists that allows agencies to use foreign flag air carriers only when it is a matter of necessity. These include the Comptroller General Decision B–138942, issued March 31, 1981, requiring agency decision and certifications to be attached to the voucher; the Federal Acquisition Regulation (FAR) that governs Federal contracts for civilian agencies in Part 47, Transportation, which contains guidance for the implementation of the Fly America Act (48 CFR 47.403 and 47.404); the Federal Travel Regulation (FTR) which addresses Federal travel and relocation (41 CFR 301–10.141, *et seq.*), and agency policy that regulates the use of foreign flag carriers.

Comment: Each of the exceptions is subject to interpretation, but the one referring to ''. . . an unreasonable risk to safety'' appears to be particularly questionable. Which U.S. Government agency will be responsible to make the determination that the flight is too risky for an U.S. flag carrier? U.S. flag carriers must be included in the risk assessment.

Response: Additional language for clarification regarding ''an unreasonable risk to safety'' has been incorporated into this final rule. An agency decision must be supported by an advisory alert issued by the Federal Aviation Administration, Department of State, or the Transportation Security Administration.

Comment: There must be *proof supplied in every case* by agencies

arranging flights using foreign flag air carriers.

Response: As identified in the response to the first comment above, regulatory and other guidance already exists for agencies to follow for flights using foreign flag air carriers.

Comment: GSA should announce to the public, in advance, all flights proposed by U.S. Government agencies that would use foreign flag air carriers in accordance with this amendment, including the proof as to why a foreign flag air carrier is proposed to be used. This will allow U.S. air carriers the opportunity to comment, object, and appeal the intent to use a foreign flag carrier. GSA should propose a simple method to announce these flights to the public.

Response: The comments are outside the scope of this rule.

Comment: Note following (3)(v) of this amendment: *The use of foreign flag air carriers should be rare.* NACA urges GSA to replace this note with: (1) A transparent mechanism to allow advance notice of proposed use of foreign carriers, (2) an appeal process for U.S. flag carriers to object, and (3) a commitment to continue monitoring use of foreign flag air carriers by U.S. Government agencies. Only then will it be possible to ensure strict compliance with all provisions of the Fly America Act.

Response: The proposed amendment ''note'' text following (3)(v) has been placed into the regulation at section 102–117.135(a), Air Cargo. GSA agrees that the use of foreign-flag air carriers should be rare.

The comments regarding the three steps are outside the scope of this rule. It is each agency's responsibility to procure and manage their foreign air carrier transportation requirements.

C. Changes

This final rule—

- Applies to all agencies and wholly owned Government corporations as defined in 5 U.S.C. 101, *et seq.,* and 31 U.S.C. 9101(3), except as otherwise expressly provided.
- Updates current provisions pertaining to the use of U.S. air carriers for cargo under the provisions of 49 U.S.C. 40118, commonly referred to as the ''Fly America Act,'' and the 46 U.S.C. 55305, the Cargo Preference Act of 1954, as amended.
- Clarifies the exceptions to the requirement of using U.S. flag air carriers.
- Revises contact information and Web sites for the Department of Transportation, Maritime Administration (MARAD).

D. Executive Orders 12866 and 13563

Executive Orders (E.O.) 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, reducing costs, harmonizing rules, and promoting flexibility. This is not a significant regulatory action, and therefore, would not be subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule would not be a major rule under 5 U.S.C. 804.

E. Regulatory Flexibility Act

While these revisions are substantive, this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* This final rule is also exempt from the Regulatory Flexibility Act per 5 U.S.C. 553(a)(2) because it applies to agency management or personnel.

F. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FMR would not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501, *et seq.*

G. Small Business Regulatory Enforcement Fairness Act

This final rule is also exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates to agency management or personnel.

List of Subjects in 41 CFR Part 102–117

Air Cargo, International Transportation, Ocean Cargo, Transportation Management, U.S. flag carriers.

Dated: April 3, 2014.

Dan Tangherlini,

Administrator of General Services.

For the reasons set forth in the preamble, 41 CFR Part 102–117 is amended as follows:

PART 102–117—TRANSPORTATION MANAGEMENT

■ 1. The authority citation for 41 CFR Part 102–117 continues to read as follows:

Authority: 31 U.S.C. 3726; 40 U.S.C. 121(c); 40 U.S.C. 501, *et seq.;* 46 U.S.C. 55305; 49 U.S.C. 40118.

■ 2. Revise § 102–117.15 to read as follows:

§ 102–117.15 To whom does this part apply?

This part applies to all agencies and wholly-owned Government corporations as defined in 5 U.S.C. 101, *et seq.* and 31 U.S.C. 9101(3), except as otherwise expressly provided.

■ 3. Revise § 102–117.135 to read as follows:

§ 102–117.135 What are the international transportation restrictions?

Several statutes mandate the use of U.S. flag carriers for international shipments, such as 49 U.S.C. 40118, commonly referred to as the ''Fly America Act'', and 46 U.S.C. 55305, the Cargo Preference Act of 1954, as amended. The principal restrictions are as follows:

(a) *Air cargo:* The use of foreign-flag air carriers when funded by the U.S. Government should be rare. International movement of cargo by air is subject to the Fly America Act, 49 U.S.C. 40118, which requires the use of U.S. flag air carrier service for all air cargo movements funded by the U.S. Government, including cargo shipped by contractors, grantees, and others at Government expense, except when one of the following exceptions applies:

(1) The transportation is provided under a bilateral or multilateral air transportation agreement to which the U.S. Government and the government of a foreign country are parties, and which the Department of Transportation has determined meets the requirements of the Fly America Act.

(i) Information on bilateral or multilateral air transport agreements impacting U.S. Government procured transportation can be accessed at *http://www.state.gov/e/eb/tra/ata/index.htm;* and

(ii) If determined appropriate, GSA may periodically issue FMR Bulletins providing further guidance on bilateral or multilateral air transportation agreements impacting U.S. Government procured transportation. These bulletins may be accessed at *http://www.gsa.gov/bulletins;*

(2) When the costs of transportation are reimbursed in full by a third party, such as a foreign government, an

international agency, or other organization; or

(3) Use of a foreign air carrier is determined to be a matter of necessity by your agency, on a case-by-case basis, when:

(i) No U.S. flag air carrier can provide the specific air transportation needed;

(ii) No U.S. flag air carrier can meet the time requirements in cases of emergency;

(iii) There is a lack of or inadequate U.S. flag air carrier aircraft;

(iv) There is an unreasonable risk to safety when using a U.S. flag carrier aircraft (*e.g.,* terrorist threats). Written approval of the use of foreign air carrier service based on an unreasonable risk to safety must be approved by your agency on a case-by-case basis and must be supported by a travel advisory notice issued by the Federal Aviation Administration, Department of State, or the Transportation Security Administration; or

(v) No U.S. flag air carrier can accomplish the agency's mission.

(b) *Ocean cargo:* International movement of property by water is subject to the Cargo Preference Act of 1954, as amended, 46 U.S.C. 55305, and the implementing regulations found at 46 CFR Part 381, which require the use of a U.S. flag carrier for 50% of the tonnage shipped by each Department or Agency when service is available. The Maritime Administration (MARAD) monitors agency compliance with these laws. All Departments or Agencies shipping Government-impelled cargo must comply with the provisions of 46 CFR 381.3. For further information contact MARAD, Tel: 1–800–996–2723, Email: *cargo.marad@dot.gov.* For further information on international ocean shipping, go to: *http://www.marad.dot.gov/cargopreference.*

[FR Doc. 2014–13652 Filed 6–10–14; 8:45 am]

BILLING CODE 6820–14–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 102–192

[Change 2014–02; FMR Case 2008–102–4; Docket 2008–0001; Sequence 7]

RIN 3090–AI79

Federal Management Regulation (FMR); Mail Management; Requirements for Agencies

AGENCY: Office of Asset and Transportation Management (MA), Office of Government-wide Policy (OGP), GSA.

ACTION: Final rule.

SUMMARY: The U.S. General Services Administration (GSA) is amending the Federal Management Regulation (FMR) by revising its mail management policy. This amendment revises the term ''commercial payment process'' and removes the requirement that agencies pay the United States Postal Service (USPS) using only commercial payment processes. This final rule changes the date of the annual mail management report, removes the description of facility and program mail manager responsibilities, and requires all agencies to expand existing mail security policy to include guidance for employees receiving incoming and sending outgoing official mail at alternative worksites. Finally, this final rule encourages agencies to implement the process of mail consolidation, increase sustainable activities in their mail programs, and makes editorial and technical corrections. This case is included in GSA's retrospective review of existing regulations under Executive Order 13563.

DATES: *Effective:* August 11, 2014.

ADDRESSES: Additional information is available at *www.gsa.gov/improvingregulations.*

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Linda Willoughby, Office of Government-wide Policy, Mail Management Policy, at 202–219–1083, or by email at *linda.willoughby@gsa.gov.* Please cite FMR case 2008–102–4. For information pertaining to status or publication schedules, contact the Regulatory Secretariat (MVCB), 1800 F Street NW., Washington, DC 20405, 202–501–4755.

SUPPLEMENTARY INFORMATION:

A. Background

GSA is amending this regulation to reverse an interim rule first issued on June 6, 2002, in the **Federal Register** (67 FR 38896) that required all payments to the United States Postal Service (USPS) to be made using commercial payment processes, not the Official Mail Accounting System (OMAS). As a result of agency comments and waiver requests received, it became clear that many agencies were unable to move to commercial payment. Additionally, enhancements in OMAS allowed for accountability to agencies at the program level, which is important for cost containment. This rule allows agencies to pay the USPS using commercial payment processes, their existing OMAS account, or a combination of the two. This approach is consistent with comments received on the proposed rule published in the **Federal Register** on January 9, 2009 (74 FR 870). In addition, this rule incorporates several changes that GSA drafted in conjunction with the Federal Mail Executive Council.

A proposed rule was published in the **Federal Register** on May 13, 2013 (FMR Case 2008–102–4 at 78 FR 27908), that received 11 comments. Of these, 9 comments recommended keeping the annual reporting threshold for agencies with mail expenditures of $1 million or more (''large agencies''). GSA concurs with these comments and kept the reporting requirement for large agencies for two reasons. First, the current reporting from large agencies is thought to represent over 95 percent of mail expenditures. This is sufficient for the development of data-driven policy. Second, the reporting requirement would be too burdensome for small agencies and would be costly. Members of the Small Agency Council (SAC) submitted 7 of 9 comments requesting to retain the large agency reporting requirement. SAC members have 6,000 or fewer employees. According to SAC, about 33 percent of the 90 agencies are micro-agencies with less than 100 employees and have mail expenditures under $20,000. Thus, GSA agrees that the proposed, expanded reporting requirement would be too burdensome on small agencies with low mail expenditures.

Three comments were received on commercial payment. As the proposed change was to allow payment to the USPS from either commercial or through OMAS, the request for GSA to continue accepting deviation requests for OMAS is unnecessary. The definition of payment to non-USPS service providers was expanded in response to one comment received that the current definition was too limited.

One commenter requested that GSA retain roles and responsibilities of the mail program and center managers in the regulation. GSA does not adopt this request as the information was duplicative and best used as a guide, as the requestor indicated. Lastly, GSA adopted some editorial comments and has addressed these comments below in the ''Changes to the Current FMR'' section.

Two comments received were in support of keeping the consolidation of internal and external mail operations, as well as, supporting the sustainability activities in the mail program by incorporating strategies in accordance with Executive Order 13514. GSA appreciates these comments.

B. Changes to the Current FMR

This final rule:

1. Removes the agency requirement to pay the USPS using only commercial payment processes and redefines the term ''commercial payment process.''

2. Beginning in fiscal year (FY) 2014, revises the annual mail management reporting date from January 15 to October 31.

3. Requires large agencies with expenditures of $1 million or greater to submit an annual mail management report to GSA's Office of Government-wide Policy, Mail Management Policy, through the Simplified Mail Accountability Reporting Tool (SMART).

4. Refers to an FMR bulletin that details the reporting requirements at *www.gsa.gov/fmrbulletin.*

5. Removes the description of facility and program mail manager responsibilities.

6. Recommends all agencies implement the process of consolidation for internal and external mail.

7. Requires all agencies to expand existing mail security policy to include guidance for employees receiving incoming and sending outgoing official mail at an alternative worksite.

8. Encourages agencies to increase sustainable activities in their mail programs.

9. Makes editorial and technical corrections.

C. 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.

D. Regulatory Flexibility Act

This final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* This rule is also exempt from the Administrative Procedure Act per 5 U.S.C. 553(a)(2) because it applies to agency management or personnel.

E. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the Federal Management Regulation do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501, *et seq.*

F. Small Business Regulatory Enforcement Fairness Act

This final rule is exempt from Congressional review under 5 U.S.C. 801 since it relates solely to agency management or personnel.

List of Subjects in 41 CFR Part 102–192

Government contracts, Mail, Performance measurement, Records management, Reporting recordkeeping requirements, and Security.

Dated: April 3, 2014.

Dan Tangherlini,

Administrator of General Services.

For the reasons set forth in the preamble, GSA revises 41 CFR part 102–192 to read as follows:

PART 102–192—MAIL MANAGEMENT

Subpart A—Introduction to This Part

Sec.
102–192.5 What does this part cover?
102–192.10 What authority governs this part?
102–192.15 How are ''I,'' ''you,'' ''me,'' ''we,'' and ''us'' used in this part?
102–192.20 How are ''must'' and ''should'' used in this part?
102–192.25 Does this part apply to me?
102–192.30 To what types of mail and materials does this part apply?
102–192.35 What definitions apply to this part?
102–192.40 Where can we obtain more information about the classes of mail?
102–192.45 How can we request a deviation from these requirements, and who can approve it?

Subpart B—Agency Requirements

Financial Requirements for All Agencies

102–192.50 What payment processes are we required to use?
102–192.55 Why must we use these payment processes?
102–192.60 How do we implement these payment processes?
102–192.65 What features must our finance systems have to keep track of mail expenditures?

Security Requirements for All Agencies

102–192.70 What security policies and plans must we have?
102–192.75 Why must we have written security policies and plans?
102–192.80 How do we develop written security policies and plans?

Reporting Requirements

102–192.85 Who must report to GSA annually?
102–192.90 What must we include in our annual mail management report to GSA?
102–192.95 Why does GSA require annual mail management reports?
102–192.100 How do we submit our annual mail management report to GSA?
102–192.105 When must we submit our annual mail management report to GSA?

Performance Measurement Requirements for All Agencies

102–192.110 At what levels in our agency must we have performance measures?
102–192.115 Why must we use performance measures?

Agency Mail Manager Requirements

102–192.120 Must we have an agency mail manager?
102–192.125 What is the appropriate managerial level for an agency mail manager?
102–192.130 What are your general responsibilities as an agency mail manager?

Subpart C—GSA's Responsibilities and Services

102–192.135 What are GSA's responsibilities in mail management?
102–192.140 What types of support does GSA offer to Federal agency mail management programs?

Authority: 44 U.S.C. 2901–2904.

Subpart A—Introduction to this Part

§ 102–192.5 What does this part cover?

This part prescribes policy and requirements for the effective, economical, and secure management of incoming, internal, and outgoing mail and materials in Federal agencies.

§ 102–192.10 What authority governs this part?

This part is governed by section 2 of Public Law 94–575, the Federal Records Management Amendments of 1976 (44 U.S.C. 2901–2904, as amended), that requires the Administrator of General Services to provide guidance and assistance to Federal agencies to ensure economical and effective records management and defines the processing of mail by Federal agencies as a records management activity.

§ 102–192.15 How are ''I,'' ''you,'' ''me,'' ''we,'' and ''us'' used in this part?

In this part, ''I,'' ''me,'' and ''you'' refer to the agency mail manager, a person working in a Federal mail operation, or the agency itself. Where the context does not make it entirely clear which is meant, the meaning is spelled out the first time a pronoun is used in the section. ''We,'' ''us,'' and ''you'' in the plural refer to your Federal agency.

§ 102–192.20 How are ''must'' and ''should'' used in this part?

In this part—

(a) ''Must'' identifies steps that Federal agencies are required to take; and

(b) ''Should'' identifies steps that the GSA recommends. In their internal policy statements, agencies may require steps that GSA recommends.

§ 102–192.25 Does this part apply to me?

Yes, this part applies to you if you work in mail management in a Federal agency, as defined in § 102–192.35.

§ 102–192.30 To what types of mail and materials does this part apply?

(a) This part applies to all materials that pass through a Federal mail center, including all incoming and outgoing materials. This includes:

(1) First Class Mail;

(2) Standard Mail;

(3) Periodicals;

(4) Package Services; and

(5) Express Mail.

(b) This part does not apply to shipments of parts or supplies from a material distribution center. A material distribution center is a warehouse that maintains and distributes an inventory of parts and supplies.

§ 102–192.35 What definitions apply to this part?

The following definitions apply to this part:

Accountable mail means any piece of mail for which a service provider and the mail center must maintain a record that shows where the mail piece is at any given time, and when and where it was delivered. Examples of *accountable mail* include United States Postal Service (USPS) registered mail and all expedited mail.

Agency mail manager means the person who manages the overall mail management program of a Federal agency.

Class of mail means one of the five categories of domestic mail as defined by the Mailing Standards of the USPS in the Domestic Mail Manual (DMM) located at *http://pe.usps.gov/*. These include:

(1) Express mail;

(2) First class (includes priority mail);

(3) Periodicals;

(4) Standard mail, bulk business mail; and

(5) Package services.

Commercial payment process means paying for postage using the United States Postal Service's Centralized Account Processing System or another payment approach used by the private sector.

Commingling means combining outgoing mail from one facility or agency with outgoing mail from at least one other source.

Consolidation means the process of combining into a container two or more pieces of mail directed to the same addressee or installation on the same day.

Consolidation of facilities means the process of combining more than one mail center into a central location. The decision to consolidate should be based on a cost analysis comparing the projected cost savings to the cost of implementation.

Expedited mail means mail designated for overnight and 2- or 3-day delivery by service providers. Examples of *expedited mail* include Dalsey, Hillblom, Lynn (DHL); Federal Express (FedEx); United Parcel Service (UPS); and United States Postal Service (USPS) express mail.

Federal agency or agency as defined in 44 U.S.C. 2901(14) means—

(1) An executive agency, which includes:

(i) Any executive department as defined in 5 U.S.C. 101;

(ii) Any wholly owned Government corporation as defined in 31 U.S.C. 9101;

(iii) Any independent establishment in the executive branch as defined in 5 U.S.C. 104; and

(2) Any establishment in the legislative or judicial branch of the Government, except the Supreme Court, the Senate, the U.S. House of Representatives, the Architect of the Capitol, and any activities under the direction of the Architect of the Capitol.

Federal facility or facility means any office building, installation, base, etc., where Federal agency employees work. This includes any facility where the Federal Government pays postage expenses even though few or no Federal employees are involved in processing the mail.

Incoming mail means any mail that comes into a facility delivered by any service provider, such as DHL, FedEx, UPS, and USPS.

Internal mail means mail generated within a Federal facility that is delivered within that facility or to a nearby facility of the same agency, so long as it is delivered by agency personnel.

Large agency means a Federal agency whose collective total payments to all mail service providers equals or exceeds $1 million per fiscal year.

Mail means that as described in § 102–192.30.

Mail center means an organization and/or place, within or associated with a Federal facility, where incoming and/or outgoing Federal mail and materials are processed.

Mail expenditures means direct expenses for postage, fees and services, and all other mail costs, meter fees, permit fees, etc. (*e.g.,* payments to service providers, mail center personnel costs, mail center overhead).

Mail piece design means creating and printing items to be mailed so that they can be processed efficiently and effectively by USPS automated mail processing equipment.

Official Mail means incoming or outgoing mail that is related to official business of the Federal Government.

Official Mail Accounting System (OMAS) means the USPS Government-specific system used to track postage.

Outgoing mail means mail generated within a Federal facility that is going outside that facility.

Personal mail means incoming or outgoing mail that is not related to official business of the Federal Government.

Postage means payment for delivery service that is affixed or imprinted to a mail piece usually in the form of a postage stamp, permit, imprint, or meter impression.

Presort means a mail preparation process used to receive a discounted mail rate by sorting mail according to USPS standards.

Program level means a component, bureau, regional office, and/or a facility that generates outgoing mail.

Service provider means any agency or company that delivers materials and mail. Some examples of service providers are DHL, FedEx, UPS, USPS, courier services, the U.S. Department of Defense, the U.S. Department of State's Diplomatic Pouch and Mail Division, and other Federal agencies providing mail services.

Sustainability/Sustainable means to create and maintain conditions under which humans and nature can exist in productive harmony. *Sustainability* efforts seek to fulfill the social, economic, and environmental needs of present and future generations.

Telework means a flexible work arrangement under which an employee performs assigned duties and responsibilities, and other authorized activities, from an approved alternate location.

Unauthorized use of agency postage means the use of penalty or commercial mail stamps, meter impressions, or other postage indicia for personal or unofficial use.

Worksharing is one way of processing outgoing mail so that the mail qualifies for reduced postage rates (*e.g.,*

presorting, bar coding, consolidating, commingling).

§ 102–192.40 Where can we obtain more information about the classes of mail?

You can learn more about mail classes in the Domestic Mail Manual (DMM). The DMM is available online at *http://pe.usps.gov,* or you can order a copy from: Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, MO 63197–9000.

§ 102–192.45 How can we request a deviation from these requirements, and who can approve it?

See §§ 102–2.60 through 102–2.110 of this chapter to request a deviation from the requirements of this part. The Administrator of General Services and those to whom the Administrator has delegated such authority have the power to approve or deny a deviation.

Subpart B—Agency Requirements

Financial Requirements for All Agencies

§ 102–192.50 What payment processes are we required to use?

(a) You must pay the USPS using one or more of the following:

(1) The U.S. Treasury Intergovernmental Payment and Collection Payment (IPAC) process associated with the Official Mail Accounting System (OMAS);

(2) The USPS Centralized Account Processing System (CAPS) associated with commercial payments; or

(3) Another Treasury approved means of paying the USPS.

(b) Payments made to service providers other than USPS must be made by U.S. Treasury payment methods such as automated clearing house-electronic funds transfer, or another Treasury approved means of paying the vendor.

§ 102–192.55 Why must we use these payment processes?

In accordance with 44 U.S.C. 2904, GSA is required to standardize and improve accountability with respect to records management, including Federal mail management.

§ 102–192.60 How do we implement these payment processes?

Guidance on implementing the Intra-governmental Payment and Collection System can be found at: *http://www.fms.treas.gov/ipac/index.html.*

§ 102–192.65 What features must our finance systems have to keep track of mail expenditures?

All agencies must have an accountable system for making postage payments; that is, a system that allocates postage expenses at the program level within the agency and makes program level managers accountable for obligating and tracking those expenses. The agency will have to determine the appropriate program level for this requirement because the level at which it is cost beneficial differs widely. The agency's finance systems should track all mail expenditures separately to the program level or below, and should—

(a) Show expenses for postage and all other mail expenditures, payments to service providers, etc., separate from all other administrative expenses;

(b) Allow mail centers to establish systems to charge their customers for mail expenditures; and

(c) Identify and charge the mail expenditures that are part of printing contracts down to the program level.

Security Requirements for All Agencies

§ 102–192.70 What security policies and plans must we have?

(a) Agencies must have a written mail security policy that applies throughout your agency.

(b) Agencies must have a written mail security plan for each facility that processes mail, regardless of the facility's mail volume.

(c) Agencies must have a security policy for employees receiving incoming and sending outgoing mail at an alternative worksite, such as a telework center.

(d) The scope and level of detail of each facility mail security plan should be commensurate with the size and responsibilities of each facility. For small facilities, agencies may use a general plan for similar locations. For larger locations, agencies must develop a plan that is specifically tailored to the threats and risks at your location. Agencies should determine which facilities they consider small and large for the purposes of this section, so long as the basic requirements for a security plan are met at every facility.

(e) All mail managers are required to annually report the status of their mail security plans to agency headquarters. At a minimum, these reports should assure that all mail security plans comply with the requirements of this part, including annual review by a subject matter expert and regular rehearsal of responses to various emergency situations by facility personnel.

(f) A security professional who has expertise in mail center security should review the agency's mail security plan and policies annually to include identification of any deficiencies. Review of facility mail security plans can be accomplished by subject matter experts such as agency security personnel. If these experts are not available within your agency, seek assistance from the U.S. Postal Inspection Service (*https://postalinspectors.uspis.gov/*) or the Federal Protective Service (FPS) (*http://www.dhs.gov/federal-protective-service*).

§ 102–192.75 Why must we have written security policies and plans?

All Federal mail programs must identify, prioritize, and coordinate the protection of all mail processing facilities in order to prevent, deter, and mitigate the effects of deliberate efforts to destroy, incapacitate, or exploit the mail center or the national mail infrastructure. Homeland Security Presidential Directive (HSPD 7) at *http://www.fas.org/irp/offdocs/nspd/hspd-7.html* requires all agencies to protect key resources from terrorist attacks. All Federal mail centers are identified as key resources under the Postal and Shipping Sector Plan. Further details on the plan can be found at the Department of Homeland Security's (DHS) Web site at *http://www.dhs.gov/.*

§ 102–192.80 How do we develop written security policies and plans?

Agency mail managers must coordinate with their agency security service and/or the FPS or the U.S. Postal Inspection Service to develop agency mail security policies and plans. The FPS has developed standards for building construction and management, including standards for mail centers. At a minimum, the agency mail security plan must address the following topics:

(a) Risk assessment;

(b) A plan to protect staff and all other occupants of agency facilities from hazards that might be delivered in the mail;

(c) Operating procedures;

(d) A plan to provide a visible mail screening operation;

(e) Training mail center personnel;

(f) Testing and rehearsing responses to various emergency situations by agency personnel;

(g) Managing threats;

(h) Communications plan;

(i) Occupant Emergency Plan;

(j) Continuity of Operations Plan; and

(k) Annual reviews of the agency's security plan.

Reporting Requirements

§ 102–192.85 Who must report to GSA annually?

Large agencies, as defined in § 102–192.35, must provide an annual Mail

Management Report to GSA. If your agency is a cabinet level or independent agency, the agency mail manager must compile all offices or components and submit one report for the department or agency as a whole, for example, the U.S. Department of Defense or the U.S. Department of Health and Human Services.

§ 102–192.90 What must we include in our annual mail management report to GSA?

You must provide an agency-wide response to the GSA requested data elements. GSA will provide the list of data elements in a Federal Management Regulation (FMR) Bulletin. GSA coordinates all mail management related FMR bulletins with the Federal Mail Executive Council and updates them as necessary. FMR bulletins are available at: *http://www.gsa.gov/bulletins.*

§ 102–192.95 Why does GSA require annual mail management reports?

GSA requires annual agency mail management reports to—

(a) Ensure that Federal agencies have the policies, procedures, and data to manage their mail operations efficiently and effectively;

(b) Ensure that appropriate security measures are in place; and

(c) Allow GSA to fulfill its responsibilities under the Federal Records Act, especially with regard to sharing best practices, information on training, and promulgating standards, procedures, and guidelines.

§ 102–192.100 How do we submit our annual mail management report to GSA?

You must submit annual reports using the GSA web based Simplified Mail Accountability Reporting Tool (*SMART*). Training is available from GSA to agency mail managers and other authorized users on how to use the SMART data reporting system. Contact the Office of Government-wide Policy, Mail Management Policy office for access and training at *federal.mail@gsa.gov.*

§ 102–192.105 When must we submit our annual mail management report to GSA?

Beginning with FY 2014, the agency's annual mail management report is due on October 31 following the end of the fiscal year.

Performance Measurement Requirements for All Agencies

§ 102–192.110 At what levels in our agency must we have performance measures?

You must have performance measures for mail operations at the agency level and in all mail facilities and program levels.

§ 102–192.115 Why must we use performance measures?

Performance measures gauge the success of your mail management plans and processes by comparing performance over time and among organizations. Performance measures—

(a) Define goals and objectives;

(b) Enhance resource allocation; and

(c) Provide accountability.

Agency Mail Manager Requirements

§ 102–192.120 Must we have an agency mail manager?

Yes, every agency as defined in § 102–192.35, must have an agency mail manager.

§ 102–192.125 What is the appropriate managerial level for an agency mail manager?

The agency mail manager should be at a managerial level that enables him or her to speak for the agency on mail management as outlined in this part.

§ 102–192.130 What are your general responsibilities as an agency mail manager?

In addition to carrying out the responsibilities discussed above, you should—

(a) Establish written policies and procedures to provide timely and cost effective dispatch and delivery of mail and materials;

(b) Ensure agency-wide awareness and compliance with standards and operational procedures established by all service providers used by the agency;

(c) Set policies for expedited mail, mass mailings, mailing lists, and couriers;

(d) Implement cost savings through:

(1) Consolidating and presorting wherever practical, for example, internal and external mail, and consolidation of agency-wide mail operations and official mail facilities; and

(2) Reducing the volume of agency to agency mail whenever possible.

(e) Develop and direct agency programs and plans for proper and cost effective use of transportation, equipment, and supplies used for mail;

(f) Ensure that all facility and program level mail personnel receive appropriate training and certifications to successfully perform their assigned duties;

(g) Promote professional certification for mail managers and mail center employees;

(h) Ensure that expedited mail service providers are used only when authorized by the Private Express Statutes, 39 U.S.C. 601–606;

(i) Establish written policies and procedures to minimize incoming and outgoing personal mail;

(j) Provide guidance to agency representatives who develop correspondence or design mailing materials including Business Reply Mail, letterhead, and mail piece design;

(k) Represent the agency in its relations with service providers, other agency mail managers, and GSA's Office of Government-wide Policy;

(l) Ensure agency policy incorporates Federal hazardous materials requirements set forth in 49 CFR parts 100–185;

(m) Ensure agency sustainable activities become part of the mail program by incorporating strategies in accordance with *Executive Order 13514* of October 5, 2009, ''Federal Leadership in Environmental, Energy, and Economic Performance''. Section 8 describes the Agency Strategic Sustainability Performance Plan; and

(n) Ensure safety and security requirements specified in §§ 102–192.70 through 102–192.80 are fulfilled.

Subpart C—GSA's Responsibilities and Services

§ 102–192.135 What are GSA's responsibilities in mail management?

44 U.S.C. 2904(b) directs the Administrator of General Services to provide guidance and assistance to Federal agencies to ensure economical and efficient records management. 44 U.S.C. 2901(2) and (4)(C) define the processing of mail by Federal agencies as part of records management. In carrying out its responsibilities under the Act, GSA is required to—

(a) Develop standards, procedures, and guidelines;

(b) Conduct research to improve practices and programs;

(c) Collect and disseminate information on training programs, technological developments, etc;

(d) Establish one or more interagency committees (such as the Federal Mail Executive Council, and the Interagency Mail Policy Council) as necessary to provide an exchange of information among Federal agencies;

(e) Conduct studies, inspections, or surveys;

(f) Promote economy and efficiency in the selection and utilization of space, staff, equipment, and supplies; and

(g) In the event of an emergency, at the request of DHS, cooperate with DHS in communicating with agencies about mail related issues.

§ 102–192.140 What types of support does GSA offer to Federal agency mail management programs?

(a) GSA supports Federal agency mail management programs by—

(1) Assisting in the development of agency policy and guidance in mail management and mail operations;

(2) Identifying best business practices and sharing them with Federal agencies;

(3) Developing and providing access to a Government-wide management information system for mail;

(4) Helping agencies develop performance measures and management information systems for mail;

(5) Maintaining a current list of agency mail managers;

(6) Establishing, developing, and maintaining interagency mail committees;

(7) Maintaining liaison with the USPS and other service providers at the national level;

(8) Maintaining a publically accessible Web site for mail communications policy; and

(9) Serving as a point of contact for all Federal agencies on mail issues.

(b) For further information contact: U.S. General Services Administration, Office of Government-wide Policy (MA), 1800 F Street NW., Washington, DC 20504; telephone 202–501–1777, or email: *Federal.mail@gsa.gov.*

[FR Doc. 2014–13592 Filed 6–10–14; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 10

[NPS–WASO–NAGPRA–15507; PPWOCRADN0, PCU00RP14.R50000]

RIN 1024–AD98

Native American Graves Protection and Repatriation Act Regulations, Definition of Indian Tribe

AGENCY: Office of the Secretary, Interior.

ACTION: Final rule.

SUMMARY: The Department is confirming the interim final rule published and effective on July 5, 2011, removing the definition of *Indian tribe* because it is inconsistent with the statutory definition of that term. The July 5, 2011, publication stated that we would review comments on the interim final rule and either confirm the rule or initiate a proposed rulemaking. We are confirming the rule without change.

DATES: *Effective Date:* June 11, 2014.

FOR FURTHER INFORMATION CONTACT: *Mail:* Dr. Sherry Hutt, Manager, National NAGPRA Program, National Park Service, 1849 C Street NW., Washington, DC 20240, or by *telephone:* (202) 354–1479; *facsimile:* (202) 371–5197; or *email: sherry_hutt@nps.gov.*

SUPPLEMENTARY INFORMATION:

Authority

The Secretary of the Interior is responsible for implementing the Native American Graves Protection and Repatriation Act (NAGPRA or Act) (25 U.S.C. 3001 *et seq.*), including the issuing of appropriate regulations that interpret the provisions of the Act.

Background

The Act addresses the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations to certain Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony. The Act defines *Indian tribe* as any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act) (43 U.S.C. 1601 *et seq.*), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians (25 U.S.C. 3001(7)).

The Department of the Interior (Department) published the initial rule to implement the Act on December 4, 1995 (60 FR 62158). That rule defined *Indian tribe* to include, in addition to any Alaska Native village, any Alaska Native corporation.

From July 2009 to July 2010, at the request of Congress, the Government Accountability Office (GAO) conducted a performance audit to address the status of NAGPRA implementation among Federal agencies. In its report, ''Native American Graves Protection and Repatriation Act: After Almost 20 Years, Key Federal Agencies Still Have Not Fully Complied with the Act'' (Report no. GAO–10–768 (July 2010)) the GAO recommended, among other things, that the National NAGPRA Program, in conjunction with the Department's Office of the Solicitor, reassess whether any Alaska Native corporations should be considered as ''eligible entities for purposes of carrying out NAGPRA . . .'' (GAO Report, at 55).

The recommendation and analysis in the report created significant uncertainty on the part of museums and Federal agencies concerning the status of Alaska Native corporations under NAGPRA. The Department received a number of questions including whether Alaska Native corporations may assert claims for human remains and other cultural items; whether the NAGPRA requirements for consultation with Indian tribes apply to Alaska Native corporations; whether Alaska Native corporations are authorized under the law to bring matters to the NAGPRA Review Committee; and whether Alaska Native Corporations can be recipients of grants authorized by NAGPRA.

To address these questions, and as recommended by GAO, the Department's Office of the Solicitor examined the legal basis for the existing regulatory provision that included Alaska Native corporations as Indian tribes under the Act. The opinion of the Solicitor's Office is posted on the National NAGPRA Program's Web site at *http://www.nps.gov/history/nagpra.*

The Solicitor's Office found that in the Act, Congress did not adopt the definition of *Indian tribe* as it is defined in the Indian Self-Determination and Education Assistance Act (ISDEAA) (25 U.S.C. 450b). Although the ISDEAA definition includes Alaska Native corporations, the NAGPRA definition does not. According to the legislative history of NAGPRA, the definition of *Indian tribe* in the Act was deliberately changed from that in the ISDEAA in order to ''delete [ ] land owned by any Alaska Native Corporation from being considered as 'tribal land' (136 Cong. Rec. 36,815 (1990)). Accordingly, the Solicitor's Office recommended that the regulatory definition of *Indian tribe* be changed to conform to the statutory definition.

In response to the Solicitor's Office recommendation, the Department published an interim final rule that removed and reserved paragraph (b)(2) of 43 CFR 10.2 that had contained the regulatory definition of *Indian tribe* (76 FR 39007, July 5, 2011). The interim final rule also contained a request for comments, and for good cause made the interim final rule effective upon publication in the **Federal Register**. This good-cause finding was based on the uncertainty caused by the July 2010 GAO NAGPRA report and the need to ensure compliance with the requirements of the Act. Since then, the Department has been using only the statutory definition of *Indian tribe* to implement the Act.

We received one written comment during the 60-day comment period from one member of the public. The commenter supported the removal of the definition of *Indian tribe.*

PART 10—NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION REGULATIONS

■ Therefore, the interim rule published July 5, 2011, at 76 FR 39007, is confirmed as final without change.

Dated: May 27, 2014.

Rachel Jacobson,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2014–13622 Filed 6–10–14; 8:45 am]

BILLING CODE 4312–EJ–P

Proposed Rules

Federal Register
Vol. 79, No. 112
Wednesday, June 11, 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–2014–0339; Directorate Identifier 2014–NM–025–AD]

RIN 2120–AA64

Airworthiness Directives; the Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. This proposed AD was prompted by reports of fatigue cracks found in the upper corners of the forward entry door skin cutout. This proposed AD would require repetitive inspections for cracking in the upper corners of the forward entry door skin cutout, and repair if necessary. Accomplishment of this repair or a preventive modification would terminate the repetitive inspections. This proposed AD also would require repetitive post-modification and post-repair inspections. We are proposing this AD to detect and correct cracking in the doorway upper corners, which could result in cabin depressurization.

DATES: We must receive comments on this proposed AD by July 28, 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 Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0339; 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: Alan Pohl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6450; fax: 425–917–6590; email: *alan.pohl@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0339; Directorate Identifier 2014–NM–025–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

We received reports of fatigue cracks found in the upper corners of the forward entry door skin cutout. The airplanes had accumulated between 33,150 and 76,242 total flight cycles. The cracking is caused by fatigue from cabin pressure loads. This condition, if not corrected, could result in cabin depressurization.

Relevant Service Information

We reviewed Boeing Alert Service Bulletin 737–53A1163, Revision 1, dated January 8, 2014. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for Docket No. FAA–2014–0339.

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 require accomplishing the repetitive inspections for cracking in the upper corners of the forward entry door skin cutout, and repair if necessary, as specified in the service information described previously, except as discussed under ''Difference Between this Proposed AD and the Service Information.''

The phrase ''corrective actions'' is used in this proposed AD. ''Corrective actions'' are actions that correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Explanation of Post-Modification and Post-Repair Inspection

The Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1163, Revision 1, dated January 8, 2014, states that Group 1 and 2 airplanes having the repair or preventive modification installed in accordance with Boeing Service Bulletin 737–53–1163, dated December 21, 1993,

are not required to be inspected; however, this AD would require inspections of Group 1 and 2 airplanes in accordance with paragraph (i) of this AD, which corresponds with table 3 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1163, Revision 1, dated January 8, 2014.

Difference Between This Proposed AD and the Service Information

The service bulletin specifies to contact the manufacturer for instructions on how to inspect and repair certain conditions, but this proposed AD would require inspecting and repairing those conditions in one of the following ways:

- In accordance with a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

Costs of Compliance

We estimate that this proposed AD affects 371 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS: REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	3 work-hours × $85 per hour = $255	$0	$255	$94,605

ESTIMATED COSTS: OPTIONAL ACTIONS

Action	Labor cost	Parts cost	Cost per product
Preventive modification	44 work-hours × $85 per hour = $3,740	Up to $3,912	Up to $7,652.

We estimate the following costs to do any necessary repairs that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need these repairs:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair	60 work-hours × $85 per hour = $5,100	Up to $4,964	Up to $10,064.

We have received no definitive data that would enable us to provide a cost estimate for the post-repair or post-preventive modification inspections specified in this proposed AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2014–0339; Directorate Identifier 2014–NM–025–AD.

(a) Comments Due Date

We must receive comments by July 28, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes; certificated in any category; as identified in Boeing Alert Service Bulletin 737–53A1163, Revision 1, dated January 8, 2014.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports of fatigue cracks found in the upper corners of the forward entry door skin cutout. We are issuing this AD to detect and correct cracking in the doorway upper corners, which could result in cabin depressurization.

(f) Compliance

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

(g) Inspection

(1) For airplanes identified in Boeing Alert Service Bulletin 737–53A1163, Revision 1, dated January 8, 2014, as Groups 1 and 2, Configuration 2, and Group 3: Before the accumulation of 27,000 total flight cycles, or within 4,500 flight cycles after the effective date of this AD, whichever occurs later, do an external detailed inspection for cracking of the skin assembly, and a low frequency eddy current (LFEC) inspection for cracking of the skin assembly and bear strap, and all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1163, Revision 1, dated January 8, 2014, except as required by paragraph (j) of this AD. Repeat the inspections thereafter at intervals not to exceed 4,500 flight cycles. Do all applicable corrective actions before further flight.

(2) For airplanes identified as Group 4 in Boeing Alert Service Bulletin 737–53A1163, Revision 1, dated January 8, 2014: Within 120 days after the effective date of this AD, do inspections of the skin assembly and bear strap and all applicable corrective actions using a method approved in accordance with the procedures specified in paragraph (m) of this AD.

(h) Terminating Actions

(1) Accomplishment of the preventive change specified in Part II of the Accomplishment Instructions of Boeing Service Bulletin 737–53–1163, dated December 21, 1993, or the preventive modification specified in Part 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1163, Revision 1, dated January 8, 2014, terminates the inspection requirements specified in paragraph (g)(1) of this AD.

(2) Accomplishment of the repair specified in Part III of the Accomplishment Instructions of Boeing Service Bulletin 737–53–1163, dated December 21, 1993, or Part 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1163, Revision 1, dated January 8, 2014, terminates the inspection requirements specified in paragraph (g)(1) of this AD.

(i) Post-Modification and Post-Repair Inspections

For airplanes identified in Boeing Alert Service Bulletin 737–53A1163, Revision 1, dated January 8, 2014, as Groups 1 and 2, on which a repair or preventive modification has been installed in accordance with Boeing Service Bulletin 737–53–1163, dated December 21, 1993, or Boeing Alert Service Bulletin 737–53A1163, Revision 1, dated January 8, 2014: At the applicable time specified in table 3 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1163, Revision 1, dated January 8, 2014, inspect the fuselage skin assembly, bear strap, and frame and sill outer chords, as applicable, for cracking, in accordance with table 3 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1163, Revision 1, dated January 8, 2014. Repeat the inspection thereafter at the times specified in table 3 of paragraph 1.E., ''Compliance'' of Boeing Alert Service Bulletin 737–53A1163, Revision 1, dated January 8, 2014. If any crack is found during any inspection required by this paragraph, repair before further flight using a method approved in accordance with the procedures specified in paragraph (m) of this AD.

(j) Exception to Service Information Specifications

If any cracking is found during any inspection required by this AD, and Boeing Alert Service Bulletin 737–53A1163, Revision 1, dated January 8, 2014, specifies to contact Boeing for appropriate action: Before further flight, repair the crack using a method approved in accordance with the procedures specified in paragraph (m) of this AD.

(k) Explanation of Service Information and AD

The Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1163, Revision 1, dated January 8, 2014, states that Group 1 and 2, Configuration 1 airplanes having the repair or preventive modification installed in accordance with Boeing Service Bulletin 737–53–1163, dated December 21, 1993, are not required to be inspected. However, this AD requires inspections of Group 1 and 2 airplanes, as identified in and in accordance with paragraph (i) of this AD, which correspond with table 3 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1163, Revision 1, dated January 8, 2014.

(l) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraphs (g) and (h) of this AD if those actions were performed before the effective date of this AD using Boeing Service Bulletin 737–53–1163, dated December 21, 1993, which is not incorporated by reference in this AD.

(m) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (n)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane and the approval must specifically refer to this AD.

(n) Related Information

(1) For more information about this AD, contact Alan Pohl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6450; fax: 425–917–6590; email: *alan.pohl@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 30, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–13609 Filed 6–10–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[Docket ID ED–2014–OSERS–0024; CFDA Number: 84.315C.]

Proposed Priorities—Capacity Building Program for Traditionally Underserved Populations—Vocational Rehabilitation Training Institute for the Preparation of Personnel in American Indian Vocational Rehabilitation Services Projects

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Proposed priorities.

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services proposes two priorities under the Capacity Building Program for Traditionally Underserved Populations. The first would establish a new vocational rehabilitation (VR) training institute for the preparation of personnel in the American Indian Vocational Rehabilitation Services (AIVRS) program. The second would encourage applications submitted through a collaborative arrangement between a four-year institution of higher education (IHE) and a two-year community college or tribal college. The Assistant Secretary may use these priorities for competitions in fiscal year (FY) 2014 and later years. We take this action to improve the provision of VR services to, and the employment outcomes of, American Indians with disabilities.

DATES: We must receive your comments on or before July 11, 2014.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Are you new to the site?''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about these proposed regulations, address them to Kristen Rhinehart, U.S. Department of Education, 400 Maryland Avenue SW., Room 5027, Potomac Center Plaza (PCP), Washington, DC 20202–2800.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Kristen Rhinehart. Telephone: (202) 245–6103 or by email: *kristen.rhinehart@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:

Invitation to Comment: We invite you to submit comments regarding these proposed priorities. To ensure that your comments have maximum effect in developing the final priorities, we urge you to identify clearly the specific section of the priority that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from these proposed priorities. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this notice in room 5027, 550 12th Street SW., PCP, Washington, DC 20202–2800, between the hours of 8:30 a.m. and 4 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Purpose of Program: The Capacity Building Program for Traditionally Underserved Populations under section 21(b)(2)(C) of the Rehabilitation Act, as amended (29 U.S.C. 718(b)(2)(C)) provides outreach and technical assistance (TA) to minority entities and American Indian tribes to promote their participation in activities funded under the Rehabilitation Act, including assistance to enhance their capacity to carry out such activities.

Program Authority: 29 U.S.C. 718(b)(2)(C).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84,and 97. (b) The Department of Education debarment and suspension regulations at 2 CFR part 3485.

Proposed Priorities:

This notice contains two proposed priorities.

Priority 1: Vocational Rehabilitation Training Institute for the Preparation of Personnel in American Indian Vocational Rehabilitation Services Projects.

Priority 2: Applications that propose collaborations, which must be demonstrated by formal agreements, between four-year institutions of higher education and two-year community colleges or tribal colleges.

Background:

The AIVRS program, authorized under section 121 of the Rehabilitation Act of 1973, as amended (Rehabilitation Act), is funded through a mandatory set-aside of the VR State Grants program. Because funds set aside for the AIVRS program increase at the same rate as the VR State Grants program, the number of AIVRS projects has increased from 69 to 85 over the last 10 years. However, section 121 of the Rehabilitation Act does not provide authority to use AIVRS funds to provide training and TA to the growing number of AIVRS projects. Thus, the Department has used the resources available through the set-aside authority in section 21 of the Rehabilitation Act to provide TA under the Capacity Building Program for Traditionally Underserved Populations.

Although beneficial, the current and past TA projects differ from the training and TA to be provided through this proposed project. The current AIVRS TA project, the TVR Circle, (Tribal Vocational Rehabilitation Continuous Improvement of Rehabilitation Counselors, Leaders, and Educators (CFDA 84.406)), provides concentrated short-term training in specific areas such as managing expenditures, determining what constitutes an allowable service, and understanding performance report requirements. The TVR Circle was not designed to provide the scope and sequence of training that is intended for this proposed project. The Department also recently supported AIVRS Capacity Building projects (Capacity Building for Minority Entities (CFDA 84.315D)) that focused on providing training and TA to current and potential AIVRS grantees to improve their grant writing and ability to compete for an AIVRS grant. The Capacity Building for Minority Entities projects also provided TA for first-time grant recipients in order to increase their ability to carry out their grants. Unlike the current and past programs described, this proposed project will focus on the development and implementation of a structured program of training for AIVRS personnel on foundational VR knowledge and skills in the provision of VR services to American Indians with disabilities.

During on-site and desk monitoring of the AIVRS projects conducted over the past few years, the Rehabilitation Services Administration (RSA) has observed that there is a need to help AIVRS personnel to work more effectively with individuals with disabilities and to fulfill their roles as VR counselors, VR technicians, and program administrators. Three factors contribute to this need. First, many of the personnel employed by AIVRS projects live in rural and remote communities. While many of these individuals have relevant experience in social service fields, they often have not had the opportunity to obtain formal training in rehabilitation counseling. Second, the remote location of many AIVRS projects not only makes it difficult for local personnel to obtain further training due to distance and cost, but it also makes it difficult to recruit VR counselors from other areas to work in AIVRS projects. Third, the AIVRS program requires projects to give a preference in employment to American Indians, with a special priority being given to American Indians with disabilities. While individuals who are American Indian may be more effective as VR counselors because they understand American Indian cultural practices and norms, this practice limits the hiring pool of VR counselors and personnel.

Current AIVRS personnel could benefit from a structured training program focused on the VR process and practices and the unique skills and knowledge necessary to improve employment outcomes for this population. An important initiative that supports this priority is the issuance of the Presidential Memorandum on Job-Driven Training for Workers that was issued on January 30, 2014 (79 FR 7041). In particular, one of the principles in section 1(b)(ii) of the memorandum is that training programs should provide ''support for secondary and post-secondary education and training entities to equip individuals with the skills, competencies, and credentials necessary to help them obtain jobs, increase earnings, and advance their careers.''

VR personnel require a better understanding of: how various disabilities impact an individual's ability to participate in competitive employment, how to interview and evaluate the eligibility of prospective AIVRS consumers respectfully and appropriately, how to develop a reasonable and achievable individualized plan for employment (IPE), how to manage effectively the services and supports provided to the individual identified in the IPE, how to obtain and utilize accurate labor market information to understand the skill needs and demands of local employers, and how to develop employment opportunities to meet those demands that are at appropriate skill levels and consistent with the consumer's aspirations, as documented in their IPE.

VR personnel also need to understand how job training, reasonable accommodations, and assistive technology help individuals with disabilities to pursue, obtain, and retain competitive employment. In addition, program administrators would benefit from training in areas such as financial management and accountability, performance measurement, and case management. We believe that training in these areas will better prepare AIVRS personnel to provide appropriate, effective, and culturally relevant VR services to American Indians with disabilities so that they can prepare for, and engage in, gainful employment consistent with their informed choice.

We also seek applications from partnerships between a community or a tribal college and a four-year IHE. We believe that community colleges or tribal colleges are uniquely suited to provide this type of customized instruction and that the involvement of four-year IHEs will improve the instruction by providing access to additional resources. The four-year IHEs can provide access to faculty who have a breadth of knowledge and experience in the field of VR in areas such as new and emerging needs of VR consumers. Four-year IHEs can also provide access to and guide the use of labor market information to communicate effectively with VR consumers and employers regarding information about the needs of individuals with a range of disabilities and who are from diverse cultural backgrounds, assistive technology services and devices, and strategies for identifying employer skills needs and demands.

In order to ensure that proposed partnerships represent a workable, ongoing commitment, we would require that applications from partnerships demonstrate that commitment by providing a formal agreement detailing, among other things, how the partnership will operate and the respective roles and obligations of the participating institutions. We propose these minimum requirements for the agreements when inviting applications for the competition.

References:

Obama, B.H. Presidential Memorandum on Job-Driven Training for Workers. The White House, Office of the Press Secretary. 30 Jan. 2014. Available at *http://www.gpo.gov/fdsys/pkg/FR-2014-02-05/pdf/2014-02624.pdf.*

Proposed Priority 1:

The Assistant Secretary for Special Education and Rehabilitative Services proposes a priority to support the establishment of one institute under section 21(b)(2)(C) of the Rehabilitation Act—the Vocational Rehabilitation Training Institute for the Preparation of Personnel in American Indian Vocational Rehabilitation Services Projects (the Institute). The Institute will provide a structured training program in VR to current AIVRS program personnel to improve the delivery of VR services to American Indians with disabilities. The training program will consist of a series of trainings specifically geared towards building foundational skills that, when satisfactorily completed, will lead to a VR certificate awarded by the Institute. The series of trainings may be offered in-person, through distance learning, or a combination of both delivery methods. The Institute will conduct an assessment both before and after providing training for each participant in order to assess strengths and specific areas for improvement, attainment and application of skills, and any issues or challenges to be addressed post-training to ensure improved delivery of VR services to American Indians with disabilities. The Institute will provide follow-up TA to participants to address any issues or challenges identified post-training and ensure that the training received is applied effectively in their work setting. Finally, the Institute will conduct an evaluation to obtain feedback on the training and follow-up TA provided and to determine whether this improvement contributed to increased employment outcomes for American Indians with disabilities.

The Department intends to award this grant as a cooperative agreement to ensure that there is substantial involvement (i.e., significant communication and collaboration) between RSA and the grantee in carrying out the activities of the program (34 CFR 75.200(b)(4)).

In coordination with the Department, the Institute must, in a culturally appropriate manner:

(a) Develop a structured program of training on foundational VR knowledge and skills that will lead to AIVRS personnel earning a VR certificate. The training would include, at a minimum: Vocational assessment, determination of applicant eligibility, development of an IPE, the acquisition and use of assistive technology, and obtaining and utilizing

up-to-date labor market information to understand the local economy and effectively match the skills of AIVRS consumers with the needs of employers. The Institute must provide culturally relevant training that goes beyond technical compliance with the statute and regulations and focuses on providing the basic foundational skills necessary to improve counseling and VR services provided by AIVRS personnel. The training topics must include, at a minimum:

(1) Introduction to VR: An orientation to the field of VR addressing in general terms the various disabilities a VR counselor is apt to encounter working in the AIVRS program. The training developed by the Institute must teach AIVRS personnel to understand the nature of a significant disability and the complexities a person with such a disability experiences, as well as teach how various disabilities affect an individual's ability to participate in competitive employment;

(2) Effective communication with AIVRS consumers including: Approaches to, techniques for, and relevant examples of developing trust and rapport with individuals with a disability, appropriate conduct when engaging with individuals with a disability, and interacting with members of the tribal council;

(3) Effective communication with business: Approaches to, techniques for, and relevant examples of building and maintaining relationships with business. This includes educating potential employers about how reasonable accommodations and assistive technology can be used to support effectively the employment of individuals with disabilities. The Institute must also teach participants how to obtain accurate labor market information on available employment opportunities in their State and local area, and how to identify education, technical requirements, and necessary skill sets for the jobs available;

(4) Conducting a vocational assessment and determining eligibility: How to obtain and evaluate necessary medical and other documentation and the results of assessments that may have been conducted by entities other than the AIVRS program. The Institute must teach AIVRS personnel how to use appropriate assessment tools that assist in determining an individual's eligibility for VR services and in developing an IPE;

(5) Managing caseload: How to manage cases so that information can be retrieved and communicated to the AIVRS consumer in a timely manner. The Institute must teach AIVRS personnel how to create, manage, and appropriately close consumer case files;

(6) Development of an IPE: How to plan and provide VR services leading to meaningful employment opportunities that are at appropriate skill levels and consistent with the consumer's abilities, interests, and informed choice; and

(7) Development of job seeking skills: Approaches to, techniques for, and relevant examples of improving job seeking skills. This includes resume preparation, practicing interview skills, networking, navigating job sites, targeting job searches, and other effective skills that will lead to job placement for AIVRS consumers.

(b) Develop a course syllabus that describes the proposed sequence of topical training.

(c) Develop a training module for one of the seven topics in paragraph (a) to serve as an example for how participants will be trained in that area.

(d) Develop a recruitment and retention plan that describes how the Institute will conduct outreach and recruitment efforts to enroll current AIVRS personnel into the Institute. Current AIVRS staff may nominate themselves or be nominated by the AIVRS project director to participate in the Institute. The plan must also describe how the Institute will provide academic support and counseling for AIVRS personnel to ensure successful completion, as well as steps that will be taken to provide assistance to AIVRS personnel who are not performing to their fullest potential in the Institute's training program.

(e) Identify innovative methods and strategies for supporting AIVRS personnel when they have completed the training, including a plan for maintaining regular contact with AIVRS personnel upon successful program completion and providing follow-up TA on various situations and settings encountered by AIVRS personnel in working with American Indians with disabilities, as well as TA on effective programmatic and fiscal management of an AIVRS project.

(f) Develop an assessment tool for use by the Institute before and after the training. The assessment must identify the strengths and specific areas needing improvement of participants prior to the beginning of the training. In addition, 90 days after the training is completed, the assessment must determine attainment of skills, demonstrated application of those skill sets, and any issues or challenges for participating AIVRS personnel that may impact improved delivery of VR services to American Indians with disabilities. The Institute must administer the assessment tool and provide a copy to participants. The Institute must also ensure that the results are reviewed with participating AIVRS personnel and shared with their respective Directors.

(g) Describe a plan to provide follow-up TA, either virtually or on-site, to participants. The purpose is to ensure that the training AIVRS personnel received is applied effectively in their work settings and addresses any issues or challenges identified as a result of the assessment that is conducted 90 days after the training is completed.

(h) Describe how the Institute will be evaluated. Such a description must include:

(1) How the Institute will determine its impact over a period of time on improving the delivery of VR services to American Indians with disabilities and increasing employment outcomes;

(2) How input from AIVRS project directors will be included in the evaluation;

(3) How feedback from American Indians with disabilities will be included in the evaluation;

(4) How data on the number of consumers served by the AIVRS program from other sources on tribal VR programs, such as those from the Department, will be included in the evaluation; and

(5) How the data and results from the evaluation will be used to make necessary adjustments and improvements to the AIVRS program and training of AIVRS personnel.

Proposed Priority 2:

Applications that propose collaborations between a four-year IHE and a two-year community college or tribal college. The collaboration must be demonstrated by a formal agreement. The Secretary may require that the formal agreement contains one or more of the following:

(1) Signatures from the president and chief financial officer of both parties.

(2) A plan demonstrating how the collaboration will operate each year during the five-year grant period of performance. The plan must include how information regarding the progress of the grant, as well as any issues and challenges will be communicated, and what steps will be taken to resolve conflicts.

(3) Roles, responsibilities, and deliverables of each party.

(4) In-kind or financial contributions from both parties.

(5) A plan to sustain the collaboration and the structured training program after the federal investment.

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)).

Final Priorities:

We will announce the final priorities in a notice in the **Federal Register**. We will determine the final priorities after considering responses to this notice and other information available to the Department. 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 these priorities, 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 proposed 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 proposed 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 these proposed priorities only upon a reasoned determination that their benefits would justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that would 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 would 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 appropriate and comprehensive VR training for individuals working in the AIVRS Projects cannot be underestimated. Some staff do not currently have sufficient knowledge and skills in the field of VR. In addition, TA to these projects after staff completes the VR training will solidify the gains in knowledge made by staff during training. We believe AIVRS personnel well-grounded in knowledge of VR requirements and best practices will result in better employment outcomes for the American Indians with disabilities whom the projects serve.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

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 6, 2014.

Michael K. Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2014–13648 Filed 6–10–14; 8:45 am]

BILLING CODE 4000–01–P

LIBRARY OF CONGRESS

Copyright Royalty Board

37 CFR Part 370

[Docket No. 14–CRB–0005 (RM)]

Notice and Recordkeeping for Use of Sound Recordings Under Statutory License

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Extension of Comment Period.

SUMMARY: The Copyright Royalty Judges are extending the period for filing comments on Notice and Recordkeeping for Use of Sound Recordings Under Statutory License.

DATES: The comment period on the proposed rulemaking on Notice and Recordkeeping for Use of Sound Recordings Under Statutory License is extended to June 30.

ADDRESSES: The Copyright Royalty Board (CRB) prefers that comments and reply comments be submitted electronically to *crb@loc.gov.* In the alternative, commenters shall send a hard-copy original, five paper copies, and an electronic copy on a CD either by U.S. mail or hand delivery. The CRB will not accept multiple submissions from any commenter. Electronic documents must be in either PDF format containing accessible text (not an image); Microsoft Word; WordPerfect; Rich Text Format (RTF); or ASCII text file format (not a scanned document). Commenters MAY NOT submit comments and reply comments by an overnight delivery service other than the U.S. Postal Service Express Mail. If commenters choose to use the U.S. Postal Service (including overnight delivery), they must address their comments and reply comments to: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977. If commenters choose hand delivery by a private party, they must direct their comments and reply comments to the Copyright Office Public Information Office, Library of Congress, James Madison Memorial Building, Room LM–401, 101 Independence Avenue SE., Washington, DC 20559–6000. If commenters choose delivery by commercial courier, they must direct their comments and reply comments to the Congressional Courier Acceptance Site located at 2nd and D Street NW., Washington, DC, on a normal business day between 8:30 a.m. and 4 p.m. The envelope must be addressed to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM–401, 101 Independence Avenue SE., Washington, DC 20559–6000.

FOR FURTHER INFORMATION CONTACT: LaKeshia Keys (202) 707–7658 or email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION:

Background

On May 2, 2014, the Copyright Royalty Judges (''Judges'') published a notice of proposed rulemaking (''NPRM'') seeking comment on two petitions for rulemaking.[1] Comments were due by June 2, 2014. Reply comments were due by June 16, 2014. On May 20, 2014, the National Association of Broadcasters (''NAB'') filed a motion with the Judges seeking a 21-day extension of the comment deadline. To support its request, NAB argues, among other things, that SoundExchange's petition is detailed and preparing a meaningful response will require extensive fact-finding. NAB also opines that there is no urgency in addressing SoundExchange's petition since the current regulations have been in place for years. Motion at 2.

In the interests of providing an ample opportunity for all interested parties to prepare a meaningful response to the petitions, the Judges hereby extend the deadline for comments on the petitions to June 30, 2014. Reply comments, if any, should be filed no later than August 11, 2014.

Dated: May 22, 2014.

David R. Strickler,

Copyright Royalty Judge.

Approved by:

James H. Billington,

Librarian of Congress.

[FR Doc. 2014–13646 Filed 6–10–14; 8:45 am]

BILLING CODE 1410–72–P

[1] 79 FR 25038. One of the petitions was filed by SoundExchange, Inc. The other, which was styled as a motion for clarification, was filed by College Broadcasters, Inc., American Council on Education and Intercollegiate Broadcasting Systems, Inc. (''Petitioners''). As discussed in the **Federal Register** notice seeking comments on the proposals, the Judges view the Petitioners' proposal as seeking a substantive change in the regulations, and therefore treat the motion as a petition for rulemaking.

Notices

Federal Register

Vol. 79, No. 112

Wednesday, June 11, 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

Commodity Credit Corporation

Notice of Funds Availability (NOFA) for the Biomass Crop Assistance Program

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

ACTION: Notice.

SUMMARY: The Farm Service Agency (FSA) is announcing the availability of $12.5 million in matching payments under the Biomass Crop Assistance Program (BCAP) for the collection, harvest, storage, and transport of eligible materials to qualified Biomass Conversion Facilities (BCFs) in fiscal year (FY) 2014. This notice confirms the requirements for BCFs to apply for qualification, and for eligible material owners to apply for BCAP matching payments.

DATES: Effective June 9, 2014.

FOR FURTHER INFORMATION CONTACT: Kelly Novak, telephone (202) 720–4053.

SUPPLEMENTARY INFORMATION:

Background

Section 9010 of the Agricultural Act of 2014 (the 2014 Farm Bill, Pub. L. 113–79) amends 7 U.S.C. 8111, reauthorizing BCAP. BCAP is an FSA program administered with Commodity Credit Corporation (CCC) funds, which was implemented through the regulations in 7 CFR part 1450. The purpose of BCAP project areas is to provide financial assistance to owners and operators of agricultural and non-industrial private forest land who wish to establish and produce eligible crops. BCAP also offers assistance for the delivery of eligible biomass feedstocks to qualified BCFs that are collected or harvested directly from agricultural lands and forest lands. BCAP provides this assistance in two payment categories:

- Establishment and annual payments to certain producers who enter into contracts with CCC to produce eligible biomass crops on contract acres within BCAP project areas. (See 7 CFR part 1450 subpart C.)
- Matching payments for the delivery of eligible material to qualified BCFs by eligible material owners. (See 7 CFR part 1450 subpart B.) Qualified BCFs produce heat, power, biobased products, research, or advanced biofuels from biomass feedstocks. The 2014 Farm Bill added research as a use for BCFs.

The 2014 Farm Bill authorizes $25 million annually to carry out BCAP and specifies that the Secretary must use not less than 10 percent, nor more than 50 percent, of the BCAP annual budget to make BCAP matching payments. This notice announces the availability of $12.5 million in FY 2014 for the funding of BCAP matching payments. The remainder of the 2014 funds will be expended on technical assistance.

Technical assistance will be used for the implementation, operation, compliance, monitoring, and maintenance for all components of BCAP. Consistent with the definition of ''technical assistance'' in 7 CFR 1450.2, CCC will use a portion of the funding available in FY 2014 to ensure contract performance and acquire technical expertise for the conservation of natural resources on the land. Technical assistance will also include activities, processes, tools, and functions needed to support the delivery of technical services such as resource inventories, training, data, technology, monitoring, and effects analyses. FSA plans to use the technical assistance money to establish either interagency agreements or modify a current contract for the required services.

There will be no funds in FY 2014 for establishment activities for project areas, except for payments under existing contracts, nor will there be funding for new project areas in 2014.

The activities of this NOFA will be carried out under the existing regulations in 7 CFR part 1450, except to the extent superseded by the mandatory changes of the 2014 Farm Bill, including the narrowed definition of ''eligible material'' and the lower matching payment cap. The 2014 Farm Bill excludes bagasse, among other items, from the definition of ''eligible material'' and requires that all woody biomass be harvested directly from the land. The 2014 Farm Bill also gives the Secretary authority to provide participants matching payments at a rate of up to $1 for each $1 per ton provided to the BCF, not to exceed $20 per dry ton for a period of 2 years. That is a lower matching payment than the previously specified amount of $45 per dry ton.

Scope and Policy Goals of this NOFA

The scope of this NOFA is limited to matching payments using up to $12.5 million of the FY 2014 funds. With the limited timeframe for implementation in FY 2014, this limited scope of strategic and targeted implementation of only BCAP matching payments and improvement to technical assistance is the most effective plan for the use of the BCAP funds in FY 2014. Also, because of time limitations, FSA has decided to target the FY 2014 matching payment funding to the areas in which agricultural land and public forestland impacts allow BCAP to meet present and future bioenergy production goals while furthering goals such as forest health. Public forestland is National Forest System land and Department of the Interior, Bureau of Land Management (BLM) land; that is U.S. Forest Service (USFS) and BLM public lands, respectively.

There are several factors that resulted in the focus on matching payments instead of project areas this fiscal year: In addition to the short time remaining in the 2014 planting cycle, the process to establish conservation plans for project areas, sign up for two separate contracts, review land eligibility, and submit project area proposals, this proposal evaluation and selection process takes considerable time for both the producer and FSA to be completed this fiscal year.

By comparison, the short time remaining before the end of FY 2014 does allow adequate time to qualify BCFs, contract with material owners, collect or harvest the eligible materials, apply for payment, and deliver materials to qualified BCFs.

The concentration of the BCAP matching payments in FY 2014 on agricultural residues and selected woody material from public forestland is in keeping with the statutory focus on preventative treatment and allows BCAP to support national initiatives aimed at the forest environment. For example, the targeting of woody eligible materials, which are the by-product of

preventative treatments for hazardous fuels, disease, or insect infestation reduction, on public forestland assists in healthy forest management of public lands in urban-wildfire and fire danger zones and supports entrepreneurial efforts toward bioenergy research, biobased product, advanced biofuel, and combined heat and power developments. BCAP's targeting of agricultural residues, such as woody orchard waste, assists in avoiding open incineration disposal that otherwise could be a potential air pollution source.

While the focus for the selected woody material is from public forestland, some additional woody materials will be eligible for matching payments from agricultural lands, such as orchard waste. One of the justifications for focusing the matching payments for selected woody material from public forestland is the time required in FY 2014 to obtain a forest stewardship plan that meets the needs of BCAP where such a plan does not already exist. As specified in the definitions at 7 CFR 1450.2, a ''forest stewardship plan'' for purposes of BCAP is a long-term, comprehensive, multi-resource forest management plan prepared by a professional resource manager and approved by the State Forester. The time required to obtain such a plan for private forest land lacking one is inconsistent with the time frame for application and delivery of eligible material for 2014 matching payments as set forth in this notice.

FSA will make matching payments funding available in FY 2014 at the 2014 Farm Bill's maximum allowable rate of up to 50 percent of the $25 million in available funding, in order to make available the opportunity to eligible material owners and at the same time achieve synergy with the USFS' wood-to-energy and forest health initiatives and BLM's hazardous fuel reduction efforts.

Qualified BCFs

Qualified BCFs are covered in the regulations in 7 CFR 1450.101. The regulations specify the requirements for a BCF to enter into an agreement with FSA acting on behalf of CCC, including what a BCF must agree to in writing.

FSA will accept submission for qualification from BCFs for FY 2014 from June 16, 2014 through July 14, 2014. Applications for certification as a BCF must be made at the relevant FSA State Office. The submission of BCF qualification must be postmarked or submitted by fax or email to the FSA State Office's Conservation Specialist where the BCF is located by July 14, 2014.

Eligible BCF's must have feedstock suppliers who will collect or harvest and deliver the following selected eligible material:

- Agricultural or crop residue, including woody agricultural residues, such as orchard waste, that does not have an existing higher-value product market, as defined in 7 CFR 1450.2; or
- Woody materials only from public forestland. The eligible woody materials must be the by-product of preventive treatments for hazardous fuel reductions or containment or reduction of disease or insect infestations and must not have an existing market in that region.

FSA will provide qualification numbers (ID numbers for the facilities) to BCFs and post a listing of the qualified facilities on the BCAP Web page at *www.fsa.usda.gov/bcap.*

BCFs must first be qualified by FSA before eligible material owners may deliver the selected eligible material detailed above or apply for BCAP matching payments.

Previous BCF qualifications do not apply and will not be extended to make a facility eligible under this notice. Previous facility submissions requesting BCAP BCF qualification will not be considered.

To be considered a qualified BCF for the purposes of the BCAP matching payments, the facility must enter into a new agreement with FSA by close of business on July 14, 2014 and must:

- Use the eligible material for heat, power, biobased products, research, or advanced biofuels;
- Meet all applicable regulatory and permitting requirements by applicable Federal, State, or local authorities;
- Complete and submit the BCAP–1 overview form with applicable attachments; and
- Agree in writing to all of the requirements in 7 CFR 1450.101(a)(2)(i) through (a)(2)(vi) and maintain the ability to present evidence or documentation that eligible material was or will be converted into heat, power, biobased product, research or an advanced biofuel.

Once a BCF has met all the requirements and has been identified as a qualified BCF, FSA will carry out the actions specified in 7 CFR 1450.101(b)(1) through (b)(3) and post the location and contact information for the BCF and its qualification number on the BCAP Web page at *www.fsa.usda.gov/bcap* on or about July 21, 2014.

Qualified BCFs will be responsible for complying with their agreements with FSA and converting purchases from the approved eligible material owners under this notice into heat, power, biobased product, research, or advanced biofuel.

Not every BCF that meets all the requirements will automatically be selected as a qualified BCF. Given the limited funding for FY 2014, CCC may prioritize BCFs that have suppliers of eligible material types that best meet BCAP goals.

Matching Payments

Following the posting of the qualified BCFs on or about July 21, 2014, FSA will then provide an opportunity to the suppliers of those qualified BCFs to enter into a contract with FSA for BCAP matching payments, at the rate of up to $1 for each $1 per ton provided to the BCF in an amount not to exceed $20 per dry ton for a period of 2 years, of the selected eligible materials. Eligible material owners may apply for an FSA contract following the posting in July of the qualified BCFs through August 25, 2014, or until there is no more available funding, whichever occurs first. The eligible material owners will submit their applications to the FSA county office in the county where the collection or harvest from the land will occur or where established farm records exist. Eligible material deliveries must occur on or before September 26, 2014 and requests for payments must be made on or before September 30, 2014.

To be eligible for payment, collection and harvest directly from the land of the selected eligible material must occur after:

- The completion and evaluation, by the appropriate FSA technical service provider, of the forest stewardship plan or conservation plan or equivalent plan for the land from which the selected eligible material is collected or harvested; and
- Approval of the contract between FSA and the eligible material owner.

Each approved eligible material owner must apply for payment at the FSA county office where their contract approval occurred.

In order to be eligible for a BCAP matching payment under this NOFA, a person or legal entity must meet the requirements in the regulations in 7 CFR 1450.102.

In order to qualify for a payment under this notice the eligible material must be one of the following types of renewable biomass:

- Woody materials that are by-products of preventative treatment for hazardous fuel reductions or containment or reduction of disease or insect infestations and do not have an existing higher-value product market and are collected or harvested directly from public forestland; or

• Agricultural residues or crop residues, including woody orchard waste, collected or harvested directly from agricultural lands, which include residues from agricultural land belonging to an Indian or Indian tribe that is held in trust by the United States or subject to a restriction against alienation imposed by the United States.

Eligible material must be delivered to a qualified BCF to be eligible for payment. The eligible material must also be collected or harvested directly from the land consistent with and only after a conservation plan or forest stewardship or equivalent plan has been developed and certified by the applicable FSA technical service provider. If the material is woody material from public forestland, the certification will also require submission of a plan evaluation by the applicable FSA technical service provider. Plans will at a minimum provide the information specified in the regulations in 7 CFR 1450.103(a)(2)(ii)(B) through (iii) and (3)(ii).

Materials are not eligible under this NOFA if they are:

• Agricultural residue or crop residue that is collected or harvested before a conservation or equivalent plan has been completed;

• Woody materials from public forestland that is collected or harvested before the forest stewardship or equivalent plan has been completed and evaluated by the appropriate FSA technical service provider;

• Delivered before approval date of the contract between the eligible material owner and FSA;

• Any woody material from public forestland or woody agricultural or crop residue that would otherwise be used for an existing higher-value product;

• Any otherwise eligible material collected or harvested from public forestland or agricultural lands that, after delivery to a biomass conversion facility, its campus, or its affiliated facilities, must be separated from an eligible material used for a higher-value product in order to be used for heat, power, research, biobased products, or advanced biofuels; or

• Bagasse; yard waste; food waste; algae; animal waste or by-products of animal waste including fats, oils, greases and manure; or material that is whole grain from any crop that is eligible to receive payments under title I of the 2014 Farm Bill or an amendment made by that title or other material excluded by the definition of eligible material in this NOFA.

BCAP matching payments will be for a term not to exceed 2 years as specified in the 2014 Farm Bill and 7 CFR 1450.106(a).

An eligible material owner must apply to participate in the matching payments component of BCAP as specified in 7 CFR 1450.104(b). The regulations in 7 CFR 1450.104(c) specify what is required to be included in the eligible material owner's application.

The regulations in 7 CFR 1450.104(d) through (f) specify requirements related to delivery and payments requests, and payments.

The regulations in 7 CFR 1450.105(a) specify what all participants whose payment application was approved are required to agree to.

Definitions

For the purposes of this NOFA, new or revised definitions include the following:

''Agricultural residue'' means crop residue from agricultural lands including woody orchard waste.

''Dry ton'' means one U.S. ton measuring 2,000 pounds. One dry ton is the amount of renewable biomass that would weigh one U.S. ton at zero percent moisture content. Woody material dry ton weight is determined in accordance with applicable ASTM (American Society for Testing and Materials) standards.

''Eligible material'' is renewable biomass as defined in 7 CFR 1450.2, except that the 2014 Farm Bill specially excludes from this definition:

(1) Material that is whole grain from any crop that is eligible to receive payments under title I of the 2014 Farm Bill or an amendment made by that title, including—barley, corn, grain sorghum, oats, rice, or wheat; honey; mohair; oilseeds including canola, crambe, flaxseed, mustard seed, rapeseed, safflower seed, soybeans, sesame seed, and sunflower seeds; peanuts; pulse; chickpeas, lentils, and dry peas; dairy products; sugar; and wool and cotton boll fiber;

(2) Animal waste and by-products including fat, oil, grease, and manure;

(3) Food waste and yard waste;

(4) Bagasse; and

(5) Algae.

The following terms are defined in the regulations in 7 CFR 1450.2:

• Advanced biofuel;
• Agricultural land;
• Animal waste;
• Biobased product;
• Bioenergy;
• Biofuel;
• Biomass Conversion Facility (BCF);
• Conservation plan;
• Delivery;
• Deputy Administrator;
• Eligible material owner;
• Equivalent plan;
• Food waste;
• Forest Stewardship plan;
• Higher-value product;
• Indian Tribe;
• Intermediate ingredient or feedstock;
• Legal entity;
• Matching payments;
• Operator;
• Participant;
• Producer;
• Project area;
• Project sponsor;
• Qualified biomass conversion facility;
• Renewable biomass;
• Socially disadvantaged farmer or rancher;
• Violation; and
• Yard waste.

Other Provisions

Violations will be handled as specified in 7 CFR 1450.4.

Appeals will be handled as specified in 7 CFR 1450.10.

Scheme or device will be handled as specified in 7 CFR 1450.11.

Filing of false documents will be handled as specified in 7 CFR 1450.12.

Paperwork Reduction Act Requirements

The information collection request for the BCAP activity is included in the approval of OMB control number, 0560–0082. (BCAP was merged with the Emergency Conservation Program (ECP).) The BCAP activity covered in this NOFA will not change the BCAP forms or the burden hours for those forms. The ECP and BCAP approved information collection request is being renewed as a separate effort, and it will be submitted to OMB for a 3-year approval.

Catalog of Federal Domestic Assistance

The title and number of the Federal assistance program in the Catalog of Federal Domestic Assistance to which this NOFA applies is 10.087, Biomass Crop Assistance Program (BCAP).

Environmental Review

FSA prepared a Final Programmatic Environmental Impact Statement (PEIS) for BCAP that was published in the **Federal Register** on June 25, 2010 (75 FR 36386–36387). The Record of Decision (ROD) regarding FSA implementation of BCAP according to the provisions of the 2008 Farm Bill was also published in the **Federal Register** on October 27, 2010 (75 FR 65995–66007). The BCAP PEIS was completed in accordance with the National Environmental Policy Act (NEPA, 42

U.S.C. 4321–4347) and FSA regulations (7 CFR part 799). The decision record summarizes the reasons for FSA selecting the proposed action alternatives based on BCAP's expected environmental and socioeconomic impacts and benefits as documented in the PEIS, all of which were considered in the decision.

Signed on June 5, 2014.

Juan M. Garcia,

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

[FR Doc. 2014–13617 Filed 6–9–14; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Funds Availability for Section 533 Housing Preservation Grants for Fiscal Year 2014

AGENCY: Rural Housing Service, USDA.

ACTION: Notice.

SUMMARY: This Notice announces that the Rural Housing Service (''RHS'') is soliciting competitive applications under its Housing Preservation Grant (HPG) program pursuant to 7 CFR part 1944, subpart N, for Fiscal Year (FY) 2014. The Consolidated Appropriations Act of 2014, Public Law 113–76 (January 17, 2014) appropriated funding in FY 2014 for grants made by RHS for low- and very low-income housing repair and rural housing preservation, as authorized by 42 U.S.C. 1474, and 1490m. The commitment of program dollars will be made in the order qualified applications are ranked under this notice.

DATES: If submitting a paper pre-application, the closing deadline for receipt of all applications in response to this Notice is 5:00 p.m., local time for each Rural Development State Office on July 28, 2014. The application should be submitted to the Rural Development State Office where the project will be located. If submitting the pre-application in electronic format, the closing deadline for receipt is 5:00 p.m. Eastern Daylight Time on July 28, 2014. RHS will not consider any pre-application that is received after the closing deadline. Applicants intending to mail pre-applications must provide sufficient time to permit delivery on or before the closing deadline. Acceptance by the United States Postal Service or private mailer does not constitute delivery. Facsimile (FAX) and postage due applications will not be accepted.

ADDRESSES: Pre-applications can be sent to the State Office addresses. Please use the Web link provided, *http://www.rurdev.usda.gov/StateOfficeAddresses.html.*

FOR FURTHER INFORMATION CONTACT: For further information, applicants may contact Bonnie Edwards-Jackson, Finance and Loan Analyst, Multi-Family Housing Preservation and Direct Loan Division, USDA Rural Development, STOP 0781, 1400 Independence Avenue SW., Washington, DC 20250–0781, telephone (202) 690–0759 (voice) (this is not a toll free number) or (800) 877–8339 (TDD-Federal Information Relay Service) or via email at, *Bonnie.Edwards@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

A. Program Description

The HPG program is a grant program which provides qualified public agencies, private non-profit organizations including, but not limited to, faith-based and community organizations, and other eligible entities, grant funds to assist low- and very low-income homeowners in repairing and rehabilitating their homes in rural areas. In addition, the HPG program assists rental property owners and cooperative housing complexes in rural areas in repairing and rehabilitating their units if they agree to make such units available to low- and very low-income persons.

B. Federal Award Information

The funding instrument for the HPG Program will be a grant agreement. The term of the grant can vary from one to two years, depending on available funds and demand. No maximum or minimum grant levels have been established at the national level. You should contact the Rural Development State Office where the project will be located to determine the state allocation.

For Fiscal Year 2014, $3,905,553.50 is available for the HPG Program. Rural Economic Area Partnership Zones and other funds will be distributed under a formula allocation to states pursuant to 7 CFR part 1940, subpart L, ''Methodology and Formulas for Allocation of Loan and Grant Program Funds.'' Decisions on funding will be based on pre-application scores. Anyone interested in submitting an application for funding under this program is encouraged to consult the Rural Development Web site periodically for updated information regarding the status of funding authorized for this program.

C. Eligibility Information

1. Eligible Applicants

7 CFR part 1944, subpart N provides details on what information must be contained in the pre-application package. Entities wishing to apply for assistance should contact the Rural Development State Office where the project will be located to receive further information, the State allocation of funds, and copies of the pre-application package. Eligible entities for these competitively awarded grants include state and local governments, non-profit corporations including, but not be limited to faith-based and community organizations, Federally recognized Indian tribes, and consortia of eligible entities.

Pursuant to 7 CFR 1944.674, federally recognized Indian tribes are exempt from the requirement to consult with local leaders, including the requirement of announcing the availability of its statement of activities for review in a newspaper.

2. Cost Sharing or Matching

Pursuant to 7 CFR 1944.652, grantees are expected to coordinate and leverage funding for repair and rehabilitation activities, as well as replacement housing, with housing and community development organizations or activities operating in the same geographic area. While HPG funds may be leveraged with other resources, it is not a requirement that the HPG applicant do so as the HPG applicant would not be denied an award of HPG funds if all other project selection criteria have been met.

D. Application and Submission Information

1. Address To Request Application Package

Pre-application packages can be requested from the State Offices. Please use the Web link provided, *http://www.rurdev.usda.gov/StateOfficeAddresses.html.*

2. Content and Form of Application Submission

All pre-applications must meet the requirements of 7 CFR part 1944, subpart N, as well as comply with the provisions of this Notice. Pre-applications can be submitted either electronically using the Section 533 pre-application form as found at *http://www.rurdev.usda.gov/HAD-HPG_Grants.html* or by hard copy to the appropriate Rural Development State Office where the project will be located. A hard-copy of the electronic pre-application form is included with this Notice. **Note:** Submission of the

electronic Section 533 pre-application form does not constitute submission of the entire pre-application package which requires additional forms and supporting documentation as listed in Section E of this Notice. Although applicants are encouraged to submit the pre-application form electronically, the complete package in its entirety must still be submitted to the local Rural Development State Office where the project will be located.

The Department of Agriculture (USDA) is participating as a partner in the Government-wide Grants.gov site. Electronic applications must be submitted through the Grants.gov Web site at: *http://www.grants.gov*, following the instructions found on the Web site. Please be mindful that the deadline for the application for electronic format differs from the deadline for paper format. The electronic format deadline will be based on Eastern Daylight Time. The paper format deadline is local time for each Rural Development State Office.

In addition to the electronic application at the *http://www.grants.gov* Web site, all applicants must complete and submit the Fiscal Year 2014 pre-application for Section 533 HPG, a copy of which is included with this Notice. Applicants are encouraged to submit this pre-application form electronically by accessing the Web site: *http://www.rurdev.usda.gov/HAD-HPG_Grants.html* and clicking on the link for ''Fiscal Year 2014 Pre-application for Section 533 Housing Preservation Grants (HPG).''

Applicants are encouraged but not required, to also provide an electronic copy of all hard copy forms and documents submitted in the pre-application/application package as requested by this Notice. The forms and documents must be submitted as read-only Adobe Acrobat PDF files on an electronic media such as CDs, DVDs or USB drives. For each electronic device that you submit, you must include a Table of Contents listing all of the documents and forms on that device. The electronic medium must be submitted to the local Rural Development State Office where the project will be located.

Please Note: If you receive a loan or grant award under this Notice, USDA reserves the right to post all information that is not protected by the Privacy Act submitted as part of the pre-application/application package on a public Web site with free and open access to any member of the public.

3. Dun and Bradstreet Universal Numbering System (DUNS) and System for Award Management

Please note that all applicants must obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number and register, and maintain such registration, in the Central Contractor Registration (CCR) prior to submitting a pre-application pursuant to 2 CFR part 25. As required by the Office of Management and Budget (OMB), all grant applicants must provide a DUNS number when applying for Federal grants, on or after October 1, 2003. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at (866) 705–5711 or by accessing *http://www.dnb.com/us/*. Additional information concerning this requirement is provided in a policy directive issued by OMB and published in the **Federal Register** on June 27, 2003 (68 FR 38402–38405). Similarly, applicants may register for the CCR at *https://www.uscontractorregistration.com/* or by calling (877) 252–2700.

In addition, an entity applicant must maintain registration of the CCR database at all times during which it has an active Federal award or an application or plan of construction by the Agency. Similarly all recipients of Federal Financial assistance are required to report information about first-tier subawards and executive compensation in accordance with 2 CFR part 170. So long as an entity applicant does not have exception under 2 CFR 170.110(b), the applicant must have necessary processes and systems in place to comply with the reporting requirements should the applicant receive funding; see 2 CFR 170.200(b).

4. Submission Dates and Times

Hard copy pre-applications that are submitted to a Rural Development State Office will be date and time stamped to evidence timely or untimely receipt, and upon request, Rural Development will provide the applicant with a written acknowledgement of receipt. A list of Rural Development State Office contacts may be found in the Section VIII, Agency Contacts, of this Notice. Incomplete pre-applications will be returned to the applicant. No pre-application will be accepted after the closing deadline in the ''Dates'' section of this notice unless that date and time is extended by a Notice published in the **Federal Register**.

5. Intergovernmental Review

The HPG Program is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

6. Funding Restrictions

The HPG Program funds are to be utilized only for their original award purpose. HPG Program grant funds cannot be transferred to fund other HPG projects. In instances whereby HPG Program funds cannot be used for their original award purpose, the unused funds will be refunded to the United States Department of the Treasury.

E. Application Review Information

1. Criteria

In accordance with 7 CFR 1944.679 applicants and proposed projects must meet the following criteria:

(a) Provide a financially feasible program of housing preservation assistance. ''Financially feasible'' is defined as proposed assistance which will be affordable to the intended recipient or result in affordable housing for very low- and low-income persons.

(b) Serve eligible rural areas with a concentration of substandard housing for households with very low- or low-income.

(c) Be an eligible applicant as defined in 7 CFR 1944.658.

(d) Meet the requirements of consultation and public comment in accordance with 7 CFR 1944.674.

(e) Submit a complete pre-application as outlined in 7 CFR 1944.676.

2. Review and Selection Process

Unless otherwise noted herein, applicants wishing to apply for assistance must make their statement of activities available to the public for comment. The applicant(s) must announce the availability of its statement of activities for review in a newspaper of general circulation in the project area and allow at least 15 days for public comment. The start of this 15-day period must occur no later than 16 days prior to the last day for acceptance of pre-applications by Rural Development.

All applications for Section 533 funds must be filed electronically or with the appropriate Rural Development State Office and must meet the requirements of this Notice and 7 CFR part 1944, subpart N. Applicants whose pre-applications are determined not eligible and/or not meeting the selection criteria will be notified by the Rural Development State Office. All adverse determinations are appealable pursuant to 7 CFR part 11. Instructions on the appeal process will be provided at the time the applicant is notified of the adverse decision.

If submitting a paper application, applicants will file an original and two copies of Standard Form (SF) 424, ''*Application for Federal Assistance,''* and supporting information with the appropriate Rural Development State Office. A pre-application package, including SF–424, is available in any Rural Development State Office. In addition, the pre-application form included with this Notice must be submitted either electronically or in hard copy form with all supporting documentation.

All pre-applications shall be accompanied by the following information which Rural Development will use to determine the applicant's eligibility to undertake the HPG program and to evaluate the pre-application under the project selection criteria of 7 CFR 1944.679. Please note that references to private non-profit organizations include, but are not limited to faith and community-based organizations. The information to be submitted with the pre-application includes:

(a) A statement of activities proposed by the applicant for its HPG program as appropriate to the type of assistance the applicant is proposing, including:

(1) A complete discussion of the type of and conditions for financial assistance for housing preservation, including whether the request for assistance is for a homeowner assistance program, a rental property assistance program, or a cooperative assistance program;

(2) The process for selecting recipients for HPG assistance, determining housing preservation needs of the dwelling, performing the necessary work, and monitoring/inspecting work performed;

(3) A description of the process for identifying potential environmental impacts in accordance with 7 CFR 1944.672, and the provisions for compliance with Stipulation I, A–G of the Programmatic Memorandum of Agreement, also known as PMOA, (RD Instruction 2000–FF, available in any Rural Development State Office or at *http://www.rurdev.usda.gov/SupportDocuments/2000ff.pdf*) in accordance with 7 CFR 1944.673(b);

(4) The development standard(s) the applicant will use for the housing preservation work; and, if the applicant will use the Rural Development standards for existing dwellings, the evidence of its acceptance by the jurisdiction where the grant will be implemented;

(5) The time schedule for completing the program;

(6) The staffing required to complete the program;

(7) The estimated number of very low- and low-income minority and non-minority persons the grantee will assist with HPG funds; and, if a rental property or cooperative assistance program, the number of units and the term of restrictive covenants on their use for very low- and low-income persons;

(8) The geographical area(s) to be served by the HPG program;

(9) The annual estimated budget for the program period based on the financial needs to accomplish the objectives outlined in the proposal. The budget should include proposed direct and indirect administrative costs, such as personnel, fringe benefits, travel, equipment, supplies, contracts, and other cost categories, detailing those costs for which the grantee proposes to use the HPG grant separately from non-HPG resources, if any. The applicant budget should also include a schedule (with amounts) of how the applicant proposes to draw HPG grant funds, i.e., monthly, quarterly, lump sum for program activities, etc.;

(10) A copy of an indirect cost proposal as required in 7 CFR parts 3015, 3016, and 3019, as applicable, when the applicant has another source of Federal funding in addition to the Rural Development HPG program;

(11) A brief description of the accounting system to be used;

(12) The method of evaluation to be used by the applicant to determine the effectiveness of its program which encompasses the requirements for quarterly reports to Rural Development in accordance with 7 CFR 1944.683(b), frequency of audits according to 7 CFR 1944.688(e), 7 CFR parts 3015 and 3016, and the monitoring plan for rental properties and cooperatives (when applicable) according to 7 CFR 1944.689;

(13) The source and estimated amount of other financial resources to be obtained and used by the applicant for both HPG activities and housing development and/or supporting activities;

(14) The use of program income, if any, and the tracking system used for monitoring same;

(15) The applicant's plan for disposition of any security instruments held by them as a result of its HPG activities in the event of its loss of legal status;

(16) Any other information necessary to explain the proposed HPG program; and

(17) The outreach efforts outlined in 7 CFR 1944.671(b).

(b) Complete information about the applicant's experience and capacity to carry out the objectives of the proposed HPG program.

(c) Evidence of the applicant's legal existence, a copy of, or an accurate reference to, the specific provisions of State (or Tribal) law under which the applicant is organized; a certified copy of the applicant's Articles of Incorporation and Bylaws or other evidence of corporate existence; certificate of incorporation for other than applicants that are not public bodies; evidence of good standing from the State (or Tribe) when the corporation has been in existence 1 year or more; and the names and addresses of the applicant's members, directors and officers. If other organizations are members of the applicant-organization, or the applicant is a consortium, pre-applications should be accompanied by the names, addresses, and principal purpose of the other organizations. If the applicant is a consortium, documentation showing compliance with paragraph (4)(ii) under the definition of ''organization'' in 7 CFR 1944.656 must also be included.

(d) For a private non-profit entity, the most recently audited statement and a current financial statement dated and signed by an authorized officer of the entity showing the amounts and specific nature of assets and liabilities together with information on the repayment schedule and status of any debt(s) owed by the applicant.

(e) A brief narrative statement which includes information about the area to be served and the need for improved housing (including both percentage and the actual number of both very low-income and low-income minority households and substandard housing), the need for the type of housing preservation assistance being proposed, the anticipated use of HPG resources for historic properties, the method of evaluation to be used by the applicant in determining the effectiveness of its efforts.

(f) A statement containing the component for alleviating any overcrowding as defined by 7 CFR 1944.656.

(g) Applicant must submit an original and one copy of Form RD 1940–20, *''Request for Environmental Information,''* prepared in accordance with Exhibit F–1 of RD Instruction 1944–N (available in any Rural Development State Office or at *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD1940-20.PDF*).

(h) Applicant must also submit a description of its process for:

(1) Identifying and rehabilitating properties listed on, or eligible for listing on, the National Register of Historic Places;

(2) Identifying properties that are located in a floodplain or wetland;

(3) Identifying properties located within the Coastal Barrier Resources System; and

(4) Coordinating with other public and private organizations and programs that provide assistance in the rehabilitation of historic properties (Stipulation I, D, of the PMOA, RD Instruction 2000–FF), available in any Rural Development State Office or at: *http://www.rurdev.usda.gov/SupportDocuments/2000ff.pdf*.

(i) The applicant must also submit evidence of the State Historic Preservation Office's (SHPO), or where appropriate the Tribal Historic Preservation Office's (THPO) concurrence in the proposal, or in the event of nonconcurrence, a copy of SHPO's or THPO's comments together with evidence that the applicant has received the Advisory Council on Historic Preservation's (Council) advice as to how the disagreement might be resolved, and a copy of any advice provided by the Council.

(j) The applicant must submit written statements and related correspondence reflecting compliance with 7 CFR 1944.674(a) and (c) regarding consultation with local government leaders in the preparation of its program and the consultation with local and state government pursuant to the provisions of Executive Order 12372.

(k) The applicant is to make its statement of activities available to the public for comment prior to submission to Rural Development pursuant to 7 CFR 1944.674(b). The application must contain a description of how the comments (if any were received) were addressed.

(l) The applicant must submit an original and one copy of Form RD 400–1, ''Equal Opportunity Agreement,'' and Form RD 400–4, ''*Assurance Agreement*,'' in accordance with 7 CFR 1944.676. These forms can be obtained at any state office or at *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD400-1.PDF* and *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD400-4.PDF*.

Applicants should review 7 CFR part 1944, subpart N for a comprehensive list of all application requirements.

3. Scoring

For applicants meeting all of the requirements listed above, the Rural Development State Offices will use weighted criteria in accordance with 7 CFR part 1944, subpart N to select the grant recipients. Each pre-application and its accompanying statement of activities will be evaluated and, based solely on the information contained in the pre-application; the applicant's proposal will be numerically rated on each selection criteria within the point range provided. The highest-ranking applicant(s) will be selected based on allocation of funds available to the State.

(a) Points that are awarded based on the percentage of very low-income persons that the applicant proposes to assist, using the following scale:

(1)	More than 80%	20 points.
(2)	61% to 80%	15 points.
(3)	41% to 60%	10 points.
(4)	20% to 40%	5 points.
(5)	Less than 20%	0 points.

(b) Whether the applicant's proposal is expected to result in the following percentage of HPG fund use (excluding administrative costs) in comparison to the total cost of unit preservation. This percentage reflects maximum repair or rehabilitation results with the least possible HPG funds due to leveraging, innovative financial assistance, owner's contribution or other specified approaches. Points are awarded based on the following percentage of HPG funds (excluding administrative costs) to total funds:

(1)	50% or less	20 points.
(2)	51% to 65%	15 points.
(3)	66% to 80%	10 points.
(4)	81% to 95%	5 points.
(5)	96% to 100%	0 points.

(c) Whether the applicant has demonstrated its administrative capacity in assisting very low- and low-income persons to obtain adequate housing based on the following (30 points maximum):

(1) The organization or a member of its staff has at least one or more years experience successfully managing and operating a rehabilitation or weatherization type program: 10 points.

(2) The organization or a member of its staff has at least one or more years experience successfully managing and operating a program assisting very low- and low-income persons obtain housing assistance: 10 points.

(3) If the organization has administered grant programs, there are no outstanding or unresolved audit or investigative findings which might impair carrying out the proposal: 10 points.

(d) Whether the proposed program will be undertaken entirely in a rural area defined by section 520 of the Housing Act of 1949, as amended (42 U.S.C. 1490) as, ''any open country, or any place, town, village, or city which is not (except in the cases of Pajaro, in the State of California, and Guadalupe, in the State of Arizona) part of or associated with an urban area and which (1) has a population not in excess of 2,500 inhabitants, or (2) has a population in excess of 2,500 but not in excess of 10,000 if it is rural in character, or (3) has a population in excess of 10,000 but not in excess of 20,000, and (A) is not contained within a standard metropolitan statistical area, and (B) has a serious lack of mortgage credit for lower and moderate-income families, as determined by the Secretary and the Secretary of Housing and Urban Development. For purposes of this [Notice], any area classified as 'rural' or a 'rural area' prior to October 1, 1990, and determined not to be 'rural' or a 'rural area' as a result of data received from or after the 1990, 2000, or 2010 decennial census, and any area deemed to be a 'rural area' for purposes of this subchapter under any other provision of law at any time during the period beginning January 1, 2000, and ending December 31, 2010, shall continue to be so classified until the receipt of data from the decennial census in the year 2020, if such area has a population in excess in 10,000 but not in excess of 35,000, is rural in character, and has a serious lack of mortgage credit for lower and moderate-income families. Notwithstanding any other provision of this [Notice], the city of Plainview, Texas, shall be considered a rural area for purposes of this [Notice], and the city of Altus, Oklahoma, shall be considered a rural area for purposes of this [Notice] until the receipt of data from the decennial census in the year 2000'': 10 points.

(e) Whether the program will use less than 20 percent of HPG funds for administration purposes:

(1)	More than 20%	Not eligible.
(2)	20%	0 points.
(3)	19%	1 point.
(4)	18%	2 points.
(5)	17%	3 points.
(6)	16%	4 points.
(7)	15% or less	5 points.

(f) Whether the proposed program contains a component for alleviating overcrowding as defined in 7 CFR 1944.656: 5 points.

(g) In the event more than one pre-application receives the same amount of points, those pre-applications will then be ranked based on the actual percentage of very-low income persons that the applicant proposes to assist. Further, in the event that

preapplications are still tied, then those preapplications still tied will be ranked based on the percentage of HPG fund use (low to high). Further, for applications where assistance to rental properties or cooperatives is proposed, those still tied will be further ranked based on the number of years the units are available for occupancy under the program (a minimum of five years is required). For these purposes, ranking will be based from most to least number of years.

Finally, if there is still a tie, then a lottery system will be used. After the award selections are made, all applicants will be notified of the status of their applications by mail.

F. Federal Award Administration Information

1. Federal Award Notices

The Agency will notify, in writing, applicants whose pre-applications have been selected for funding. If the Agency determines it is unable to select the application for funding, the applicant will be so informed in writing. Such notification will include the reasons the applicant was not selected.

2. Administrative and National Policy Requirements

The Agency will advise applicants, whose pre-applications did not meet eligibility and/or selection criteria, of their review rights or appeal rights in accordance with 7 CFR 1944.682.

3. Reporting

Reporting requirements can be found in the Grant Agreement.

G. Federal Awarding Agency Contacts

1. Points of Contacts

Applicants must contact the Rural Development State Office serving the state in which they desire to submit an application to receive further information and copies of the application package. Rural Development will date and time stamp incoming applications to evidence timely or untimely receipt, and, upon request, will provide the applicant with a written acknowledgment of receipt. A listing of Rural Development State Offices, their addresses, telephone numbers, and persons to contact follows:

Note: Telephone numbers listed are not toll-free.

Alabama State Office, Suite 601, Sterling Centre, 4121 Carmichael Road, Montgomery, Alabama 36106–3683, (334) 279–3456, TDD (800) 877–8339, Melinda George

Alaska State Office, 800 West Evergreen, Suite 201, Palmer, Alaska 99645, (907) 761–7725, TDD (907) 761–7786, Cathy Milazzo

Arizona State Office, Phoenix Courthouse and Federal Building, 230 North First Avenue, Suite 206, Phoenix, Arizona 85003–1706, (602) 280–8768, TDD (602) 280–8705, Justin Hilary

Arkansas State Office, 700 West Capitol Avenue, Room 3416, Little Rock, Arkansas 72201–3225, (501) 301–3258, TDD (501) 301–3279, Clinton King

California State Office, 430 G Street, #4169, Davis, California 95616–4169, (530) 885–6505, TDD (530) 792–5848, Debra Moretton

Colorado State Office, Denver Federal Center, Building 56, Room 2300, P. O. Box 25426, Denver, Colorado 80225–0426, (720) 544–2923, TDD (800) 659–3656, Mary Summerfield

Connecticut, Served by Massachusetts State Office, Delaware and Maryland State Office, 1221 College Park Drive, Suite 200, Dover, Delaware 19904, (302) 857–3615, TDD (302) 857–3585, Tonya D. Craven

Florida and Virgin Islands State Office, 4440 NW. 25th Place, Gainesville, Florida 32606–6563, (352) 338–3438, TDD (352) 338–3499, Theresa Purnell

Georgia State Office, Stephens Federal Building, 355 East Hancock Avenue, Athens, Georgia 30601–2768, (706) 546–2164, TDD (706) 546–2034, Revonda Pearson and Jennifer Daughtery

Hawaii State Office, (Services all Hawaii, American Samoa, Guam, and Western Pacific), Room 311, Federal Building, 154 Waianuenue Avenue, Hilo, Hawaii 96720, (808) 933–8303, TDD (808) 933–8321, Nathan Riedel

Idaho State Office, Suite A1, 9173 West Barnes Drive, Boise, Idaho 83709, (208) 327–6466, TDD (800) 877–8339, Yvette Caraveau

Illinois State Office, 2118 West Park Court, Suite A, Champaign, Illinois 61821–2986, (217) 403–6225, TDD (217) 403–6240, Brenda Barr

Indiana State Office, 5975 Lakeside Boulevard, Indianapolis, Indiana 46278, (317) 290–3100, ext. 423, TDD (317) 295–5799, Michael Boards

Iowa State Office, 210 Walnut Street Room 873, Des Moines, Iowa 50309, (515) 284–4487, TDD (515) 284–4858, Mary Beth Juergens

Kansas State Office, 1303 SW First American Place, Suite 100, Topeka, Kansas 66604–4040, (785) 271–2700, TDD (785) 271–2767, Mike Resnik

Kentucky State Office, 771 Corporate Drive, Suite 200, Lexington, Kentucky 40503, (859) 224–7357, TDD (859) 224–7422, Paul Higgins

Louisiana State Office, 3727 Government Street, Alexandria, Louisiana 71302, (318) 473–7962, TDD (318) 473–7655, Yvonne R. Emerson

Maine State Office, Post Office Box 405, Bangor, Maine 04402–0405, (207) 990–9110, TDD (207) 942–7331, Bob Nadeau

Maryland, Served by Delaware State Office

Massachusetts, Connecticut, & Rhode Island State Office, 451 West Street Suite 2, Amherst, Massachusetts 01002, (413) 253–4312, TDD (413) 253–4590, Julie Hanieski

Michigan State Office, 3001 Coolidge Road, Suite 200, East Lansing, Michigan 48823, (517) 324–5194, TDD (517) 324–5169, Julie Putnam

Minnesota State Office, 375 Jackson Street Building, Suite 410, St. Paul, Minnesota 55125, (763) 689–3354 x 4, TDD (651) 602–7830, Linda Swanson

Mississippi State Office, Federal Building, Suite 831, 100 West Capitol Street, Jackson, Mississippi 39269, (601) 965–4325, TDD (601) 965–5717, Darnella Smith-Murray

Missouri State Office, 601 Business Loop 70 West, Parkade Center, Suite 235, Columbia, Missouri 65203, (573) 876–0976, TDD (573) 876–9480, Nancy Long

Montana State Office, 2229 Boot Hill Court, Bozeman, Montana 59715, (406) 585–2559, TDD (800) 253–4091, Sandi Messenger

Nebraska State Office, Federal Building, Suite 308, 100 Centennial Mall North, Lincoln, Nebraska 68508, (402) 437–5035, TDD (402) 437–5093, Sharon Kluck

Nevada State Office, 1390 South Curry Street, Carson City, Nevada 89703–9910, (775) 887–1222, ext. 106, TDD 711 Relay (775) 887–1222, Mona Sargent

New Hampshire State Office, Concord Center, 10 Ferry Street, Suite 218, Concord, New Hampshire 03301, (603) 223–6049, TDD (603) 223–6083, Daphne Fenney

New Jersey State Office, 5th Floor North, Suite 500, 8000 Midlantic Drive, Mt. Laurel, New Jersey 08054, (856) 787–7773, TDD (856) 787–7784, Derrick S. Waltz

New Mexico State Office, 6200 Jefferson Street, NE., Room 255, Albuquerque, New Mexico 87109, (505) 761–4940, TDD (800) 877–8339, Cynthia Jackson

New York State Office, The Galleries of Syracuse, 441 South Salina Street, Suite 357 5th Floor, Syracuse, New York 13202, (315) 477–6418, TDD (315) 477–6447, Erin Farley

North Carolina State Office, 4405 Bland Road, Suite 260, Raleigh, North Carolina 27609, (919) 873–2062, TDD 711 Relay (919) 873–2061, Rebecca Dillard

North Dakota State Office, 2493 4th Avenue West, Room B, Dickinson, North Dakota 58601, (701) 225–9168, ext. 4, TDD (800) 366–6888, Steve Lervik

Ohio State Office, Federal Building, Room 507, 200 North High Street, Columbus, Ohio 43215–2477, (614) 255–2409, TDD (800) 877–8339, Cathy Simmons

Oklahoma State Office, 100 USDA, Suite 108, Stillwater, Oklahoma 74074–2654, (580) 237–4321, TDD (405) 742–1007, Lesley Worthan

Oregon State Office, 1201 NE Lloyd Boulevard, Suite 801, Portland, Oregon 97232–1274, (503) 414–3353, TDD (503)414–3387, Rod Hansen

Pennsylvania State Office, One Credit Union Place, Suite 330, Harrisburg, Pennsylvania 17110–2996, (717) 237–2282, TDD (717) 237–2261, Martha Hanson

Puerto Rico State Office, IBM Building, Suite 601, Munoz Rivera Ave. #654, San Juan, Puerto Rico 00918, (787) 766–5095, ext. 163, TDD (787) 766–5332, Raul Cepeda

Rhode Island, Served by Massachusetts State Office, South Carolina State Office, Strom Thurmond Federal Building, 1835 Assembly Street, Room 1007, Columbia, South Carolina 29201, (803) 253–3244, TDD (803) 765–5697, Rosemary Hickman

South Dakota State Office, Federal Building, Room 210, 200 Fourth Street, SW, Huron, South Dakota 57350, (605) 352–1132, TDD (605) 352–1147, Linda Weber

Tennessee State Office, Suite 300, 3322 West End Avenue, Nashville, Tennessee 37203–1084, (615) 783–1300, TDD (615) 783–1397, Abby Boggs

Texas State Office, Federal Building, Suite 102, 101 South Main, Temple, Texas 76501, (254) 742–9772, TDD (800) 877–8339, Ana Placencia

Utah State Office, Wallace F. Bennett Federal Building, 125 South State Street, Room 301, Salt Lake City, Utah 84138, (801) 524–4308, TDD 711 Relay (801) 524–4308, Janice Kocher

Vermont State Office, City Center, 3rd Floor, 89 Main Street, Montpelier, Vermont 05602, (802) 828–6028, TDD (802) 223–6365, Tammy Surprise

Virgin Islands, Served by Florida State Office

Virginia State Office, Culpeper Building, Suite 238, 1606 Santa Rosa Road, Richmond, Virginia 23229, (804) 287–1596, TDD (804) 287–1753, CJ Michels

Washington State Office, 1835 Black Lake Boulevard, Suite B, Olympia, Washington 98512, (360) 704–7706, TDD (800) 833–6384, Bill Kirkwood

Western Pacific Territories, Served by Hawaii State Office

West Virginia, 530 Freedom Road, Ripley, West Virginia 25271–9794, (304) 372–3441, ext. 105, TDD (304) 284–4836, Penny Thaxton

Wisconsin State Office, 4949 Kirschling Court, Stevens Point, Wisconsin 54481, (715) 345–7620, TDD (715) 345–7614, Dave Schwobe or Julie Czappa

Wyoming State Office, Post Office Box 82601, Casper, Wyoming 82602–5006, (307) 233–6733, TDD (800) 877–9965, Laura Koenig

Non-Discrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the *USDA Program Discrimination Complaint Form* (PDF), found online at *http://www.ascr.usda.gov/complaint_filing_cust.html,* or at any USDA office, or call (866) 632–9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410, by fax (202) 690–7442 or email at *program.intake@usda.gov.*

Individuals who are deaf, hard of hearing or have speech disabilities and you wish to file either an EEO or program complaint please contact USDA through the Federal Relay Service at (800) 877–8339 or (800) 845–6136 (in Spanish).

Persons with disabilities, who wish to file a program complaint, please see information above on how to contact us by mail directly or by email. If you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Dated: June 5, 2014.

Tony J. Hernandez,

Administrator, Rural Housing Service.

BILLING CODE 3410–XV–P

Fiscal Year 2014 Pre-application for Section 533 Housing Preservation Grants (HPG)

Instructions

Applicants are encouraged, but not required, to submit this pre-application form electronically by accessing the website: http://www.rurdev.usda.gov/HAD-HPG_Grants.html and clicking on the link for the "Fiscal Year 2014 Pre-application for Section 533 Housing Preservation Grants (HPG)." Please note that electronic submittals are not on a secured website. If you do not wish to submit the form electronically by clicking on the **Send Form** button, you may still fill out the form, print it and submit it with your application package to the State Office. You also have the option to save the form, and submit it on an electronic media to the State Office.

Supporting documentation required by this pre-application may be attached to the email generated when you click the **Send Form** button to submit the form. However if the attachments are too numerous or large in size, the email box will not be able to accept them. In that case, submit the supporting documentation for this pre-application to the State Office with your complete application package. Under item **IX. Documents Submitted**, indicate the supporting documents that you are submitting either with the pre-application or to the State Office.

I. Applicant Information

a. **Applicant's Name:** _____

b. **Applicant's Address:**

Address, Line 1: _____

Address, Line 2: _____

City: _____ **State:** _____ **Zip:** _____

c. **Name of Applicant's Contact Person:**

_____

d. **Contact Person's Telephone Number:** _____

e. **Contact Person's Email Address:**

_____

f. **Entity Type:** **(Check One)**

☐ State Government ☐ Local Government

☐ Non-Profit Corporation ☐ Federally Recognized Indian Tribes

☐ Faith-based Organization ☐ Community Organization

☐ Other consortia of an eligible entity

II. Project Information

a. **Project Name:** _____

b. **Project Address:**

Address, Line 1: _____

Address, Line 2: _____

City: _____ **State:** _____ **Zip:** _____

c. **Organization DUNS number:** _____

d. **Grant Amount Requested:** _____

e. **This grant request is for one of the following types of assistance:**

☐ Homeowner assistance program

- ☐ Rental property assistance program
- ☐ Cooperative assistance program

f. In response to e. above, answer one of the following:

The number of low- and very-low income persons that the grantee will assist in the Homeowner assistance program: _____ OR

The number of units for low- and very-low income persons in the Rental property or Cooperative assistance program: _____

g. This proposal is for one of the following:

- ☐ Housing Preservation Grant (HPG) program (no set-aside)
- ☐ Set-aside for Grant located in a Rural Economic Area Partnership (REAP) zone

III. Low-income Assistance

Check the percentage of very low-income persons that this application proposes to assist in relation to the total population of the project:

- ☐ More than 80 percent (20 points)
- ☐ 61 percent to 80 percent (15 points)
- ☐ 41 percent to 60 percent (10 points)
- ☐ 20 percent to 40 percent (5 points)
- ☐ Less than 20 percent (0 points)

Points: ____

IV. Percent of HPG Fund Use

Check the percentage of HPG fund use (excluding administrative costs) in comparison to the total cost of unit preservation. This percentage reflects maximum repair or rehabilitation results with the least possible HPG funds due to leveraging, innovative financial assistance, owner's contribution or other specified approaches.

- ☐ 50 percent or less of HPG Funds (20 points)
- ☐ 51 percent to 65 percent of HPG Funds (15 points)
- ☐ 66 percent to 80 percent of HPG Funds (10 points)
- ☐ 81 percent to 95 percent of HPG Funds (5 points)
- ☐ 96 percent to 100 percent of HPG Funds (0 points)

Points: ____

V. Administrative Capacity

The following three criteria demonstrate your administrative capacity to assist very low- and low-income persons to obtain adequate housing (30 points maximum).

a. Does this organization or a member of its staff have at least one or more years of experience successfully managing and operating a rehabilitation or weatherization type of program? (10 points) Yes ___ No ___ **Points:** ____

b. Does this organization or a member of its staff have at least one or more years of experience successfully managing and operating a program assisting very low- or

low-income persons obtain housing assistance? (10 points) Yes ___ No ___
Points: ____

c. If this organization has administered grant programs, are there any outstanding or unresolved audit or investigative findings which might impair carrying out the proposal? (10 points for No) No ___ Yes ___ **Points:** ____
If Yes, please explain:
_____
_____
_____

VI. Area Served

Will this proposal be undertaken entirely in rural areas outside Metropolitan Statistical Areas, also known as MSAs, in areas identified as "rural" by section 520 of the Housing Act of 1949, as amended (42 U.S.C. 1490)? (10 points)
Yes ___ No ___ **Points:** ____

VII. Percent of HPG Funds for Administration

Check the percentage of HPG funds that will be used for Administration purposes:

- ☐ More than 20 percent (Not eligible)
- ☐ 20 percent (0 points)
- ☐ 19 percent (1 point)
- ☐ 18 percent (2 points)
- ☐ 17 percent (3 points)
- ☐ 16 percent (4 points)
- ☐ 15 percent or less (5 points)

Points: ____

VIII. Alleviating Overcrowding

Does the proposed program contain a component for alleviating overcrowding as defined in 7 CFR1944.656? (5 points) Yes ___ No ___**Points:** ____

IX. Documents Submitted

Check if the following documents are being submitted electronically with this pre-application or will be mailed to the State Office with your complete pre-application package.
NOTE: You are only required to submit supporting documents for programs in which you will be participating as indicated in this pre-application. Points will be assigned for the items that you checked based on a review of the supporting documents. **Please refer to the NOFA for the complete list of documents that you are required to submit with your complete pre-application package.**

Reference	Item	Submitted with this Pre-application	Submitted to State Office
III.	Low Income Assistance		
IV.	Percent of HPG Fund Use		
V.	Administrative Capacity		
VI.	Area Served		
VII	Percent of HPG Funds for Administration		
VIII.	Alleviating Overcrowding		

X. HPG 2014 Scoring

PLEASE NOTE: The scoring below is based on the responses that you have provided on this pre-application form and may not accord with the final score that the Agency assigns upon evaluating the supporting documentation that you submit. Your score may change from what you see here if the supporting documentation does not adequately support your answer or, if required documentation is missing.

	Scoring Items for HPG 2014	Points Earned
1.	Low Income Assistance (5, 10, 15, 20)	
2.	Percent of HPG Fund Use (5, 10, 15, 20)	
3.	Administrative Capacity (10, 20, 30)	
4.	Area Served (10)	
5.	Percent of HPG Funds for Administration (1, 2, 3, 4, 5)	
6.	Alleviating Overcrowding (5)	
	Total Score:	

Important

By submitting this electronic pre-application form and its supporting documents, you have completed one step of the application process.

You **must** also complete the electronic application at the http://www.grants.gov website.

Your complete package, with all forms and supporting documents as listed in the NOFA, must be submitted to the local Rural Development State Office where the project is located for your application to be processed.

[FR Doc. 2014–13631 Filed 6–10–14; 8:45 am]
BILLING CODE 3410–XV–C

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1940]

Grant of Authority; Establishment of a Foreign-Trade Zone Under the Alternative Site Framework; Cortland County, New York

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board adopted the alternative site framework (ASF) (15 CFR Sec. 400.2(c)) as an option for the establishment or reorganization of zones;

Whereas, Cortland County, New York (the Grantee), has made application to the Board (B–10–2014, docketed 2/6/2014), requesting the establishment of a foreign-trade zone under the ASF with a service area of Cortland County, adjacent to the Syracuse Customs and Border Protection port of entry;

Whereas, notice inviting public comment has been given in the **Federal Register** (79 FR 8435, 2/12/2014) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing a foreign-trade zone, designated on the records of the Board as Foreign-Trade Zone No. 290, as described in the application, and subject to the FTZ Act and the Board's regulations, including Section 400.13, and to the Board's standard 2,000-acre activation limit.

Signed at Washington, DC, this 30th day of May 2014.

Penny Pritzker,

Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–13642 Filed 6–10–14; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–821]

Polyethylene Retail Carrier Bags From Thailand: Preliminary Results of Antidumping Duty Administrative Review; 2012–2013

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on polyethylene retail carrier bags (PRCBs) from Thailand.[1] This review covers six companies. The period of review (POR) is August 1, 2012, through July 31, 2013. We preliminarily find that subject merchandise has been sold at less than normal value by the companies subject to this review. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* June 11, 2014.

FOR FURTHER INFORMATION CONTACT: Sandra Dreisonstok or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0768 and 202–482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the antidumping duty order is polyethylene retail carrier bags, which are currently classified under subheading 3923.21.0085 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS number is provided for convenience and customs purposes. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.[2] The written description is dispositive.

The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). Access to IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and it is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Methodology

In accordance with sections 776(a) and (b) of the Tariff Act of 1930, as amended (the Act), we relied on facts available with an adverse inference with respect to Beyond Packaging Co., Ltd. (Beyond Packaging), the sole company selected for individual examination in this review. Thus, we preliminarily assign a rate of 122.88 percent as the weighted-average dumping margin for Beyond Packaging. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of topics included in the Preliminary Decision Memorandum is included in the Appendix attached to this notice.

Rates for Respondents Not Selected for Individual Examination

The statute and the Department's regulations do not address the establishment of a rate to be applied to individual companies not selected for examination when the Department limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. In administrative reviews, when the Department does not review all of the respondents, the Department looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance in determining a rate for companies not individually examined. Section 735(c)(5)(A) of the Act instructs

[1] *See Antidumping Duty Order: Polyethylene Retail Carrier Bags From Thailand,* 69 FR 48204 (August 9, 2004) (*Order*).

[2] *See* memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for Preliminary Results of the 2012/13 Antidumping Duty Administrative Review: Polyethylene Retail Carrier Bags from Thailand'' (Preliminary Decision Memorandum), dated concurrently with this notice.

that we do not calculate an all-others rate using any zero or *de minimis* weighted-average dumping margins or any weighted-average dumping margins based entirely on facts available. Section 735(c)(5)(B) of the Act states that ''if the estimated weighted average dumping margins established for all exporters and producers individually investigated are zero or *de minimis,* or determined entirely under section 776'' in an investigation, the Department may ''use any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated.'' In this administrative review, the only rate preliminarily applied to an individually examined respondent has been determined entirely pursuant to section 776(a) and (b) of the Act. Therefore, consistent with section 735(c)(5)(B) of the Act, we preliminarily determine that a reasonable method for determining the weighted-average dumping margins for the five non-examined respondents in this review is to apply the all-others rate of 4.69 percent.[3] This all-others rate is taken from the *Section 129 Determination* for the original less-than-fair-value investigation.[4]

Preliminary Results of Review

As a result of our review, we preliminarily determine that the following weighted-average dumping margins on PRCBs from Thailand exist for the period August 1, 2011, through July 31, 2012 at the following rates:

Company	Rate (percent)
Beyond Packaging Co., Ltd.	122.88
Dpac Inter Corporation Co., Ltd.	4.69
Elite Poly and Packaging Co., Ltd.	4.69
Poly World Co., Ltd.	4.69
Triple B Pack Company Limited	4.69
Two Path Plaspack Co., Ltd.	4.69

Disclosure and Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[5] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[6] Interested parties who wish to comment on the preliminary results must file briefs electronically using IA ACCESS. An electronically-filed document must be received successfully in its entirety in IA ACCESS, by 5 p.m. Eastern Time on the date the document is due.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically *via* IA ACCESS. An electronically filed document must be received successfully in its entirety in IA ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussd. Issues raised in the hearing will be limited to those raised in the respective case briefs.

The Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. For the final results, if we continue to rely on adverse facts available to establish Beyond Packaging's weighted-average dumping margin, we will instruct CBP to apply an *ad valorem* assessment rate of 122.88 percent to all entries of subject merchandise during the POR which were produced and/or exported by Beyond Packaging.

For the companies which were not selected for individual examination we will instruct CBP to apply an *ad valorem* assessment rate of 4.69 percent to all entries of subject merchandise produced and/or exported by such firms.

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of review. We also intend to communicate with CBP regarding Beyond Packaging's declared address for subject entries and provide evidence to CBP of our attempts to find an accurate address.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of PRCBs from Thailand entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2) of the Act: (1) The cash deposit rates for the reviewed companies will be the rates established in the final results of this review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the merchandise; (4) if neither the exporter nor the manufacturer has its own rate, the cash deposit rate will be 4.69 percent.[7] These deposit requirements, when imposed, shall remain in effect until further notice.

Notifications to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

[3] For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum.

[4] *See Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order on Polyethylene Retail Carrier Bags From Thailand,* 75 FR 48940 (August 12, 2010)(*Section 129 Determination*).

[5] *See* 19 CFR 351.309(d).

[6] *See* 19 CFR 351.303 (for general filing requirements).

[7] *See Section 129 Determination.*

Dated: June 4, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

A. Summary
B. Background
C. Scope of the Order
D. Discussion of the Methodology
1. Selection of Respondents
2. Request for Duty Absorption Determinations
3. Use of Facts Otherwise Available
a. Use of Facts Available
b. Application of Facts Available With an Adverse Inference
c. Selection and Corroboration of Information Used As Facts Available
4. Rate for Non-Selected Companies
E. Recommendation

[FR Doc. 2014–13644 Filed 6–10–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 84–24A12]

Export Trade Certificate of Review

ACTION: Notice of Application To Amend the Export Trade Certificate of Review Issued to Northwest Fruit Exporters, Application No. 84–25A12.

SUMMARY: The Office of Trade and Economic Analysis (''OTEA'') of the International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review (''Certificate''). This notice summarizes the proposed amendment and requests comments relevant to whether the amended Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Joseph Flynn, Director, Office of Competition and Economic Analysis, International Trade Administration, (202) 482–5131 (this is not a toll-free number) or email at *etca@trade.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked as privileged or confidential business information will be deemed to be nonconfidential.

An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Export Trading Company Affairs, International Trade Administration, U.S. Department of Commerce, Room 7025X, Washington, DC 20230.

Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 84–24A12.''

The Northwest Fruit Exporters' (''NWF'') original Certificate was issued on June 11, 1984 (49 FR 24581), and last amended on September 11, 2013 (78 FR 58286). A summary of the current application for an amendment follows.

Summary of the Application

Applicant: Northwest Fruit Exporters, 105 South 18th Street, Suite 227, Yakima, WA 98901.

Contact: Fred Scarlett, Manager, (509) 576–8004.

Application No.: 84–25A12.

Date Deemed Submitted: May 27, 2014.

Proposed Amendment: NWF seeks to amend its Certificate to:

1. Add the following company as a new Member of the Certificate within the meaning of section 325.2(l) of the Regulations (15 CFR 325.2(l)): Garrett Ranches Packing (Wilder, ID); and

2. Remove the following companies as Members of NWF's Certificate: Eakin Fruit Co. (Union Gap, WA); and Wenoka Sales LLC (Wenatchee, WA); and

3. Change the name of the following member: Underwood Fruit and Warehouse (White Salmon, WA) is now The Dalles Fruit Company, LLC (Dallesport, WA).

NWFE's proposed amendment of its Export Trade Certificate of Review would result in the following membership list:

Allan Bros., Naches, WA
AltaFresh L.L.C. dba Chelan Fresh Marketing, Chelan, WA
Apple King, L.L.C., Yakima, WA
Auvil Fruit Co., Inc., Orondo, WA
Baker Produce, Inc., Kennewick, WA
Blue Bird, Inc., Peshastin, WA
Blue Mountain Growers, Inc., Milton-Freewater, OR
Blue Star Growers, Inc., Cashmere, WA
Borton & Sons, Inc., Yakima, WA
Brewster Heights Packing & Orchards, LP, Brewster, WA
Broetje Orchards LLC, Prescott, WA
C& M Fruit Packers, Wenatchee, WA
C.M. Holtzinger Fruit Co., Inc., Yakima, WA
Chelan Fruit Cooperative, Chelan, WA
Chiawana, Inc. dba Columbia Reach Pack, Yakima, WA
Columbia Fruit Packers, Inc., Wenatchee, WA
Columbia Marketing International Corp., Wenatchee, WA
Columbia Valley Fruit, L.L.C., Yakima, WA
Congdon Packing Co. L.L.C., Yakima, WA
Conrad & Adams Fruit L.L.C., Grandview, WA
Cowiche Growers, Inc., Cowiche, WA
CPC International Apple Company, Tieton, WA
Crane & Crane, Inc., Brewster, WA
Custom Apple Packers, Inc., Brewster, Quincy, and Wenatchee, WA
Diamond Fruit Growers, Odell, OR
Domex Marketing, Yakima, WA
Douglas Fruit Company, Inc., Pasco, WA
Dovex Export Company, Wenatchee, WA
E. Brown & Sons, Inc., Milton-Freewater, OR
Evans Fruit Co., Inc., Yakima, WA
E.W. Brandt & Sons, Inc., Parker, WA
Frosty Packing Co., LLC, Yakima, WA
G&G Orchards, Inc., Yakima, WA
Garrett Ranches Packing, Wilder, ID
Gilbert Orchards, Inc., Yakima, WA
Gold Digger Apples, Inc., Oroville, WA
Hansen Fruit & Cold Storage Co., Inc., Yakima, WA
Henggeler Packing Co., Inc., Fruitland, ID
Highland Fruit Growers, Inc., Yakima, WA
HoneyBear Growers, Inc., (Brewster, WA)
Honey Bear Tree Fruit Co., LLC, Wenatchee, WA
Hood River Cherry Company, Hood River, OR
Ice Lakes LLC, E. Wenatchee, WA

JackAss Mt. Ranch, Pasco, WA
Jenks Bros Cold Storage Packing (Royal City, WA)
Kershaw Fruit & Cold Storage, Co., Yakima, WA
L&M Companies, Selah, WA
Larson Fruit Co., Selah, WA
Manson Growers Cooperative, Manson, WA
Matson Fruit Company, Selah, WA
McDougall & Sons, Inc., Wenatchee, WA
Monson Fruit Co.—Apple operations only, Selah, WA
Morgan's of Washington dba Double Diamond Fruit, Quincy, WA
Northern Fruit Company, Inc., Wenatchee, WA
Obert Cold Storage, Zillah, WA
Olympic Fruit Co., Moxee, WA
Oneonta Trading Corp., Wenatchee, WA
Orchard View Farms, Inc., The Dalles, OR
Pacific Coast Cherry Packers, LLC, Yakima, WA
Phillippi Fruit Company, Inc., Wenatchee, WA
Polehn Farm's Inc., The Dalles, OR
Price Cold Storage & Packing Co., Inc., Yakima, WA
Pride Packing Company, Wapato, WA
Quincy Fresh Fruit Co., Quincy, WA
Rainier Fruit Company, Selah, WA
Roche Fruit, Ltd., Yakima, WA
Sage Fruit Company, L.L.C., Yakima, WA
Smith & Nelson, Inc., Tonasket, WA
Stadelman Fruit, L.L.C., Milton-Freewater, OR, and Zillah, WA
Stemilt Growers, Inc., Wenatchee, WA
Strand Apples, Inc., Cowiche, WA
Symms Fruit Ranch, Inc., Caldwell, ID
The Apple House, Inc., Brewster, WA
The Dalles Fruit Company, LLC, Dallesport, WA
Valicoff Fruit Co., Inc., Wapato, WA
Valley Fruit III L.L.C., Wapato, WA
Washington Cherry Growers, Peshastin, WA
Washington Fruit & Produce Co., Yakima, WA
Western Sweet Cherry Group, LLC, Yakima, WA
Whitby Farms, Inc. dba: Farm Boy Fruit Snacks LLC, Mesa, WA
Yakima Fresh, Yakima, WA
Yakima Fruit & Cold Storage Co., Yakima, WA
Zirkle Fruit Company, Selah, WA

Dated: June 3, 2014.

Joseph Flynn,

Director, Office of Trade and Economic Analysis, International Trade Administration, (202) 482–5131, etca@trade.gov.

[FR Doc. 2014–13612 Filed 6–10–14; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 85–18A018]

Export Trade Certificate of Review

ACTION: Notice of Issuance of an Amended Export Trade Certificate of Review to U.S. Shippers Association.

SUMMARY: The Secretary of Commerce, through the International Trade Administration, Office of Trade and Economic Analysis (OTEA), issued an amended Export Trade Certificate of Review (''Certificate'') to the U.S. Shippers Association (''USSA'') on May 27, 2014. USSA's application to amend its Certificate was announced in the **Federal Register** on March 6, 2014 (79 FR 12687). The original Certificate No. 85–00018 was issued to USSA on June 3, 1986 (51 FR 20873). The previous amendment (No. 85–17A18) was issued to USSA on February 15, 2013 (78 FR 13861).

FOR FURTHER INFORMATION CONTACT: Joseph Flynn, Director, Office of Trade and Economic Analysis, International Trade Administration, by telephone at (202) 482–5131 (this is not a toll-free number) or Email at *etca@trade.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR Part 325 (2012). OTEA is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of the certificate in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Amendments to the Certificate

1. Add the following new Member of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)): PeroxyChem LLC (Philadelphia, PA).

2. Delete the following Members from USSA's Certificate: AKZO Nobel Chemicals Inc. (Chicago, IL); Cray Valley (Exton, PA); AlphaPharma Inc. (Bridgewater, NJ); DeSantis & Associates, Inc. (Missouri City, TX); Rhodia Inc. (Cranbury, NJ); George Avery; JWC and Company, LLC (Canton, Michigan); and Salvatore Di Paola.

USSA's *Export Trade Certificate of Review complete amended membership is listed below:*

Air Products and Chemicals, Inc., Allentown, PA
AMCOL International Corporation, Arlington Heights, IL
Altimore Consultants LLC, Needville, TX
FMC Corporation, Philadelphia, PA
Guardian Industries Corp., Auburn Mills, MI
LyondellBasell Industries A. F. S.C.A., Rotterdam
PeroxyChem LLC, Philadelphia, PA
Phibro Animal Health Corporation, Teaneck, NJ
Sekisui Specialty Chemicals America, LLC, Dallas, TX
Solvay Chemicals, Inc., Houston, TX
Thomas M. Johnson, Park Ridge, NJ

The effective date of the amended certificate is February 26, 2014, the date on which USSA's application to amend was deemed submitted.

Dated: June 3, 2014.

Joseph Flynn,

Director, Office of Trade and Economic Analysis, International Trade Administration, (202) 482–5131, etca@trade.gov.

[FR Doc. 2014–13608 Filed 6–10–14; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 14–00001]

Export Trade Certificate of Review

ACTION: Notice of Issuance for an Export Trade Certificate of Review for Willians Global Trade Concierge, LLC Application No. 14–00001.

SUMMARY: The Office of Trade and Economic Analysis (''OTEA'') of the International Trade Administration, Department of Commerce, issued an Export Trade Certificate of Review to Willians Global Trade Concierge, LLC on May 27, 2014.

FOR FURTHER INFORMATION CONTACT: Joseph Flynn, Director, Office of Trade and Economic Analysis, International Trade Administration, (202) 482–5131 (this is not a toll-free number) or email at *etca@trade.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the

Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Member (Within the Meaning of 15 CFR 325.2(1))

Janean Campbell, Owner.

Description of Certified Conduct

Willians Global Trade Concierge, LLC (''WGTC'') is certified to engage in the Export Trade Activities and Methods of Operation described below in the following Export Trade and Export Markets.

Export Trade

Products: All Products.

Services: All services related to the export of Products.

Technology Rights: All intellectual property rights associated with Products or Services, including, but not limited to: Patents, trademarks, services marks, trade names, copyrights, neighboring (related) rights, trade secrets, know-how, and confidential databases and computer programs.

Export Trade Facilitation Services (as They Relate to the Export of Products): Export Trade Facilitation Services, including but not limited to: Consulting and trade strategy, arranging and coordinating delivery of Products to the port of export; arranging for inland and/or ocean transportation; allocating Products to vessel; arranging for storage space at port; arranging for warehousing, stevedoring, wharfage, handling, inspection, fumigation, and freight forwarding; insurance and financing; documentation and services related to compliance with customs' requirements; sales and marketing; export brokerage; foreign marketing and analysis; foreign market development; overseas advertising and promotion; Products-related research and design based upon foreign buyer and consumer preferences; inspection and quality control; shipping and export management; export licensing; provisions of overseas sales and distribution facilities and overseas sales staff; legal; accounting and tax assistance; development and application of management information systems; trade show exhibitions; professional services in the area of government relations and assistance with federal and state export assistance programs (e.g., Export Enhancement and Market Promotion programs, invoicing (billing) foreign buyers; collecting (letters of credit and other financial instruments) payment for Products; and arranging for payment of applicable commissions and fees.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operations

To engage in Export Trade in the Export Markets, WGTC may:

1. Provide and/or arrange for the provision of Export Trade Facilitation Services;

2. Engage in promotional and marketing activities and collect information on trade opportunities in the Export Markets and distribute such information to clients;

3. Enter into exclusive and/or non-exclusive licensing and/or sales agreements with Suppliers for the export of Products and Services, and/or Technology Rights to Export Markets;

4. Enter into exclusive and/or non-exclusive agreements with distributors and/or sales representatives in Export Markets;

5. Allocate export sales or divide Export Markets among Suppliers for the sale and/or licensing of Products and Services and/or Technology Rights;

6. Allocate export orders among Suppliers;

7. Establish the price of Products and Services and/or Technology Rights for sales and/or licensing in Export Markets; and

8. Negotiate, enter into, and/or manage licensing agreements for the export of Technology Rights.

9. WGTC may exchange information with individual Suppliers on a one-to-one basis regarding that Supplier's inventories and near-term production schedules in order that the availability of Products for export can be determined and effectively coordinated by WGTC with its distributors in Export Markets.

Definition

''Supplier'' means a person who produces, provides, or sells Products, Services, and/or Technology Rights.

Dated: June 3, 2014.

Joseph Flynn,

Director, Office of Trade and Economic Analysis, International Trade Administration, (202) 482–5131,etca@trade.gov.

[FR Doc. 2014–13615 Filed 6–10–14; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 130213133–4463–02]

RIN 0648–XC508

Endangered and Threatened Wildlife and Plants; Notice of 12-Month Finding on Petitions To List the Great Hammerhead Shark as Threatened or Endangered Under the Endangered Species Act (ESA)

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

ACTION: Notice of 12-month finding and availability of status review document.

SUMMARY: We, NMFS, announce a 12-month finding on two petitions to list the entire population of great hammerhead shark (*Sphyrna mokarran*), the northwest Atlantic population, or any distinct population segments (DPSs) of great hammerhead sharks, as threatened or endangered under the Endangered Species Act (ESA). We have completed a comprehensive status review of the great hammerhead shark in response to these petitions. Based on the best scientific and commercial information available, including the status review report (Miller *et al.,* 2014), we have determined that the species is not comprised of DPSs and does not warrant listing at this time. We conclude that the great hammerhead shark is not currently in danger of extinction throughout all or a significant portion of its range and is not likely to become so within the foreseeable future.

DATES: This finding was made on June 11, 2014.

ADDRESSES: The status review document for the great hammerhead shark is available electronically at: *http://www.nmfs.noaa.gov/pr/species/fish/greathammerheadshark.htm.* You may also receive a copy by submitting a request to the Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, Attention: Great Hammerhead Shark 12-month Finding.

FOR FURTHER INFORMATION CONTACT: Maggie Miller, NMFS, Office of Protected Resources, (301) 427–8403.

SUPPLEMENTARY INFORMATION:

Background

On December 21, 2012, we received a petition from WildEarth Guardians (WEG) to list the great hammerhead shark (*Sphyrna mokarran*) as threatened

or endangered under the ESA throughout its entire range, or, as an alternative, to list any identified DPSs as threatened or endangered. The petitioners also requested that critical habitat be designated for the great hammerhead under the ESA. On March 19, 2013, we received a second petition from Natural Resources Defense Council (NRDC) to list the northwest Atlantic DPS of great hammerhead shark as threatened, or, as an alternative, to list the great hammerhead shark range-wide as threatened, and to designate critical habitat. On April 26, 2013, we published a positive 90-day finding (78 FR 24701), announcing that the petitions presented substantial scientific or commercial information indicating the petitioned action of listing the species may be warranted and explained the basis for that finding. We also announced the initiation of a status review of the species, as required by Section 4(b)(3)(a) of the ESA, and requested information to inform the agency's decision on whether the species warranted listing as endangered or threatened under the ESA.

Listing Species Under the Endangered Species Act

We are responsible for determining whether great hammerhead sharks are threatened or endangered under the ESA (16 U.S.C. 1531 *et seq.*). To make this determination, we first consider whether a group of organisms constitutes a ''species'' under Section 3 of the ESA, then whether the status of the species qualifies it for listing as either threatened or endangered. Section 3 of the ESA defines species to include ''any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.'' On February 7, 1996, NMFS and the U.S. Fish and Wildlife Service (USFWS; together, the Services) adopted a policy describing what constitutes a DPS of a taxonomic species (61 FR 4722). The joint DPS policy identified two elements that must be considered when identifying a DPS: (1) The discreteness of the population segment in relation to the remainder of the species (or subspecies) to which it belongs; and (2) the significance of the population segment to the remainder of the species (or subspecies) to which it belongs.

Section 3 of the ESA defines an endangered species as ''any species which is in danger of extinction throughout all or a significant portion of its range'' and a threatened species as one ''which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' Thus, in the context of the ESA, the Services interpret an ''endangered species'' to be one that is presently at risk of extinction. A ''threatened species'' is not currently at risk of extinction, but is likely to become so in the foreseeable future. The key statutory difference between a threatened and endangered species is the timing of when a species may be in danger of extinction, either now (endangered) or in the foreseeable future (threatened).

The statute also requires us to determine whether any species is endangered or threatened as a result of any one or a combination of the following five factors: The present or threatened destruction, modification, or curtailment of its habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; the inadequacy of existing regulatory mechanisms; or other natural or manmade factors affecting its continued existence (ESA, section 4(a)(1)(A)–(E)). Section 4(b)(1)(A) of the ESA requires us to make listing determinations based solely on the best scientific and commercial data available after conducting a review of the status of the species and after taking into account efforts being made by any State or foreign nation or political subdivision thereof to protect the species. In evaluating the efficacy of existing protective efforts, we rely on the Services' joint *Policy on Evaluation of Conservation Efforts When Making Listing Decisions* (''PECE''; 68 FR 15100; March 28, 2003). The PECE provides direction for considering conservation efforts that have not been implemented, or have been implemented but not yet demonstrated effectiveness.

Status Review

We convened a team of agency scientists to conduct the status review for the species and prepare a report. The status review report of the great hammerhead shark (Miller *et al.,* 2014) compiles the best available information on the status of the great hammerhead shark as required by the ESA, provides an evaluation of the discreteness and significance of populations in terms of the DPS policy, and assesses the current and future extinction risk for the great hammerhead shark, focusing primarily on threats related to the five statutory factors set forth above. We appointed a contractor in the Office of Protected Resources Endangered Species Division to undertake a scientific review of the life history and ecology, distribution, abundance, and threats to the great hammerhead shark. Next, we convened a team of biologists and shark experts (hereinafter referred to as the Extinction Risk Analysis (ERA) team) to conduct an extinction risk analysis for the great hammerhead shark, using the information in the scientific review. The ERA team was comprised of a fishery management specialist from NMFS' Highly Migratory Species Management Division, two research fishery biologists from NMFS' Southeast Fisheries Science Center and Pacific Island Fisheries Science Center, and a fishery biologist contractor with NMFS' Office of Protected Resources. The ERA team had group expertise in shark biology and ecology, population dynamics, highly migratory species management, and stock assessment science. The status review report presents the ERA team's professional judgment of the extinction risk facing the great hammerhead shark but makes no recommendation as to the listing status of the species. The status review report is available electronically at *http://www.nmfs.noaa.gov/pr/species/fish/greathammerheadshark.htm.*

The status review report was subjected to independent peer review as required by the Office of Management and Budget Final Information Quality Bulletin for Peer Review (M–05–03; December 16, 2004). The status review report was peer reviewed by three independent specialists selected from the academic and scientific community, with expertise in shark biology, conservation and management, and knowledge of great hammerhead sharks. The peer reviewers were asked to evaluate the adequacy, appropriateness, and application of data used in the status review as well to evaluate the findings made in the ''Assessment of Extinction Risk'' section of the report. All peer reviewer comments were addressed prior to dissemination of the final status review report and publication of this determination.

We subsequently reviewed the status review report, its cited references, and peer review comments, and believe the status review report, upon which this 12-month finding is based, provides the best available scientific and commercial information on the great hammerhead shark. Much of the information discussed below on great hammerhead shark biology, distribution, abundance, threats, and extinction risk is attributable to the status review report. However, in making the 12-month finding determination, we have independently applied the statutory provisions of the ESA, including evaluation of the factors set forth in Section 4(a)(1)(A)–(E); our regulations

regarding listing determinations; and our DPS policy.

Life History, Biology, and Status of the Petitioned Species

Taxonomy and Species Description

All hammerhead sharks belong to the family *Sphyrnidae* and are classified as ground sharks (Order Carcharhiniformes). Most hammerhead sharks belong to the Genus *Sphyrna* with one exception, the winghead shark (*E. blochii*), which is the sole species in the Genus *Eusphyra.* The hammerhead sharks are recognized by their laterally expanded head that resembles a hammer, hence the common name ''hammerhead.'' The great hammerhead shark (*Sphyrna mokarran*) is the largest of the hammerhead shark species and is distinguished from other hammerhead sharks by a nearly straight anterior margin of the head and median indentation in the center in adults. The shark has strongly serrated teeth, strongly falcate first dorsal and pelvic fins, and a high second dorsal fin with a concave rear margin (Compagno, 1984; Bester, n.d.). The body of the great hammerhead shark is fusiform, with the dorsal side colored dark brown to light grey or olive that shades to white on the ventral side (Compagno, 1984; Bester, n.d.). Fins of adult great hammerhead sharks are uniform in color, whereas the tip of the second dorsal fin of juveniles may appear dusky (Bester, n.d.).

Current Distribution

The great hammerhead shark is a circumtropical species that lives in coastal-pelagic and semi-oceanic waters from latitudes of 40° N to 31° S (Compagno, 1984; Stevens and Lyle, 1989; Cliff, 1995; Denham *et al.,* 2007). It occurs over continental shelves as well as adjacent deep waters, and may also be found in coral reefs and lagoons (Compagno, 1984; Denham *et al.,* 2007; Bester, n.d.).

Movement and Habitat Use

Great hammerhead sharks are generally solitary and highly mobile (Compagno, 1984; Cliff, 1995; Denham *et al.,* 2007; Hammerschlag *et al.,* 2011; Bester, n.d.). In a review of shark tagging studies, Kohler and Turner (2001) examined three studies that looked at migrations of great hammerhead sharks (n = 220) and found maximum distance travelled to be 1,180 km and a maximum time at liberty of 4 years. A more recent study tracked a great hammerhead shark migrating an even greater distance, with a minimum distance of 1,200 km in 62 days, as it appeared to follow the Gulf Stream Current from the Florida Keys to 500 km off the coast of New Jersey (Hammerschlag *et al.,* 2011). Some great hammerhead shark populations are thought to make poleward migrations following warm water currents, such as those found off Florida's coast (Heithaus *et al.,* 2007; Hammerschlag *et al.,* 2011), while others are thought to be residential populations with only seasonal incursions into cooler waters due to range expansions (not true migrations) (Taniuchi, 1974; Stevens and Lyle, 1989; Cliff, 1995).

Diet

The great hammerhead shark is a high trophic level predator (trophic level = 4.3; Cortés, 1999) and opportunistic feeder with a diet that includes a wide variety of teleosts, cephalopods, and crustaceans, with a preference for stingrays and other batoids (Compagno, 1984; Strong *et al.,* 1990; Denham *et al.,* 2007). *Sphyrna mokarran* has been observed to use its uniquely shaped head, or 'cephalofoil,' to pin down and prey upon stingrays. This type of prey handling may be unique to this species, but very few observations of predation events of great hammerhead sharks or other *Sphyrnidae* have been made (Strong *et al.,* 1990; Chapman and Gruber, 2002). Stomach analysis of *S. mokarran* suggests that the species primarily feeds at or near the seafloor (Stevens and Lyle, 1989; Cliff, 1995; Bester, n.d.).

Reproduction

Compared to the other hammerhead species, *Sphyrna mokarran* has a faster growth rate and thus matures at an earlier age, between 5 and 8.9 years (Piercy *et al.,* 2010; Harry *et al.,* 2011a; Piercy and Carlson, unpublished data). In terms of size, females attain maturity generally around 210–300 cm total length (TL) while males reach maturity at smaller sizes (generally around 187–269 cm TL) (see Table 1 in Miller *et al.,* 2014). Female great hammerhead sharks are viviparous (i.e., give birth to live young) with a yolk-sac placenta and breed only once every 2 years (Stevens and Lyle, 1989), with a gestation period of 10–11 months (Stevens and Lyle, 1989; Bester, n.d.). In terms of size, females attain maturity generally around 210–230 cm (TL at 50 percent maturity—L50) while males reach maturity at smaller sizes (L50 estimated around 187–230 cm TL). Litter sizes range from 6 to 42 pups, with size at birth estimated at 500–700 mm TL. Parturition occurs in the late spring or summer in the northern hemisphere (Ebert and Stehman, 2013). In the southern hemisphere, birthing occurs between October and November off eastern Australia, and between December and January off northern Australia (Stevens and Lyle, 1989; Harry *et al.,* 2011a). Although young of the year and juveniles may occasionally be found utilizing shallow inshore and coastal waters, nursery areas have yet to be identified for this species and it is thought that pupping occurs farther offshore (Hueter and Tyminski, 2007; Harry *et al.,* 2011a).

Size and Growth

The great hammerhead shark can reach lengths of over 610 cm TL (Compagno, 1984); however, individuals greater than 400 cm TL are rare (Stevens and Lyle, 1989). Piercy *et al.* (2010) estimated the oldest female and male great hammerhead sharks to be 44 and 42 years, respectively, with corresponding lengths of 398 cm TL (female) and 379 cm TL (male). Passerotti *et al.* (2010) aged two male great hammerhead sharks using bomb radiocarbon aging methods, and found the sharks to be 42 years old (corresponding to 391 cm TL) and 36 years old (corresponding to 360 cm TL). Male great hammerhead sharks are thought to grow faster than females (with a growth coefficient, k, of 0.16/year for males and 0.11/year for females) but reach a smaller asymptotic size (335 cm TL for males versus 389 cm TL for females). Using life history parameters from the northwest Atlantic Ocean, Cortés (unpublished) estimated productivity of the great hammerhead shark, determined as intrinsic rate of population increase (r), to be 0.096 $year^{-1}$ (median) within a range of 0.078–0.116 (80 percent percentiles).

Although there are very few age/growth studies for great hammerhead sharks, the available data indicate that great hammerhead sharks are a long-lived species (at least 20–30 years) and can be characterized as having rather low productivity (based on the Food and Agriculture Organization of the United Nations (FAO) productivity indices for exploited fish species, where $r < 0.14$ is considered low productivity), making them generally vulnerable to depletion and potentially slow to recover from overexploitation.

Current Status

Great hammerhead sharks can be found worldwide, with no present indication of a range contraction. Although rare and generally not targeted, they may be caught in many global fisheries including bottom and pelagic longline tuna and swordfish fisheries, purse seine fisheries, coastal gillnet fisheries, and artisanal fisheries.

Due to their large fins with high fin needle content (a gelatinous product used to make shark fin soup), they are valuable as incidental catch for the international shark fin trade (Abercrombie *et al.,* 2005; Clarke *et al.,* 2006a). To a much lesser extent, hammerhead sharks are utilized for their meat, with Colombia, Japan, Kenya, Mexico, Mozambique, Philippines, Seychelles, Spain, Sri Lanka, China (Taiwan), Tanzania, Trinidad and Tobago, Uruguay, and Venezuela identified as countries that consume hammerhead meat (Vannuccini, 1999; CITES, 2010; F. Arocha, personal communication).

In 2007, the International Union for Conservation of Nature (IUCN) considered the great hammerhead shark to be endangered globally, based on an assessment by Denham *et al.* (2007) and its own criteria (A2bd and 4bd), and placed the species on its ''Red List.'' Under criteria A2bd and 4bd, a species may be classified as endangered when its ''observed, estimated, inferred or suspected'' population size is reduced by 50 percent or more over the last 10 years, any 10 year time period, or three generation period, whichever is the longer, and where the causes of reduction may not have ceased, be understood, or be reversible based on an index of abundance appropriate to the taxon and/or the actual or potential levels of exploitation. IUCN justification for the categorization is based on suspected declines due to the lack of available species-specific data. IUCN notes that the species vulnerability to depletion, low survival at capture, high value for the fin trade, regional recognition of declines, and absence of recent records gives cause to suspect that the population has decreased by over 50 percent and meets the criteria for Endangered globally. The prior IUCN assessment of the species in 2000 categorized the great hammerhead shark as ''data deficient.'' As a note, the IUCN classification for the great hammerhead shark alone does not provide the rationale for a listing recommendation under the ESA, but the sources of information that the classification is based upon are evaluated in light of the standards on extinction risk and impacts or threats to the species.

Distinct Population Segment Analysis

As described above, the ESA's definition of ''species'' includes ''any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.'' The ERA team was asked to evaluate whether any population of great hammerhead shark qualifies as a DPS based on the elements of discreteness and significance as defined in the DPS policy. According to the ERA team, the best available information does not indicate that any population segment of the great hammerhead shark would qualify as a DPS under the DPS policy because there was no population segment that met the policy's ''discreteness'' criterion. There is very little available information regarding discreteness based on genetic differences. The ERA team reviewed an abstract (Testerman and Shivji, 2013) but was not provided access to any further information or details regarding the results presented in the abstract (due to pending publication for a student's thesis). Although the abstract made mention of possible genetic partitioning between and within oceanic basins, this was a general statement and no further information was provided on the specific geographic patterns of this genetic structure. Therefore, we could not use this abstract to identify discrete great hammerhead populations based on genetic differences. The ERA team also examined a study by Naylor *et al.* (2012) that suggested that there are two distinct clusters of great hammerhead sharks: One comprised of great hammerhead sharks from the Atlantic, and a second comprised of great hammerhead sharks from Australia and Borneo. However, as the ERA team points out, the analysis was based on 22 specimens from 4 locations, with only 6 of the samples collected outside of the Atlantic Ocean (Naylor *et al.,* 2012). Given that the species has a global distribution and the sample size was small and only from a limited number of locations, we agreed with the ERA team that this does not provide sufficient evidence of discreteness based on genetic differences. The ERA team also evaluated the information in the petitions regarding DPSs but did not find evidence that would support discreteness based on genetic, geographical, or regulatory differences (Miller *et al.,* 2014). We reviewed the ERA team's analysis and agree with its findings.

As stated in the joint DPS policy, Congress expressed its expectation that the Services would exercise authority with regard to DPSs sparingly and only when the biological evidence indicates such action is warranted. Based on our evaluation of the best available scientific information, we do not find biological evidence that would indicate that any population segment of the great hammerhead shark would qualify as a DPS under the DPS policy.

Assessment of Extinction Risk

The ESA (Section 3) defines endangered species as ''any species which is in danger of extinction throughout all or a significant portion of its range.'' Threatened species are ''any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' Neither we nor the USFWS have developed any formal policy guidance about how to interpret the definitions of threatened and endangered. We consider a variety of information and apply professional judgment in evaluating the level of risk faced by a species in deciding whether the species is threatened or endangered. We evaluate both demographic risks, such as low abundance and productivity, and threats to the species including those related to the factors specified by the ESA Section 4(a)(1)(A)–(E).

Methods

As we have explained, we convened an ERA team to evaluate extinction risk to the species. This section discusses the methods used to evaluate threats and the overall extinction risk to the species. As explained further down in this notice, we have separately taken into account other conservation efforts which have the potential to reduce threats identified by the ERA team.

For purposes of the risk assessment, an ERA team comprised of fishery biologists and shark experts was convened to review the best available information on the species and evaluate the overall risk of extinction facing the great hammerhead shark now and in the foreseeable future. The term ''foreseeable future'' was defined as the timeframe over which threats could be reliably predicted to impact the biological status of the species. After considering the life history of the great hammerhead shark, availability of data, and type of threats, the ERA team decided that the foreseeable future should be defined as approximately 3 generation times for the great hammerhead shark, or 50 years. (A generation time is defined as the time it takes, on average, for a sexually mature female great hammerhead shark to be replaced by offspring with the same spawning capacity). This timeframe (3 generation times) takes into account the time necessary to provide for the conservation and recovery of the species. As a late-maturing species, with slow growth rate and low productivity, it would likely take more than a generation time for any conservative management action to be realized and

reflected in population abundance indices.

In addition, the foreseeable future timeframe is also a function of the reliability of available data regarding the identified threats and extends only as far as the data allow for making reasonable predictions about the species' response to those threats. Since the main threats to the species were identified as fisheries and inadequacy of existing regulatory measures that manage these fisheries, the ERA team felt that they had the background knowledge in fisheries management and expertise to confidently predict the impact of these threats on the biological status of the species within this timeframe.

Often the ability to measure or document risk factors is limited, and information is not quantitative or very often lacking altogether. Therefore, in assessing risk, it is important to include both qualitative and quantitative information. In previous NMFS status reviews, Biological Review Teams and ERA teams have used a risk matrix method to organize and summarize the professional judgment of a panel of knowledgeable scientists. This approach is described in detail by Wainright and Kope (1999) and has been used in Pacific salmonid status reviews as well as in the status reviews of many other species (see *http://www.nmfs.noaa.gov/pr/species/* for links to these reviews). In the risk matrix approach, the collective condition of individual populations is summarized at the species level according to four demographic risk criteria: Abundance, growth rate/productivity, spatial structure/connectivity, and diversity. These viability criteria, outlined in McElhany *et al.* (2000), reflect concepts that are well-founded in conservation biology and that individually and collectively provide strong indicators of extinction risk.

Using these concepts, the ERA team estimated demographic risks by assigning a risk score to each of the four demographic criteria. The scoring for the demographic risk criteria correspond to the following values: 1—no or low risk, 2—moderate risk, and 3—high risk. Detailed definitions of the risk scores can be found in the status review report.

The ERA team also performed a threats assessment for the great hammerhead shark by ranking the effect that the threat was currently having on the extinction risk of the species. The levels ranged from ''no effect on extinction risk'' to ''significant effect'' and included an ''unknown'' category for instances when there was not enough information to determine the effect (if any) that the threat was having on the species' extinction risk. The ERA team adopted the ''likelihood point'' (FEMAT) method for ranking the threat effect levels to allow individuals to express uncertainty. For this approach, each team member distributed 10 'likelihood points' among the threat effect levels. This approach has been used in previous NMFS status reviews (e.g., Pacific salmon, Southern Resident killer whale, Puget Sound rockfish, Pacific herring, and black abalone) to structure the team's thinking and express levels of uncertainty when assigning risk categories. The scores were then tallied (mode, median, range) and summarized for each threat, and considered in making the overall risk determination.

Guided by the results from the demographics risk analysis as well as the threats assessment, the ERA team members were asked to use their informed professional judgment to make an overall extinction risk determination for the great hammerhead shark now and in the foreseeable future. For this analysis, the ERA team defined five levels of extinction risk: 1—no or very low risk, 2—low risk, 3—moderate risk, 4—high risk, and 5—very high risk. Detailed definitions of these risk levels can be found in the status review report. Again, the ERA team adopted the FEMAT method, distributing 10 'likelihood points' among the five levels of extinction risk. Although this process helps to integrate and summarize a large amount of diverse information, there is no simple way to translate the risk matrix scores directly into a determination of overall extinction risk. Other descriptive statistics, such as mean, variance, and standard deviation, were not calculated as the ERA team felt these metrics would add artificial precision or accuracy to the results. The scores were then tallied (mode, median, range) and summarized.

Finally, the ERA team did not make recommendations as to whether the species should be listed as threatened or endangered. Rather, the ERA team drew scientific conclusions about the overall risk of extinction faced by the great hammerhead shark under present conditions and in the foreseeable future based on an evaluation of the species' demographic risks and assessment of threats.

Evaluation of Demographic Risks

Abundance

There is currently a lack of reliable estimates of population size for the great hammerhead shark, with most of the available information indicating that the species is naturally low in abundance. Great hammerhead sharks are rarely recorded in fisheries data but are thought to have experienced possible localized population declines over the past few decades (Dudley and Simpfendorder, 2006; Diop and Dossa, 2011; Dia *et al.,* 2012). Given the lack of data, however, the extent of the decline and the current status of the global population are unclear.

Unlike the scalloped hammerhead shark stock in the northwest Atlantic Ocean, we have not yet conducted (or accepted) a stock assessment on the great hammerhead shark population. The ERA team reviewed two species-specific stock assessments for the northwest Atlantic population of great hammerhead sharks by Hayes (2008) and Jiao *et al.* (2011), but found that these studies had high degrees of uncertainty. Both assessments found significant catches in the early 1980s, over two orders of magnitude larger than the smallest catches, but Hayes (2008) suggested that these large catches, which correspond mostly to the NMFS Marine Recreational Fishery Statistics Survey (MRFSS), are likely overestimated. Hayes (2008) also identified other data deficiencies that added to the uncertainty surrounding these catch estimates including: misreporting of the species, particularly in recreational fisheries, leading to overestimates of catches; underreporting of commercial catches in early years; and unavailable discard estimates for the U.S. pelagic longline fishery for the period of 1982–1986. In terms of abundance trends, the Hayes (2008) stock assessment found the models to have wide confidence intervals and be highly sensitive to the inclusion or exclusion of relative abundance indices, with depletion estimates ranging from 57 to 96 percent.

The Jiao *et al.* (2011) stock assessment, which used a more complex Bayesian hierarchical surplus production model, examined the likelihood of overfishing of the great hammerhead shark and found that after 2001, the risk of overfishing of great hammerhead sharks was very low. However, similar to the Hayes (2008) caveats, Jiao *et al.* (2011) warned that the results should be viewed as illustrative rather than as conclusive evidence of the present status of great hammerhead sharks. Due to the significant uncertainty surrounding the results from these stock assessment models, neither we, nor the ERA team, could confidently draw conclusions regarding the demographic risk to the

great hammerhead shark from current abundance levels.

In addition to these stock assessment studies, the ERA team examined more recent abundance data from the U.S. commercial bottom longline (BLL) fishery, the NMFS Mississippi BLL survey, and the Mote Marine Laboratory gillnet survey (see Miller *et al.,* 2014). Using a generalized linear modeling (GLM) approach, a relative abundance index for great hammerhead sharks was derived using observer data (from 1994 to 2011) from the U.S. commercial BLL fishery operating in the Atlantic Ocean and Gulf of Mexico (Carlson *et al.,* 2012; Carlson, unpublished). Trends in abundance indicated a nine percent increase over the length of the time series. However, data from the NMFS Mississippi Laboratory fishery independent BLL survey indicated no clear trend, likely owing to the low number of observations in the data series (Adam Pollock, personal communication). The abundance of juvenile great hammerhead sharks captured in an inshore fishery independent survey conducted by Mote Marine Laboratory from 1995 to 2004 showed a slight decline over the time series.

In other areas of the great hammerhead shark range, specific abundance data are absent, rare, or presented as a hammerhead complex. Only one study, off the coast of South Africa, provided a substantial time-series analysis of fishery-independent data specific to great hammerhead sharks (Dudley and Simpfendorfer, 2006). The study, which used data collected by the KwaZulu-Natal beach protection program, showed that catch per unit effort (CPUE) of *S. mokarran* in beach protection nets decreased by 90 percent from 1978 to 2003. Most of the other scientific information that we and the ERA team reviewed presented data on other species of hammerheads or the entire hammerhead complex (see Miller *et al.,* 2014). However, as the ERA notes, to use a hammerhead complex or other hammerhead species as a proxy for great hammerhead abundance is erroneous because of the large difference in the proportions they make up in commercial and artisanal catch. Usually great hammerhead sharks comprise < 10 percent of the sphyrnid catch (Amorim *et al.,* 1998; Castillo-Geniz *et al.,* 1998; Román Verdesoto and Orozco-Zöller, 2005; Dudley and Simpfendorfer, 2006; White *et al.,* 2008; Doukakis *et al.,* 2011; Robinson and Sauer, 2011; Dia *et al.,* 2012). Although higher great hammerhead proportions have been identified in a few other fisheries datasets (like the Venezuelan longline fleet bycatch data—47 percent, Arocha *et al.,* 2002; observed U.S. BLL catch—32 percent from 1994–2011, Carlson, personal communication; and Australia's observed Northern Territory Offshore Net and Line bycatch—34 percent; Field *et al.,* 2013), the majority of the sphyrnid catch remains dominated by the scalloped hammerhead shark, a hammerhead species whose greater abundance and schooling behavior makes it more susceptible to being caught in large numbers by fishing gear.

Based on the very limited abundance information available, from both fishery-independent and -dependent surveys, and its general rarity in fisheries catch, the ERA team concluded that the great hammerhead shark has likely declined from historical numbers as a result of fishing mortality but is also naturally low in abundance. The ERA team was concerned that the species' low abundance levels may pose a risk to its continued existence if faced with other demographic risks or threats. However, at present, there is no evidence to suggest that the species is at a risk of extinction due to environmental variation, anthropogenic perturbations, or depensatory processes based on its current abundance levels.

Growth Rate/Productivity

Similar to abundance, the ERA team expressed some concern (through its voting score of moderate risk) regarding the effect of the great hammerhead shark's growth rate and productivity on its risk of extinction. Sharks, in general, have lower reproductive and growth rates compared to bony fishes; however, great hammerhead sharks exhibit life-history traits and population parameters that are intermediary among other shark species. Productivity, determined as intrinsic rate of population increase, has been estimated at 0.096 per year (median) within a range of 0.078–0.116 (80 percent percentiles) (Cortés, unpublished). These demographic parameters place great hammerhead sharks towards the moderate to faster growing sharks along a ''fast-slow'' continuum of population parameters that have been calculated for 38 species of sharks by Cortés (2002, Appendix 2). However, primarily based on the fact that most species of elasmobranchs take many years to mature, and have relatively low fecundity compared to teleosts, these life history characteristics could pose a risk to this species in combination with threats that reduce its abundance.

Spatial Structure/Connectivity

The ERA team did not see habitat structure or connectivity as a potential risk to this species. Habitat characteristics that are important to this species are unknown, as are nursery areas. The sharks inhabit a range of environments with varying complexity (from coral reefs and lagoons to coastal waters over continental shelves and adjacent deep waters). The species is also highly mobile (with tracked distances of up to 1,200 km) with no data to suggest it is restricted to any specific coastal area. There is no evidence of female philopatry and there is little known about specific migration routes. As previously mentioned, some great hammerhead shark populations are thought to make poleward migrations following warm water currents (Heithaus *et al.,* 2007; Hammerschlag *et al.,* 2011), while others are thought to be residential populations (Taniuchi, 1974; Stevens and Lyle 1989; Cliff, 1995). It is also unknown if there are source-sink dynamics at work that may affect population growth or species' decline. Thus, there seems to be insufficient information that would support the conclusion that spatial structure and connectivity pose significant risks to this species. As such, the ERA team viewed these demographic factors as having no or very low risk, meaning that they are unlikely to pose a significant risk to the species' continued existence.

Diversity

There is no evidence that the species is at risk due to a substantial change or loss of variation in genetic characteristics or gene flow among populations. This species is found in a broad range of habitats and appears to be well-adapted and opportunistic. There are no restrictions to the species' ability to disperse and contribute to gene flow throughout its range, nor is there evidence of a substantial change or loss of variation in life-history traits, population demography, morphology, behavior, or genetic characteristics. Based on this information, the ERA team concluded, and we agree, that diversity is unlikely to pose a significant risk to the species' continued existence.

Summary of Factors Affecting the Great Hammerhead Shark

As described above, section 4(a)(1) of the ESA and NMFS implementing regulations (50 CFR 424) state that we must determine whether a species is endangered or threatened because of any one or a combination of the following factors: The present or

threatened destruction, modification, or curtailment of its habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; inadequacy of existing regulatory mechanisms; or other natural or man-made factors affecting its continued existence. The ERA team evaluated whether and the extent to which each of the foregoing factors contributed to the overall extinction risk of the global great hammerhead population. This section briefly summarizes the ERA team's findings and our conclusions regarding threats to the great hammerhead shark. More details can be found in the status review report (Miller *et al.,* 2014).

The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The ERA team evaluated habitat destruction as a potential threat to the great hammerhead shark, but did not find evidence to suggest that it is presently contributing significantly to its risk of extinction. Currently, great hammerhead sharks are found worldwide, residing in coastal warm temperate and tropical seas, from latitudes of 40° N to 31° S (Compagno, 1984; Stevens and Lyle, 1989; Cliff, 1995; Denham *et al.,* 2007). They occur over continental shelves as well as adjacent deep waters, and may also be found in coral reefs and lagoons (Compagno, 1984; Denham *et al.,* 2007; Bester, n.d.). Great hammerhead sharks appear to prefer water temperatures above 20° C (Cliff, 1995; Taniuchi, 1974; Hueter and Manire, 1994); however, little else is known regarding specific habitat preferences or characteristics.

In the U.S. exclusive economic zone (EEZ), the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires NMFS to identify and describe essential fish habitat (EFH) in fishery management plans (FMPs), minimize the adverse effects of fishing on EFH, and identify actions to encourage the conservation and enhancement of EFH. Towards that end, NMFS has funded two cooperative survey programs intended to help delineate shark nursery habitats in the Atlantic and Gulf of Mexico. The Cooperative Atlantic States Shark Pupping and Nursery Survey and the Cooperative Gulf of Mexico States Shark Pupping and Nursery Survey are designed to assess the geographical and seasonal extent of shark nursery habitat, determine which shark species use these areas, and gauge the relative importance of these coastal habitats for use in EFH determinations. Results from the surveys indicate the importance of coastal waters off the Atlantic east coast, from New Jersey to the Florida Keys and eastern Puerto Rico, throughout the west coast of Florida, and scattered in the Gulf of Mexico from Alabama to Texas (NMFS, 2009). As a side note, insufficient data are available to differentiate EFH by size classes for the great hammerhead shark; therefore, EFH is the same for all life stages. Since the great hammerhead shark EFH is defined as the water column or attributes of the water column, NMFS determined that there are minimal or no cumulative anticipated impacts to the EFH from gear used in U.S. Highly Migratory Species (HMS) and non-HMS fisheries, basing its finding on an examination of published literature and anecdotal evidence (NMFS, 2006).

Likewise, great hammerhead shark habitat in other parts of its range is assumed to be similar to that in the northwest Atlantic and Gulf of Mexico, comprised of open ocean environments occurring over broad geographic ranges and characterized primarily by the water column attributes. As such, large-scale impacts, such as global climate change, that affect ocean temperatures, currents, and potentially food chain dynamics, may pose a threat to this species. The threat of global climate change was investigated specifically for great hammerhead sharks on Australia's Great Barrier Reef (GBR). Chin *et al.* (2010) conducted an integrated risk assessment for climate change to assess the vulnerability of great hammerhead sharks, as well as a number of other chondrichthyan species, to climate change on the GBR. The assessment examined individual species but also lumped species together in ecological groups (such as freshwater and estuarine, coastal and inshore, reef, shelf, etc.) to determine which groups may be most vulnerable to climate change. The assessment took into account the *in situ* changes and effects that are predicted to occur over the next 100 years in the GBR and assessed each species' exposure, sensitivity, and adaptive capacity to a number of climate change factors including: water and air temperature, ocean acidification, freshwater input, ocean circulation, sea level rise, severe weather, light, and ultraviolet radiation. Of the 133 GBR shark and ray species, the assessment identified 30 as being moderately or highly vulnerable to climate change. The great hammerhead shark, however, was not one of these species. In fact, the great hammerhead shark was ranked as having a low overall vulnerability to climate change, with low vulnerability to each of the assessed climate change factors.

Additionally, the great hammerhead shark is highly mobile throughout its range. Although there is very little information on habitat use, and little is known about pupping and nursery areas, there is no evidence to suggest its access to suitable habitat is restricted. The species does not participate in natal homing, which would essentially restrict the species to specific nursery grounds, and based on a comparison of *S. mokarran* distribution maps from 1984 (Compagno, 1984) and 2014 (IUCN, 2014), the range of the great hammerhead shark has not contracted.

Overall, the ERA team concluded that the effect that habitat destruction, modification, or curtailment is having on the species' extinction risk cannot be determined at this time, acknowledging that while habitat specificity is not well defined for the species, there may be other natural and anthropogenic impacts to the environment that could have some effect on its pelagic habitat. Based on the best available information, we conclude that the current evidence does not indicate that there exists a present or threatened destruction, modification, or curtailment of the great hammerhead shark's habitat or range.

Overutilization for Commercial, Recreational, Scientific or Educational Purposes

The ERA team identified overutilization for commercial and/or recreational purposes as a threat with a moderate effect on the extinction risk of the species, which means it is likely increasing the species' extinction risk but only in combination with other threats or factors.

Great hammerhead sharks are caught in many global fisheries including bottom and pelagic longline fisheries, purse seine fisheries, coastal gillnet fisheries, and artisanal fisheries. As a primarily warm water species, the great hammerhead shark is most often seen in the catches of tropical fisheries (Dudley and Simpfendorfer, 2006; Zeeberg *et al.,* 2006). It is generally not a target species, but due to its large fins, it is valuable as incidental catch for the international shark fin trade (Abercrombie *et al.,* 2005; Clarke *et al.,* 2006a).

There is very little information on the historical abundance, catch, and trends of great hammerhead sharks, with only occasional mentions in fisheries records. Although more countries and regional fisheries management organizations (RFMOs) are working towards better reporting of fish catches down to species level, catches of great hammerheads have gone and continue

to go unrecorded in many countries outside the United States. Also, many catch records that do include hammerhead sharks do not differentiate between the *Sphyrna* species or shark species in general. These numbers are also likely under-reported in catch records, as many records do not account for discards (example: where the fins are kept but the carcass is discarded) or reflect dressed weights instead of live weights. Thus, the lack of catch data for great hammerhead sharks makes it difficult to estimate rates of fishing mortality or conduct detailed quantitative analyses of the effects of fishing on the great hammerhead populations.

In the Northwest Atlantic, where some species-specific fisheries data are available, the great hammerhead population size has appeared to decline, likely due to historical overfishing of the species (see *Abundance* section; Hayes (2008), Jiao *et al.* (2011)). However, since 2005 (the last year of the fisheries data from the Jiao *et al.* (2011) and Hayes (2008) stock assessments), the trend is unclear, with some evidence that the population may be stable or increasing (Carlson *et al.,* 2012; Carlson, unpublished). In addition, the ERA team voiced concerns about the accuracy of species identification in historical fisheries data. Hayes (2008) notes that the relative proportion of great hammerhead sharks in the hammerhead catch has changed significantly since the early 1980s, decreasing from around 50 percent in 1982 to < 30 percent in 2005; however, the ERA team noted that species identification for hammerhead sharks in landings data prior to 2007 was highly inaccurate, and does not believe these percentages are valid. (Since January 1, 2007, the HMS Management Division has required all U.S. Atlantic pelagic longline, bottom longline, and gillnet vessel owners who hold shark permits and operators of those vessels to attend a Protected Species Safe Handling, Release, and Identification Workshop; and all Federally permitted shark dealers are required to attend Atlantic Shark Identification workshops.) Hayes (2008) also identifies many data deficiencies that have increased the uncertainty in his estimates, including the misreporting of the species, particularly in recreational fisheries, which has likely led to overestimations of catches. In other studies that discriminate between hammerhead species, great hammerheads tend to comprise < 10 percent of the total hammerhead complex (see *Abundance* section of this notice). Only recently has identification of sharks, down to species level, become a priority for national and international fishery managers (including many RFMOs), with the publication of shark and fin guides available for fishermen in order to more accurately report shark catches down to the species level.

The threat of overutilization in other areas of the great hammerhead shark's range was also difficult to assess due to the lack of available fisheries survey and catch data. For example, in Central America and the Caribbean, many reports of the overfishing of hammerhead sharks and subsequent declines are based on personal observations and do not distinguish between hammerhead shark species (Denham *et al.,* 2007). One of the few datasets that provides specific catches of great hammerhead sharks is the Venezuelan Pelagic Longline Observer Program. Off Venezuela, observers note that great hammerhead sharks are mostly concentrated around the oceanic islands and near the edge of the continental shelf (Tavares and Arocha, 2008). In observed catches of the Venezuelan longline fleet from 1994 to 2003, great hammerhead sharks were the 4th most common species. Over the time series, CPUE for the species declined and ranged between 8.70 sharks/1000 hooks and 1.33 sharks/1000 hooks, with an average of 2.9 (± 1.58) sharks/1000 hooks; however, the decline in CPUE was not statistically significant (Tavares and Arocha, 2008).

In the Southwest Atlantic, annual landings of hammerhead sharks have fluctuated over the years. In the ports of Rio Grande and Itajai, Brazil, reported landings in 1992 were ~ 30 mt but increased rapidly to 700 mt in 1994. From 1995 to 2002, catches decreased and fluctuated between 100 and 300 mt (Baum *et al.,* 2007). Information from surface longline and bottom gillnet fisheries targeting hammerhead sharks off southern Brazil indicates declines of more than 80 percent in CPUE from 2000 to 2008, with the targeted hammerhead fishery abandoned after 2008 due to the rarity of the species (FAO, 2010). However, when the fisheries data identify the hammerhead sharks down to species, it appears that great hammerhead sharks are seldom caught in this area. For example, in a study on the removal of shark species by São Paulo State tuna longliners off the coast of Brazil, Amorim *et al.* (1998) documented significant catches of smooth and scalloped hammerhead sharks from 1974–1997 (mainly on the southern continental slope). However, great hammerhead sharks were only very rarely caught by these Santos, São Paulo longliners, and represented ≤ 5 percent of the hammerhead species catch. In a follow up study, conducted from 2007–2008, Amorim *et al.* (2011) found no records of *S. mokarran* in the São Paulo State surface longline data, although 376 smooth and scalloped hammerhead sharks were recorded as caught.

In the Eastern Atlantic, great hammerhead sharks can be found off the coast of West Africa. They were once documented ranging from Mauritania to Angola, with periods of high abundance observed in October in waters off Mauritania, and from November to January in waters off Senegal (Cadenat and Blache, 1981). However, with the targeted exploitation of shark species, especially in the Senegalese and Gambian fisheries, there has been a significant and ongoing decrease in shark landings in these waters. According to Diop and Dossa (2011), shark fishing has occurred in the Sub Regional Fisheries Commission (SRFC) member countries (Cape-Verde, Gambia, Guinea, Guinea-Bissau, Mauritania, Senegal, and Sierra Leone) for around 30 years. Shark fisheries and trade in this region first originated in Gambia, but soon spread throughout the region in the 1980s and 1990s, as the development and demand from the worldwide fin market increased. From 1994 to 2005, shark catch reached maximum levels, with a continued increase in the number of boats, better fishing gear, and more people entering the fishery, especially in the artisanal fishing sector. Before 1989, artisanal catch was less than 4,000 mt (Diop and Dossa, 2011). However, from 1990 to 2005, catch increased dramatically from 5,000 mt to over 26,000 mt, as did the level of fishing effort (Diop and Dossa, 2011). Including estimates of bycatch from the industrial fishing fleet brings this number over 30,000 mt in 2005 (however, discards of shark carcasses at sea were not included in bycatch estimates, suggesting bycatch may be underestimated) (Diop and Dossa, 2011). In the SRFC region, an industry focused on the fishing activities, processing, and sale of shark products became well established. However, since 2005, there has been a continual decrease in shark landings, with an observed extirpation of some species, and a scarcity of others, such as large hammerhead sharks (Diop and Dossa, 2011), indicating overutilization of the resource. From 2005 to 2008, shark landings dropped by more than 50 percent (Diop and Dossa, 2011).

In terms of hammerhead-specific information, the majority of data is attributed to hammerhead sharks in general or scalloped hammerhead

sharks in particular. According to Senegal's annual fisheries reports, hammerhead shark landings have decreased by more than 50 percent from 2006 to 2010. Dia *et al.* (2012) provide data from landings and scientific surveys conducted in Mauritanian waters that show CPUE and yields of scalloped hammerhead sharks fluctuating over the years, but since 2006, showing a downward trend (with a note that the trend is the same for great hammerhead sharks). In 2009, the total catch of sharks in Mauritanian waters was 2,010 mt, with great hammerheads constituting 1.15 percent of the shark catch (or 23 mt) (Dia *et al.,* 2012).

There are also reports of juvenile scalloped hammerhead sharks being caught in large quantities by artisanal fishermen using driftnets and fixed gillnets in this region (CITES, 2010); however, similar reports for great hammerheads are absent. This is likely due to the more solitary nature of the species, making it less susceptible to be caught in large numbers. In addition, great hammerhead shark nursery grounds are currently unknown so the extent of overutilization on neonates and juveniles, which could affect recruitment success, appears to be minimal.

In an effort to evaluate the vulnerability of specific shark stocks to pelagic longline fisheries in the Atlantic Ocean, Cortés *et al.* (2012) conducted an Ecological Risk Assessment using observer information collected from a number of fleets operating under the International Commission for the Conservation of Atlantic Tunas (ICCAT—which is the RFMO responsible for the conservation of tunas and tuna-like species in the Atlantic Ocean and its adjacent seas). Ecological Risk Assessments are popular modeling tools that take into account a stock's biological productivity (evaluated based on life history characteristics) and susceptibility to a fishery (evaluated based on availability of the species within the fishery's area or operation, encounterability, post capture mortality and selectivity of the gear) in order to determine its overall vulnerability to overexploitation (Cortés *et al.,* 2012; Kiska, 2012). Productivity and susceptibility scores are normally plotted on an x-y scatter plot and an overall vulnerability or risk score is calculated as the Euclidean distance from the origin of x-y scatter plot. For example, a species with low productivity and high susceptibility would be at a high risk to overexploitation by the fishery. In this way, vulnerability scores can be ranked and compared between species. Ecological Risk Assessment models are useful because they can be conducted on a qualitative, semi-quantitative, or quantitative level, depending on the type of data available for input.

Results from the Cortés *et al.* (2012) Ecological Risk Assessment indicate that great hammerhead sharks face a relatively low risk in ICCAT fisheries. Out of the 20 assessed shark stocks, great hammerhead sharks ranked 14th in terms of their susceptibility to pelagic longline fisheries in the Atlantic Ocean. The population's estimated productivity value (r = 0.070) ranked 10th; however, this was based on older life history information and recent data suggest great hammerhead sharks are more productive. Overall vulnerability ranking scores (using three different calculation methods, and ranked on a scale of 1 to 20 where 1 = highest risk) ranged from 10 to 14, indicating that great hammerhead sharks have moderately low vulnerability and face a relatively low risk to overexploitation by ICCAT pelagic longline fisheries (Cortés *et al.,* 2012).

In the Indian Ocean, there are currently no quantitative stock assessments or basic fishery indicators available for great hammerhead sharks, and thus the level of great hammerhead shark utilization is highly uncertain. Results from an Ecological Risk Assessment that examined the impact of artisanal fisheries of the Southwest Indian Ocean on mammals, sea turtles, and elasmobranchs indicate that scalloped and great hammerhead sharks face a high risk (most vulnerable) in drift gillnet fisheries (based on their low productivity scores and high susceptibility scores) and a more moderate risk in bottom set gillnets, beach seines and handlines (Kiszka, 2012). Although great hammerhead sharks may be at greater risk from overexploitation by coastal artisanal fisheries, the available data do not show extensive utilization of this species by these fisheries. For example, data from artisanal fisheries operating off Madagascar show that *S. mokarran* are rarely caught. These artisanal fisheries are known for targeting sharks primarily for their fins, fishing in shallow waters with little regulation. Of the Sphyrnidae landings from these fisheries, *S. lewini* is the most commonly represented species, comprising more than 96 percent of the hammerhead shark landings (Doukakis *et al.,* 2011; Robinson and Sauer, 2011). Although these artisanal fisheries are largely unregulated and motivated by the fin trade, which increases the likelihood of overutilization of hammerhead species, the fact that great hammerhead sharks are extremely rare in the artisanal catch and landings data indicates that the minimal utilization of the species by these fisheries is not likely to significantly contribute to the species' risk of extinction.

In Australian waters, much of the data are not identified down to hammerhead species. According to Heupel and McAuley (2007), significant reductions in hammerhead catches in the 'northern shark fisheries' (the state-managed Western Australia North Coast Shark Fishery (WANCSF) and the Joint Authority Northern Shark Fishery (JANSF)) occurred between 1996 and 2005. The northern shark fisheries have targeted a variety of species including sandbar, blacktip, and lemon sharks, and historically used demersal longline gear and pelagic gillnetting in the JANSF. Based on an analysis of the CPUE data from 1996–2005, Hepuel and McAuley (2007) suggest declines of 58 to 76 percent in hammerhead abundance in Australia's northwest marine region. Although hammerhead sharks were never targeted in this fishery, they were retained, but it is unclear what proportion of this hammerhead catch was *S. mokarran.* In addition, although the data suggest that hammerhead population abundance has declined since the late 1990s, recent management measures and regulations have essentially halted operations in this fishery (see *The Inadequacy of Existing Regulatory Mechanisms* section below), thereby greatly minimizing the threat of overutilization that this fishery poses to the population when in this region.

The Australian Northern Territory Offshore Net and Line (NTONL) fishery, which targets blacktip sharks and grey mackerels, operates off the coastline of Australia's Northern Territory and uses longlines or pelagic set nets (bottom set nets are prohibited). Other shark species, including hammerhead sharks, are recorded as bycatch. Based on NTONL observer data from 2002 to 2007 (during 49 days at sea), great hammerhead sharks constituted 1.6 percent of the total catch of elasmobranch species (Field *et al.,* 2013). Their relative abundance was calculated at 1.51 individuals per day (Field *et al.,* 2013). In 2011, hammerhead sharks constituted 12 percent of the total bycatch (141 mt), exceeding the trigger reference point established for byproduct species. Because of this, the management advisory committee for the fishery will review the trigger breach and provide advice to the Executive Director of Fisheries for necessary action (Northern Territory Government, 2012). It is

unclear how many great hammerhead sharks were caught as the estimates were for all *Sphyrna* spp. However, based on the observer data (Field *et al.,* 2013), the ratio of scalloped hammerheads to great hammerheads in the bycatch is approximately 1.8:1.

Information on hammerhead shark utilization in the Western Pacific is also mainly available from Australian fisheries operating in these waters. Hammerhead sharks are specifically caught in a number of fisheries operating off the eastern coast of Australia, including the New South Wales Ocean Trap & Line fishery, the East Coast Tuna and Billfish Fishery as well as the West Coast Tuna and Billfish Fishery. Fisheries-independent data from protective shark meshing programs in this region were assessed by the ERA team in an attempt to extract additional temporal patterns of great hammerhead catch. From the Queensland Shark Control Program (QSCP) dataset, the ERA team reconstructed estimates of the great hammerhead shark catch for the time period of 1985 to 1996. The results show a decline in great hammerhead shark catch during the 1980s and 1990s followed by an apparent increase over the more recent decade; however, in general, great hammerhead sharks are relatively rare in both the reconstructed results and the raw data (fewer than 35 individual sharks caught per year). The ERA team also notes that this is a pattern of catch only, and not a measure of abundance such as CPUE; however, based on the very few historical and current catches, which supports the assumption of a naturally rarely occurring species, and evidence of a recent increase in beach net captures, it does not appear that the great hammerhead shark population is at the point where depensatory processes are placing it at an increased risk of extinction.

Similarly, data from a 3-year observer survey of small-scale commercial gillnet vessels in the East Coast Inshore Finfish Fishery (which operates in the Great Barrier Reef World Heritage Area off Queensland) also suggests that *S. mokarran* are not commonly caught in the inshore coastal areas of this region. Out of the total number of elasmobranchs observed in the gillnet catch (n = 6,828), great hammerhead sharks comprised only 1.5 percent of the catch (n = 102) (Harry *et al.,* 2011b). This is in contrast to the scalloped hammerhead shark, which is likely the most abundant hammerhead species off the coast of Queensland (Taylor *et al.,* 2011), and was the 4th most abundant elasmobranch in the gillnet catch (making up 8.8 percent of the total catch, n = 604) (Harry *et al.,* 2011b).

In the tropical waters of the Pacific, there are very limited data available on the threat of overutilization of great hammerhead sharks by fisheries operating in this region. One study that examined operational-level logsheet and observer data of fleets operating in the Republic of the Marshall Islands EEZ found only three reports of observed *S. mokarran* individuals from 2005–2009 (although estimates of total annual longline catches of sharks ranged from 1,583 to 2,274 mt/year) (Bromhead *et al.,* 2012). Again, the rarity of the species in observer and catch data does not necessarily indicate overutilization of the species, but rather may likely be a product of the species' naturally low and diffuse abundance, infrequent occurrence in common fishing grounds, and low susceptibility to certain fisheries.

Based on the information from the Eastern Pacific, the extent of utilization of great hammerhead sharks is also very minimal. While *S. lewini* has been documented as an important shark species that was routinely caught off the Pacific coast of Mexico and in the Gulf of California, with studies that have shown its importance in artisanal fisheries (Pérez-Jiménez *et al.,* 2005; Bizzarro *et al.,* 2009; Smith *et al.,* 2009), reports of *S. mokarran* in the fisheries data are extremely rare. For example, in the Gulf of Tehuantepec, *S. lewini* is the second most important species in the shark fishery, comprising around 29 percent of the total shark catch from this area, whereas *S. mokarran* is ranked 11th (out of 21 species) and comprises < 4.7 percent of the catch (when grouped with other shark species) (INP, 2006). Similarly, in studies off Costa Rica and Ecuador, records of great hammerhead sharks in fisheries data are very rare, whereas *S. lewini* and other hammerhead shark species are documented in observer and catch data (Whoriskey *et al.,* 2011).

The ERA team also assessed whether the shark fin trade could be a threat driving overutilization of the great hammerhead shark. Based on Hong Kong fin trade auction data from 1999—2001 and species-specific fin weights and genetic information, Clarke *et al.* (2006b) estimated that around 375,000 great hammerhead sharks (range: 130,000 to 1.1 million), with an equivalent biomass of around 21,000 mt, are traded annually. Great hammerhead sharks comprised approximately 1.5 percent of the total fins traded annually in the Hong Kong market (Clarke *et al.,* 2006a). The lack of estimates of the global, or even regional, population makes it difficult to put these numbers into perspective. As a result, the effect at this time of the removals (for the shark fin trade) on the ability of the overall population to survive is unknown.

Overall, the ERA team concluded that overutilization in combination with other factors, such as demographic risks, is likely increasing the species' risk of extinction. However, due to the paucity of available data, the ERA team expressed its uncertainty in assessing the contribution of the threat of overutilization to the extinction risk of the great hammerhead shark by placing 23 percent of its votes in the ''unknown'' risk level and distributing votes over a large range of effect levels, from ''no effect'' to ''significant effect.'' As results from the Cortés *et al.* (2012) Ecological Risk Assessment demonstrated, the threat of overutilization of great hammerhead sharks may be tempered by the species' relatively low vulnerability to certain fisheries, a likely condition of them having diffuse and naturally low abundance, wide range, and rare presence on common fishing grounds. Given the above analysis and best available information, we do not find evidence that overutilization, by itself, is a threat that is currently placing the species at an increased risk of extinction. The severity of the threat of overutilization is dependent upon other risks and threats to the species, such as its abundance (as a demographic risk) as well as its level of protection from fishing mortality throughout its range; but, at this time, there is no evidence to suggest the species is at or near a level of abundance that places its current or future persistence in question due to overutilization.

Disease or Predation

The ERA team evaluated disease and predation as potential threats to the great hammerhead shark, but did not find evidence to suggest that either is presently contributing significantly to its risk of extinction. In terms of disease, the ERA team noted that since the species prefers benthic prey (example: sting rays), it might be susceptible to contaminants that accumulate on the sea floor. Hammerhead sharks may accumulate brevotoxins, heavy metals, and polychlorinated biphenyls in their liver, gill, and muscle tissues; however, the lethal concentration limit of these toxins and metals is currently unknown (Lyle, 1984; Storelli *et al.,* 2003; Flewelling *et al.,* 2010). It is hypothesized that these apex predators can handle higher body burdens of these anthropogenic toxins due to the large

size of their livers which ''provides a greater ability to eliminate organic toxicants than in other fishes'' (Storelli *et al.,* 2003) or may even be able to limit their exposure by sensing and avoiding areas of high toxins (like during *K. brevis* red tide blooms) (Flewelling *et al.,* 2010). Currently, the impact (and prevalence) of toxin and metal bioaccumulation in great hammerhead shark populations is unknown.

Great hammerhead sharks also likely carry a range of parasites, such as external copepods (*Alebion carchariae, A. elegans, Nesippus crypturus, N. orientalis, Eudactylina pollex, Kroyerina gemursa,* and *Nemesis atlantic)*(Bester, n.d.); however, no data exist to suggest these parasites are affecting *S. mokarran* abundance.

Predation is also not thought to be a factor influencing great hammerhead abundance numbers. The most significant predator on great hammerhead sharks is likely humans, although larger sharks, including adult *S. mokarran,* are known to prey upon injured or smaller great hammerheads. However, the extent of predation of juveniles in nursery areas is currently unknown. In addition, because great hammerhead sharks are apex predators and opportunistic feeders, with a diet composed of a wide variety of items, including teleosts, cephalopods, crustaceans, and rays (Compagno, 1984; Bester, n.d.), it is unlikely that they are threatened by competition for food sources. Although there may be some prey species that have experienced population declines, no information exists to indicate that depressed populations of these prey species are negatively affecting great hammerhead shark abundance.

Therefore, based on the best available information, the ERA team concluded, and we agree, that neither disease nor predation is increasing the species' extinction risk.

The Inadequacy of Existing Regulatory Mechanisms

The ERA team evaluated existing regulatory mechanisms to determine whether they may be inadequate to address threats to the great hammerhead shark. Existing regulatory mechanisms may include Federal, state, and international regulations. Below is a brief description and evaluation of current and relevant domestic and international management measures that affect the great hammerhead shark. More information on these domestic and international management measures can be found in the status review report (Miller *et al.,* 2014).

In the northwest Atlantic, the U.S. Atlantic HMS Management Division within NMFS (HMS Management Division) develops regulations for Atlantic HMS fisheries, and primarily coordinates the management of Atlantic HMS fisheries in Federal waters (domestic) and the high seas (international), while individual states establish regulations for HMS in state waters. The NMFS Atlantic HMS Management Division currently manages 39 species of sharks (excluding spiny dogfish, which is managed jointly by the New England and Mid-Atlantic Fishery Management Councils, and smooth dogfish, which will be managed by the HMS Management Division) under the Consolidated HMS FMP (NMFS, 2006). The management of these sharks is divided into four species groups: large coastal sharks (LCS), small coastal sharks (SCS), pelagic sharks, and prohibited sharks. The LCS complex is further divided into sandbar sharks, Aggregated LCS, and hammerhead sharks, with different management measures for each group. The hammerhead shark management group includes scalloped, smooth, and great hammerhead sharks.

In 2011, the HMS Management Division made an ''overfished'' and ''overfishing'' status determination of the scalloped hammerhead stock (76 FR 23794; April 28, 2011) and was mandated to implement additional conservation and management measures by 2013 to protect the scalloped hammerhead shark stock from overexploitation. These measures, which were finalized in July 2013 with publication of Amendment 5a to the Consolidated HMS FMP (78 FR 40318; July 3, 2013), included separating the commercial hammerhead shark quotas from the aggregated LCS management group quotas, linking the Atlantic hammerhead shark quota to the Atlantic aggregated LCS quotas, and linking the Gulf of Mexico hammerhead shark quota to the Gulf of Mexico aggregated LCS quotas. In other words, if either the aggregated LCS or hammerhead shark quota is reached, then both the aggregated LCS and hammerhead shark management groups will close. These quota linkages were implemented as an additional conservation benefit for the hammerhead shark complex due to the concern of hammerhead shark bycatch and additional mortality from fishermen targeting other sharks within the LCS complex. The separation of the hammerhead species for quota monitoring purposes from other sharks within the LCS management unit will allow us to better manage the specific utilization of the hammerhead shark complex, which includes great hammerhead sharks.

One way that the HMS Management Division controls and monitors this commercial harvest is by requiring U.S. commercial Atlantic HMS fishermen who fish for or sell great hammerhead sharks to have a Federal Atlantic Directed or Incidental shark limited access permit. These permits are administered under a limited access program, and the HMS Management Division is no longer issuing new shark permits. Currently, 220 U.S. fishermen are permitted to target sharks managed by the HMS Management Division in the Atlantic Ocean and Gulf of Mexico, and an additional 265 fishermen are permitted to land sharks incidentally. A directed shark permit allows fishermen to retain 36 LCS sharks, which includes great hammerhead sharks, per vessel per trip. An incidental permit allows fishermen to retain up to 3 LCS sharks, which includes great hammerhead sharks, per vessel per trip. These limits apply to all gear; however, starting in 2011, fishermen using pelagic longline (PLL) gear and operating in the Atlantic Ocean, including the Caribbean Sea, and dealers buying from vessels that have PLL gear onboard, have been prohibited from retaining onboard, transshipping, landing, storing, selling, or offering for sale any part or whole carcass of hammerhead sharks of the family *Sphyrnidae* (except for *S. tiburo*) (76 FR 53652; August 29, 2011). (This prohibition was promulgated to carry out ICCAT Recommendation 10–08, which is discussed in further detail below.) In addition to permitting and trip limit requirements, logbook reporting or carrying an observer onboard may be required for selected commercial fishermen. The head may be removed and the shark may be gutted and bled, but the shark cannot be filleted or cut into pieces while onboard the vessel and all fins, including the tail, must remain naturally attached to the carcass through offloading.

Great hammerhead sharks may be retained by recreational Atlantic HMS fishermen using either rod and reel or handline gear, as long as tunas, swordfish, or billfish are also not retained (76 FR 53652; August 29, 2011, promulgated to carry out ICCAT Recommendation 10–08). Great hammerheads that are kept in the recreational fishery must have a minimum size of 78 inches (1.98 m; 6.5 feet) fork length to ensure that primarily mature individuals are retained, and only one shark, which could be a great hammerhead, may be kept per vessel per trip. Since 2008, recreational

fishermen have been required to land all sharks with their head, fins, and tail naturally attached.

Individual state fishery management agencies have authority for managing fishing activity in state waters, which usually extends from zero to three nautical miles (5.6 km) off the coast in most cases, and zero to nine nautical miles (16.7 km) off Texas and the Gulf coast of Florida. Federally permitted shark fishermen along the Atlantic coast and in the Gulf of Mexico and Caribbean are required to follow Federal regulations in all waters, including state waters. To aid in enforcement and reduce confusion among fishermen, in 2010, the Atlantic States Marine Fisheries Commission, which regulates fisheries in state waters from Maine to Florida, implemented a Coastal Shark Fishery Management Plan that mostly mirrors the Federal regulations for sharks, including great hammerhead sharks. States in the Gulf of Mexico and territories in the Caribbean Sea have also implemented regulations that are mostly the same as the Federal regulations for sharks, including great hammerhead sharks. However, the State of Florida, which has the largest marine recreational fisheries in the United States and the greatest number of HMS angling permits, recently went even further than Federal regulations to protect the great hammerhead shark by prohibiting the harvest, possession, landing, purchasing, selling, or exchanging any or any part of a hammerhead shark (including scalloped, smooth, and great hammerheads) caught in Florida's waters by Florida fishermen (Florida Fish and Wildlife Conservation Commission, effective January 1, 2012).

In addition, the HMS Management Division recently published an amendment to the Consolidated HMS FMP that specifically addresses Atlantic HMS fishery management measures in the U.S. Caribbean territories (77 FR 59842; Oct. 1, 2012). Due to substantial differences between some segments of the U.S. Caribbean HMS fisheries and the HMS fisheries that occur off the mainland of the United States (including permit possession, vessel size, availability of processing and cold storage facilities, trip lengths, profit margins, and local consumption of catches), the HMS Management Division implemented measures to better manage the traditional small-scale commercial HMS fishing fleet in the U.S. Caribbean Region. Among other things, this rule created an HMS Commercial Caribbean Small Boat (CCSB) permit, which: allows fishing for and sales of big-eye, albacore, yellowfin, and skipjack tunas, Atlantic swordfish, and Atlantic sharks within local U.S. Caribbean market; collects HMS landings data through existing territorial government programs; authorizes specific gears; is restricted to vessels less than or equal to 45 feet (13.7 m) length overall all; and may not be held in combination with any other Atlantic HMS vessel permits. However, at this time, fishermen who hold the CCSB permit are prohibited from retaining Atlantic sharks, and are restricted to fishing with only rod and reel, handline, and bandit gear under the permit. Both the CCSB and Atlantic HMS regulations will help protect great hammerhead sharks while in the northwest Atlantic Ocean, Gulf of Mexico, and Caribbean Sea.

In other parts of the great hammerhead shark range, the ERA team noted that regulations specific to great hammerhead sharks are lacking. For example, in Central America and the Caribbean, management of shark species remains largely disjointed, due in large part to the number of sovereign states found in this region (Kyne *et al.,* 2012). Some countries are missing basic fisheries regulations whereas other countries lack the capabilities to enforce what has already been implemented. The Organization of the Fisheries and Aquaculture Section of the Central American Isthmus (OSPECA) was formed to address this situation by assisting with the development and coordination of fishery management measures in Central America. OSPECA recently approved a common regional finning regulation for eight member countries from the Central American Integration System (SICA) (Belize, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, and Panama). The regulation specifically requires sharks to be landed with fins still attached for vessels fishing in SICA countries or in international waters flying a SICA country flag. If fins are to be traded in a SICA country, they must be accompanied by a document from the country of origin certifying that they are not the product of finning (Kyne *et al.,* 2012). Other Central American and Caribbean country-specific regulations include the banning or restriction of longlines in certain fishing areas (Bahamas, Belize, Panama), seasonal closures (Guatemala), shark fin bans (Colombia, Mexico, Venezuela) and the prohibition of shark fishing (Bahamas and Honduras). Unfortunately, enforcement of these regulations is weak, with many reports of illegal and unregulated fishing activities (WildAid, 2003; Lack and Sant, 2008; Agnew *et al.,* 2009; Kyne *et al.,* 2012; NMFS, 2013a).

In South America, Brazil has also banned finning and currently has regulations limiting the extension of pelagic gillnets and prohibiting trawls in waters less than 3 nautical miles (5.6 km) from the coast; however, heavy industrial fishing off the coast of Brazil, with the use of drift gillnets and longlines, remains largely unregulated, as does the intensive artisanal fishery which accounts for about 50 percent of the fishing sector.

In Europe, the European Parliament recently passed a regulation prohibiting the removal of shark fins by all vessels in EU waters and by all EU-registered vessels operating anywhere in the world. Many individual European countries had previously implemented measures to stop the practice of finning and conserve shark populations. For example, England and Wales banned finning in 2009 and no longer issue special permits for finning exceptions. France prohibits on-board processing of sharks, and Spain recently published Royal Decree N°139/2011 in 2011, adding hammerhead sharks to their List of Wild Species under Special Protection (Listado de Especies Silvestres en Régimen de Protección Especial). This listing prohibits the capture, injury, trade, import and export of hammerhead sharks, including great hammerhead sharks, with a periodic evaluation of their conservation status. Given that Spain is Europe's top shark fishing nation, accounting for 7.3 percent of the global shark catch, and was the world's largest exporter of shark fins to Hong Kong in 2008, this new regulation should provide significant protection for great hammerhead sharks from Spanish fishing vessels.

Although regulations in Europe appear to be moving towards the sustainable use and conservation of shark species, these strict and enforceable regulations do not extend farther south in the Eastern Atlantic, where great hammerhead sharks are more frequently observed. Some western African countries have attempted to impose restrictions on shark fishing; however, these regulations either have exceptions, loopholes, or poor enforcement. For example, Mauritania has created a 6,000 km^2 coastal sanctuary for sharks and rays, prohibiting targeted shark fishing in this region; however, sharks, such as the great hammerhead shark, may be caught as bycatch in nets. Many other countries, such as Namibia, Guinea, Cape-Verde, Sierra Leone, and Gambia, have shark finning bans, but even with this regulation, great hammerhead sharks may be caught with little to no restrictions on harvest numbers. Many

of these state-level management measures also lack standardization at the regional level (Diop and Dossa, 2011), which weakens some of their effectiveness. For example, Sierra Leone and Guinea both require shark fishing licenses; however, these licenses are much cheaper in Sierra Leone, and as a result, fishermen from Guinea fish for sharks in Sierra Leone (Diop and Dossa, 2011). Also, although many of these countries have recently adopted FAO recommended National Plans of Action—Sharks, their shark fishery management plans are still in the early implementation phase, and with few resources for monitoring and managing shark fisheries, the benefits to sharks from these regulatory mechanisms (such as reducing overutilization) have yet to be realized (Diop and Dossa, 2011).

In 2010, ICCAT adopted Recommendation 10–08 prohibiting the retention of hammerheads caught in association with ICCAT-managed fisheries. Each Contracting Party to ICCAT is responsible for implementing this recommendation, and currently there are approximately 47 contracting parties (including the United States, the EU, Brazil, Venezuela, Senegal, Mauritania, and many other Central American and West African countries). ICCAT Recommendation 10–08 also includes a special exception for developing coastal States, allowing them to retain hammerhead sharks for local consumption provided that they report their catch data to ICCAT, endeavor not to increase catches of hammerhead sharks, and take the necessary measures to ensure that no hammerhead parts enter international trade. As this exception allows hammerhead sharks to be retained under certain circumstances, it may provide a lesser degree of protection for hammerhead sharks when in the Atlantic Ocean. However, based on the nominal catch data from ICCAT, it does not appear that great hammerhead sharks have been or are currently caught in large numbers by ICCAT vessels. Prior to Recommendation 10–08, average reported great hammerhead catch was approximately 2 mt per year (range: 0 to 19 mt; 1992—2010). In 2012, only fleets operating under the Nigerian and St. Lucia flags reported catches of great hammerhead sharks (total = 14 mt). These low numbers reported by ICCAT vessels are likely a reflection of the low susceptibility of great hammerhead sharks to ICCAT fisheries (see the Cortes *et al.* (2012) Ecological Risk Assessment). Therefore, in addition to the overall low vulnerability (susceptibility and productivity) of great hammerhead sharks to ICCAT fisheries, further regulations prohibiting the retention (and international trade as part of the exception) of hammerhead sharks will greatly minimize the threat of overutilization of this species within the Atlantic.

The RFMOs that cover the Indian and Pacific Oceans, including the Indian Ocean Tuna Commission (IOTC), the Western and Central Pacific Fisheries Commission (WCPFC), and the Inter-American Tropical Tuna Commission (IATTC), require the full utilization of any retained catches of sharks, with a regulation that onboard fins cannot weigh more than 5 percent of the weight of the sharks. These regulations are aimed at curbing the practice of shark finning, but do not prohibit the fishing of sharks. In addition, these regulations may not be as effective in stopping finning of sharks compared to those that require fins to be naturally attached, as a recent study found many shark species, including the great hammerhead shark, to have an average wet-fin-to-round-mass ratio of less than 5 percent (Biery and Pauly, 2012). In other words, fishing vessels operating in these RFMO convention areas may be able to land more shark fins than bodies and still pass inspection. However, these RFMOs do encourage the release of live sharks, especially juveniles and pregnant females that are caught incidentally and are not used for food and/or subsistence in fisheries, and request the submission of data related to catches of sharks, down to the species level where possible. Although there are no great hammerhead-specific RFMO regulations in this part of its range, based on observer data from these RFMOs, catches of great hammerhead sharks are negligible (SPC 2010; H. Murua, personal communication).

Countries within the Indian Ocean that have specific measures to prevent the waste of shark parts and discourage finning include Oman, Seychelles, Australia, South Africa, and Taiwan. The Maldives have even designated their waters as a shark sanctuary. In Australia, the states and territories have implemented various shark regulations that are likely to protect the species when inside Australia's EEZ. For example, finning bans exist in all waters of Australia, although the strictness of the ban (i.e., based on fin ratio or requirement to leave fins attached) varies by state. In May 2012, the state of New South Wales listed *S. mokarran* as a vulnerable species, making it illegal to catch and keep, buy, sell, possess or harm the great hammerhead shark without a specific permit, license or other appropriate approval. In Australia's northern shark fisheries (JANSF and WANCSF), hammerhead catches saw a significant decline from their peak in 2004/05 following the implementation of stricter management regulations in 2005 (including area closures and longline and gillnet restrictions in WANCSF). In 2008, the JANSF's export approval was revoked over concerns about the ecological sustainability of the fishery. In 2009, the WANCSF export approval expired. As such, no product from either fishery can currently be legally exported. As the northern shark fisheries rely upon shark fin exports for the majority of their income, these export losses have effectively shut down the fisheries, and, consequently, from 2009–2011 there was no reported activity in the northern shark fisheries (McAuley and Rowland, 2012).

Other shark fishing countries in the Indian and Pacific Oceans include Indonesia, India, Taiwan, and Costa Rica. Indonesia, which is the top shark fishing nation in the world, currently has no restrictions pertaining to shark fishing. In fact, Indonesian small-scale fisheries, which account for around 90 percent of the total fisheries production, are not required to have fishing permits (Varkey *et al.,* 2010), nor are their vessels likely to have insulated fish holds or refrigeration units (Tull, 2009), increasing the incentive for shark finning by this sector (Lack and Sant, 2012). Although Indonesia adopted an FAO recommended shark conservation plan (National Plan of Action—Sharks) in 2010, due to budget constraints, it can only focus its implementation of key conservation actions in one area, East Lombok (Satria *et al.,* 2011). The current Indonesian regulations that pertain to sharks are limited to those needed to conform to international agreements (such as trade controls for certain species listed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (e.g., whale shark) or prescribed by RFMOs) (Fischer *et al.,* 2012). However, with the new CITES listing of hammerhead sharks on Appendix II (discussed below), Indonesia will need to implement CITES trade rules for hammerhead sharks and ensure that international trade in these species will not be detrimental to their survival.

A number of countries have also enacted complete shark fishing bans, with the Bahamas, Marshall Islands, Honduras, Sabah (Malaysia), and Tokelau (an island territory of New Zealand) adding to the list in 2011, and the Cook Islands in 2012. Shark sanctuaries can also be found in the Eastern Tropical Pacific Seascape

(which encompasses around two million km ^{2} of national waters, coasts, and islands of Colombia, Costa Rica, Ecuador, and Panama, including the Galapagos, Cocos, and Malpelo Islands), and in waters off the Maldives, Mauritania, Palau, and French Polynesia.

In terms of legal international trade in the species, the ERA team noted that in March 2013, at the CITES Conference of the Parties meeting in Bangkok, member nations, referred to as ''Parties,'' voted in support of listing three species of hammerhead sharks (scalloped, smooth, and great hammerhead sharks) in CITES Appendix II—an action that means increased protection, but still allows legal and sustainable trade. CITES is an international agreement between governments that regulates international trade in wild animals and plants. It encourages a proactive approach and the species covered by CITES are listed in appendices according to the degree of endangerment and the level of protection provided. Appendix I includes species threatened with extinction; trade in specimens of these species is permitted only in exceptional circumstances. Appendix II includes species not necessarily threatened with extinction, but for which trade must be controlled to avoid exploitation rates incompatible with species survival. Appendix III contains species that are protected in at least one country, which has asked other CITES Parties for assistance in controlling the trade.

The CITES hammerhead shark listings will go into effect on September 14, 2014. At that time, export of their fins, or any other part of the animal, will require permits that ensure the products were legally acquired and that the Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species. Guyana and Yemen have entered reservations, which means that they are not bound by CITES requirements when trading in these species with countries not a party to CITES. Japan has also taken a reservation but has stated that it will comply voluntarily with the CITES requirements for export permits. Canada has also entered reservations but this is temporary until they are able to implement domestic regulations.

As a substantial lack of data, especially catch and trade data specific to great hammerhead sharks, was noted as contributing to the significant uncertainty in evaluating threats and the extinction risk of the species, this CITES listing and subsequent management measures to implement CITES trade regulations, should help decrease this uncertainty, support sustainable trade in the species, and provide a greater understanding of the extinction risk faced by the species.

The ERA team also expressed concerns regarding finning and illegal harvest of great hammerhead sharks for the international shark fin trade, but noted that the situation appears to be improving due to current regulations and trends, and may not be as severe a threat to great hammerhead sharks compared to other species. For example, unlike the scalloped hammerhead shark, which schools and may be caught in large numbers by vessels fishing illegally, the great hammerhead shark is less susceptible to overutilization from illegal harvest due to its solitary behavior and diffuse abundance. Although many of the reports of illegal fishing in the status review document do not identify fins down to species (see Miller *et al.,* 2014 for details), the illegal fishing occurred in known ''hot spots'' of scalloped hammerhead sharks. These are areas where large numbers of scalloped hammerheads have been known to aggregate and school, such as around the Galapagos, Malpelo, Cocos and Revillagigedo Islands in the Eastern Tropical Pacific (Hearn *et al.,* 2010; Bessudo *et al.,* 2011). Thus, it is likely that many of the illegally obtained fins belonged to *S. lewini.* The status review report also mentions a study that examined a small collection of illegal fins confiscated from fishermen in northern Australian waters, and found that the number of fins identified as scalloped hammerhead sharks were almost double those that belonged to great hammerhead sharks (Lack and Sant, 2008). In fact, the scalloped hammerhead shark was the second highest source of illegal fins (behind the Whitecheek shark—*Carcharhinus dussumieri*). In 2007, a sting operation that confiscated 19,018 illegal fins at the border between Ecuador and Peru also identified the fins down to species, and found that the fins represented four species of sharks: bigeye thresher, pelagic thresher, sandbar, and scalloped hammerhead sharks (O'Hearn-Gimenez, 2007). Based on the location of many reported illegal fishing occurrences, and the representation of *S. lewini* in identified fin hauls, it seems likely that the vast majority of hammerhead sharks that are harvested by illegal fishing vessels are the schooling scalloped hammerhead shark.

Also, as discussed above (with further details in Miller *et al.,* 2014), finning bans have been implemented by a number of countries, as well as by nine RFMOs. These finning bans range from requiring fins remain attached to the body to allowing fishermen to remove shark fins provided that the weight of the fins does not exceed 5 percent of the total weight of shark carcasses landed or found onboard. These regulations are aimed at stopping the practice of killing and disposing of shark carcasses at sea and only retaining the fins. Although they do not prohibit shark fishing, they work to decrease the number of sharks killed solely for the international shark fin trade, with some more effective than others.

In addition to these finning bans, there has also been a recent push to decrease the demand of shark fins, especially for shark fin soup. Already, many hotels, restaurants, and supermarkets in Asia, where shark fins are a top commodity for shark fin soup, have agreed to stop serving shark fin products. For example, in Taiwan, the W Taipei, the Westin Taipei, and the Silks Palace at National Palace Museum have stopped serving shark fin dishes as part of their menus. In November of 2011, the Chinese restaurant chain South Beauty removed shark fin soup from its menus, and in 2012, the luxury Shangri-La Hotel chain joined this effort, banning shark fin from its 72 hotels, most of which are found in Asia. Effective January 1, 2012, the Peninsula Hotel chain (which covers Chinese restaurant and banqueting facilities in Hong Kong, Shanghai, Beijing, Tokyo, Bangkok, and Chicago) stopped serving shark fin and related products. Many supermarket chains in Asia also vowed to halt the sale of shark fin products. In 2011, ColdStorage, a chain with several outlets in Singapore, banned the sale of shark fin from its stores, and in 2012, the Singapore supermarket chains FairPrice and Carrefour stated they would also stop selling shark fin in outlets in the city-state. Most recently, China, a large consumer of shark fins, prohibited shark fins at all official reception dinners (Ng, 2013). Clarke *et al.* (2007) documented that shark fin traders cite hammerheads as the sources of the best quality fin needles for consumption at banquets, so these prohibitions could work to decrease the global demand for hammerhead fins. In the United States, for example, exports of dried Atlantic shark fins significantly dropped after the passage of the Shark Finning Prohibition Act (which was enacted in December of 2000 and implemented by final rule on February 11, 2002; 67 FR 6194), and again in 2011 (decreased by 58 percent), with the passage of the 2010 Shark Conservation Act and the ban on possession and trade of shark fins passed in several U.S. states (NMFS, 2012; NMFS, 2013b).

Also in 2011, the price per kg of shark fin reached its highest (~$100/kg) and, as such, one would expect an increase in exports (due to the increase in product price); however, as mentioned above, the opposite was true, suggesting that these types of finning bans and fin trade regulations are likely effective at discouraging U.S. fishermen from fishing for sharks solely for the purpose of the international fin trade. In 2012, the value of fins decreased indicating that perhaps the worldwide demand for fins is also on a decline (NMFS, 2012; NMFS 2013b).

Thus, although great hammerhead fins are one of the most prized in the international shark fin trade (Abercrombie *et al.,* 2005), the extent of legal and illegal harvest on great hammerhead sharks for this trade was not viewed as significant enough to decrease the species' abundance to the point where it may be at risk of extinction due to environmental variation, anthropogenic perturbations, or depensatory processes. Additionally, as the demand for shark fins continues to decline (as demonstrated by the increase in finning bans, decrease in shark fin food products, and decrease in shark fin price), so should the threat of finning and illegal harvest.

Based on the above review of regulatory measures (in addition to the regulations described in Miller *et al.,* 2014) the ERA team concluded that these existing regulations have a small to moderate effect on the species' extinction risk. The team noted that some areas of the species' range do have adequate measures in place to prevent overutilization, such as in the Northwest Atlantic where U.S. fishery management measures to rebuild the scalloped hammerhead populations are helping to monitor the catch of great hammerheads, preventing any further population declines. These U.S. conservation and management measures (as previously summarized with additional details in Amendment 5a to the Consolidated HMS FMP (78 FR 40318; July 3, 2013)) are viewed as adequate in decreasing the extinction risk to the great hammerhead shark by minimizing demographic risks (preventing further abundance declines) and the threat of overutilization (strictly managing and monitoring sustainable catch rates) currently and in the foreseeable future. Although regulations specific to great hammerhead sharks are lacking in other parts of its range, fishery interactions are rare and thus the effects of the current regulatory measures do not appear to be significantly increasing the species' risk of extinction. This species is not observed or caught in large numbers by global fisheries and it is uncertain whether overutilization of the species is a significant threat (see *Overutilization for Commercial, Recreational, Scientific or Educational Purpose* section discussed earlier in this notice). Therefore, based on the best available information, we find that the threat of inadequate current regulatory mechanisms is likely having a small effect on the species' risk of extinction; however, improvements are needed in the monitoring and reporting of fishery interactions.

Other Natural or Man-Made Factors Affecting Its Continued Existence

The ERA team identified biological vulnerability in the form of high at-vessel fishing mortality as a potential factor that may increase the species' risk of extinction. Great hammerhead sharks are obligate ram ventilators and suffer very high at-vessel fishing mortality in bottom longline fisheries (Morgan and Burgess, 2007; Morgan *et al.,* 2009). From 1994–2005, NMFS observers calculated that out of 178 great hammerheads caught on commercial bottom longline vessels in the northwest Atlantic and Gulf of Mexico, 93.8 percent were dead when brought aboard. Size did not seem to be a factor influencing susceptibility, whereas soak time of the longline had a positive effect on the likelihood of death, and bottom water temperature had a negative effect (Morgan and Burgess, 2007). Morgan *et al.* (2009) also documented over 90 percent at-vessel mortality rates for great hammerhead sharks for soak times ranging anywhere from < 4 hours to over 24 hours.

In a study that examined the physiological stress responses to being caught in fishing gear and post-release survival, great hammerhead sharks were once again found to be extremely vulnerable to capture stress and mortality (Gallagher *et al., in press*). The study specifically compared five shark species (blacktip, bull, lemon, great hammerhead, and tiger) and their responses to being caught on drum lines. Fight times on the hooks were recorded, blood samples taken, reflexes tested, and satellite tags were deployed on a select number of sharks. Results from the study showed that blood lactate levels (which were positively correlated with fight time) were significantly higher in great hammerhead sharks compared to the other species (Gallagher *et al., in press*). Previous studies have demonstrated a positive relationship between blood lactate levels and likelihood of post-release mortality, with lactate values of around 16–20 mmol/l associated with moribund sharks (Gallagher *et al., in press*). In great hammerhead sharks, the blood lactate values averaged 17.00 mmol/l (±2.78) after fight times of 17–131 minutes (Gallagher *et al., in press*). One tagged great hammerhead, which had a 24-minute fight time and lactate value of 19 mmol/l, was released alive but died after less than 10 minutes. Compared to the other shark species, the great hammerhead also had the lowest tag reporting rate, which the authors suggest could be an indication of low post-release survival (Gallagher *et al., in press*).

After an evaluation of the above information, the ERA team noted that the extent of this vulnerability on the species' extinction risk is unknown and hard to quantify. Fisheries information is lacking and it is likely that most of the fishing mortality on this species is through capture in gillnets, where its biological vulnerability would not present an issue as the species would not likely be released after capture. However, given the uncertainties, the ERA team placed 53 percent of their likelihood votes in the ''Unknown'' threat effect level. The effect level that received the second highest number of votes was the ''Small effect'' category as the team acknowledged that there may be some concern that its biological vulnerability could exacerbate extinction risk when coupled with other threats or demographic risks.

Significant Portion of Its Range

The definitions of both ''threatened'' and ''endangered'' under the ESA contain the term ''significant portion of its range'' (SPOIR) as an area smaller than the entire range of the species which must be considered when evaluating a species risk of extinction. The phrase has never been formally interpreted by NMFS. With regard to SPOIR, the Services have proposed a ''Draft Policy on Interpretation of the Phrase 'Significant Portion of Its Range' in the Endangered Species Act's Definitions of 'Endangered Species' and 'Threatened Species' '' (76 FR 76987; December 9, 2011), which is consistent with our past practice as well as our understanding of the statutory framework and language. While the Draft Policy remains in draft form, the Services are to consider the interpretations and principles contained in the Draft Policy as non-binding guidance in making individual listing determinations, while taking into account the unique circumstances of the species under consideration.

The Draft Policy provides that: (1) If a species is found to be endangered or

threatened in only a significant portion of its range, the entire species is listed as endangered or threatened, respectively, and the Act's protections apply across the species' entire range; (2) a portion of the range of a species is ''significant'' if its contribution to the viability of the species is so important that, without that portion, the species would be in danger of extinction; (3) the range of a species is considered to be the general geographical area within which that species can be found at the time FWS or NMFS makes any particular status determination; and (4) if the species is not endangered or threatened throughout all of its range, but it is endangered or threatened within a significant portion of its range, and the population in that significant portion is a valid DPS, we will list the DPS rather than the entire taxonomic species or subspecies.

After a review of the best available information, the ERA team concluded, and we agree, that the data do not indicate any portion of the great hammerhead shark's range as being more significant than another. Great hammerhead sharks are highly mobile, with a global distribution and very few restrictions governing their movements. Although there was preliminary evidence of possible genetic partitioning between ocean basins, this was based on an abstract with no accompanying data or information that we could evaluate, and a study with a limited sample size (see *Distinct Population Segment Analysis* section above for more information). Based on these deficiencies, we did not find that the best available information supported a conclusion that the loss of genetic diversity from one portion (such as loss of an ocean basin population) would result in the remaining population lacking enough genetic diversity to allow for adaptations to changing environmental conditions. Similarly, we did not find that loss of any portion would severely fragment and isolate the great hammerhead population to the point where individuals would be precluded from moving to suitable habitats or have an increased vulnerability to threats. As previously mentioned, the great hammerhead shark is highly mobile, with diffuse abundance, and no known barriers to migration. Loss of any portion of its range would not likely isolate the species to the point where the remaining populations would be at risk of extinction from demographic processes. In fact, we found no information that would suggest that the remaining populations could not repopulate the lost portion. Areas exhibiting source-sink dynamics, which could affect the survival of the species, were not evident in any part of the great hammerhead shark range. There is also no evidence of a portion that encompasses aspects that are important to specific life history events but another portion that does not, where loss of the former portion would severely impact the growth, reproduction, or survival of the entire species. There is little to no information regarding nursery grounds or other important habitats utilized by the great hammerhead sharks that could be considered limiting factors for the species' survival. In other words, the viability of the species does not appear to depend on the productivity of the population or the environmental characteristics in any one portion. Overall, we did not find any evidence to suggest that any specific portion of its range had increased importance over another with respect to the species' survival. As such, when we considered the overall extinction risk of the species, we considered it throughout the species' entire range.

Overall Risk Summary

Guided by the results from the demographic risk analysis and threats assessment, the ERA team members used their informed professional judgment to make an overall extinction risk determination for the great hammerhead shark now and in the foreseeable future. The ERA team concluded that the great hammerhead shark is currently at a low risk of extinction; however, they expressed significant uncertainty, due to data limitations from the best available information, by almost equally distributing likelihood points in two other risk categories. Likelihood points attributed to the current level of extinction risk categories were as follows: No or Very Low Risk (13/40), Low Risk (15/40), Moderate Risk (11/40), High Risk (1/40). None of the team members placed a likelihood point in the ''Very high risk'' category, indicating their strong certainty that the species is not currently at a very high risk of extinction. The ERA team reiterated that the great hammerhead shark is likely naturally low in abundance and there is no evidence to suggest depensatory processes are currently at work. The species is found globally, throughout its historical range, appears to be well-adapted and opportunistic, and is not limited by habitat. The team noted that only one scientifically-robust study has shown large declines in the population using fisheries-independent data; however, this study was conducted in a small, localized area (off a beach in South Africa—Dudley and Simpfendorfer, 2006) and does not represent the global population status. As discussed previously, there were flaws in the other studies cited within the status review report, including questionable species discrimination within the datasets (as only recently has more attention been paid to accurately identifying hammerhead sharks down to species), models that are highly sensitive to data series, differences in the complexity of models, large error bars in results data, short time series or small number of observations used in the studies. Even after taking into consideration the flaws within the datasets, the ERA team found the results do not demonstrate that the great hammerhead shark is at risk of extinction due to its current abundance. Throughout the species' range, observations of its abundance are variable, with reports of increasing, decreasing, and stable or no trends. The species is also rare in fisheries data, either due to lack of reporting or simply not present in common fishing grounds (or susceptible to fishing gear, see Ecological Risk Assessment results). As the main threat that the ERA team identified was overutilization due to fisheries (with references to historical overutilization), the absence of the species in fisheries data suggests that this threat is either being minimized by existing regulations or is not significantly contributing to the extinction risk of the species at this time (as the abundance data do not indicate that the species has been fished to near extinction).

In evaluating the extinction risk through the foreseeable future, the ERA team had increased confidence that the risk of extinction would remain low, or further decrease, placing 85 percent of their likelihood points in the ''No or Very Low Risk'' and ''Low Risk'' categories. Likelihood points attributed to each risk category in the foreseeable future are as follows: No or Very Low Risk (16/40), Low Risk (18/40), Moderate Risk (6/40). None of the team members placed a likelihood point in the ''High risk'' or ''Very High Risk'' categories for the overall level of extinction risk in the foreseeable future, indicating their strong certainty that the species will not be strongly influenced by stochastic or depensatory processes that place its future survival into question. The available information indicates that most of the observed declines occurred in the 1980s, before any significant management regulations.

Since then, current regulatory measures in many parts of the great hammerhead shark's range are minimizing the threat of overutilization. For example, the comprehensive science-based management and enforceable and effective regulatory structure within the U.S. Northwest Atlantic will help monitor and prevent further declines of great hammerhead sharks while in these waters, and the implementation of ICCAT Recommendation 10–08 will provide increased protection for great hammerhead sharks throughout the entire Atlantic Ocean into the foreseeable future. In the rest of the species' range, rare fisheries interactions seem to imply that existing management measures (such as RFMO recommendations, national shark fishing measures, and shark fin bans) may be effective at minimizing overutilization of the species, with trends that are moving toward more restrictive trade and decreased demand in shark fin products, which indicate a decreased likelihood of extinction of the global population in the foreseeable future. Thus, the ERA team predicted that in the foreseeable future, the species will unlikely be at risk of extinction due to trends in its abundance, productivity, spatial structure, or diversity or influenced by stochastic or depensatory processes.

Similarity of Appearance Listing

Section 4 of the ESA (16 U.S.C. 1533(e)) additionally provides that the Secretary may treat any species as an endangered or threatened species even though it is not listed pursuant to Section 4 of the ESA when the following three conditions are satisfied: (1) Such species so closely resembles in appearance, at the point in question, a species which has been listed pursuant to such section that enforcement personnel would have substantial difficulty in attempting to differentiate between the listed and unlisted species; (2) the effect of this substantial difficulty is an additional threat to an endangered or threatened species; and (3) such treatment of an unlisted species will substantially facilitate the enforcement and further the policy of this chapter (16 U.S.C. 1533(e)(A)–(C)).

The WEG petition requested that we also consider listing the great hammerhead shark as threatened or endangered based on its similarity of appearance to the scalloped hammerhead shark. Four DPSs of scalloped hammerhead shark have been proposed for listing under the ESA (78 FR 20717; April 5, 2013). Although the great hammerhead shark and scalloped hammerhead shark share similar features (such as the unique head shape), we have not found evidence that enforcement personnel would have substantial difficulty in differentiating the two species. The great hammerhead shark is the largest of the hammerhead shark species, reaching lengths of up to 610 cm TL (Compagno, 1984) but more commonly observed as > 400 cm TL (Miller *et al.,* 2014) and averaging over 500 pounds (230 kg) (Bester, n.d.). On the other hand, observed maximum sizes of scalloped hammerhead sharks range from 331–346 cm TL (Stevens and Lyle, 1989; Chen *et al.,* 1990) with a maximum recorded weight of 336 pounds (152.4 kg) (Bester, n.d.). In addition to their sizes, the shapes of their head are also distinctive and aid in the differentiation of the two species. In the great hammerhead shark, the front margin of the head is nearly straight, forming a ''T-shape,'' with a shallow notch in the middle, whereas the scalloped hammerhead shark has a broadly arched head, with distinct indentations in the center as well as on either side of the middle notch (Bester, n.d.).

The fins of these two species can also be distinguished without difficulty. The great hammerhead shark has a very tall, distinctive, crescent-shaped first dorsal fin whereas the first dorsal fin of a scalloped hammerhead shark is shorter and has a rounded apex (Abercrombie *et al.,* 2013). According to a genetic study that examined the concordance between assigned Hong Kong market categories and the corresponding fins, the great hammerhead market category ''Gu pian'' had an 88 percent concordance rate, indicating that traders are able to accurately identify and separate great hammerhead shark fins from the other hammerhead species (Abercrombie *et al.,* 2005; Clarke *et al.,* 2006a). In addition, many RFMOs and national and international fishery managers have started distributing shark and fin guides for fishermen in order to help with increased accuracy in reporting shark catches down to the species level.

Given the distinctive head and body characteristics of the great hammerhead shark and the scalloped hammerhead shark, and evidence that fins of the species can also be accurately identified and separated, we conclude that enforcement personnel would not have substantial difficulties in attempting to differentiate between the great hammerhead shark and the scalloped hammerhead shark. Therefore, we are not considering a similarity of appearance listing at this time.

Final Determination

Section 4(b)(1) of the ESA requires that NMFS make listing determinations based solely on the best scientific and commercial data available after conducting a review of the status of the species and taking into account those efforts, if any, being made by any state or foreign nation, or political subdivisions thereof, to protect and conserve the species. We have independently reviewed the best available scientific and commercial information including the petition, public comments submitted on the 90-day finding (78 FR 24701; April 26, 2013), the status review report (Miller *et al.,* 2014), and other published and unpublished information, and have consulted with species experts and individuals familiar with great hammerhead sharks. We considered each of the statutory factors to determine whether it presented an extinction risk to the species on its own. We also considered the combination of those factors to determine whether they collectively contributed to the extinction of the species. As required by the ESA, Section 4(b)(1)(a), we also took into account efforts to protect great hammerhead sharks by states, foreign nations and others and evaluated whether those efforts provide a conservation benefit to the species. As previously explained, no portion of the species' range is considered significant and we did not find biological evidence that would indicate that any population segment of the great hammerhead shark would qualify as a DPS under the DPS policy. Therefore, our determination set forth below is based on a synthesis and integration of the foregoing information, factors and considerations, and their effects on the status of the species throughout its entire range.

We conclude that the great hammerhead shark is not presently in danger of extinction, nor is it likely to become so in the foreseeable future throughout all of its range. We summarize the factors supporting this conclusion as follows: (1) The species is made up of a single population over a broad geographic range, with no barrier to dispersal; (2) its current range is indistinguishable from its historical range and there is no evidence of habitat loss or destruction; (3) while the species possesses life history characteristics that increase its vulnerability to harvest, it has been found to be less susceptible to pelagic longline fisheries compared to other shark species (based on results from Ecological Risk Assessments), decreasing the chance of substantial fishing mortality from this common

fishery that operates throughout its range; (4) the best available information indicates that abundance is naturally low and variable across the species' range, with reports of localized population declines but also evidence of stable and/or increasing abundance estimates; (5) based on the ERA's assessment, the current population size, while it has likely declined from historical numbers, is sufficient to maintain population viability into the foreseeable future; (6) the main threat to the species is fishery-related mortality from global fisheries; however, information on harvest rates is inconclusive due to poor species discrimination and significant uncertainties in the data, with the best available information indicating low utilization of the species (rare in fisheries records and minor component of illegal fin hauls); (7) there is no evidence that disease or predation is contributing to increasing the risk of extinction of the species; (8) existing regulatory mechanisms throughout the species' range appear effective in addressing the most important threats to the species (harvest), but it is unknown if they will remain so if harvest increases because many of the regulations are not specific to hammerhead shark utilization; and, (9) while the global population has likely declined from historical numbers, there is no evidence that the species is currently suffering from depensatory processes (such as reduced likelihood of finding a mate or mate choice or diminished fertilization and recruitment success) or is at risk of extinction due to environmental variation or anthropogenic perturbations.

Based on these findings, we conclude that the great hammerhead shark is not currently in danger of extinction throughout all or a significant portion of its range nor is it likely to become so within the foreseeable future. Accordingly, the great hammerhead shark does not meet the definition of a threatened or endangered species and our listing determination is that the great hammerhead shark does not warrant listing as threatened or endangered at this time.

References

A complete list of all references cited herein is available upon request (see **FOR FURTHER INFORMATION CONTACT**).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: June 5, 2014.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2014–13621 Filed 6–10–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD299

Fisheries of the Exclusive Economic Zone Off Alaska; Prohibited Species Donation Program

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

ACTION: Notice; selection of an authorized distributor.

SUMMARY: NMFS announces the renewal of permits to SeaShare, authorizing this organization to distribute Pacific salmon and Pacific halibut to economically disadvantaged individuals under the prohibited species donation (PSD) program. Salmon and halibut are caught incidentally during directed fishing for groundfish with trawl gear off Alaska. This action is necessary to comply with provisions of the PSD program and is intended to promote the goals and objectives of the North Pacific Fishery Management Council.

DATES: The permits are effective from June 11, 2014 through June 12, 2017.

ADDRESSES: Electronic copies of the PSD permits for salmon and halibut prepared for this action may be obtained from the Alaska Region Web site at *http://www.alaskafisheries.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Sarah Ellgen, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Background

Fishing for groundfish by U.S. vessels in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) and Gulf of Alaska (GOA) is managed by NMFS in accordance with the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP) and the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP). These fishery management plans (FMPs) were prepared by the North Pacific Fishery Management Council under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* Regulations governing the Alaska groundfish fisheries and implementing the FMPs appear at 50 CFR parts 600 and 679. Fishing for halibut in waters in and off Alaska is governed by the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention). The International Pacific Halibut Commission (IPHC) promulgates regulations pursuant to the Convention. The IPHC's regulations are subject to approval by the Secretary of State with concurrence from the Secretary of Commerce. After approval by the Secretary of State and the Secretary of Commerce, the IPHC regulations are published in the **Federal Register** as annual management measures pursuant to 50 CFR 300.62.

Amendments 26 and 29 to the BSAI and GOA FMPs, respectively, authorize a salmon donation program and were approved by NMFS on July 10, 1996; a final rule implementing this program was published in the **Federal Register** on July 24, 1996 (61 FR 38358). The salmon donation program was expanded to include halibut as part of the PSD program under Amendments 50 and 50 to the FMPs that were approved by NMFS on May 6, 1998. A final rule implementing Amendments 50 and 50 was published in the **Federal Register** on June 12, 1998 (63 FR 32144). Although that final rule contained a sunset provision for the halibut PSD program of December 31, 2000, the halibut PSD program was permanently extended under a final rule published in the **Federal Register** on December 14, 2000 (65 FR 78119). A full description of, and background information on, the PSD program may be found in the preambles to the proposed rules for Amendments 26 and 29, and Amendments 50 and 50 (61 FR 24750, May 16, 1996, and 63 FR 10583, March 4, 1998, respectively).

Regulations at § 679.26 authorize the voluntary distribution of salmon and halibut taken incidentally in the groundfish trawl fisheries off Alaska to economically disadvantaged individuals by tax-exempt organizations through an authorized distributor. The Administrator, Alaska Region, NMFS (Regional Administrator), may select one or more tax-exempt organizations to be authorized distributors, as defined by § 679.2, based on the information submitted by applicants under § 679.26. After review of qualified applicants, NMFS must announce the selection of each authorized distributor in the **Federal Register** and issue one or more

PSD permits to each selected distributor.

Renewal of Permits to SeaShare

Currently, SeaShare, a tax-exempt organization, is the sole authorized distributor of salmon and halibut taken incidentally in the groundfish trawl fisheries off Alaska. SeaShare's current salmon and halibut PSD permits became effective July 8, 2011, and authorize SeaShare to participate in the PSD program through July 8, 2014 (76 FR 40336, July 8, 2011).

On May 19, 2014, the Regional Administrator received two applications from SeaShare to renew its salmon and halibut PSD permits. The Regional Administrator reviewed the applications and determined that they are complete and that SeaShare continues to meet the requirements for an authorized distributor under the PSD program. As required by § 679.26(b)(2), the Regional Administrator based his selection on the following criteria:

1. *The number and qualifications of applicants for PSD permits.* Seashare is the only applicant for PSD permits at this time. NMFS has previously approved applications submitted by SeaShare. As of the date of this notice, no other applications have been approved by NMFS. SeaShare has been coordinating the distribution of salmon taken incidentally in trawl fisheries since 1993, and of halibut taken incidentally in trawl fisheries since 1998, under exempted fishing permits from 1993 to 1996 and under the PSD program since 1996. SeaShare employs independent seafood quality control experts to ensure product quality is maintained by cold storage facilities and common carriers servicing the areas where salmon and halibut donations would take place.

2. *The number of harvesters and the quantity of fish that applicants can effectively administer.* Current participants in the salmon donation program administered by SeaShare include: 15 shoreside processors and 137 catcher vessels delivering to shoreside processors; 30 catcher/processors; and 3 motherships and 15 catcher vessels delivering to motherships, with 12 vessels delivering to both shoreside and motherships. Fifteen shoreside processors and 137 catcher vessels participate in the halibut donation program administered by SeaShare. Two reprocessing plants that generate steaked salmon and halibut participate in the PSD program. SeaShare has the capacity to receive and distribute salmon and halibut from up to 60 processors and the associated catcher vessels. Therefore, it is anticipated that SeaShare has more than adequate capacity for any foreseeable expansion of donations.

In 2011, participation in the PSD program expanded beyond the BSAI to include GOA processors and vessels. Table 1 shows the total pounds of headed-and-gutted and steaked salmon and halibut donated to food bank organizations from 2011 to 2013. NMFS does not have information to convert accurately the net weights of salmon and halibut to numbers of salmon and numbers of halibut.

TABLE 1—HEADED-AND-GUTTED (H&G) AND STEAKED SALMON AND HALIBUT DONATED TO FOOD BANK ORGANIZATIONS

[pounds]

	2011	2012	2013
Salmon H&G	0	30,582	534
Salmon steaked	252,427	83,845	349,235
Halibut H&G	0	3,663	30,824
Halibut steaked	17,715	5,414	15,002

3. *The anticipated level of salmon and halibut incidental catch based on salmon and halibut incidental catch from previous years.* The incidental catch of salmon and incidental catch mortality of halibut in the GOA and BSAI trawl fisheries are shown in Table 2.

TABLE 2—INCIDENTAL CATCH OF SALMON AND INCIDENTAL CATCH MORTALITY OF HALIBUT IN THE GOA AND BSAI TRAWL FISHERIES

[in number of fish or metric tons]

Area fishery	2011	2012	2013
BSAI Trawl Chinook Salmon Incidental Catch	25,499 fish	11,352 fish	13,036 fish.
BSAI Trawl Other Salmon Incidental Catch	192,904 fish	24,318 fish	126,980 fish.
GOA Trawl Chinook Salmon Incidental Catch	21,712 fish	22,581 fish	23,892 fish.
GOA Trawl Other Salmon Incidental Catch	2,647 fish	1,006 fish	5,475 fish.
BSAI Trawl Halibut Mortality	2,447 mt	2,905 mt	2,876 mt.
GOA Trawl Halibut Mortality	1,856 mt	1,713 mt	1,226 mt.

mt = metric tons.

Halibut incidental catch amounts are constrained by an annual prohibited species catch (PSC) limit in the BSAI and GOA. Future halibut incidental catch levels likely will be similar to those experienced from 2011 to 2013. Chinook salmon PSC limits are established for the Bering Sea and central and western GOA pollock fisheries that, when attained, result in the closure of pollock fishing. The Chinook salmon PSC limits for the Bering Sea pollock fisheries were established by Amendment 91 to the BSAI FMP (75 FR 53026, August 30, 2010) and established for the central and western GOA pollock fisheries by Amendment 93 to the GOA FMP (77 FR 42629, July 20, 2012). In June and December 2013, the North Pacific Fishery Management Council recommended a suite of measures that would establish annual Chinook salmon PSC limits for the non-pollock trawl fisheries in the central and western GOA. Consequently, less salmon bycatch is expected in the GOA in the future. While salmon incidental catch amounts tend to vary between years, making it difficult to accurately predict

future incidental take amounts, the total, or maximum, amount of annual Chinook salmon incidental catch in the Bering Sea and GOA pollock fisheries is constrained by the PSC limits.

4. *Number of vessels and processors participating in the PSD program.* For the 2014 permit renewal, shoreside processors will remain at 15, and vessels delivering to shoreside processors will decrease from 137 to 132. Catcher/processors participating in the PSD program for salmon will increase slightly from 30 to 31 under the 2014 permit renewal. Catcher vessels delivering to motherships will remain at 15 vessels.

NMFS issues PSD permits to SeaShare for a 3-year period unless the permits are suspended or revoked under § 679.26. The permits may not be transferred; however, they may be renewed following the application procedures in § 679.26.

If the authorized distributor modifies the list of participants in the PSD program or delivery locations, the authorized distributor must submit a modified list of participants or a modified list of delivery locations to the Regional Administrator.

These permits may be suspended, modified, or revoked under 15 CFR part 904 for violation of § 679.26 or other regulations in 50 CFR part 679.

Classification

This action is taken under § 679.26.

Authority: 16 U.S.C. 773 *et seq.;* 1801 *et seq.;* 3631 *et seq.;* Pub. L. 108–447.

Dated: June 6, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–13599 Filed 6–10–14; 8:45 am]

BILLING CODE 3510–22–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review, Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled Martin Luther King Jr. Day of Service Grant Application Instructions for review and approval in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, (44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Gail Killeen 407–648–6118 or email to *gkilleen@cns.gov.* Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in the **Federal Register**:

(1) By fax to: 202–395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; or

(2) By email to: *smar@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, 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;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments

A 60-day Notice requesting public comment was published in the **Federal Register** on November 26, 2013. This comment period ended January 27, 2014. No public comments were received from this Notice.

Description: CNCS is seeking approval of Martin Luther King Jr. Day of Service Grant Application Instructions which are used by applicants to submit an application for funding.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: Martin Luther King Jr. Day of Service Grant Application Instructions.

OMB Number: 3045–0110.

Agency Number: None.

Affected Public: Martin Luther King Jr. Day of Service Grant applicants.

Total Respondents: 80.

Frequency: One competition per year depending on appropriations.

Average Time per Response: 11 hours.

Estimated Total Burden Hours: 880 per application.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Dated: June 4, 2014.

Mike Berning,

Director of Office of Field Liaison, CNCS.

[FR Doc. 2014–13538 Filed 6–10–14; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–OS–0090]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Notice to add a System of Records.

SUMMARY: The Office of the Secretary of Defense is adding a system of records, DHRA 13 DoD, entitled ''Defense Travel Management Office (DTMO) Workforce Assessment,'' to its inventory of record systems subject to the Privacy Act of 1974, as amended. This system will be used to administer an assessment that will enable the analysis of workforce capabilities and competency gaps within the DTMO organization. The assessment will aid in identifying personnel with competencies necessary to manage programs assigned to the DTMO and meet organizational goals. Data collected will allow for the development of strategies to address human capital needs, close competency gaps, and ensure personnel are appropriately aligned.

DATES: Comments will be accepted on or before July 11, 2014. This proposed action will be effective the date following the end of the comment period unless comments are received which result in a contrary determination.

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

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

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive,

East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

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

FOR FURTHER INFORMATION CONTACT: Ms. Cindy Allard, Chief, OSD/JS Privacy Office, Freedom of Information Directorate, Washington Headquarters Service, 1155 Defense Pentagon, Washington, DC 20301–1155, or by phone at (571) 372–0461.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy and Civil Liberties Office Web site at *http://dpclo.defense.gov/*.

The proposed system report, as required by U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on May 14, 2014, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: June 6, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DHRA 13 DoD

SYSTEM NAME:

Defense Travel Management Office (DTMO) Workforce Assessment.

SYSTEM LOCATION:

Network Enterprise Center, 1422 Sultan Road, Fort Detrick, MD 21702–9200.

Back-up: Defense Travel Management Office, 4800 Mark Center Drive, Alexandria, VA 22350–9000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DTMO government civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Full name, current job position and grade, work experience, leadership experience, future job aspirations, subject matter expertise, job-related skills, training received, degrees earned and fields of study, professional licenses and certifications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; DoD Directive 5100.87, Department of Defense Human Resources Activity; and DoD Instruction 5154.31, Commercial Travel Management.

PURPOSE(S):

To administer an assessment that will enable the analysis of workforce capabilities and competency gaps within the DTMO organization. The assessment will aid in identifying personnel with competencies necessary to manage programs assigned to the DTMO and meet organizational goals. Data collected will allow for the development of strategies to address human capital needs, close competency gaps, and ensure personnel are appropriately aligned.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD Blanket Routine Uses set forth at the beginning of the Office of the Secretary of Defense (OSD) compilation of systems of records notices may apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Records are retrieved by employee's name.

SAFEGUARDS:

Records are stored on secure military installations. Physical controls include use of visitor registers and identification badges, electronic key card access, and closed-circuit television monitoring. Technical controls including intrusion detection systems, secure socket layer encryption using DoD Public Key Infrastructure certificates, firewalls, and virtual private networks protect the data in transit and at rest. Physical and electronic access is limited to individuals who are properly screened and cleared on a need-to-know basis in the performance of their official duties. Usernames and passwords and Common Access Cards, in addition to role-based access controls are used to control access to the systems data. Procedures are in place to deter and detect browsing and unauthorized access including periodic security audits and monitoring of users' security practices. Backups are stored on encrypted media and secured off-site.

RETENTION AND DISPOSAL:

Temporary. Cut off on completion of project. Destroy 4 years after cut off.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Defense Travel Management Office, 4800 Mark Center Drive, Alexandria, VA 22350–9000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address signed, written inquiries to the Deputy Director, Defense Travel Management Office, 4800 Mark Center Drive, Alexandria, VA 22350–9000.

Individuals should provide their full name.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written requests to the OSD/Joint Staff Freedom of Information Act Requester Service Center, Office of Freedom of Information, 1155 Defense Pentagon, Washington, DC 20301–1155.

Signed, written request should include their full name and the name and number of this system of records notice.

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are contained in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2014–13610 Filed 6–10–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–OS–0089]

Privacy Act of 1974; System of Records

AGENCY: National Guard Bureau, DoD.

ACTION: Notice to add a new System of Records.

SUMMARY: The National Guard Bureau proposes to add a new system of records, INGB 002, entitled ''National Guard Bureau Emergency Notification System (NGB ENS)'' in its inventory of record systems subject to the Privacy Act of 1974, as amended. This system will establish data repositories at National Guard installations and activities to facilitate notification messages and alerts to assigned agency personnel, when deemed necessary by leadership.

DATES: Comments will be accepted on or before July 11, 2014. This proposed action will be effective the day following the end of the comment period unless comments are received which result in a contrary determination

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

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

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

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

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer Nikolaisen, 111 South George Mason Drive, AH2, Arlington, VA 22204–1373 or telephone: (571) 256–7838.

SUPPLEMENTARY INFORMATION: The Defense Information Systems Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Office Web site at *http://dpclo.defense.gov.*

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on March 26, 2014, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: June 6, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

INGB 002

SYSTEM NAME:

National Guard Bureau Emergency Notification System (NGB ENS)

SYSTEM LOCATION:

National Guard installations and activities. Official mailing addresses may be obtained from the system manager by writing to National Guard Bureau, Domestic Operations and Force Development, Arlington Hall Station 1, 111 South George Mason Drive, Arlington, VA 22204–1382.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military members serving in the National Guard as well as active duty military or reservists from any service branch that are working at National Guard installations and activities, DoD civilians, government contractors, interns, volunteers, foreign nationals, and employees of the various states, territories, and the District Of Columbia working at National Guard installations and activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Full name, duty phone, duty email address, personal phone number (home/cellular), personal email address, and emergency contact phone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 10502, Chief, National Guard Bureau; DoDD 3020.26, Department of Defense Continuity Programs; and DoDI 3020.42, Defense Continuity Plan Development.

PURPOSE(S):

Establish data repositories at National Guard installations and activities to facilitate notification messages and alerts to assigned agency personnel, when deemed necessary by leadership.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records contained therein may specifically be disclosed outside the (DoD) as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD Blanket Routine Uses may apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

By individual's full name.

SAFEGUARDS:

Information is stored on-site behind locked doors to controlled rooms. Administrators are required to have administrative credentials to access the system for maintenance. Location has security alarms and 24 hour security on premises. Access to personal information is restricted to those who require the records in the performance of their official duties. They must have a Government Common Access Card (CAC) and associated Personal Identification Number (PIN) in addition to user identification and password for system access.

RETENTION AND DISPOSAL:

Disposition pending (treat records as permanent until the National Archives and Records Administration have approved the retention and disposition schedule).

SYSTEM MANAGER(S) AND ADDRESS:

National Guard Bureau Domestic Operations and Force Development, Arlington Hall Station 1, 111 South George Mason Drive, Arlington, VA 22204–1382.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to National Guard Bureau Domestic Operations and Force Development, Arlington Hall Station 1, 111 South George Mason Drive, Arlington, VA 22204–1382.

Written requests must be signed and include individual's full name, unit where they are/were assigned, and full mailing address.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained

in this system should address written inquiries to National Guard Bureau Domestic Operations and Force Development, Arlington Hall Station 1, 111 South George Mason Drive, Arlington, VA 22204–1382.

Written requests must be signed and include individual's full name, unit where they were/are assigned, and mailing address.

CONTESTING RECORDS PROCEDURES:

The National Guard Bureau rules for accessing records, and for contesting contents and appealing initial agency determinations are published at 32 CFR Part 329 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from the active directory network user account and directly from the individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2014–13583 Filed 6–10–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID USAF–2014–0019]

Proposed Collection; Comment Request

AGENCY: Air Education and Training Command, Department of the Air Force, Department of Defense.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Department of the Air Force announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 11, 2014.

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

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

• *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

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

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Holm Center/JRO, ATTN: Ms. Debra Paggett, 60 West Maxwell Blvd., Maxwell AFB AL 36112–6501, or email *HQ-OperationSupport@afjrotc.net.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Application for Establishment of Air Force Junior ROTC Unit, AFJROTC Form 59, Application for Establishment of Air Force Junior ROTC Unit and AFJROTC Form 98, Air Force Junior ROTC Instructor Evaluation Report, and AFJROTC Instructor Application site, *http:///www.au.af.mil/au/holmcenter/AFJROTC/form/instruction_app.asp;* OMB Control Number 0701–0114.

Needs and Uses: The information collection requirement is necessary to obtain information about schools that would like to host an Air Force Junior ROTC unit. The Jeanne M. Holm Center for Officer Accessions and Citizen Development, AF Junior ROTC (Holm Center/JR) is responsible for the activation of AF Junior ROTC units at host schools. Respondents are high school officials who provide information about their school. The completed application is used to determine the eligibility of the school to host an Air Force JROTC unit. Failure to submit the application renders the school ineligible for consideration to host an Air Force Junior ROTC unit.

Affected Public: Not-for-profit institutions.

Annual Burden Hours: 100 hours.

Number of Respondents: 200.

Responses per Respondent: 1.

Average Burden per Response: 30 minutes.

Frequency: On occasion.

Respondents are high school officials who provide information about their school. The completed application is used to determine the eligibility of the school to host an Air Force JROTC unit.

Dated: June 6, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–13595 Filed 6–10–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID: USAF–2014–0020]

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notice to delete twenty-one Systems of Records.

SUMMARY: The Department of the Air Force is deleting twenty-one systems of records notices in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: Comments will be accepted on or before July 11, 2014. This proposed action will be effective the date following the end of the comment period unless comments are received which result in a contrary determination.

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

* *Federal Rulemaking Portal: http://www.regulations.gov.*

Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

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

FOR FURTHER INFORMATION CONTACT: Mr. Charles J. Shedrick, Department of the Air Force Privacy Office, Air Force Privacy Act Office, Office of Warfighting Integration and Chief Information officer, ATTN: SAF/CIO A6, 1800 Air

Force Pentagon, Washington, DC 20330–1800, or by phone at (571) 256–2515.

SUPPLEMENTARY INFORMATION: The Department of the Air Force systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT**.

The Department of the Air Force proposes to delete twenty-one systems of records notice from its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The proposed deletion is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: June 6, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletion:
F033 AFRE A

SYSTEM NAME:

Inquires (Presidential/Congressional) (June 11, 1997, 62 FR 31793)

REASON:

This is a duplicate system of records; active records are covered under SORN F033 AF PC A, Congressional and Other High Level Inquiries (January 19, 2011, 76 FR 3113) or F033 SAFLL A, Congressional/Executive Inquiries (November 10, 2005, 70 FR 68408).

Duplicate paper copies were destroyed by shredding. Electronic copies were deleted. Therefore, SORN F033 AFRE A, Inquires (Presidential/Congressional) (June 11, 1997, 62 FR 31793) can be deleted.

Deletion:
F036 AFRE A

SYSTEM NAME:

Statutory Tour Program (Sept 1, 1999, 64 FR 47776)

REASON:

This is a duplicate system of records; active records are covered under SORN F036 AF PC O, General Officer Personnel Data System (January 22, 2009, 74 FR 4017).

Duplicate paper copies were destroyed by shredding. Electronic copies were deleted. Therefore, SORN F036 AFRE A, Statutory Tour Program (Sept 1, 1999, 64 FR 47776) can be deleted.

Deletion:
F036 AFRE B

SYSTEM NAME:

Personnel Files on Statutory Tour Officers (July 19, 1999, 64 FR 38659)

REASON:

This is a duplicate system of records; active records are covered under SORN F036 AF PC O, General Officer Personnel Data System (January 22, 2009, 74 FR 4017).

Duplicate paper copies were destroyed by shredding. Electronic copies were deleted. Therefore, SORN F036 AFRE B, Personnel Files on Statutory Tour Officers (July 19, 1999, 64 FR 38659) can be deleted.

Deletion:
F036 AFRE C

SYSTEM NAME:

Files on Reserve General Officers; Colonels Assigned to General Officer Positions (July 19, 1999, 64 FR 38659)

REASON:

This is a duplicate system of records; active records are covered under SORN F036 AF PC O, General Officer Personnel Data System (January 22, 2009, 74 FR 4017).

Duplicate paper copies were destroyed by shredding. Electronic copies were deleted. Therefore, SORN F036 AFRE C, Files on Reserve General Officers; Colonels Assigned to General Officer Positions (July 19, 1999, 64 FR 38659) can be deleted.

Deletion:
F036 AFRES A

SYSTEM NAME:

Personnel Interview Record (June 11, 1997, 62 FR 31793)

REASON:

This is a duplicate system of records; active records are covered under SORN F036 AF PC C, Military Personnel Records System (October 13, 2000, 65 FR 60916).

Duplicate paper copies at AFRES were destroyed by shredding. Electronic copies were deleted. Therefore, SORN F036 AFRES A, Personnel Interview Record (June 11, 1997, 62 FR 31793) can be deleted.

Deletion:
F036 AFRES B

SYSTEM NAME:

Recruiters Automated Management System (RAMS) (June 11, 1997, 62 FR 31793)

REASON:

This is a duplicate system of records; active records are covered under SORN F036 AFRC B, Air Force Recruiting Information Support System-Reserve Records (June 16, 2009, 74 FR 28486).

The Recruiters Automated Management System (RAMS) was deactivated and converted to F036 AFRC B, Old electronic copies were deleted. Therefore, SORN F036 AFRES B, Recruiters Automated Management System (RAMS) (June 11, 1997, 62 FR 31793) can be deleted.

Deletion:
F036 AFRES C

SYSTEM NAME:

Air Reserve Technician (ART) Officer Selection Folders (June 11, 1997, 62 FR 31793)

REASON:

This is a duplicate system of records; active records are covered under SORN F036 AF PC O, General Officer Personnel Data System. (January 22, 2009, 74 FR 4017).

Duplicate paper copies at AFRES were destroyed by shredding. Electronic copies were deleted. Therefore, SORN F036 AFRES C, Air Reserve Technician (ART) Officer Selection Folders (June 11, 1997, 62 FR 31793) can be deleted.

Deletion:
F036 AFRES D

SYSTEM NAME:

Reserve Medical Service Corps Officer Appointments (June 11, 1997, 62 FR 31793)

REASON:

This is a duplicate system of records; active records are covered under SORN F044 AF SG K, Medical Professional Staffing Records (November 18, 1997, 62 FR 61495).

Duplicate paper copies at AFRES were destroyed by shredding. Electronic copies were deleted. Therefore, SORN F036 AFRES D, Reserve Medical Service Corps Officer Appointments (June 11, 1997, 62 FR 31793) can be deleted.

Deletion:
F036 AFRES E

SYSTEM NAME:

Undergraduate Pilot and Navigator Training (June 11, 1997, 62 FR 31793)

REASON:

This is a duplicate system of records; active records are covered under SORN F036 AETC Y, Training Integration Management System (TIMS) Records (November 12, 2008, 73 FR 66873).

Duplicate paper copies at AFRES were destroyed by shredding. Electronic copies were deleted. Therefore, SORN F036 AFRES E, Undergraduate Pilot and Navigator Training (June 11, 1997, 62 FR 31793) can be deleted.

Deletion:
F036 ARPC A

SYSTEM NAME:

Administrative Discharge for Cause on Reserve Personnel (June 11, 1997, 62 FR 31793)

REASON:

This is a duplicate system of records; active records are covered under SORN F036 AFPC P, Separation Case Files (Officer and Airman) (January 31, 2014, 79 FR 5386).

Duplicate paper copies at ARPC were destroyed by shredding. Electronic copies were deleted. Therefore, SORN F036 ARPC A, Administrative Discharge for Cause on Reserve Personnel (June 11, 1997, 62 FR 31793) can be deleted.

Deletion:
F036 ARPC B

SYSTEM NAME:

Informational Personnel Management Records (June 11, 1997, 62 FR 31793)

REASON:

This is a duplicate system of records; active records are covered under SORN F036 AF PC C, Military Personnel Records System (October 13, 2000, 65 FR 60916).

Duplicate paper copies at ARPC were destroyed by shredding. Electronic copies were deleted. Therefore, SORN F036 ARPC B Informational Personnel Management Records (June 11, 1997, 62 FR 31793) can be deleted.

Deletion:
F036 ARPC C

SYSTEM NAME:

Correction of Military Records of Officers and Airmen (June 11, 1997, 62 FR 31793)

REASON:

This is a duplicate system of records; active records are covered under SORN F036 SAFCB A, Air Force Correction Board Records (November 12, 2008, 73 FR 66870).

Duplicate paper copies at ARPC were destroyed by shredding. Electronic copies were deleted. Therefore, SORN F036 ARPC C, Correction of Military Records of Officers and Airmen (June 11, 1997, 62 FR 31793) can be deleted.

Deletion:
F036 ARPC D

SYSTEM NAME:

Data Change/Suspense Notification (June 11, 1997, 62 FR 31793)

REASON:

This is a duplicate system of records; active records are covered under SORN F036 AF PC C, Military Personnel Records System (October 13, 2000, 65 FR 60916).

Duplicate paper copies at ARPC were destroyed by shredding. Electronic copies were deleted. Therefore, SORN F036 ARPC D, Data Change/Suspense Notification (June 11, 1997, 62 FR 31793) can be deleted.

Deletion:
F036 ARPC E

SYSTEM NAME:

Flying Status Actions (June 11, 1997, 62 FR 31793)

REASON:

This is a duplicate system of records; active records are covered under SORN F036 AETC S, Flying Training Records (July 2, 2009, 74 FR 31718).

Duplicate paper copies at ARPC were destroyed by shredding. Electronic copies were deleted. Therefore, SORN F036 ARPC E, Flying Status Actions (June 11, 1997, 62 FR 31793) can be deleted.

Deletion:
F036 ARPC F

SYSTEM NAME:

Officer Promotions (June 11, 1997, 62 FR 31793)

REASON:

This is a duplicate system of records; active records are covered under SORN F036 AFPC S, Officer Promotion Propriety Actions (April 9, 2014, 79 FR 19590).

Duplicate paper copies at ARPC were destroyed by shredding. Electronic copies were deleted. Therefore, SORN F036 ARPC F, Officer Promotions (June 11, 1997, 62 FR 31793) can be deleted.

Deletion:
F036 ARPC G

SYSTEM NAME:

Requests for Discharge from the Air Force Reserve (June 11, 1997, 62 FR 31793)

REASON:

This is a duplicate system of records; active records are covered under SORN F036 AFPC P, Separation Case Files (Officer and Airman) (January 31, 2014, 79 FR 5386).

Duplicate paper copies at ARPC were destroyed by shredding. Electronic copies were deleted. Therefore, SORN F036 ARPC G, Requests for Discharge from the Air Force Reserve (June 11, 1997, 62 FR 31793) can be deleted.

Deletion:
F036 ARPC H

SYSTEM NAME:

Applications for Identification (ID) Cards (June 11, 1997, 62 FR 31793)

REASON:

This is a duplicate system of records; active records are covered under DMDC 02 DoD, Defense Enrollment Eligibility Reporting System (DEERS) (November 21, 2012, 77 FR 69807).

Duplicate paper copies at ARPC were destroyed by shredding. Electronic copies were deleted. Therefore, SORN F036 ARPC H, Applications for Identification (ID) Cards (June 11, 1997, 62 FR 31793) can be deleted.

Deletion:
F036 ARPC J

SYSTEM NAME:

Air Force Reserve Application (June 11, 1997, 62 FR 31793)

REASON:

This is a duplicate system of records; active records are covered under SORN F036 AFPC H, Applications for Appointment and Extended Active Duty Files (June 25, 2013, 78 FR 38016).

Duplicate paper copies at ARPC were destroyed by shredding. Electronic copies were deleted. Therefore, SORN F036 ARPC J, Air Force Reserve Application (June 11, 1997, 62 FR 31793) can be deleted.

Deletion:
F036 ARPC K

SYSTEM NAME:

Inactive Duty Training, Extension Course Institute (ECI) Training (June 11, 1997, 62 FR 31793)

REASON:

This is a duplicate system of records; active records are covered under SORN F036 AETC M, Air University Academic Records (February 27, 2007, 72 FR 8700).

Duplicate paper copies at ARPC were destroyed by shredding. Electronic copies were deleted. Therefore, SORN F036 ARPC K, Inactive Duty Training, Extension Course Institute (ECI) Training (June 11, 1997, 62 FR 31793) can be deleted.

Deletion:
F036 ARPC L

SYSTEM NAME:

Professional Military Education (PME) (June 11, 1997, 62 FR 31793)

REASON:

This is a duplicate system of records; active records are covered under SORN

F036 AETC W, Air Force Institute of Technology Student Information System (AFITSIS) Records (January 4, 2010, 75 FR 136).

Duplicate paper copies at ARPC were destroyed by shredding. Electronic copies were deleted. Therefore, SORN F036 ARPC L, Professional Military Education (PME) (June 11, 1997, 62 FR 31793) can be deleted.

Deletion:
F044 ARPC A

SYSTEM NAME:

Physical Examination Reports Suspense File (June 11, 1997, 62 FR 31793)

REASON:

This is a duplicate system of records; active records are covered under SORN F048 AFRC A, Reserve Component Periodic Health Assessment (RCPHA) Records (December 30, 2008, 73 FR 79835).

Duplicate paper copies at ARPC were destroyed by shredding. Electronic copies were deleted. Therefore, SORN F044 ARPC A, Physical Examination Reports Suspense File (June 11, 1997, 62 FR 31793) can be deleted.

[FR Doc. 2014–13579 Filed 6–10–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board Open Meeting Notice

AGENCY: Department of the Army, DoD.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Sunshine in the Government Act of 1976 (U.S.C. 552b, as amended) and 41 Code of the Federal Regulations (CFR 102–3.140 through 160, the Department of the Army announces the following committee meeting:

Name of Committee: Army Science Board (ASB) Summer Voting Session.

Date: July 16, 2014.

Time: 0900–1200.

Location: Antlers Hilton, Four South Cascade, Colorado Springs, CO 80903–1685.

Purpose of Meeting: The purpose of the meeting is for ASB members to review, deliberate, and vote on the findings and recommendations presented in the Fiscal Year (FY) 2014 studies.

Agenda: The board will present findings and recommendations for deliberation and vote on the following three FY 2014 studies:

Air and Missile Defense Electronic Warfare (EW) Assessment—This study will assist the Army by conducting a comprehensive assessment of the EW posture of the Army's Air and Missile Defense systems and their ability to operate in an advanced EW environment.

Decisive Army Strategic and Expeditionary Maneuver—This study will identify challenges in 2025 that effect the Army's ability to conduct strategic and expeditionary maneuver; explore options in joint air- and sea-basing, commercial capabilities and partnering opportunities to improve the Army's ability to maneuver; and identify technologies and other innovations that could improve the Army's strategic and expeditionary maneuver capabilities.

Talent Management and the Next Training Revolution—This study will develop a concept of talent management that the Army should use to describe individuals and teams through 2030; examine current technologies and trends employed in talent management, to include recruiting, training, and retention; and develop a roadmap for the employment of promising talent management systems, associated technologies, and best practices, taking into consideration the unique nature of military service.

Committee's Designated Federal Officer (DFO)/Point of Contact: COL William McLagan at (703) 545–8651 or email: *william.m.mclagan.mil@mail.mil* or Ms. Carolyn German at (703) 545–8654 or email: *carolyn.t.german.civ@mail.mil*.

SUPPLEMENTARY INFORMATION: (Filing Written Statement): Pursuant to 41 CFR 102–3.140d, the Committee is not obligated to allow the public to speak; however, interested persons may submit a written statement for consideration by the Subcommittees. Individuals submitting a written statement must submit their statement to the Designated Federal Officer (DFO) at the address listed (see **FOR FURTHER INFORMATION CONTACT**). Written statements not received at least 10 calendar days prior to the meeting may not be considered by the Board prior to its scheduled meeting.

The DFO will review all timely submissions with the Board's executive committee and ensure they are provided to the specific study members as necessary before, during, or after the meeting. After reviewing written comments, the study chairs and the DFO may choose to invite the submitter of the comments to orally present their issue during a future open meeting.

The DFO, in consultation with the executive committee, may allot a specific amount of time for members of the public to present their issues for discussion.

FOR FURTHER INFORMATION CONTACT: Army Science Board, Designated Federal Officer, 2530 Crystal Drive, Suite 7098, Arlington,VA 22202.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2014–13549 Filed 6–10–14; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Government-Owned Inventions; Available for Licensing

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are made available for licensing by the Department of the Navy.

The following inventions are available for licensing: Navy Case No. 102004: Symmetric schema instantiation method for use in a case-based reasoning system//Navy Case No. 102005: Process of fabricating transparent interferometric visible spectrum modulator//Navy Case No. 102010: System and method for producing a sample having a monotonic doping gradient of a diffusive constituent or interstitial atom or molecule//Navy Case No. 102018: Transmission security method using random chirp rate modulation//Navy Case No. 102019: System and method for acceleration effect correction using turbo-encoded data with cyclic redundancy check// Navy Case No. 102027: Correlated GPS pseudo range error estimation method// Navy Case No. 102041: Automated process for synthesis of carbon nanotubes in air//Navy Case No. 102059: Surface sediment core catcher// Navy Case No. 102077: Reinforcement learning-based distributed network routing method utilizing integrated tracking and selective sweeping//Navy Case No. 102084: Method for creating free standing nano-perforated graphene filter//Navy Case No. 102095: Method for determining the rotation rate of a resonator using a periodic frequency comb//Navy Case No. 102144: Coherent wideband channel generation from

multiple received channels//Navy Case No. 102146: Flexible, low profile kink resistant fiber optic spice tension sleeve//Navy Case No. 102148: Acoustic airspeed measurement system and method//Navy Case No. 102179: Dipole moment term for an electrically small antenna//Navy Case No. 102193: Method and apparatus for measurement of physical properties of matter under simultaneous control of radio frequency and variable temperatures//Navy Case No. 102215: Sensor signal processing using cascade coupled oscillators//Navy Case No. 102247: Ping control optimization method for multi-static active acoustic networks//Navy Case No. 102274: Reduced profile leaky wave antenna//Navy Case No. 102285: Bearing-only tracking for horizontal linear arrays with rapid, accurate initiation and a robust track accuracy threshold//Navy Case No. 102297: 2D arrays of diamond shaped cells having multiple Josephson junctions//Navy Case No. 102300: Composable situational awareness visualization system//Navy Case No. 102316: Non-data-aided joint time and frequency offset estimation method for OFDM systems using channel order based regression//Navy Case No. 102389: Steerable parasitic antenna array//Navy Case No. 102478: Beta voltaic semiconductor diode fabricated from a radioisotope//Navy Case No. 102533: Method of maintaining an ad hoc communications network between a base and a mobile platform//Navy Case No. 102552: Noise-assisted reprogrammable nanomechanical logic gate and method//Navy Case No. 102560: System for amplifying flow-induced vibration energy using boundary layer and wake flow control//Navy Case No. 102585: Magnetic microparticles used for extraction of chemical and biological agents//Navy Case No. 102591: Buoyancy assisted motor-generator//Navy Case No. 102601: Bacteria identification by phage induced impedance fluctuation analysis//Navy Case No. 102603: Method for bathymetric navigation chart validation//Navy Case No. 102604: Algorithm for extraction of atmospheric channel parameters based on imaging theory and image quality//Navy Case No. 102678: Variable buoyancy buoy and deployment methods//Navy Case No. 102679: Self-stabilizing buoy and deployment methods//Navy Case No. 102776: Device for maximizing packing density with cylindrical objects in cylindrical cavities//Navy Case No. 102777: Method of extrinsic camera calibration utilizing a laser beam//Navy Case No. 102778: Thermal stabilization method for silicon circuits//Navy Case No. 102786: Systems and methods for real-time horizon detection in images//Navy Case No. 102880: Communication assets survey and mapping tool//Navy Case No. 102901: Method for analyzing GUI design affordances//Navy Case No. 102903: Biased estimation of symbol timing offset in OFDM systems//Navy Case No. 102955: Layered superconductor device.

ADDRESSES: Request for copies of invention disclosures cited should be directed to Space and Naval Warfare Systems Center Pacific, Office of Research and Technology Applications, Code 72120, 53560 Hull St., Bldg. A33, Room 2531, San Diego, CA 92152–5001.

FOR FURTHER INFORMATION CONTACT: Brian Suh, Office of Research and Technology Applications, Space and Naval Warfare Systems Center Pacific, Code 72120, 53560 Hull St., Bldg. A33, Room 2531, San Diego, CA 92152–5001, telephone 619–553–5118, E-Mail: *brian.suh@navy.mil.*

Authority: 35 U.S.C. 207, 37 CFR Part 404.

Dated: June 6, 2014.

P.A. Richelmi,

Lieutenant, Office of the Judge Advocate General, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 2014–13572 Filed 6–10–14; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Record of Decision for Introduction of the P–8A Multi-Mission Maritime Aircraft Into the U.S. Navy Fleet in Florida, Washington, and Hawaii

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy (DoN), after carefully weighing the purpose and need for the proposed action, the operational and readiness requirements, the manpower requirements and costs, and the potential environmental consequences of effects of the proposed action announces its decision to support and conduct the homebasing of P–8A squadrons as identified in Alternative 1 in the Final Supplemental Environmental Impact Statement (SEIS). Alternative 1 provides for the homebasing of six fleet squadrons and the Fleet Replacement Squadron at Naval Air Station (NAS) Jacksonville, Florida, and six fleet squadrons at NAS Whidbey Island, Washington. This alternative also includes a permanent rotating squadron detachment at Marine Corps Base Hawaii Kaneohe Bay, Hawaii, with periodic squadron detachments to Naval Base Coronado, California.

SUPPLEMENTARY INFORMATION: The complete text of the Record of Decision (ROD) is available on the project Web site at *http://www.mmaseis.com*, along with the Final SEIS, dated April 2014, and supporting documents. Single copies of the ROD are available upon written request by contacting: P–8A SEIS Project Manager, Naval Facilities Engineering Command Atlantic/EV21CZ, 6506 Hampton Boulevard, Norfolk, VA 23508.

Dated: June 4, 2014.

P.A. Richelmi,

Lieutenant, Office of the Judge Advocate General, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 2014–13576 Filed 6–10–14; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0087]

Agency Information Collection Activities; Comment Request; State and EIS Record Keeping and Reporting Requirements Under Part C

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before August 11, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0087 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be

addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Rebecca Walawender, 202–245–7399.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: State and EIS Record Keeping and Reporting Requirements under Part C.

OMB Control Number: 1820–0682.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 56.

Total Estimated Number of Annual Burden Hours: 4,828.

Abstract: State Lead Agencies for Part C of the Individuals with Disabilities Education Act (IDEA) are required to maintain records pertaining to due process procedures pertinent to Part C of IDEA, maintain a list of qualified mediators and a list of those serving as hearing officers, and adopt written procedures for receiving and resolving complaints. These records are used by Part C State Lead Agencies ensure that all Part C information responsibilities and processes are documented and conducted in a manner consistent with the requirement of IDEA Part C.

Dated: June 5, 2014.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–13543 Filed 6–10–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0086]

Agency Information Collection Activities; Comment Request; Annual State Application Under Part C of the Individuals With Disabilities Education Act as Amended in 2004

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before August 11, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0086 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Rebecca Walawender, 202–245–7399.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Annual State Application Under Part C of the Individuals With Disabilities Education Act as Amended in 2004.

OMB Control Number: 1820–0550.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 56.

Total Estimated Number of Annual Burden Hours: 560.

Abstract: The Individuals With Disabilities Education Improvement Act of 2004, signed on December 3, 2004, became Public Law 108–446. The Department of Education promulgated final regulations in 34 CFR Part 303. In order to be eligible for a grant under 20 U.S.C. 1433, a State shall provide assurance to the Secretary that the State has adopted a policy that appropriate early intervention services are available to all infants and toddlers with disabilities in the State and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State, infants and toddlers with disabilities who are homeless children and their families, and has in effect a statewide

system that meets the requirements of 20 U.S.C. 1435.

Dated: June 5, 2014.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–13542 Filed 6–10–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0085]

Agency Information Collection Activities; Comment Request; OSERS Peer Review Data Form

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before August 11, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0085 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Melanie Winston, 202–245–7419.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: OSERS Peer Review Data Form.

OMB Control Number: 1820–0583.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Individuals or households.

Total Estimated Number of Annual Responses: 1,875.

Total Estimated Number of Annual Burden Hours: 470.

Abstract: The Office of Special Education Rehabilitative Services (OSERS) Peer Reviewer Data Form is used to support the peer review process panel assignments and to update individual peer reviewer personal information in the OSERS Peer Reviewer System (PRS) database. This information is requested when an individual is asked to serve as a peer reviewer and/or updated biannually by persons who previously served as peer reviewers. The information is used by OSERS staff and the peer review contractor to identify potential reviewers who would be appropriate to review specific types of grant applications for funding; provide background information on each potential reviewer; and provide information on any reasonable accommodations that might be required by the individual.

Dated: June 5, 2014.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–13541 Filed 6–10–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Undergraduate International Studies and Foreign Language Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

Overview Information

Undergraduate International Studies and Foreign Language (UISFL) Program Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.016A.

DATES:

Applications Available: June 11, 2014.

Deadline for Transmittal of Applications: July 28, 2014.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The UISFL Program provides grants for planning, developing, and carrying out programs to strengthen and improve undergraduate instruction in international studies and foreign languages in the United States.

Priorities: This notice contains two competitive preference priorities and two invitational priorities. Competitive Preference Priority 1 is from the notice of final priority for this program, published elsewhere in this issue of the **Federal Register**. Competitive Preference Priority 2 is from 34 CFR 658.35(a).

Competitive Preference Priorities: For FY 2014, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award an additional three or five points depending on whether and how an application meets Competitive Preference Priority 1, and we award an additional 5 points to an application that meets Competitive Preference Priority 2. These priorities are:

Competitive Preference Priority 1. (3 or 5 points)

Applications from Minority-Serving Institutions (MSIs) (as defined in this notice) or community colleges (as defined in this notice), whether as individual applicants or as part of a

consortium of institutions of higher education (IHEs) (consortium) or a partnership between nonprofit educational organizations and IHEs (partnership).

An application from a consortium or partnership that has an MSI or community college as the lead applicant will receive more points under this priority than applications where the MSI or community college is a member of a consortium or partnership but not the lead applicant.

A consortium or partnership must undertake activities designed to incorporate foreign languages into the curriculum of the MSI or community college and to improve foreign language and international or area studies instruction on the MSI or community college campus.

For the purpose of this priority:

Community college means an institution that meets the definition in section 312(f) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1058(f)); or an institution of higher education (as defined in section 101 of the HEA) that awards degrees and certificates, more than 50 percent of which are not bachelor's degrees (or an equivalent) or master's, professional, or other advanced degrees.

Minority-Serving Institution means an institution that is eligible to receive assistance under sections 316 through 320 of part A of Title III, under part B of Title III, or under Title V of the HEA.

Note: We will award either 3 or 5 points to an application that meets this priority. If an MSI or community college is a single applicant, or the lead applicant in a consortium or partnership, the application will receive 5 additional points. If an MSI or community college is a member of a consortium or partnership, but not the lead applicant, the application will receive 3 additional points. No application will receive more than 5 additional points for this priority.

Note: You may view lists of Title III and Title V eligible institutions at the following links: *http://www2.ed.gov/about/offices/list/ope/idues/t3t5-eligibles-2014.pdf, http://www2.ed.gov/programs/iduesaitcc/tribal-newgrantees2013.pdf, http://www2.ed.gov/programs/iduesaitcc/tribal-f-nccgrantees2013.pdf.*

The eligibility status is still current for institutions listed at the links above. You may also view the list of Historically Black Colleges and Universities at 34 CFR 608.2.

Competitive Preference Priority 2. (5 points) Applications from an institution of higher education, a consortium of institutions of higher education (IHEs) (consortium), or a partnership between nonprofit educational organizations and IHEs (partnership) that require entering students to have successfully completed at least two years of secondary school foreign language instruction or that require each graduating student to earn two years of postsecondary credit in a foreign language (or have demonstrated equivalent competence in the foreign language) or, in the case of a two-year degree granting institution, offer two years of postsecondary credit in a foreign language.

Invitational Priorities: For FY 2014, these priorities are invitational priorities. Under 34 CFR 75.105(c)(1), we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications.

These priorities are:

Invitational Priority 1—Priority Languages Selected From the U.S. Department of Education's List of Less Commonly Taught Languages (LCTLs)

Applications that propose programs or activities focused on language instruction or the development of area or international studies programs to include language instruction in any of the seventy-eight (78) priority languages selected from the U.S. Department of Education's list of LCTLs: Akan (Twi-Fante), Albanian, Amharic, Arabic (all dialects), Armenian, Azeri (Azerbaijani), Balochi, Bamanakan (Bamana, Bambara, Mandikan, Mandingo, Maninka, Dyula), Belarusian, Bengali (Bangla), Berber (all languages), Bosnian, Bulgarian, Burmese, Cebuano (Visayan), Chechen, Chinese (Cantonese), Chinese (Gan), Chinese (Mandarin), Chinese (Min), Chinese (Wu), Croatian, Dari, Dinka, Georgian, Gujarati, Hausa, Hebrew (Modern), Hindi, Igbo, Indonesian, Japanese, Javanese, Kannada, Kashmiri, Kazakh, Khmer (Cambodian), Kirghiz, Korean, Kurdish (Kurmanji), Kurdish (Sorani), Lao, Malay (Bahasa Melayu or Malaysian), Malayalam, Marathi, Mongolian, Nepali, Oromo, Panjabi, Pashto, Persian (Farsi), Polish, Portuguese (all varieties), Quechua, Romanian, Russian, Serbian, Sinhala (Sinhalese), Somali, Swahili, Tagalog, Tajik, Tamil, Telugu, Thai, Tibetan, Tigrigna, Turkish, Turkmen, Ukrainian, Urdu, Uyghur/Uigur, Uzbek, Vietnamese, Wolof, Xhosa, Yoruba, and Zulu.

Invitational Priority 2—Heritage Language Programs and Projects

Applications that propose:

(a) Activities to improve the preparation of foreign language teachers who are heritage language speakers or who conduct outreach to the heritage language community;

(b) Programs or projects that engage in collaborative activities with heritage language centers or schools to support the language maintenance and development of heritage language speakers; or

(c) Study-abroad programs for heritage language speakers to expand their opportunities for learning world languages.

For the purpose of the UISFL program, a heritage language speaker is a person who grew up using the language at home or received K–12 education in the language.

Program Authority: 20 U.S.C. 1124.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 84, 86, 97, 98, and 99. (b) The Education Department suspension and debarment regulations in 2 CFR part 3485. (c) The regulations in 34 CFR part 655 and 658. (d) The notice of final priority, published elsewhere in this issue of the **Federal Register**.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to IHEs only.

Area of National Need: In accordance with section 601(c) of the HEA (20 U.S.C. 1121(c)), the Secretary has consulted with and received recommendations regarding national need for expertise in foreign languages and world regions from the head officials of a wide range of Federal agencies. The Secretary has taken these recommendations into account, and a list of foreign languages and world regions identified by the Secretary as areas of national need may be found on the following Web site: *http://www2.ed.gov/about/offices/list/ope/iegps/consultation-2014.doc.*

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $2,928,529.

Estimated Range of Awards

For single applicant grants: $70,000–$95,000 each budget year.

For consortia or partnership grants: $80,000–$200,000 each budget year.

Estimated Average Size of Awards

For single applicant grants: $90,000.

For consortia or partnership grants: $150,000.

Maximum Award: We will reject any application that proposes a budget exceeding $95,000 from a single

applicant for a 12-month budget period, or a budget exceeding $200,000 from an applicant that is a consortium or partnership for a 12-month budget period. The Assistant Secretary for Postsecondary Education may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 31.

Note: The Department is not bound by any estimates in this notice.

Project Period

For single applicant grants: Up to 24 months. For consortia or partnership grants: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* (1) IHEs; (2) consortia of IHEs; (3) partnerships between nonprofit educational organizations and IHEs; and (4) public and private nonprofit agencies and organizations, including professional and scholarly associations.

2. a. *Cost Sharing or Matching:* This program has a matching requirement under section 604(a)(3) of the HEA, 20 U.S.C. 1124(a)(3), and the regulations for this program in 34 CFR 658.41. UISFL Program grantees must provide matching funds in either of the following ways: (i) Cash contributions from private sector corporations or foundations equal to one-third of the total project costs; or (ii) a combination of institutional and non-institutional cash or in-kind contributions including State and private sector corporation or foundation contributions, equal to one-half of the total project costs. The Secretary may waive or reduce the required matching share for institutions that are eligible to receive assistance under part A or part B of Title III or under Title V of the HEA that have submitted an application that demonstrates a need for a waiver or reduction.

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. See paragraph 4(D) in section V of this notice for further information regarding this requirement.

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 from ED Pubs, be sure to identify this program as follows: CFDA number 84.016A.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

Page Limit: The application narrative (Part III) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative to no more than 40 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, except titles, headings, footnotes, quotations, references, and captions. Charts, tables, figures, and graphs in the application narrative may be single spaced and will count toward the page limit.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch). However, you may use a 10-point font in charts, tables, figures, and graphs.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman and Arial Narrow) will not be accepted.

The 40-page limit does not apply to Part I, the Application for Federal Assistance face sheet (SF 424); the supplemental information form required by the Department of Education; Part II, Budget Information—Non-Construction Programs (ED 524); Part IV, assurances, certifications, and the response to section 427 of the General Education Provisions Act (GEPA); the table of contents; the one-page project abstract; the appendices; or the line item budget. However, the page limit does apply to all of the application narrative section. If you include any attachments or appendices not specifically requested, these items will be counted as part of the application narrative for the purpose of the page-limit requirement.

We will reject your application if you exceed the page limit.

3. *Submission Dates and Times:*

Applications Available: June 11, 2014.

Deadline for Transmittal of Applications: July 28, 2014.

Applications for grants under this program must be submitted electronically using the Grants.gov Apply site (*Grants.gov*). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV.7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* We specify unallowable costs in 34 CFR 664.33. We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are

awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov*. To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html*.

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html*.

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. Electronic Submission of Applications

Applications for grants under the UISFL Program, CFDA number 84.016A, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov*. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access the electronic grant application for the UISFL Program at *www.Grants.gov*. You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.016, not 84.016A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov*.
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are

experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system;

and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Tanyelle Richardson, U.S. Department of Education, 1990 K Street NW., Room 6101, Washington, DC 20006–8521. FAX: (202) 502–7860.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. Submission of Paper Applications by Mail

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.016A), 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 three 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 84.016A), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope—and, if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 658.31, 658.32, 658.33, and 655.32 and are listed in this section. The maximum score for all of the criteria, including the competitive preference priorities, is 110 points.

All Applications. All applications will be evaluated based on the following criteria: (a) Plan of operation (15 points); (b) Quality of key personnel (10 points); (c) Budget and cost effectiveness (10 points); (d) Evaluation plan (20 points); and (e) Adequacy of resources (5 points).

Applications from IHEs, consortia, or partnerships. All applications submitted by an IHE or a consortia or partnership will also be evaluated based on the following criteria: (a) Commitment to international studies (15 points); (b) Elements of the proposed international studies program (10 points); and (c) Need for and prospective results of the proposed program (15 points).

Applications from Public and Private Nonprofit Agencies and Organizations, Including Professional and Scholarly Associations. All applications from public and private nonprofit agencies and organizations, including professional and scholarly associations, will also be evaluated based on the

following criterion: Need for and potential impact of the proposed project in improving international studies and the study of modern foreign language at the undergraduate level (40 points).

Additional information regarding these criteria is in the application package for this program. The total number of points available under these selection criteria, combined with the competitive preference priorities, is as follows:

Selection criteria	UISFL IHEs	UISFL Consortia and partnerships	UISFL Public and private nonprofit agencies and organizations, including professional and scholarly associations
Plan of Operation	15	15	15
Key Personnel	10	10	10
Budget & Cost Effectiveness	10	10	10
Evaluation Plan	20	20	20
Adequacy of Resources	5	5	5
Commitment to International Studies	15	15	n/a
Elements of Proposed International Studies Program	10	10	n/a
Need for & Prospective Results of Proposed Program	15	15	n/a
Need for & Potential Impact of the Proposed Project in Improving International Studies & the Study of Modern Foreign Languages at the Undergraduate Level	n/a	n/a	40
Sub-Total	100	100	100
Competitive Preference Priority #1 (Optional)	5	5	n/a
Competitive Preference Priority #2 (Optional)	5	5	n/a
Total Possible Points	110	110	100

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.

4. *Application Requirements:* In addition to any other requirements outlined in the application package for this program, section 604(a)(7) of the HEA, 20 U.S.C. 1124(a)(7), requires that each application from an IHE, consortia, or partnership include—

(A) Evidence that the applicant has conducted extensive planning prior to submitting the application;

(B) An assurance that the faculty and administrators of all relevant departments and programs served by the applicant are involved in ongoing collaboration with regard to achieving the stated objectives of the application;

(C) An assurance that students at the applicant institutions, as appropriate, will have equal access to, and derive benefits from, the UISFL Program;

(D) An assurance that each applicant, consortium, or partnership will use the Federal assistance provided under the UISFL Program to supplement and not supplant non-Federal funds the institution expends for programs to improve undergraduate instruction in international studies and foreign languages;

(E) A description of how the applicant will provide information to students regarding federally funded scholarship programs in related areas;

(F) An explanation of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs, where applicable; and

(G) A description of how the applicant will encourage service in areas of national need, as identified by the Secretary.

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 specified by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. Grantees are required to use the online data and reporting system, the International Resource Information System (IRIS), to complete their interim and final reports. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c).

4. *Performance Measures:* Under the Government Performance and Results Act of 1993, as updated by the GPRA Modernization Act of 2010 on January 4, 2011, the Department will use the following performance measures to evaluate the success of the UISFL Program: percentage of UISFL projects that added or enhanced courses in international studies in critical world areas and priority foreign languages; and percentage of UISFL consortium projects that established certificate and/or undergraduate degree programs in international or foreign language studies.

The information provided by grantees in their performance reports submitted via IRIS will be the source of data for these measures.

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: Tanyelle Richardson, U.S. Department of Education, 1990 K Street NW., Washington, DC 20006–8521. Telephone: (202) 502–7626 or by email: *tanyelle.richardson@ed.gov*.

If you use a TDD or a TTY, call the FRS, toll-free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or computer disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search function 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 6, 2014.

Lynn B. Mahaffie,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 2014–13653 Filed 6–10–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

DOE/NSF Nuclear Science Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the DOE/NSF Nuclear Science Advisory Committee (NSAC). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Monday, June 30, 2014; 9:00 a.m.–5:00 p.m.

ADDRESSES: Hilton Washington DC/Rockville, Hotel & Executive Meeting Center, 1750 Rockville Pike, Rockville, Maryland 20852, Telephone: (301) 468–1100.

FOR FURTHER INFORMATION CONTACT: Brenda L. May, U.S. Department of Energy; SC–26/Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585–1290; Telephone: (301) 903–0536

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To provide advice and guidance on a continuing basis to the Department of Energy and the National Science Foundation on scientific priorities within the field of basic nuclear science research.

Tentative Agenda: Agenda will include discussions of the following:

Monday, June 30, 2014

- Perspectives from Department of Energy and National Science Foundation
- Update from the Department of Energy and National Science Foundation's Nuclear Physics Office's
- Presentation of the Charge on Workforce Development
- Status of Planning for the NSAC Long Range Plan

Note: The NSAC Meeting will be broadcast live on the Internet. You may find out how to access this broadcast by going to the following Web site prior to the start of the meeting. A video record of the meeting, including the presentations that are made, will be archived at this site after the meeting ends: *http://www.tvworldwide.com/events/DOE/140630/*

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of these items on the agenda, you should contact Brenda L. May, (301) 903–0536 or *Brenda.May@science.doe.gov* (email). You must make your request for an oral statement at least 5 business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of the meeting will be available on the U.S. Department of Energy's Office of Nuclear Physics Web site for viewing at: *http://science.energy.gov/np/nsac/*.

Issued in Washington, DC, on June 4, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–13586 Filed 6–10–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Quadrennial Energy Review: Notice of Public Meeting

AGENCY: Office of Energy Policy and Systems Analysis, Secretariat, Quadrennial Energy Review Task Force, Department of Energy.

ACTION: Notice of public meeting.

SUMMARY: At the direction of the President, the U.S. Department of Energy (DOE or Department), as the Secretariat for the Quadrennial Energy Review Task Force (QER Task Force will convene a public meeting to discuss and receive comments on issues related to the Quadrennial Energy Review.)

DATES: The third public meeting will be held on Thursday, June 19, 2014, beginning at 9:00 a.m. Written comments are welcome, especially following the public meeting, and should be submitted within 60 days of the meeting.

ADDRESSES: The June 19th, meeting will be held at the San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, California 94102.

You may submit written comments to: *QERComments@hq.doe.gov* or by U.S. mail to the Office of Energy Policy and Systems Analysis, EPSA–60, QER Meeting Comments, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0121.

For the June 19th, Public Meeting, please title your comment ''Quadrennial Energy Review: Comment on the Public Meeting ''Water-Energy Nexus, June 19, 2014, Washington, DC.''.

FOR FURTHER INFORMATION CONTACT: Ms. Adonica Renee Pickett, EPSA–90, U.S. Department of Energy, Office of Energy Policy and Systems Analysis, 1000 Independence Avenue SW., Washington, DC 20585–0121. *Telephone:* (202) 586–9168, *Email: Adonica.Pickett@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: On January 9, 2014, President Obama issued a *Presidential Memorandum—Establishing a Quadrennial Energy Review.* To accomplish this review, the Presidential Memorandum establishes a Quadrennial Energy Review Task Force to be co-chaired by the Director of the Office of Science and Technology Policy, and the Director of the Domestic Policy Council. Under the Presidential Memorandum, the Secretary of Energy shall provide support to the Task Force, including support for coordination activities related to the preparation of the Quadrennial Energy Review Report, policy analysis and modeling, and stakeholder engagement.

The DOE, as the Secretariat for the Quadrennial Energy Review Task Force, will hold a series of public meetings to discuss and receive comments on issues related to the Quadrennial Energy Review.

The initial focus for the Quadrennial Energy Review will be our Nation's infrastructure for transporting, transmitting, storing and delivering energy. Our current infrastructure is increasingly challenged by transformations in energy supply, markets, and patterns of end use; issues of aging and capacity; impacts of climate change; and cyber and physical threats. Any vulnerability in this infrastructure may be exacerbated by the increasing interdependencies of energy systems with water, telecommunications, transportation, and emergency response systems. The first Quadrennial Energy Review Report will serve as a roadmap to help address these challenges.

The Department of Energy has a broad role in energy policy development and the largest role in implementing the Federal Government's energy research and development portfolio. Many other executive departments and agencies also play key roles in developing and implementing policies governing energy resources and consumption, as well as associated environmental impacts. In addition, non-Federal actors are crucial contributors to energy policies. Because most energy and related infrastructure is owned by private entities, investment by and engagement of the private sector is necessary to develop and implement effective policies. State and local policies; the views of nongovernmental, environmental, faith-based, labor, and other social organizations; and contributions from the academic and non-profit sectors are also critical to the development and implementation of effective energy policies.

An interagency Quadrennial Energy Review Task Force, which includes members from all relevant executive departments and agencies (agencies), will develop an integrated review of energy policy that integrates all of these perspectives. It will build on the foundation provided in the Administration's *Blueprint for a Secure Energy Future* of March 30, 2011, and *Climate Action Plan* released on June 25, 2013. The Task Force will offer recommendations on what additional actions it believes would be appropriate. These may include recommendations on additional executive or legislative actions to address the energy challenges and opportunities facing the Nation.

June 19, 2014 Public Meeting: Water-Energy Nexus

On June 19, 2014, the DOE will hold a public meeting in San Francisco, California. The June 19, 2014 public meeting will feature facilitated panel discussions, followed by an open microphone session. Persons desiring to speak during the open microphone session at the public meeting should come prepared to speak for no more than 3 minutes and will be accommodated on a first-come, first-serve basis, according to the order in which they register to speak on a sign-in sheet available at the meeting location, on the morning of the meeting.

In advance of the meeting, DOE anticipates making publicly available a briefing memorandum providing useful background information regarding the topics under discussion at the meeting. DOE will post this memorandum on its Web site: *http://energy.gov.*

Submitting comments via email. Submitting comments by email to the QER email address will require you to provide your name and contact information in the transmittal email. Your contact information will be viewable to DOE staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). Your contact information will be publicly viewable if you include it in the comment itself or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Otherwise, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to the QER email address (*QERcomments@hq.doe.gov*) information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted to the QER email address cannot be claimed as CBI. Comments received through the email address will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section, below.

If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying

documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery/courier, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. No telefacsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English, and are free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: One copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination. Confidential information should be submitted to the Confidential QER email address: *QERConfidential@hq.doe.gov*

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest. It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

Issued in Washington, DC, on June 4, 2014.

Michele Torrusio,

QER Secretariat, QER Interagency Task Force, U.S. Department of Energy.

[FR Doc. 2014–13585 Filed 6–10–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–1767–002.
Applicants: Titan Gas and Power.
Description: MBR Tariff to be effective 6/23/2014.
Filed Date: 6/3/14.
Accession Number: 20140603–5060.
Comments Due: 5 p.m. ET 6/24/14.

Docket Numbers: ER14–2105–000.
Applicants: CPV Shore, LLC.
Description: Filing Under Federal Power Act Section 205 to be effective 8/2/2014.
Filed Date: 6/2/14.
Accession Number: 20140602–5242.
Comments Due: 5 p.m. ET 6/23/14.

Docket Numbers: ER14–2106–000.
Applicants: CPV Maryland, LLC.
Description: Filing Under Federal Power Act Section 205 to be effective 8/2/2014.
Filed Date: 6/2/14.
Accession Number: 20140602–5247.
Comments Due: 5 p.m. ET 6/23/14.

Docket Numbers: ER14–2107–000.
Applicants: Southwest Power Pool, Inc.
Description: 1148R18 American Electric Power NITSA and NOA to be effective 5/1/2014.
Filed Date: 6/2/14.
Accession Number: 20140602–5253.
Comments Due: 5 p.m. ET 6/23/14.

Docket Numbers: ER14–2108–000.
Applicants: Lonestar Power Marketing LLC.
Description: Lonestar Power Marketing LLC MBR Tariff—Clone to be effective 7/17/2014.
Filed Date: 6/2/14.
Accession Number: 20140602–5286.
Comments Due: 5 p.m. ET 6/23/14.

Docket Numbers: ER14–2109–000.
Applicants: Bethlehem Renewable Energy, LLC.
Description: Filing to Update the Market-Based Tariff of Bethlehem Renewable Energy, LLC to be effective 6/3/2014.
Filed Date: 6/3/14.
Accession Number: 20140603–5000.
Comments Due: 5 p.m. ET 6/24/14.

Docket Numbers: ER14–2110–000.
Applicants: Fauquier Landfill Gas, LLC.
Description: Filing to Update the Market-Based Tariff of Fauquier Landfill Gas, LLC to be effective 6/3/2014.
Filed Date: 6/3/14.
Accession Number: 20140603–5001.
Comments Due: 5 p.m. ET 6/24/14.

Docket Numbers: ER14–2111–000.
Applicants: Eastern Landfill Gas, LLC.
Description: Filing to Update the Market-Based Tariff of Eastern Landfill Gas, LLC to be effective 6/3/2014.
Filed Date: 6/3/14.
Accession Number: 20140603–5002.
Comments Due: 5 p.m. ET 6/24/14.

Docket Numbers: ER14–2112–000.
Applicants: Pheasant Run Wind, LLC.
Description: Pheasant Run Wind, LLC Amendment to Common Facilities Agreement to be effective 6/3/2014.
Filed Date: 6/3/14.
Accession Number: 20140603–5005.
Comments Due: 5 p.m. ET 6/24/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 3, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–13522 Filed 6–10–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TS14–3–000]

Essential Power Rock Springs, LLC, Essential Power Operating Company, LLC; Notice of Filing

Take notice that on June 4, 2014, pursuant to section 358.1(d) [1] of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure and Order Nos. 889,[2] 2004,[3] and 717,[4] Essential Power Rock Springs, LLC, on behalf of itself and its affiliate Essential Power Operating Company, LLC, filed a request for waiver from the standards of conduct set forth in Part 358 of the Commission's Regulations.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on July 7, 2014.

Dated: June 4, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–13521 Filed 6–10–14; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 358.1(d) (2013).

[2] *Open Access Same-Time Information System and Standards of Conduct,* Order No. 889, FERC Stats. & Regs. ¶ 31,035 (1996), *order on reh'g,* Order No. 889–A, FERC Stats. & Regs. ¶ 31,049, *order on reh'g,* Order No. 889–B, 81 FERC ¶ 61,253 (1997).

[3] *Standards of Conduct for Transmission Providers,* Order No. 2004, FERC Stats. & Regs. ¶ 31,155 at PP 17–20 (2003), *order on reh'g,* Order No. 2004–A, FERC Stats. & Regs. ¶ 31,161, *order on reh'g,* Order No. 2004–B, FERC Stats. & Regs. ¶ 31,166, *order on reh'g,* Order No. 2004–C, FERC Stats. & Regs. ¶ 31,172 (2004), *order on reh'g,* Order No. 2004–D, 110 FERC ¶ 61,320 (2005).

[4] *Standards of Conduct for Transmission Providers,* Order No. 717, FERC Stats. & Regs. ¶ 31,280 (2008), *order on reh'g,* Order No. 717–A, 129 FERC ¶ 61,043, *order on reh'g,* Order No. 717–B, 129 FERC ¶ 61,123, *order on reh'g,* Order No. 717–C, 131 FERC ¶ 61,045 (2010), *order on reh'g,* Order No. 717–D, 135 FERC ¶ 61,017 (2011).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–2102–000]

Danskammer Energy, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Danskammer Energy, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is June 24, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 4, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–13523 Filed 6–10–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–2108–000]

Lonestar Power Marketing LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Lonestar Power Marketing LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard

to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is June 24, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 4, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–13520 Filed 6–10–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–RCRA–2014–0295, FRL–9911–78–OSWER]

Agency Information Collection Activities; Proposed Collection; Comment Request; Hazardous Waste Generator Standards

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), Hazardous Waste Generator Standards (Renewal) (EPA ICR No. 0820.13, OMB Control No. 2050–0035) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through October 31, 2014. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before August 11, 2014.

ADDRESSES: Submit your comments, referencing by Docket ID No. EPA–HQ–RCRA–2014–0295, online using *www.regulations.gov* (our preferred method), by email to *rcra-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Jim O'Leary, Office of Solid Waste, Mail Code 5304P, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (703) 308–8827; fax number: (703) 308–0514; email address: *oleary.jim@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Under the Resource Conservation and Recovery Act (RCRA), as amended, Congress directed EPA to implement a comprehensive program for the safe management of hazardous waste. The core of the national waste management program is the regulation of hazardous waste from generation to transport to treatment and eventual disposal, or from ''cradle to grave.'' Section 3001(d) of RCRA requires EPA to develop standards for small quantity generators. Section 3002 of RCRA states, among other things, that EPA shall establish requirements for hazardous waste generators regarding recordkeeping practices. Section 3002 also requires EPA to establish standards on appropriate use of containers by generators. Finally, Section 3017 of RCRA specifies requirements for individuals exporting hazardous waste from the United States, including a notification of the intent to export, and an annual report summarizing the types, quantities, frequency, and ultimate destination of all exported hazardous waste.

This ICR addresses the following categories of informational requirements in part 262: Pre-transport requirements for both large (LQG) and small (SQG) quantity generators; storage requirements in tanks, containment buildings and drip pads; air emission standards requirements for LQGs (referenced in 40 CFR Part 265, Subparts AA and BB); recordkeeping and reporting requirements for LQGs and SQGs; and export requirements for LQGs and SQGs (i.e., notification of intent to export and annual reporting). This collection of information is necessary to help generators and EPA: (1) Identify and understand the waste streams being generated and the hazards associated with them; (2) determine whether employees have acquired the necessary expertise to perform their

jobs; and (3) determine whether LQGs have developed adequate procedures to respond to unplanned sudden or non-sudden releases of hazardous waste or hazardous constituents to air, soil, or surface water. This information is also needed to help EPA determine whether tank systems are operated in a manner that is fully protective of human health and the environment and to ensure that releases to the environment are managed quickly and efficiently. Additionally, this information contributes to EPA's goal of preventing contamination of the environment from hazardous waste accumulation practices, including contamination from equipment leaks and process vents. Export information is needed to ensure that: (1) Foreign governments consent to U.S. exported wastes; (2) exported waste is actually managed at facilities listed in the original notifications; and (3) documents are available for compliance audits and enforcement actions.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are private business or other for-profit.

Respondent's obligation to respond: mandatory (40 CFR Part 262 and 265).

Estimated number of respondents: 90,675.

Frequency of response: Occasionally and biennially.

Total estimated burden: 275,842 Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $15,046,505, which includes $14,991,809 annualized labor costs and $54,696 annualized capital or O&M costs.

Changes in Estimates: The burden hours are likely to stay substantially the same.

Dated: May 2, 2014.

Barnes Johnson,

Director, Office of Resource Conservation and Recovery.

[FR Doc. 2014–13625 Filed 6–10–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9909–32–Region 2]

Notice of Availability of Draft NPDES General Permit for Small Municipal Separate Storm Sewer Systems in the Commonwealth of Puerto Rico and Federal Facilities Within the Commonwealth of Puerto Rico

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Draft NPDES General Permit.

SUMMARY: The Director of the Caribbean Environmental Protection Division (CEPD), Environmental Protection Agency—Region 2 (EPA), is issuing this Notice of a Draft National Pollutant Discharge Elimination System (NPDES) general permit, PRR040000/PRR04000F, for discharges from small municipal separate storm sewer systems (small MS4) from urbanized areas within the Commonwealth of Puerto Rico to waters of the United States. This draft NPDES general permit establishes Notice of Intent (NOI) requirements, standards, prohibitions and management practices for discharges of storm water from small MS4s urbanized areas. A prior Notice of Availability of a draft general permit was issued by EPA in November 2005. EPA has substantially modified the draft general permit and is issuing a new draft general permit pursuant to 40 CFR part 124.

DATES: Public comments must be received on or before August 11, 2014. Within the comment period, interested persons may request a public hearing pursuant to 40 CFR part 124 concerning the proposed permit. Requests for a public hearing must be sent or delivered in writing to the same address as provided below for public comments prior to the close of the comment period. Requests for a public hearing must state the nature of the issues proposed to be raised in the hearing. Pursuant to 40 CFR part 124, EPA shall hold a public hearing if it finds, on the basis of requests, a significant degree of public interest in a public hearing on the proposed permit. If EPA decides to hold a public hearing, a public notice of the date, time and place of the hearing will be made at least 30 days prior to the hearing.

ADDRESSES: Submit your comments by one of the following methods:

1. *Mail:* Multimedia Permits and Compliance Branch, US EPA Region 2, City View Plaza II, Suite 7000, 48 Road 165 Km 1.2, Guaynabo, Puerto Rico 00968–8069.

2. *Email: Bosques.Sergio@epa.gov.*

The draft permit is based on an administrative record available for public review at EPA—Region 2, Caribbean Environmental Protection Division, City View Plaza II, Suite 7000, 48 Road 165 Km 1.2, Guaynabo, Puerto Rico 00968–8069. A reasonable fee may be charged for copying requests. However, the draft general permit and fact sheet are available at EPA's Web site: *www.epa.gov/region02/water/permits.html.*

FOR FURTHER INFORMATION CONTACT: Additional information concerning the draft permit may be obtained between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday excluding holidays from: Sergio Bosques, Caribbean Environmental Protection Division, US EPA Region 2, City View Plaza II, Suite 7000, 48 Road 165 Km 1.2, Guaynabo, Puerto Rico 00968–8069; telephone: 787–977–5870; or email: *Bosques.Sergio@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA is proposing to reissue the draft NPDES general permit for the discharge of stormwater from small MS4s to waters within the Commonwealth of Puerto Rico. The permit describes three distinct small MS4s. These are the conventional cities and towns; Non-Conventional state, federal and other publicly owned systems; and Non-Conventional transportation systems.

The conditions in the draft permit are established pursuant to Clean Water Act (CWA) Part 402(p)(3)(iii) to ensure that pollutant discharges from small municipal separate storm sewer systems (small MS4s) are reduced to the maximum extent practicable (MEP), protect water quality, and satisfy the appropriate water quality requirements of the CWA. The term small municipal separate storm sewer system is available in 40 CFR part 122.26(b). In addition, this term also includes systems similar to separate storm sewer systems and flood management conveyances in municipalities such as military bases, large hospital or prison complexes, highways, and flood control pump stations, and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings. For example, an armory located in an urbanized area would not be considered a regulated small MS4.

The draft general permit sets forth the requirements for the small MS4 to ''reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques, and system, design and engineering methods'' (See Section 402(p)(3)(B)(iii) of the CWA). MEP is the statutory standard that establishes the level of pollutant reductions that MS4 operators must achieve. EPA believes that implementation of best management practices (BMPs) designed to control storm water runoff from the MS4 is generally the most appropriate approach for reducing pollutants to satisfy the MEP standard. Pursuant to 40 CFR 122.44(k), the draft permit contains BMPs, including development and implementation of a comprehensive stormwater management program (SWMP) as the mechanism to achieve the required pollutant reductions.

Section 402(p)(3)(B)(iii) of CWA also authorizes EPA to include in an MS4 permit ''such other provisions as [EPA] determine[s] appropriate for control of . . . pollutants.'' This provision forms a basis for imposing water quality-based effluent limitations (WQBELs), consistent with the authority in Section 301(b)(1)(C) of the CWA. See Defenders of Wildlife v. Browner, 191 F.3d 1159, 1166–67 (9th Cir. 1999); 64 FR 68722, 68753, 68788 (Dec. 8, 1999). Accordingly, the draft permit contains the water quality-based effluent limitations, expressed in terms of BMPs, which EPA has determined are necessary and appropriate under the CWA.

EPA issued a final general permit to address stormwater discharges from small MS4s on November 6, 2006. The 2006 general permit required small MS4s to develop and implement a SWMP designed to control pollutants to the maximum extent practicable and protect water quality. This draft permit builds on the requirements of the previous general permit.

EPA views the MEP standard in the CWA as an iterative process. MEP should continually adapt to current conditions and BMP effectiveness. Compliance with the requirements of this general permit will meet the MEP standard. The iterative process of MEP consists of a municipality developing a program consistent with specific permit requirements, implementing the program, evaluating the effectiveness of the BMPs included as part of the program, then revising those parts of the program that are not effective at controlling pollutants, then implementing the revisions, and evaluating again. The changes contained in the draft general permit reflect the iterative process of MEP. Accordingly, the draft general permit contains more specific tasks and details than the 2006 general permit.

EPA has explained in the draft general permit fact sheet a summary of permit conditions. The draft general permit and fact sheet are available at EPA's Web site: *www.epa.gov/region02/water/permits.html*.

Other Legal Requirements

A. Endangered Species Act (ESA)

The provisions related to the ESA have been enhanced from those in the 2006 draft permit. EPA will be requesting concurrence from the appropriate Federal services (U.S. Fish and Wildlife Service and National Marine Fisheries Service) in connection with the 2014 draft and has renewed this request for the new Draft Permit.

B. Executive Order 12866

EPA has determined that this general permit is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

C. Paperwork Reduction Act

The information collection requirements of this permit were previously approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., and assigned OMB control number 2040–0004.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 et seq., requires that EPA prepare a regulatory flexibility analysis for rules subject to the requirements of 5 U.S.C. 553(b) that have a significant impact on a substantial number of small entities. However, general NPDES permits are not ''rules'' subject to the requirements of 5 U.S.C. 553(b) and are therefore not subject to the RFA.

E. Unfunded Mandates Reform Act

Section 201 of the Unfunded Mandates Reform Act (UMRA), Public Law 104–4, generally requires Federal agencies to assess the effects of their ''regulatory actions'' (defined to be the same as ''rules'' subject to the RFA) on tribal, state, and local governments and the private sector. However, general NPDES permits are not ''rules'' subject to the requirements of 5 U.S.C. 553(b) and are therefore not subject to the RFA or the UMRA.

Authority: This action is being taken under the Clean Water Act, 33 U.S.C. 1251 et seq.

Dated: April 9, 2014.

José C. Font,

Director, Caribbean Environmental Protection Division.

[FR Doc. 2014–13593 Filed 6–10–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0009; FRL–9911–58]

Pesticide Products; Registration Applications for New Active Ingredients; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; correction.

SUMMARY: EPA issued a notice in the **Federal Register** of April 18, 2014, (79 FR 21919) concerning pending registration applications for pesticide products containing an active ingredient not included in any currently registered pesticide products. This document corrects the erroneous reference of establishing a Guideline Reference Level (GRL) for residues of oxathiapiprolin in or on tobacco, dried leaves. The United States does not establish GRLs and this reference was an error.

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

The Agency included in the **Federal Register** notice of April 18, 2014 (79 FR 21919) (FRL–9908–54) notice a list of those who may be potentially affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0009, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What does this correction do?

FR Doc. 2014–08769 published in the **Federal Register** of April 18, 2014 (79 FR 21920) (FRL–9908–54) on page 21920 under Unit II. paragraph 1. is corrected to read as follows:

1. *EPA File Symbols:* 352–ION, 352–IOR, and 352–IOE. *Docket ID Number:* EPA–HQ–OPP–2014–0114. *Applicant:* E.I. du Pont de Nemours & Company, 1007 Market St., Wilmington, DE 19898. *Active Ingredient:* Oxathiapiprolin. *Product Type:* Fungicide. *Proposed Uses:* Imported grapes; root and tuber vegetables, tuberous and corm vegetables (crop group 1C); bulb vegetables, onion, bulb (crop subgroup 3–07A); bulb vegetables, onion, green

(crop subgroup 3–07B); fruiting vegetables (crop group 8–10); cucurbit vegetables (crop group 9); *Brassica* (cole) leafy vegetables, head and stem *Brassica* (crop subgroup 5A); leafy vegetables (except *Brassica* vegetables), leafy greens (crop subgroup 4A); peas, edible podded; peas, succulent, shelled; and ginseng, root. (RD).

List of Subjects

Environmental protection, Pesticides and pests.

Dated: June 3, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2014–13493 Filed 6–10–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0219; FRL–9911–66]

Pesticides; Consideration of Volatilization in Pesticide Risk Assessment: Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; re-opening of comment period.

SUMMARY: EPA issued a notice in the **Federal Register** issue of March 26, 2014, concerning the availability of several guidance documents for public comment. This document reopens the comment period for 30 days. The comment period is being reopened to provide additional time for commenters to prepare their responses.

DATES: Comments, identified by docket identification (ID) number EPA–HQ–OPP–2014–0219, must be received on or before July 11, 2014.

ADDRESSES: Follow the detailed instructions as provided under **ADDRESSES** in the **Federal Register** document of March 26, 2014.

FOR FURTHER INFORMATION CONTACT: Charles Smith, Health Effects Division (7509P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–0291; email address: *smith.charles@epa.gov.*

SUPPLEMENTARY INFORMATION: This document reopens the public comment period established in the **Federal Register** issue of March 26, 2014 (79 FR 16791) (FRL–9907–92), which requested comment on several draft guidance documents. Additional time to comment was requested by CropLife America. EPA is hereby reopening the comment period for 30 days.

To submit comments, or access the docket, please follow the detailed instructions as provided under **ADDRESSES** in the March 26, 2014, **Federal Register** document. If you have questions, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

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

Dated: June 2, 2014.

Jack Housenger,

Director, Office of Pesticide Programs.

[FR Doc. 2014–13626 Filed 6–10–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2010–0014; FRL–9911–36]

Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the requests, or unless the registrants withdraw their requests. If these requests are granted, any sale, distribution, or use of products listed in this notice will be permitted after the registration has been cancelled only if such sale, distribution, or use is consistent with the terms as described in the final order.

DATES: Comments must be received on or before December 8, 2014.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2010–0014, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

Submit written withdrawal request by mail to: Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. ATTN: John W. Pates, Jr.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

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

FOR FURTHER INFORMATION CONTACT: John W. Pates, Jr., Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8195; email address: *pates.john@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides.

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

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

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

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

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

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

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

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

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

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

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

II. What action is the agency taking?

This notice announces receipt by the Agency of requests from registrants to cancel 15 pesticide products registered under FIFRA section 3 or 24(c). These registrations are listed in sequence by registration number (or company number and 24(c) number) in Table 1 of this unit.

Unless the Agency determines that there are substantive comments that warrant further review of the requests or the registrants withdraw their requests, EPA intends to issue an order in the **Federal Register** canceling all of the affected registrations.

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Product name	Chemical name
060061–00139	Kop-Coat Copper Treat 80	Copper carbonate, basic.
071711–00022	AC 801,757 Miticide-Insecticide	Tebufenpyrad.
071711–00023	AC 801,757 3EC Miticide-Insecticide	Tebufenpyrad.
CA–050009	Deadline Bullets	Metaldehyde.
CA–890001	Durham Metaldehyde Granules 7.5	Metaldehyde.
KY–100002	Dual Magnum Herbicide	S-Metolachlor.
KY–110032	Ridomil Gold SL	Metalaxyl-M.
MI–100003	Scholar SC	Fludioxonil.
OR–030002	Warrior Insecticide with Zeon Technology	Lambda-cyhalothrin.
OR–060010	Mocap EC Nematicide—Insecticide	Ethoprop.
OR–060024	Mocap EC Nematicide—Insecticide	Ethoprop.
OR–080027	Axiom DF Herbicide	Metribuzin and Flufenacet.
OR–090003	Mocap EC Nematicide—Insecticide	Ethoprop.
WA–000037	Wakil XL	Fludioxonil, Metalaxyl-M and Cymoxanil.
WA–100007	Graduate SC	Fludioxonil.

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in this unit.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA company No.	Company name and address
60061	Kop-Coat, Inc., 3020 William Pitt Way, Pittsburgh, PA 15238.
71711	Nichino America, Inc., 4550 New Linden Hill Road, Suite 501, Wilmington, DE 19808.
CA–050009 and CA–890001	Amvac Chemical Corporation, 4695 MacArthur Court, Suite 1200, Newport Beach, CA 92660–1706.
KY–100002, KY–110032, MI–100003, OR–030002, WA–000037, WA–100007.	Syngenta Crop Protection, LLC, 410 Swing Road, P.O. Box 18300, Greensboro, NC 27419–8300.
OR–060010, OR–060024, OR–080027, OR–090003	Bayer CropScience LP, 2 T.W. Alexander Drive, P.O. Box 12014, Research Triangle Park, NC 27709.

III. What is the agency's authority for taking this action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

Section 6(f)(1)(B) of FIFRA requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or

2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The registrants in Table 2 of Unit II. have not requested that EPA waive the 180-day comment period. Accordingly, EPA will provide a 180-day comment period on the proposed requests.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation should submit such withdrawal in writing to the

person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

V. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Because the Agency has identified no significant potential risk concerns associated with these pesticide products, upon cancellation of the products identified in Table 1 of Unit II., EPA anticipates allowing registrants to sell and distribute existing stocks of these products for 1 year after publication of the Cancellation Order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing the pesticides identified in Table 1 of Unit II., except for export consistent with FIFRA section 17 or for proper disposal. Persons other than registrants will generally be allowed to sell, distribute, or use existing stocks until such stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: June 2, 2014.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2014–13492 Filed 6–10–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communication Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before July 11, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov mailto: PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0029.

Title: Application for Construction Permit for Reserved Channel Noncommercial Educational Broadcast Station, FCC Form 340.

Form Number: FCC Form 340.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, not for profit institutions and State, local or Tribal Government.

Number of Respondents and Responses: 2,765 respondents; 2,765 responses.

Estimated Time per Response: 1–6 hours.

Frequency of Response: On occasion reporting requirement and Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 154(i), 303 and 308 of the Communications Act of 1934, as amended.

Total Annual Burden: 7,150 hours.

Total Annual Cost: $29,079,700.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: FCC Form 340 is used by licensees and permittees to apply for authority to construct a new noncommercial educational (''NCE'') FM and DTV broadcast station (including a DTS facility), or to make changes in the existing facilities of such a station. FCC Form 340 is only used if the station will operate on a channel that is reserved exclusively for NCE use, or in the situation where applications for NCE stations on non-reserved channels are mutually exclusive only with one another. Also, FCC Form 340 is used by Native American Tribes and Alaska Native Villages (''Tribes''), tribal consortia, or entities owned or controlled by Tribes when qualifying for the ''Tribal Priority'' under 47 CFR 73.7000, 73.7002.

FCC Form 340 also contains a third party disclosure requirement, pursuant to Section 73.3580. This rule requires a party applying for a new broadcast station, or making a major change to an existing station, to give local public notice of this filing in a newspaper of general circulation in the community in which the station is located. This local public notice must be completed within 30 days of tendering the application. This notice must be published at least twice a week for two consecutive weeks

in a three-week period. In addition, a copy of this notice must be placed in the station's public inspection file along with the application, pursuant to Section 73.3527. This recordkeeping information collection requirement is contained in OMB Control No. 3060–0214, which covers Section 73.3527.

OMB Control No.: 3060–0795.

Title: Associate WTB & PSHSB Call Sign & Antenna Registration Number With Licensee's FRN.

Form No.: FCC 606.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households; Business or other for-profit; Not-for-profit institutions; State, local or tribal government.

Number of Respondents: 43,000 respondents; 43,000 responses.

Estimated Time per Response: 15 minutes (0.25 hours).

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Total Annual Burden: 10,750 hours.

Total Annual Cost: None.

Nature and Extent of Confidentiality: In general there is no need for confidentiality. On a case-by-case basis, the Commission may be required to withhold from disclosure certain information about the location, character, or ownership of a historic property, including traditional religious sites.

Needs and Uses: The Commission will submit this information collection to the OMB after this 60-day comment period as an extension (no change in reporting and/or third-party disclosure requirements) to obtain the full three-year clearance from them.

Licensees use FCC 606 to associate their FCC Registration Number (FRN) with their Wireless Telecommunications Bureau and Public Safety Homeland Security Bureau call signs and antenna structure registration numbers. The form must be submitted before filing any subsequent applications associated with the existing license or antenna structure registration that is not associated with an FRN.

The information collected in the FCC 606 is used to populate the Universal Licensing System (ULS) with the FRNs of licensees and antenna structure registration owners who interact with ULS.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2014–13535 Filed 6–10–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012164–002.

Title: KL/WHL/WHS Space Charter and Sailing Agreement.

Parties: Kawasaki Kisen Kaisha, Ltd.; Wan Hai Lines, Ltd.; and Wan Hai Lines (Singapore) PTE Ltd.

Filing Party: Eric C. Jeffrey, Legal Counsel, Nixon Peabody LLP; 401 9th Street NW., Suite 900; Washington, DC 20004.

Synopsis: The amendment adds Wan Hai Lines, Ltd. as a party to the agreement and revises the agreement's name accordingly.

Agreement No.: 012281.

Title: NMCC/K-Line Space Charter Agreement.

Parties: Nissan Motor Car Carrier Co., Ltd. and Kawasaki Kisen Kaisha, Ltd.

Filing Party: John P. Meade, Esq.; General Counsel; K-Line America, Inc.; 6199 Bethlehem Road; Preston, MD 21655.

Synopsis: The agreement authorizes NMCC to charter space on K-Line vessels in the trade between the United States, on the one hand, and counties bordering the Mediterranean Sea, on the other hand.

Agreement No.: 012282.

Title: Kyowa Shipping Co. Ltd. and Nippon Yusen Kaisha Space Charter Agreement.

Parties: Kyowa Shipping Co. Ltd. and Nippon Yusen Kaisha.

Filing Party: Robert Shababb, Corporate Counsel, NYK Line (North America) Inc.; 300 Lighting Way, 5th Floor; Secaucus, NJ 07094.

Synopsis: The agreement authorizes NYK to charter space on Kyowa's vessels in the trade between Japan on the one hand, and Guam and Saipan, on the other hand.

Agreement No.: 012283.

Title: NYK/Hanjin-ANS Space Charter Agreement.

Parties: Nippon Yusen Kaisha and Hanjin Shipping Co., Ltd.

Filing Party: Robert Shababb, Corporate Counsel, NYK Line (North America) Inc.; 300 Lighting Way, 5th Floor; Secaucus, NJ 07094.

Synopsis: The agreement authorizes NYK to charter slots to Hanjin on the ANS service in the trade between the U.S. East Coast and the East Coast of South America.

Dated: June 6, 2014.

By Order of the Federal Maritime Commission.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2014–13582 Filed 6–10–14; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

[Docket No. 14–05]

Huntington International, Inc., JC Horizon Ltd., and Judy Lee—Possible Violations of The Shipping Act of 1984; Order of Investigation and Hearing

AGENCY: Federal Maritime Commission.

DATES: The Order of Investigation and Hearing was served June 4, 2014.

ACTION: Notice of Order of Investigation and Hearing.

Authority: 46 U.S.C. 41302.

SUPPLEMENTARY INFORMATION: On June 4, 2014, the Federal Maritime Commission instituted an Order of Investigation and Hearing entitled Huntington International, Inc., JC Horizon Ltd., and Judy Lee—Possible Violations of Sections 10(a)(1) and 19 of the Shipping Act. Acting pursuant to Section 11 of the Shipping Act, 46 U.S.C. 41302, that investigation is instituted to determine:

(1) Whether Huntington International, Inc. violated (a) section 10(a)(1) of the Shipping Act, 46 U.S.C. 41102(a), and the Commission's regulations, 46 CFR 515.41(a), by knowingly and willfully sharing compensation or freight forwarding fees with a shipper, thereby providing the means through which the shipper obtained transportation at less than the rates and charges otherwise applicable; (b) sections 19(a) and (b) of the Shipping Act, 46 U.S.C. 40901, 40902, by acting as an ocean freight forwarder without a license and without filing evidence of financial responsibility; (c) section 19(e) of the Shipping Act, 46 U.S.C. 40904, and the Commission's regulations, 46 CFR 515.42, by collecting freight forwarder compensation for shipments in which the company's Chief Financial Officer and Director had a beneficial interest;

(2) whether JC Horizon Ltd. and Judy Lee, an individual, violated section 10(a)(1) of the Shipping Act, by knowingly and willfully directing

Huntington International, Inc., an ocean freight forwarder, to transfer monies derived from freight forwarder compensation collected from ocean carriers on shipments of JC Horizon, or other companies controlled by Judy Lee, and thereby obtaining ocean transportation at less than the applicable rates and charges; and

(3) whether, in the event violations of the Shipping Act or the Commission's regulations are found, civil penalties should be assessed against Huntington International, Inc., JC Horizon Ltd., and/or Judy Lee, and, if so, the amount of the penalties to be assessed, and also whether appropriate cease and desist orders should be entered.

The Order may be viewed in its entirety at *http://www.fmc.gov/14-05*.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2014–13534 Filed 6–10–14; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Reissuance

The Commission gives notice that the following Ocean Transportation Intermediary license has been reissued pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. 40101).

License No.: 014384N.
Name: Technical Consulting Shipping, Inc. dba T.C. Shipping, Inc.
Address: 19407 Park Row, Suite 195, Houston, TX 77084.
Date Reissued: May 5, 2014.

Sandra L. Kusumoto,

Director, Bureau of Certification and Licensing.

[FR Doc. 2014–13539 Filed 6–10–14; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Revocations and Terminations

The Commission gives notice that the following Ocean Transportation Intermediary licenses have been revoked or terminated for the reason indicated pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. 40101) effective on the date shown.

License No.: 003460F.
Name: Pacific Removal Services, Inc. dba World International Forwarding Company.
Address: 2311 Boswell Road, Suite 5, Chula Vista, CA 91914.
Date Surrendered: May 22, 2014.
Reason: Voluntary surrender of license.

License No.: 3750F.
Name: Sprintrans Inc.
Address: 631 Walnut Avenue, Arcadia, CA 91007.
Date Surrendered: May 22, 2014.
Reason: Voluntary surrender of license.

License No.: 013172N.
Name: Yung Hoon Kim dba Conex International.
Address: 20695 South Western Avenue, Suite 136, Torrance, CA 90501.
Date Revoked: May 25, 2014.
Reason: Failed to maintain a valid bond.

License No.: 015589N.
Name: Euro-Caribe Shipping Lines, Inc.
Address: 1800 SE. 10th Avenue, Suite 435, Fort Lauderdale, FL 33316.
Date Revoked: May 21, 2014.
Reason: Failed to maintain a valid bond.

License No.: 018740N.
Name: AM World Logistics, Inc.
Address: 224 Buffalo Avenue, Freeport, NY 11520.
Date Revoked: May 23, 2014.
Reason: Failed to maintain a valid bond.

License No.: 020282N.
Name: A C H Freight Forwarding Inc.
Address: 40–10–A Main Street, 2nd Floor, Flushing, NY 11355.
Date Surrendered: May 27, 2014.
Reason: Voluntary surrender of license.

License No.: 020331N.
Name: Ocean Freight Wholesalers Incorporated.
Address: 3401 NW 82nd Avenue, Suite 106, Miami, FL 33122.
Date Revoked: May 18, 2014.
Reason: Failed to maintain a valid bond.

License No.: 020545F.
Name: Denizabel Shipping, Inc.
Address: 19558 NW 50th Court, Miami Gardens, FL 33055.
Date Revoked: May 17, 2014.
Reason: Failed to maintain a valid bond.

License No.: 020552N.
Name: RCB Logistics Corp.
Address: 1316 Bound Brook Road, Middlesex, NJ 08846.
Date Revoked: May 14, 2014.
Reason: Failed to maintain a valid bond.

License No.: 020599F.
Name: Aeromundo Express, N.Y. Corporation.
Address: 500 West 175th Street, Level 1, New York, NY 10033.
Date Revoked: April 4, 2014.
Reason: Failed to maintain a valid bond.

License No.: 021926NF.
Name: Mega Supply Chain Solutions, Inc.
Address: 9449 8th Street, Rancho Cucamonga, CA 91730.
Date Revoked: May 18, 2014.
Reason: Failed to maintain valid bonds.

License No.: 022187F.
Name: Carolina Shipping Company, L.P. dba Cutlass Logistics Ltd.
Address: 1064 Gardner Road, Suite 312, Charleston, SC 29407.
Date Surrendered: April 14, 2014.
Reason: Voluntary surrender of license.

License No.: 023520N.
Name: Green World Cargo, LLC.
Address: 150–30 132nd Avenue, Suite 302, Jamaica, NY 11434.
Date Revoked: May 16, 2014.
Reason: Failed to maintain a valid bond.

License No.: 023599N.
Name: Ashimiyu Alowonle dba Classique Companies.
Address: 4355 Irving Avenue North, Minneapolis, MN 55412.
Date Revoked: May 21, 2014.
Reason: Failed to maintain a valid bond.

License No.: 023996NF.
Name: Welcome Freight Forwarding, Inc.
Address: 8424 NW 56th Street, Miami, FL 33166.
Date Surrendered: May 1, 2014.
Reason: Voluntary surrender of license.

License No.: 024298NF.
Name: CMK Freight Forwarders, LLC.
Address: 2374 Heritage Lakes Drive, Lakeland, FL 33803.
Date Surrendered: May 27, 2014.
Reason: Voluntary surrender of license.

Sandra L. Kusumoto,

Director, Bureau of Certification and Licensing.

[FR Doc. 2014–13578 Filed 6–10–14; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors

that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 26, 2014.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *Lucie VanLandingham Beeley, Leesburg, Georgia, and Stevan Reynolds Tuck,* Dawson, Georgia; to retain voting shares of Georgia Community Bancorp, Inc., Dawson, Georgia, and thereby indirectly retain voting shares of The Citizens State Bank of Taylor County, Reynolds, Georgia.

Board of Governors of the Federal Reserve System, June 6, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–13588 Filed 6–10–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 25, 2014.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. *2009 Smith Irrevocable Trust, sole trustee John Kevin King,* Richmond, Virginia; to acquire voting shares of First National Corporation, and thereby indirectly acquire voting shares of First Bank, both in Strasburg, Virginia.

2. *Hageman 2013 Grantor Trust, c/o J. Hope O. Hageman, sole trustee,* Westport, Connecticut; to acquire voting shares of Independence Bancshares, Inc., and thereby indirectly acquire voting shares of Independence National Bank, both in Greenville, South Carolina.

Board of Governors of the Federal Reserve System, June 5, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–13517 Filed 6–10–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 3, 2014.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *Great Guaranty Bancshares, Inc.,* New Roads, Louisiana; to acquire Banque of Maringouin Holding Company, Inc., and thereby indirectly acquire Bank of Maringouin, both of Maringouin, Louisiana.

B. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *FCWB, Inc.,* to become a bank holding company by acquiring 100 percent of the voting shares of First Capital West Bankshares, Inc., parent of Capital West Bank, all in Laramie, Wyoming.

Board of Governors of the Federal Reserve System, June 6, 2014.

Michael J. Lewandowski,

Assistant Secretary of the Board.

[FR Doc. 2014–13589 Filed 6–10–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 3, 2014.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *Taylor Bancshares, Inc.,* Huntsville, Alabama; to become a bank holding company by acquiring at least 80

percent of the voting shares of North Alabama Bancshares, and thereby indirectly acquire voting shares of North Alabama Bank, both in Hazel Green, Alabama.

Board of Governors of the Federal Reserve System, June 5, 2014.

Michael J. Lewandowski,

Assistant Secretary of the Board.

[FR Doc. 2014–13518 Filed 6–10–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 24, 2014.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Strategic Growth Bank Incorporated and Strategic Growth Bancorp Incorporated,* both of El Paso, Texas, to acquire an additional 76.1 percent of the voting common stock of, for a 100 percent ownership interest in, Guardian Mortgage Company, Inc., Richardson, Texas, and thereby extend credit and service loans and engage under contract with a third party in asset management, servicing, and collection of assets pursuant to Sections 225.28(b)(1) and (b)(2)(vi), respectively, of Regulation Y.

Board of Governors of the Federal Reserve System, June 6, 2014.

Michael J. Lewandowski,

Assistant Secretary of the Board.

[FR Doc. 2014–13590 Filed 6–10–14; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0144; Docket 2014–0055; Sequence 22]

Federal Acquisition Regulation; Information Collection; Payment by Electronic Fund Transfer

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB information collection.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning payment by electronic fund transfer.

DATES: Submit comments on or before August 11, 2014.

ADDRESSES: Submit comments identified by Information Collection 9000–0144, Payment by Funds Transfer, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0144. Select the link that corresponds with ''Information Collection 9000–0144, Payment by Funds Transfer''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0144, Payment by Funds Transfer'', on your attached document.
- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 9000–0144, Payment by Funds Transfer.

Instructions: Please submit comments only and cite Information Collection 9000–0144, Payment by Funds Transfer, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Chambers, Procurement Analyst, Acquisition Policy Division, GSA 202–501–3221, or *Edward.chambers@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The FAR requires certain information to be provided by contractors which would enable the Government to make payments under the contract by electronic fund transfer (EFT). The information necessary to make the EFT transaction is specified in clause 52.232–33, Payment by Electronic Funds Transfer—Central Contractor Registration, which the contractor is required to provide prior to award, and clause 52.232–34, Payment by Electronic Funds Transfer—Other than Central Contractor Registration, which requires EFT information to be provided as specified by the agency to enable payment by EFT.

B. Annual Reporting Burden

Respondents: 14,000.
Responses per Respondent: 10.
Annual Responses: 140,000.
Hours per Response: .5.
Total Burden Hours: 70,000.

C. Public Comment

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it 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.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0144, Payment by Electronic Funds Transfer, in all correspondence.

Dated: May 29, 2014.

Karlos Morgan,

Acting Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2014–13647 Filed 6–10–14; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0183; Docket No. 2014–0055; Sequence 13]

Information Collection; Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension, to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Regulatory Secretariat Division (MVCB) will be submitting to the Office of Management and Budget (OMB) a request to review an extension of a currently approved information collection requirement regarding Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions. This request for extension relates to FAR case 2013–022, Extension of Limitations on Contractor Employee Personal Conflicts of Interest, proposed rule, which published updated burden hours in the **Federal Register** at 79 FR 18503 on April 2, 2014.

DATES: Submit comments on or before August 11, 2014.

ADDRESSES: Submit comments identified by Information Collection 9000–0183, Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0183. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0183, Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0183, Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions'' on your attached document.
- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405–0001. ATTN: Ms. Flowers/IC 9000–0183.

Instructions: Please submit comments only and cite Information Collection 9000–0183, Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Cecelia L. Davis, Procurement Analyst, Acquisition Policy Division, GSA 202–219–0202 or email *cecelia.davis@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

This is a request for an extension of an existing information collection requirement concerning the Office of Management and Budget (OMB) Control Number 9000–0183, Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions. The request uses the burden hours provided in the proposed FAR rule (2013–022).

The proposed rule expands the coverage and proposes to amend the FAR by implementing section 829 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239) to extend the limitations on contractor employee personal conflicts of interest to apply to the performance of all functions that are closely associated with inherently governmental functions (not just acquisition functions) and to contracts for personal services (to the extent such contracts are authorize by law, e.g., legal or medical services).

In the current information collection, Section 841(a) requires the Administrator for Federal Procurement Policy to develop and issue a standard policy to prevent personal conflicts of interest by contractor employees performing acquisition functions closely associated with inherently governmental function, and an associated personal conflicts-of-interest clause or set off clauses.

Contractors are required to notify contracting officers whenever they become aware of any personal conflict of interest violations by a covered employee. The objective of the notification requirement is to emphasize the critical importance of integrity in contracting and reduce the occurrence of personal conflict-of-interest violations by contractor employees performing acquisition-related functions.

In addition, contractors have the opportunity, in exceptional circumstances, to request mitigation or waiver of the personal conflict-of-interest standards. The information is used by the Government to evaluate the requested mitigation/waiver.

B. The Annual Reporting Burden Estimated as Follows

Respondents: 188.

Responses per Respondent: 1.

Total Responses: 188.

Hours per Response: 30.

Total Burden Hours: 5640.

The annual recordkeeping burden is estimated as follows:

Recordkeepers: 9,361.

Hours per recordkeeper: 59.

Total recordkeeping hours: 552,299.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it 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.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405–0001, telephone 202–501–4755. Please cite OMB Control No. 9000–0183, Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions, in all correspondence.

Dated: June 6, 2014.

Karlos Morgan,

Acting Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2014–13643 Filed 6–10–14; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Trafficking Victims Tracking System.

OMB No.: 0970–NEW.

Description: The Trafficking Victims Protection Act, Public Law 106–386, Division A, 114 Stat. 1464 (2000), requires the Department of Health and Human Services (HHS) to certify adult alien (''foreign'') victims of severe forms of trafficking in persons (''human trafficking'') who are willing to assist law enforcement in the investigation and prosecution of human trafficking, unless unable to cooperate due to physical or psychological trauma, and who have either made a bona fide application for T nonimmigrant status that has not been denied or been granted Continued Presence (CP) from the U.S. Department of Homeland Security (DHS). Issued by the Office of Refugee Resettlement (ORR) within the HHS Administration for Children and Families, certification letters grant adult foreign victims of human trafficking access to federal and state benefits and services to the same extent as refugees.

In general, ORR initiates the certification process when it receives a notice from DHS that DHS has granted a foreign victim of trafficking CP or T nonimmigrant status, or has determined an application for T nonimmigrant status is bona fide. To issue certification letters, it is necessary for ORR to collect information from a victim's representative, such as an attorney, case manager, or law enforcement victim specialist, including an address to send the letter. In line with other ORR Anti-Trafficking in Persons Program activities, ORR may ask if the victim is in need of a service provider and the current location (city, state) of the victim, and refer the victim to an appropriate service provider in his or her area, if requested. ORR will also ask about the victim's language and urgent concerns, such as medical care or housing, and transmit this information to the service provider.

Finally ORR collects information, such as the victim's sex and the type of human trafficking the victim experienced, to provide to Congress in an annual report on U.S. Government activities to combat trafficking that is prepared by the U.S. Department of Justice. Congress requires HHS and other appropriate Federal agencies to report, at a minimum, information on the number of persons who received benefits or other services under subsections (b) and (f) of section 7105 of Title 22 of the U.S. Code, the TVPA, in connection with programs or activities funded or administered by HHS. HHS includes in these annual reports additional information about the victims that it collects when assisting each victim to obtain certification or eligibility. ORR will store this information and any other details regarding the victim's case in the Trafficking Victims Tracking System (TVTS) on ORR's secure database. Other details maintained in the victim's file may include ORR staff actions, referrals, and notes regarding the victim's interest in receiving services. Maintaining victim records on TVTS will ensure efficient service for victims, allow ORR staff to track victims' progress toward certification, verify their eligibility for benefits, and organize information for reporting to Congress.

The TVTS also includes information about foreign victims of trafficking and potential victims who were minors when an eligibility letter was sought from ORR. Information about these individuals is collected pursuant to an OMB-approved collection, OMB Control Number 0970–0362.

In January 2011, the Archivist of the United States approved an Electronic System Schedule for the disposition of TVTS records.

Respondents: Respondents can include attorneys, legal representatives, social service providers, case managers, and volunteers acting on behalf of the adult foreign victim of trafficking.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Request for information	800	1	.1	80
Estimated Total Annual Burden Hours				80

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. 2014–13529 Filed 6–10–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Title: Job Search Assistance (JSA) Strategies Evaluation.

OMB No.: 0970–0440.

Description: The Administration for Children and Families (ACF) is proposing a data collection activity as part of the Job Search Assistance (JSA) Strategies Evaluation. The JSA evaluation will aim to determine which JSA strategies are most effective in moving TANF applicants and recipients into work. The impact study will randomly assign individuals to contrasting JSA approaches and then compare their employment and earnings to determine their relative effectiveness. The implementation study will describe services participants receive under each approach as well as provide operational lessons gathered directly from practitioners.

The proposed information collection activity consists of: (1) Baseline data collection: Collection of baseline data from TANF recipients at the time of enrollment in the study; (2) Implementation study site visits: Conducting site visits for the purpose of documenting the program context, program organization and staffing, the components JSA services, and other relevant aspects of the TANF program. During the visits, site teams will interview key administrators and line staff using a semi-structured interview guide; and (3) a JSA staff survey. This on-line survey, administered to TANF supervisory and line staff involved in JSA activities, will be used as part of the implementation study to systematically document program operations and the type of JSA services provided across the study sites.

Respondents: JSA program staff and individuals enrolled in the JSA study.

ANNUAL BURDEN ESTIMATES

Instrument	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Total annual burden hours
Baseline information form	25,000	1	0.2	5,000
Implementation study site visits	300	1	1	300
JSA staff survey	660	1	0.33	218
Estimated Total Annual Burden Hours				5,518

In compliance with the requirements of Section 3506(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: OPRE Reports Clearance Officer. Email address: *OPREinfocollection@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.

Karl Koerper,

Reports Clearance Officer.

[FR Doc. 2014–13525 Filed 6–10–14; 8:45 am]

BILLING CODE 4184–09–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0595]

Environmental Protection Agency and Food and Drug Administration Advice About Eating Fish: Availability of Draft Update

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of docket; request for comments.

SUMMARY: In March 2004, the Food and Drug Administration (FDA) and the U.S. Environmental Protection Agency (EPA) (the Agencies) jointly released a document entitled ''What You Need to Know About Mercury in Fish and Shellfish'' (the 2004 advice). FDA and EPA are now announcing a draft update that contains both advice and supplemental questions and answers for those who want to understand the advice in greater detail. FDA and EPA are establishing a public docket and seeking public comment on both the substance of the advice and how best to frame the advice for consumers so that it is both understandable and influential. In addition to inviting public comments, the Agencies intend to seek the input of the FDA Advisory Committee on Risk Communication in a meeting open to the public. The Agencies may also hold public meetings in various locations around the country. Information about any such meetings will be published in the **Federal Register** once dates and locations are confirmed.

DATES: The comment period will be open until 30 days after the last transcript from the advisory committee meeting and the other meetings mentioned previously becomes available. The date for closure of public comment will be published in a future notice in the **Federal Register**.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. FDA will share with EPA all comments submitted to the FDA docket.

FOR FURTHER INFORMATION CONTACT: *FDA:* Philip Spiller, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835,

240–402–1428, email: *Philip.Spiller@fda.hhs.gov*; *EPA:* Jeffrey Bigler, MS–4305T, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460, 202–566–0389, email: *bigler.jeff@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Fish and shellfish (referred to collectively in this notice as ''fish'') provide protein, are low in saturated fat, and are rich in many micronutrients; they also provide certain omega-3 fatty acids (Ref. 1). However, as a result of natural processes and human activity, fish also contain mercury in the form of methylmercury. Methylmercury can adversely affect the central nervous system, particularly the developing brain of the fetus.

FDA issued fish consumption advice relating to mercury in 1994, followed by separate, but simultaneously issued, FDA and EPA fish consumption advice in 2001. FDA's 2001 advice addressed commercial fish; EPA's 2001 advice addressed locally caught fish. In March 2004, FDA and EPA jointly issued a document entitled ''What You Need to Know About Mercury in Fish and Shellfish; 2004 EPA and FDA Advice for: Women Who Might Become Pregnant, Women Who Are Pregnant, Nursing Mothers, Young Children'' (Ref. 2). The 2004 advice was issued to help individuals in the target population limit their exposure to mercury while still obtaining the health benefits of fish consumption. The 2004 advice recommends avoiding four types of commercially available fish that have the highest average mercury concentrations: Tilefish, shark, swordfish, and king mackerel. The advice further recommends that women in the target population eat up to—but not exceed—12 ounces per week of most other types of commercially available fish. It recommends limiting consumption of one species, white (albacore) tuna, to no more than 6 ounces per week. For local fish caught by family and friends, the advice recommends following locally posted fish advisories regarding safe catch. Where no such advice exists, it recommends limiting consumption of locally caught fish to 6 ounces per week and eating no other fish that week.

The 2004 advice is no longer entirely consistent with the most current U.S. Dietary Guidelines for Americans (DGAs), which are issued jointly every 5 years by HHS and USDA. HHS and USDA recommend in the *Dietary Guidelines for Americans 2010* that ''women who are pregnant or breastfeeding consume at least 8 and up to 12 ounces per week of a variety of seafood per week, from choices lower in methyl mercury'' taking into account evidence relating fish consumption to improved infant health and developmental outcomes [1] (Refs. 3 and 4). While the 2004 advice encourages fish consumption as part of a healthy diet, it does not encourage consumption of any particular amount of fish in order to improve health and developmental outcomes. As an additional matter, quantitative assessments recently performed have produced results that support the quantitative recommendations in the 2010 DGAs. These assessments estimate risks and benefits to neurodevelopment from fish consumption during pregnancy. They estimate ''net effects'' from eating fish during pregnancy by estimating both adverse effects from mercury and beneficial effects from nutrients in fish. These assessments include a 2011 report by the Food and Agriculture Organization of the United Nations (FAO) and the World Health Organization (WHO) entitled ''Report of the Joint FAO/WHO Expert Consultation on the Risks and Benefits of Fish Consumption'' (Ref. 5) and a 2014 assessment conducted by FDA entitled, ''A Quantitative Assessment of the Net Effects on Fetal Neurodevelopment from Eating Commercial Fish (As Measured by IQ and also by Early Age Verbal Development in Children)'' (Ref. 6). The FDA assessment was first published in draft in 2009 and then recently revised to incorporate comments and advice from peer reviewers, the public, and other Federal Agencies, including recent comments from EPA. In addition, since 2004 there have been other publications in the peer reviewed scientific literature evaluating the benefits of fish consumption versus risks of mercury exposure (Refs. 7 and 8).

II. What is being proposed in the draft updated advice?

FDA and EPA are now proposing to update their 2004 advice to make it consistent with the recommendations in the *Dietary Guidelines for Americans 2010.* It is important that advice on fish consumption be harmonized across Federal Agencies. Inconsistent advice can cause confusion and undermine the public health objectives that the advice is intended to accomplish. The Agencies are also proposing to modify the wording and organization of the 2004 advice in order to enhance the likelihood that it will be followed by the target audience. Consuming 8 to12 ounces of fish per week while pregnant or breastfeeding would be a significant dietary change for most women. In a survey of over 1,200 pregnant women conducted by FDA in 2005, median fish consumption was 1.8 ounces per week (Ref. 9).

Consistent with the *Dietary Guidelines for Americans 2010,* the draft updated advice would:

- *Recommend that pregnant women, women who might become pregnant, and breastfeeding mothers eat at least 8 and up to 12 ounces per week of a variety of fish lower in mercury within their calorie needs.* The draft updated advice also describes this amount as 2 or 3 servings per week. The 2004 advice translated 12 ounces into 2 servings based on an assumption that a single serving is likely to be around 6 ounces; however, there is variability surrounding serving sizes and single servings can often be somewhat smaller than 6 ounces (Refs. 10, 11, and 12). The proposed consumption target of 8 to 12 ounces per week of fish lower in mercury is designed to maximize the potential health and developmental benefits that fish could provide. The recommendation to stay within calorie needs is aimed at insuring that women who eat more fish in order to achieve 8 to 12 ounces of fish per week do not inadvertently exceed the number of calories that are appropriate for them when they do so.
- *Continue to recommend that the target audience avoid certain fish with the highest mercury concentrations; those fish are tilefish, shark, swordfish, and king mackerel.* It would recommend avoidance of tilefish only from the Gulf of Mexico, however. Data on tilefish from the Atlantic Ocean indicate that these fish have much lower levels of mercury on average (Ref. 13).
- *Advise members of the target audience that they may eat tuna but continue to recommend limiting white (albacore) tuna to 6 ounces per week.*
- *Retain the recommendations included in the 2004 advice for fish caught in local streams, rivers, and lakes.* There are local waters where there may have been little or no monitoring and, therefore, the extent of potential mercury contamination is unknown. Fish in local waters can contain higher levels of mercury than commercially available species. Local freshwater fish may also differ in their nutritional composition.

[1] A review of the evidence taken into account in the development of the fish consumption recommendation in the *Dietary Guidelines for Americans 2010* can be found on pages 239–241 in the ''Report of the Dietary Guidelines Advisory Committee on the Dietary Guidelines for Americans,'' 2010, at *http://www.cnpp.usda.gov/DGAs2010-DGACReport.htm.*

• *Continue to extend the recommendations in the 2004 advice to young children because their nervous systems are still developing.* The *Dietary Guidelines for Americans 2010* do not provide specific feeding recommendations for infants and young children under the age of 2 years, but they do note that the nutritional value of fish is of particular importance in early infancy from maternal consumption and in childhood (Ref. 3). The draft updated advice would continue to recommend that the portions for children be smaller than those for adult women and the accompanying questions and answers (Q & A) would provide advice on specific consumption amounts for fish in general and for albacore tuna.

• *Note that fish provides health benefits for the general public.* This information is intended for the general public, not just for the target audience. *The Dietary Guidelines for Americans 2010* recommend that the general public increase the amount and variety of fish consumed.

III. What else are FDA and EPA seeking comment on?

In addition to requesting comments on the substance of the draft updated advice, FDA and EPA are seeking public comment on alternative risk communication approaches for conveying the message and its supplemental Q & A. The Agencies recognize that how the message is conveyed can be highly important to its success. The approach in this draft update seeks to balance simplicity of message with specificity of information. FDA and EPA believe that public input is required to assist in achieving this balance. FDA and EPA anticipate the public process will address how best to provide accurate, balanced descriptions of the purpose for the updated advice and the potential benefits and risks of fish consumption.

FDA and EPA further anticipate that the public process will address whether the questions in the draft supplemental Q & A are appropriate and represent those most likely to be asked by consumers, and whether the answers are accurate and sufficiently informative to encourage more consumption of fish and to guide consumers to fish lower in mercury.

On a specific matter, the Agencies are interested in public comment on whether to add two additional fish to the list of fish that members of the target audience should not eat. Because the draft updated advice tracks the *Dietary Guidelines for Americans 2010,* the draft updated advice recommends essentially [2] the same fish to avoid as is recommended in the DGAs. They are: (1) Tilefish from the Gulf of Mexico (average of 1.45 parts per million (ppm) of mercury); (2) swordfish (average of 1.00 ppm of mercury); (3) shark (average of 0.98 ppm of mercury); and (4) king mackerel (average of 0.73 ppm of mercury). The average mercury concentrations in these fish are notably higher than the concentrations in all other commercial species. FDA and EPA are seeking comment on whether to add orange roughy and marlin to the list of fish to avoid. While orange roughy and marlin are lower in mercury than the four fish listed previously (orange roughy averages 0.57 ppm mercury, which equals 80 micrograms/4 ounce (oz.) of cooked fish, and marlin averages 0.49 ppm mercury, which equals 69 micrograms/4 oz. of cooked fish), their mercury concentrations are higher than nearly all other commercial fish. Moreover, both orange roughy and marlin can be unusually low in omega-3 fatty acids. Omega-3 fatty acids may contribute to the healthful effects from fish, although the supporting science is not settled on this point. For those reasons, we particularly invite comment on whether it would be prudent for pregnant women or those who might become pregnant, breastfeeding women, and young children, to avoid orange roughy and marlin in addition to the four other fish to avoid.

FDA and EPA used sampling data from FDA and, to a limited extent, from the U.S. National Marine Fisheries Service as the source for mercury amounts in fish. FDA and EPA used data developed by the USDA to estimate the amounts of the omega-3 fatty acids eicosapentaenoic acid and docosahexanoic acid in fish.

Additionally, the Agencies invite comment on the following:

(1) Whether the final updated advice should track the *Dietary Guidelines for Americans 2010* more or less closely than the draft of that updated advice now does.

(2) Any new science that has become available since the *Dietary Guidelines for Americans 2010* were issued that would be relevant to the updated advice.

(3) Information upon which to base advice on young children's fish consumption. There have been a number of studies that have examined the effects of both postnatal exposure to mercury as well as postnatal fish consumption by young children, but this research has not been as extensive as the research on prenatal exposures and maternal fish consumption.

(4) As stated previously, suggestions for improving the clarity and utility of the advice.

(5) How to integrate advice from local advisories for those who consume fish from local streams, rivers, and lakes.

[2] As stated previously, our recommendation for tilefish now relates only to tilefish from the Gulf of Mexico and not to Atlantic tilefish.

IV. How To Submit Comments

Interested persons may submit either electronic comments regarding the draft documents to *http://www.regulations.gov* or written comments regarding the draft documents to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

V. How To Access the Draft Documents

The draft documents described in this notice are available electronically at *http://www.fda.gov/Food/FoodborneIllnessContaminants/Metals/ucm393070.htm* and at *http://water.epa.gov/scitech/swguidance/fishshellfish/fishadvisories/index.cfm*.

VI. References

FDA has placed the following references on display in FDA's Division of Dockets Management (see **ADDRESSES**). You may see them between 9 a.m. and 4 p.m., Monday through Friday, and online at *http://www.regulations.gov*. (FDA has verified all the Web site addresses in this reference section, but FDA is not responsible for any subsequent changes to Web sites after this document publishes in the **Federal Register**.)

1. Institute of Medicine, Committee on Nutrient Relationships in Seafood: ''Selections to Balance Benefits and Risks,'' (2007). *Seafood Choices, Balancing Benefits and Risks.* The National Academies Press, Washington, DC.
2. ''What You Need to Know About Mercury in Fish and Shellfish; 2004 EPA and FDA Advice for: Women Who Might Become Pregnant, Women Who are Pregnant, Nursing Mothers, Young Children,'' available at: *http://www.fda.gov/food/foodborneillnesscontaminants/buystoreservesafefood/ucm110591.htm*.
3. U.S. Departments of Agriculture and Health and Human Services, (2010). *Dietary Guidelines for Americans 2010,* chapter 4, ''Foods and Nutrients to Increase,'' available at

http://health.gov/dietaryguidelines/2010.asp.

4. ''Report of the Dietary Guidelines Advisory Committee on the Dietary Guidelines for Americans,'' 2010 to the Secretary of Agriculture and the Secretary of Health and Human Services, available at *http://www.cnpp.usda.gov/DGAs2010-DGACReport.htm.*
5. FAO/WHO, (2011). ''Report of the Joint FAO/WHO Expert Consultation on the Risks and Benefits of Fish Consumption,'' Rome, 25–29 January 2010. FAO Fisheries and Aquaculture Report No. 978 FIPM/R978(En).
6. ''A Quantitative Assessment of the Net Effects on Fetal Neurodevelopment From Eating Commercial Fish (As Measured by IQ and also by Early Age Verbal Development in Children).'' Available at: *http://www.fda.gov/Food/FoodborneIllnessContaminants/Metals/ucm393211.htm.*
7. Cohen, J.T., DC Bellinger, W.E. Connor, et al., (November 2005). ''A Quantitative Risk-Benefit Analysis of Changes in Population Fish Consumption,'' *American Journal of Preventive Medicine,* vol. 29(4), pp. 325–334.
8. Ginsberg, C.L. and B.F. Toal, (2009). Quantitative Approach for Incorporating Methylmercury Risks and Omega-3 Fatty Acid Benefits in Developing Species-Specific Fish Consumption Advice. *Environmental Health Perspectives,* vol. 117(2), pp. 267–275.
9. Lando, A.M., S.B. Fein, and C.J. Choinière, (2012). ''Awareness of Methylmercury in Fish and Fish Consumption Among Pregnant and Postpartum and Women of Childbearing Age in the United States,'' *Environmental Research,* vol. 116, pp. 85–92.
10. Daniels, J.L., M.P. Longnecker, A.S. Rowland, J. Golding, and the ALSPAC Study Team University of Bristol Institute of Child Health, (July 2004). ''Fish Intake During Pregnancy and Early Cognitive Development of Offspring,'' *Epidemiology,* vol. 15(4), pp. 394–402.
11. FAO/WHO, (2011). ''Report of the Joint FAO/WHO Expert Consultation on the Risks and Benefits of Fish Consumption,'' Rome, January 25–29, 2010. FAO Fisheries and Aquaculture Report No. 978 FIPM/R978(En) (see page 26).
12. Institute of Medicine, Committee on Nutrient Relationships in Seafood: ''Selections to Balance Benefits and Risks,'' (2006). *Seafood Choices, Balancing Benefits and Risks.* The National Academies Press, Washington, DC. (see page 240).
13. ''Mercury Levels in Commercial Fish and Shellfish 1990–2010,'' available at: *http://www.fda.gov/Food/FoodborneIllnessContaminants/Metals/ucm115644.htm.*

Dated: June 6, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–13584 Filed 6–10–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–E–0713]

Determination of Regulatory Review Period for Purposes of Patent Extension; Vandetanib

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for VANDETANIB and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO) for the extension of a patent which claims that human drug product.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov.* Submit written petitions (two copies are required) and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Submit petitions electronically to *http://www.regulations.gov* at Docket No. FDA–2013–S–0610.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Management, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6257, Silver Spring, MD 20993–0002, 301–796–7900.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USTPO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product Vandetanib. Vandetanib is indicated for the treatment of symptomatic or progressive medullary thyroid cancer in patients with unresectable locally advanced or metastatic disease. Subsequent to this approval, the USPTO received a patent term restoration application for Vandetanib (U.S. Patent No. RE42,353) from AstraZeneca UK Limited, and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated July 9, 2012, FDA advised the USTPO that this human drug product had undergone a regulatory review period and that the approval of Vandetanib represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Vandetanib is 4,009 days. Of this time, 3,735 days occurred during the testing phase of the regulatory review period, while 274 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)) became effective:* April 16, 2000. The applicant claims April 20, 2000, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was April 16, 2000, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* July 7, 2010. FDA has verified the applicant's claim that the new drug application (NDA) for Vandetanib (NDA 22–405) was submitted on July 7, 2010.

3. *The date the application was approved:* April 6, 2011. FDA has

verified the applicant's claim that NDA 22–405 was approved on April 6, 2011.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,738 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by August 11, 2014. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by December 8, 2014. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and written or electronic petitions. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. If you submit a written petition, two copies are required. A petition submitted electronically must be submitted to *http://www.regulations.gov,* Docket No. FDA–2013–S–0610. Comments and petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 5, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–13567 Filed 6–10–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–E–0714]

Determination of Regulatory Review Period for Purposes of Patent Extension; Vandetanib

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Vandetanib and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov.* Submit written petitions (two copies are required) and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Submit petitions electronically to *http://www.regulations.gov* at Docket No. FDA–2013–S–0610.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Management, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6257, Silver Spring, MD 20993–0002, 301–796–7900.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product Vandetanib (vandetanib). Vandetanib is indicated for the treatment of symptomatic or progressive medullary thyroid cancer in patients with unresectable locally advanced or metastatic disease. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Vandetanib (U.S. Patent No. 7,173,038) from AstraZeneca AB, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated July 9, 2012, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of Vandetanib represented the first permitted commercial marketing or use of the product. Thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Vandetanib is 4,009 days. Of this time, 3,735 days occurred during the testing phase of the regulatory review period, while 274 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)) became effective:* April 16, 2000. The applicant claims April 20, 2000, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was April 16, 2000, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* July 7, 2010. FDA has verified the applicant's claim that the new drug application (NDA) for VANDETANIB (NDA 22–405) was submitted on July 7, 2010.

3. *The date the application was approved:* April 6, 2011. FDA has verified the applicant's claim that NDA 22–405 was approved on April 6, 2011.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 898 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by August 11, 2014. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by December 8, 2014. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and written or electronic petitions. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. If you submit a written petition, two copies are required. A petition submitted electronically must be submitted to *http://www.regulations.gov,* Docket No. FDA–2013–S–0610. Comments and petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 5, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–13566 Filed 6–10–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–0609]

Draft Guidance for Industry on Drug Supply Chain Security Act Implementation: Identification of Suspect Product and Notification; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Drug Supply Chain Security Act Implementation: Identification of Suspect Product and Notification.'' The draft guidance addresses new provisions in the Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Drug Supply Chain Security Act (DSCSA). The draft guidance is intended to aid certain trading partners (manufacturers, repackagers, wholesale distributors, and dispensers) in identifying a suspect product and terminating notifications regarding illegitimate product. This draft guidance identifies specific scenarios that could significantly increase the risk of a suspect product entering the pharmaceutical distribution supply chain; provides recommendations on how trading partners can identify the product and determine whether the product is a suspect product as soon as practicable; and for product that has been determined to be illegitimate, or (for manufacturers) has a high risk of illegitimacy, sets forth the process by which trading partners should notify FDA of illegitimate product and how they must terminate the notifications, in consultation with FDA.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by August 11, 2014. Submit either electronic or written comments concerning the collection of information proposed in the draft guidance by August 11, 2014.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 2201, Silver Spring, MD 20993–0002; or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 1401 Rockville Pike, Suite 200N, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Carolyn Becker, Office of Compliance, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–3100, *drugtrackandtrace@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Drug Supply Chain Security Act Implementation: Identification of Suspect Product and Notification.'' On November 27, 2013, the DSCSA (Title II of Pub. L. 113–54) was signed into law. Section 202 of the DSCSA adds section 582(h)(2) to the FD&C Act (21 U.S.C. 360eee–1(h)(2)), which requires FDA to issue guidance to aid certain trading partners (manufacturers, repackagers, wholesale distributors, and dispensers) in identifying a suspect product and terminating notifications regarding an illegitimate product. This guidance identifies specific scenarios that could significantly increase the risk of a suspect product entering the pharmaceutical distribution supply chain and provides recommendations on how trading partners can identify the product and determine whether the product is a suspect product as soon as practicable.

Starting January 1, 2015, section 582 of the FD&C Act requires trading partners, upon determining that a product in their possession or control is illegitimate, to notify FDA and all immediate trading partners (that they have reason to believe may have received the illegitimate product) not later than 24 hours after making the determination. Manufacturers are additionally required under section 582(b)(4)(B)(ii)(II) of the FD&C Act to notify FDA and immediate trading partners (that the manufacturer has reason to believe may possess a product manufactured by or purported to be manufactured by the manufacturer) not later than 24 hours after the manufacturer determines or is notified by FDA or a trading partner that there is a high risk that the product is illegitimate. This draft guidance addresses how trading partners should notify FDA using Form FDA 3911. In addition, in accordance with section 582(h)(2) of the FD&C Act, this guidance sets forth the process by which trading partners must terminate the notifications using Form FDA 3911, in consultation with FDA, regarding illegitimate product or, for a manufacturer, a product with a high risk of illegitimacy, under section 582(b)(4)(B), (c)(4)(B), (d)(4)(B), and (e)(4)(B).

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115).

The draft guidance, when finalized, will represent the Agency's current thinking on identification of suspect product and notification. Guidance documents generally do not create or confer any rights for or on any person and do not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations. For this particular document, section 582 of the FD&C Act gives FDA authority to issue binding guidance on the process for terminating notifications of illegitimate product. Specifically, subsection (h)(2)(A) states that FDA ''shall issue a guidance document to aid trading partners in the identification of a suspect product and notification termination. Such guidance document shall . . . set forth the process by which manufacturers, repackagers, wholesale distributors, and dispensers shall terminate notifications in consultation with the Secretary regarding illegitimate product. . . .'' Thus, insofar as section IV.B of this guidance sets forth the process by which trading partners must terminate notifications of illegitimate product in consultation with FDA, it will have binding effect upon finalization.

II. Paperwork Reduction Act of 1995

This draft guidance contains information collection provisions that are subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The title, description, and respondent description of the information collection are given under this section with an estimate of the reporting and third-party disclosure burdens. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the 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.

Title: Drug Supply Chain Security Act Implementation: Identification of Suspect Product and Notification.

Description: Under section 202 of the DSCSA, manufacturers, repackagers, wholesale distributors, and dispensers (e.g., pharmacies) must: (1) Notify FDA when they have determined that a product in their possession or control is illegitimate, and for manufacturers, when they have determined or been notified by FDA or a trading partner that a product has a high risk of illegitimacy; (2) notify certain immediate trading partners about an illegitimate product that they may have received and, for manufacturers, that a product has a high risk of illegitimacy; (3) terminate notifications regarding illegitimate products, and, for manufacturers, a product with a high risk of illegitimacy, in consultation with FDA when the notifications are no longer necessary; and (4) notify immediate trading partners when the notifications are terminated.

1. Notifications to FDA

Under section 582(b)(4)(B)(ii), (c)(4)(B)(ii), (d)(4)(B)(ii), and (e)(4)(B)(ii) of the FD&C Act, and beginning not later than January 1, 2015, a manufacturer, repackager, wholesale distributor, and dispenser who determines that a product in its possession or control is illegitimate, as defined in section 581 of the FD&C Act (21 U.S.C. 360eee), must notify FDA of that determination not later than 24 hours after the determination is made. In addition, section 582(b)(4)(B)(ii)(II) of the FD&C Act requires manufacturers to notify FDA when a manufacturer determines or is notified by FDA or a trading partner that a product poses a high risk of illegitimacy.

FDA estimates that a total of approximately 5,000 notifications per year will be made by all manufacturers, repackagers, wholesale distributors, and dispensers. This estimate includes the notifications by trading partners who have determined that illegitimate product is in their possession or control, as well as notifications by manufacturers that have determined a product poses a high risk of illegitimacy. This estimate is based on FDA's experience with Field Alert Reports (FARs) (Form FDA 3331) required to be submitted by holders of approved drug applications for certain drug quality issues (21 CFR 314.81(b)(1)) [1] and with reports of the falsification of drug sample records, diversion, loss, and known theft of prescription drug samples as currently required under the Prescription Drug Marketing Act (PDMA).[2] Because manufacturers, repackagers, and wholesale distributors are responsible for prescription drugs from the manufacturing through distribution processes, FDA assumes that most notifications of illegitimate products would be made by these three trading partners. FDA is combining the estimates for manufacturers and repackagers because FDA establishment and drug product listing database indicates that many companies perform activities of both manufacturers and repackagers. While the DSCSA specifically defines dispensers, for estimation purposes, FDA is using estimates for pharmacies in general terms and based on those that must comply with the new requirements under section 582(d) of the FD&C Act. FDA estimates that approximately 50 percent of the notifications will be made by manufacturers and repackagers (2,500), 45 percent by wholesaler distributors (2,250), and 5 percent by pharmacies (250).

FDA estimates that the number of annual notifications will vary from 0–2 for manufacturers/repackagers, as well as from pharmacies, with the vast majority of companies making no notifications. While FDA establishment and drug product listing database currently contains registrations for approximately 6,500 manufacturers and repackagers, we estimate that approximately 2,500 manufacturers/repackagers will notify FDA of illegitimate product an average of one time per year. While FDA estimates approximately 69,000 pharmacy sites in the United States, based on data from the National Association of Chain Drug Stores, the National Community Pharmacists Association, and the American Hospital Association, we estimate that approximately 250 pharmacies will notify FDA of illegitimate product an average of one time per year.[3] Because approximately

[1] FDA review of the number of Field Alert Reports (FARs) received in calendar year 2013 was approximately 5,000. Because FARs are incident and product specific, the estimation does not represent the number of companies that have submitted a FAR to FDA.

[2] FDA cursory review of the number of reports of falsified drug sample records, diversion, loss, or known theft of prescription drug samples under the PDMA in calendar year 2013 was approximately 5,000. This number is being used for estimation purposes only because the DSCSA exempts transactions related to the distribution of product samples by a manufacturer or licensed wholesale distributor in accordance with section 503(d) of the FD&C Act (21 U.S.C. 353(d)).

[3] The estimate of the number of pharmacies in the United States is based on combining estimates of:

Continued

30 wholesale distributors are responsible for over 90 percent of drug distributions, based on sales,[4] and because FDA is estimating that over 2,200 small wholesale distributors might be responsible for the remaining 10 percent of drug sales, we estimate that each distributor will make about an average of 1 notification per year to account for the estimated 2,250 notifications FDA will receive regarding illegitimate product.

FDA intends to make available Form FDA 3911 on its Web page for notifying FDA. Each notification should include information about the person or entity initiating the notification, the product determined to be illegitimate, and a description of the circumstances surrounding the event that prompted the notification. FDA estimates that each notification will take about 1 hour. The estimated total annual burden hours for making notifications to FDA is approximately 5,000 hours annually (table 1).

2. Notifications to Trading Partners of an Illegitimate Product

Under section 582(b)(4)(B)(ii), (c)(4)(B)(ii), (d)(4)(B)(ii), and (e)(4)(B)(ii) of the FD&C Act, a trading partner who determines that a product in its possession is illegitimate must also notify all immediate trading partners that the trading partner has reason to believe may have received such illegitimate product of that determination not later than 24 hours after the determination is made. In addition, a manufacturer is required, under section 582(b)(4)(B)(ii)(II) of the FD&C Act, to notify all immediate trading partners that the manufacturer has reason to believe may possess a product manufactured by or purported to be manufactured by the manufacturer not later than 24 hours after the manufacturer has determined or been notified by FDA or a trading partner that the product has a high risk of illegitimacy.

Because the extent of distribution of any illegitimate product is likely to vary from one situation to another, FDA is using estimates that assume wide distribution of each illegitimate product. FDA estimates that for each notification made by a manufacturer or repackager to FDA, approximately 30 trading partners (based on the number of distributors) will also be notified. This results in approximately 75,000 notifications annually to trading partners of manufacturers/repackagers. This estimate includes the notifications by manufacturers and repackagers who have determined that illegitimate product is in their possession or control, as well as notifications by manufacturers that have determined that a product poses a high risk of illegitimacy.

FDA estimates that a large wholesale distributor might have up to 4,500 trading partners, but a small wholesale distributor might have 200 trading partners, for an average of approximately 2,350. A wholesale distributor would notify 2,350 trading partners for each of the 2,250 illegitimate products identified, resulting in approximately 5,287,500 notifications annually to wholesale distributors' trading partners.

FDA estimates that a pharmacy purchases prescription drugs from an average of two wholesale distributors. Therefore, a pharmacy would notify 2 trading partners for each of the 250 illegitimate products identified, resulting in approximately 500 notifications annually to pharmacy trading partners.

Manufacturers/repackagers, wholesale distributors, and pharmacies might notify their trading partners using existing systems and processes used for similar types of communications, which might include, but is not limited to, posting of notifications on a company Web site, sending an email, or mailing or faxing a letter or notification. The information contained in the notification to the immediate trading partner should be the same as or based on the notification that was already submitted to FDA. FDA estimates that for all trading partners, each notification of immediate trading partners will take approximately 0.2 hours. The estimated total burden hours of making notifications to trading partners is approximately 1,072,600 hours annually (table 2).

3. Consultation With FDA and Termination of Notification

Section 582(b)(4)(B)(iv), (c)(4)(B)(iv), (d)(4)(B)(iv), and (e)(4)(B)(iv) of the FD&C Act require that a trading partner, who determines in consultation with FDA that a notification made under section 582(b)(4)(B)(ii), (c)(4)(B)(ii), (d)(4)(B)(ii), or (e)(4)(B)(ii) is no longer necessary, must terminate the notification. The draft guidance sets forth the process by which trading partners must consult with FDA to terminate notifications that are no longer necessary.

FDA is making available to trading partners Form FDA 3911 on its Web page to request a termination of notification. Each request for termination of notification must include information about the person or entity initiating the request for termination, the illegitimate product or product with a high risk of illegitimacy, the notification that was issued, and an explanation about what actions have taken place or what information has become available that make the notification no longer necessary. The request for a termination will be viewed as the request for consultation with FDA. FDA estimates that the same amount of time will be required to provide the information necessary to request termination as is required to make the notification. The time required to investigate and resolve an illegitimate product notification will vary, but FDA assumes that each notification will eventually be terminated at some point. FDA assumes that the number of requests for termination of a notification per year will be the same as the original number of notifications for a given year. The estimated total burden hours of making requests for termination of notifications to FDA is approximately 5,000 hours annually (table 3).

4. Notifications to Trading Partners That a Notification Has Been Terminated

Section 582(b)(4)(B)(iv), (c)(4)(B)(iv), (d)(4)(B)(iv), and (e)(4)(B)(iv) of the FD&C Act require that a trading partner who, in consultation with FDA, terminates a notification made under section 582(b)(4)(B)(ii), (c)(4)(B)(ii), (d)(4)(B)(ii), or (e)(4)(B)(ii) must also promptly notify immediate trading partners that the notification has been terminated.

FDA estimates that the burden for notifying trading partners of an illegitimate product and the number of trading partners notified will be the same as the estimates for notification of termination. The estimated total burden hours of notifying trading partners that the notification is terminated is approximately 1,072,600 hours annually (table 4).

Description of Respondents: Respondents are drug manufacturers,

(a) 41,000 chain pharmacies provided in a National Association of Chain Drug Stores statement for the Senate Budget Committee Conferees (October 29, 2013); (b) 23,000 independent pharmacies represented by the National Community Pharmacist Association (NCPA) according to NCPA's 2014 media kit; and (c) 5,000 U.S. community hospitals in the United States, based on 2012 American Hospital Association Annual Survey and the assumption that each hospital has at least one pharmacy.

[4] The estimate of the number of wholesale drug distributors is based on the Healthcare Distribution Management Association number of members and estimation of the percentage of all prescription drugs sold in the United States by these entities provided in Congressional testimony before the U.S. House of Representatives, Committee on Energy and Commerce (April 25, 2013).

repackagers, wholesale distributors, and dispensers and might include small businesses in these categories.

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Notifications to FDA	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Manufacturers and Repackagers	2,500	1	2,500	1 hour	2,500
Wholesale Distributors	2,250	1	2,250	1 hour	2,250
Dispensers	250	1	250	1 hour	250
Total					5,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN [1]

Consultation with FDA and termination of notification	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Manufacturers and Repackagers	2,500	1	2,500	1 hour	2,500
Wholesale Distributors	2,250	1	2,250	1 hour	2,250
Dispensers	250	1	250	1 hour	250
Total					5,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Notifications to trading partners of an illegitimate product	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Manufacturers and Repackagers	2,500	30	75,000	.20 (12 minutes)	15,000
Wholesale Distributors	2,250	2,350	5,287,500	.20 (12 minutes)	1,057,500
Dispensers	250	2	500	.20 (12 minutes)	100
Total					1,072,600

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 4—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Notifications to trading partners of termination	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Manufacturers and Repackagers	2,500	30	75,000	.20 (12 minutes)	15,000
Wholesale Distributors	2,250	2,350	5,287,500	.20 (12 minutes)	1,057,500
Dispensers	250	2	500	.20 (12 minutes)	100
Total					1,072,600

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

5. Capital Costs

There are no capital costs associated with this collection of information. For notifications to FDA, manufacturers, repackagers, wholesale distributors, and dispensers will be accessing and using a system controlled by FDA. For notifications of immediate trading partners, manufacturers, repackagers, wholesale distributors, and dispensers will be using current mechanisms, which might include, but are not limited to, posting of notifications on a company Web site, sending an email, or mailing or faxing a letter or notification.

III. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the

docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

IV. Electronic Access

Persons with access to the Internet may obtain the document at *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm,* or *http://www.regulations.gov.*

Dated: June 4, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–13544 Filed 6–10–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–0636]

Global Unique Device Identification Database; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance entitled ''Global Unique Device Identification Database (GUDID): Guidance for Industry''. FDA has updated sections of the document, ''Global Unique Device Identification (GUDID): Draft Guidance for Industry'' in order to finalize the sections with the most questions from GUDID submitters. The guidance includes information about how device labelers (in most instances, the device manufacturer) will interface with the GUDID by establishing GUDID accounts and beginning their initial submissions. Draft guidance sections on the device identifier (DI) module have not been finalized in this document and will be addressed in a future document.

DATES: Submit either electronic or written comments on this guidance at any time. General comments on Agency guidance documents are welcome at any time.

ADDRESSES: An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the guidance document entitled ''Global Unique Device Identification Database (GUDID): Guidance for Industry'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health (CDRH), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Alternatively, you may submit written requests for single copies of the guidance to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Bldg. 71, Rm. 3128, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to the office that you are ordering from to assist in processing your request.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: *For information concerning the guidance as it relates to devices regulated by CDRH:* Indira R. Konduri, UDI Regulatory Policy Support, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3303, Silver Spring, MD 20993–0002, 301–796–5995, email: *udi@fda.hhs.gov.*

For information concerning the guidance as it relates to devices regulated by CBER: Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

Section 226 of the Food and Drug Administration Amendments Act of 2007 (Public Law 110–85, 121 Stat. 824) and section 614 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144, July 9, 2012) amended the Federal Food, Drug, and Cosmetic Act to add section 519(f) (21 U.S.C. 360i(f)), which directs FDA to issue regulations establishing a unique device identification (UDI) system for medical devices along with implementation timeframes for certain medical devices. The UDI system final rule was published on September 24, 2013 (78 FR 58785).

In developing the final rule, FDA solicited and considered input from a variety of stakeholders (e.g., manufacturers, global regulatory bodies, the clinical community, and patient advocates) to ensure that as many perspectives as possible were incorporated. The GUDID is a critical component of the UDI system. The UDI assigned to each device is a globally unique, yet unintelligent code identifying the device, and is composed of the static DI portion and the dynamic production identifier. The GUDID will house the DI, along with key descriptive or ''attribute'' information about the device, which is reported and updated to the GUDID by the device labeler. Being unique for each device, the DI component of the UDI can be effectively used by stakeholders to access the GUDID attribute information for that device.

Labelers are responsible for submitting information to the GUDID. This guidance provides general information to labelers that will enable them to obtain a GUDID account and begin initial submissions to the GUDID. A draft version of this document (the ''draft guidance'') was released on September 24, 2013 (78 FR 58545), with a 60-day comment period, which ended on November 25, 2013. More than 300 comments were received from 21 entities. To provide labelers with the most accurate information as soon as it is available, we are finalizing this document in two phases. The first part of the finalized guidance, which is now being made available, addresses sections of the draft guidance that received the most comments and questions. The remaining sections of the draft guidance, including sections on the DI module, will be finalized in one or more parts to be published at a later date.

Keyed to the sections of the draft guidance, the guidance document released today deals with the following topics and the related comments and questions received during the comment period ended on November 25, 2013: (The remaining sections will be finalized at a later time.)

2—Unique Device Identifier
3—Global Unique Device Identification Database
3.1. GUDID Key Concepts
3.1.1 GUDID Account
3.1.2.2 Global Medical Device Nomenclature
3.2 GUDID Modules
3.2.1 GUDID Web Interface
3.2.1.1 GUDID Account Management Module

4—GUDID Submission and 21 CFR 11 Requirements
Appendix D—GUDID Attributes Mapped to a Fictitious Medical Device Label
Glossary

We are making available on the Internet at the FDA/UDI Web site (*http://www.fda.gov/udi*) updated versions of two appendices of the draft guidance: The section formerly identified as ''Appendix B'', which summarizes the device attribute information that will populate the GUDID, renamed as ''GUDID Data Elements Reference Table''; and the section formerly identified as ''Appendix C'', which summarizes the UDI formats accepted by the issuing agencies that FDA has accredited to date, renamed as ''UDI Formats by FDA-Accredited Issuing Agency''. These two documents contain technical specifications only, and we therefore are not going to publish them as a part of guidance that describes the Agency's interpretation of or policy on a regulatory issue. For those without Internet access or who otherwise would like to receive a hard copy of the currently updated version of either of these documents, formerly published as Appendix B and Appendix C of the draft guidance, please call the Contact Person (see **FOR FURTHER INFORMATION CONTACT**) to request the document(s).

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking about the GUDID. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach for interfacing with the GUIDID may be used with prior FDA approval if such approach satisfies the technical requirements of the GUDID and the requirements of the applicable statute and regulations. If you wish to use an alternative approach for submitting a specific required data element, you may request FDA approval by email or writing to: UDI Regulatory Policy Support, Center for Devices and Radiological Health, Food and Drug Administration, Bldg. 66, Rm. 3303, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, email: *udi@fda.hhs.gov* (Attention: UDI Regulatory Policy Support). If a labeler has a waiver from electronic submission of GUDID data under § 830.320(c) (21 CFR 830.320(c)), the labeler must send a letter containing all of the information otherwise required by this guidance, as well as any permitted ancillary information that the labeler wishes to submit, within the time permitted to: UDI Regulatory Policy Support at the address indicated in the previous sentence. (See § 830.320(c)(3).)

III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the Internet. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* Guidance documents are also available at *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm* or at *http://www.regulations.gov.* Persons unable to download an electronic copy of ''Global Unique Device Identification Database (GUDID): Guidance for Industry'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1831 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information described in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collection of information in 21 CFR part 830 pertaining to GUDID labeler accounts and data submissions addressed in this guidance document has been approved under OMB control number 0910–0720.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Dated: June 5, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–13568 Filed 6–10–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–0758]

Draft Guidance for Industry on Distributing Scientific and Medical Publications on Risk Information for Approved Prescription Drugs and Biological Products—Recommended Practices; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Distributing Scientific and Medical Publications on Risk Information for Approved Prescription Drugs and Biological Products—Recommended Practices.'' This guidance describes FDA's current thinking on recommended practices for drug manufacturers and their representatives to follow when distributing to health care professionals or health care entities scientific or medical journal articles that discuss new risk information for approved prescription drugs for human use, including drugs licensed as biological products, and approved animal drugs. The recommendations in this draft guidance are intended to address issues specific to the distribution of new information about risks associated with a drug that further characterizes risks identified in the approved labeling.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by August 25, 2014. Submit written comments on the proposed collection of information by *August 11, 2014.*

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 2201, Silver Spring, MD 20993–0002; Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002; or to Communications Staff (HFV–12), Center

for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

Regarding prescription drugs: Lauren Wedlake, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6328, Silver Spring, MD 20993–0002, 301–796–2500.

Regarding prescription biological products: Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

Regarding animal drugs: Dorothy McAdams, Center for Veterinary Medicine (HFV–216), 7519 Standish Pl., Rockville, MD 20855, 240–453–6802.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Distributing Scientific and Medical Publications on Risk Information for Approved Prescription Drugs and Biological Products—Recommended Practices.'' In February 2014, FDA issued a draft guidance entitled ''Distributing Scientific and Medical Publications on Unapproved New Uses—Recommended Practices'' to clarify the Agency's position on manufacturer dissemination of scientific or medical publications—including scientific or medical journal articles, scientific or medical reference texts, and clinical practice guidelines—that include information on unapproved new uses of the manufacturer's products. Stakeholders have raised questions regarding the Agency's position on manufacturer dissemination of new scientific or medical information about safety information contained in the labeling for approved drugs. Because this concerns dissemination of new risk information related to approved uses of a drug, this issue is distinct from the dissemination of information on unapproved new uses of approved drugs. In response to those questions, the Agency is issuing this draft guidance to clarify and solicit public comments on the Agency's position on manufacturer dissemination of new risk information regarding lawfully marketed drugs for approved uses to health care professionals or health care entities.

FDA recognizes that the safety profile of a drug evolves throughout its lifecycle as the extent of exposure to the product increases and that it can be helpful for health care practitioners to receive significant new risk information about an approved product in a timely manner. FDA anticipates that the earliest distribution of new risk information will generally involve distribution of recently published studies, as opposed to textbooks or clinical practice guidelines. Accordingly, FDA is providing guidance for manufacturers that choose to distribute new risk information in the form of a reprint or digital copy of a published study.

FDA believes that recommendations specific to the distribution of risk information are needed for two reasons:

- In general, there are differences in the purpose, nature, and reliability of the evidence used to determine the effectiveness of a drug (e.g., to support a new intended use) and the evidence that is the basis for a product's risk assessment. Therefore, FDA believes guidance is needed to address the spectrum of data sources that could be appropriate for distribution to provide new risk information.
- New risk information may contradict or otherwise deviate from the risk information in the approved labeling, which may cause confusion or otherwise contribute to patient harm. If the new information is unreliable or presented without the appropriate context, it could influence prescribing decisions or patient monitoring in a manner that could harm patients. Therefore, FDA is proposing recommendations for study or analysis and distribution criteria to help ensure that new risk information that rebuts, mitigates, or refines risk information in approved labeling meets appropriate standards for reliability and is presented with appropriate disclosure of its limitations.

The guidance is being issued in draft to enable public comment on the proposed recommendations.

In light of emerging case law, in particular the case law involving the First and Fifth Amendments of the United States Constitution, FDA is currently engaged in a comprehensive review of its regulations and guidance documents in an effort to harmonize the fundamental public health interests underlying FDA's mission and statutory framework with interests in the dissemination of truthful and non-misleading information. This draft guidance on distribution of risk information about approved prescription drugs and biological products is a part of that effort. This draft guidance does not address medical devices. FDA also plans to issue, by the end of the calendar year, additional guidance that addresses manufacturer responses to unsolicited requests, distributing scientific and medical information on unapproved new uses, manufacturer discussions regarding scientific information more generally, and distribution of health care economic information to formulary committees and similar entities.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on ''Distributing Scientific and Medical Publications on Risk Information for Approved Prescription Drugs and Biological Products—Recommended Practices.'' It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. The Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (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 that 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** for each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing this notice of the proposed collection of information set forth in this document. This draft guidance also refers to previously approved collections of information found in FDA regulations.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed information collected 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 collected; and (4) ways to minimize the burden of information collected on the respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Title: Recommendations for Distributing Scientific and Medical Publications on Risk Information for Approved Prescription Drugs and Biological Products.

Description of Respondents: Respondents to this collection of information are manufacturers of approved prescription drugs for human use, including drugs licensed as biological products, and approved animal drugs, and their representatives (firms).

Burden Estimate: The draft guidance pertains to the distribution, by firms, of scientific and medical publications that discuss new risk information for approved prescription drugs for human use and approved animal drugs (including prescription, non-prescription, and Veterinary Feed Directive drugs) marketed in the United States. The draft guidance recommends that if firms choose to distribute scientific and medical publications reflecting new risk information, those publications should have certain characteristics and certain other information should be distributed with them. Accordingly, the guidance recommends a ''third-party disclosure'' that constitutes a ''collection of information'' under the PRA.

If firms choose to distribute new risk information that rebuts, mitigates, or refines risk information in the approved labeling, and the information is in the form of a reprint or digital copy of a published study, the guidance provides recommendations regarding the characteristics of those publications. Specifically, with respect to the data source:

- The study or analysis should meet accepted design and other methodologic standards for the type of study or analysis (e.g., provides a clear description of the hypothesis tested, acknowledges and accounts for potential bias and multiplicity) and should be sufficiently well-designed and informative to merit consideration in assessing the implications of a risk.
- To rebut a prior determination (reflected in the approved labeling) that there is some basis to believe there is causal relationship between the drug and the occurrence of an adverse event, or to otherwise mitigate a described risk, the study or analysis should also be at least as persuasive as the data sources that underlie the existing risk assessment of causality, severity, and/or incidence of the adverse reaction as reflected in approved labeling (e.g., data from a new controlled trial designed to estimate the relative risk of the event, a pharmacoepidemiologic study that is capable of reliably estimating the relative risk, or a rigorous meta-analysis of all relevant data from new and existing controlled trials).
- The conclusions of the study or analysis should give appropriate weight and consideration to, and should be a fair characterization of, all relevant information in the safety database, including contrary or otherwise inconsistent findings. There is a broad spectrum of potential data sources that can contribute in some way to characterization of a product's safety; new risk information should be considered in light of all relevant existing information and integrated with that data to the extent possible.
- The study or analysis should be published in an independent, peer-reviewed journal.

The draft guidance also makes recommendations with respect to the distribution of the reprint or digital copy, including the recommendation that a cover sheet accompany the reprint or digital copy that clearly and prominently discloses the following:

- The study design, critical findings, and significant methodologic or other limitations of the study or analysis that may limit the persuasiveness or scope of findings that rebut, mitigate, or refine risk information in the approved labeling. Limitations should be discussed in relation to the specific circumstances of the study and its conclusions about a risk.
- The information is not consistent with certain risk information in the approved labeling (should specifically identify the inconsistent information).
- FDA has not reviewed the data.
- Any financial interests or affiliations between the study author(s) and the firm.

The reprint or digital copy should be accompanied by the approved labeling for the product, and when distributed, should be separate from any promotional material. Any statements made by a representative of the firm to a recipient concerning the reprint should be consistent with its content and the information in the disclosure cover sheet.

Additionally, FDA notes in the draft guidance that the recommendations in the guidance do not change a firm's existing obligations to revise its approved labeling in accordance with 21 CFR 201.56(a)(2), 314.70, 514.8(c) and 601.12. As described in this section of the document, this recommendation refers to previously approved collections of information found in FDA regulations. FDA estimates that approximately 500 firms annually distribute scientific and medical publications that discuss new risk information for approved prescription drugs. FDA also estimates that each firm would include some or all of the additional information described previously when distributing annually a total of approximately 4,250 scientific or medical journal articles that discuss new risk information for approved prescription drugs. FDA estimates that it will take each firm approximately 16 hours to make the disclosures recommended in this draft guidance, which includes the time needed to determine whether the article complies with the guidance recommendation on the characteristics of the scientific and medical publications that companies distribute, to determine financial conflicts of interest, to prepare the disclosure statements, and to attach the product labeling.

TABLE 1—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Draft guidance on distributing scientific and medical publications on risk information for approved prescription drugs and biological products—recommended practices	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Distribution of scientific and medical publications on risk information	500	8.5	4,250	16	68,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

This draft guidance also refers to previously approved collections of information found in FDA regulations with respect to submitting supplements to approved applications. These collections of information are subject to review by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3502). The collection of information in 21 CFR 201.56(a)(2) has been approved under OMB control number 0910–0572; in 21 CFR 314.70 has been approved under OMB control number 0910–0001; in 21 CFR 601.12 has been approved under OMB control number 0910–0338; and in 21 CFR 514.8(c) has been approved under OMB control number 0910–0032.

III. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

IV. Electronic Access

Persons with access to the Internet may obtain the document at *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm, http://www.fda.gov/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/default.htm,* or *http://www.regulations.gov.*

Dated: June 6, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–13569 Filed 6–10–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Committee on Infant Mortality; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

Name: Advisory Committee on Infant Mortality (ACIM).

Dates and Times: July 9, 2014, 8:30 a.m.–5:30 p.m., July 10, 2014, 8:30 a.m.–3:30 p.m.

Place: To be determined. (The most current information, including the agenda, will be posted at: *http://www.hrsa.gov/advisorycommittees/mchbadvisory/InfantMortality/index.html*).

Status: The meeting is open to the public with attendance limited to space availability.

Purpose: The Committee provides advice and recommendations to the Secretary of Health and Human Services on the following: Department of Health and Human Services' programs that focus on reducing infant mortality and improving the health status of infants and pregnant women and factors affecting the continuum of care with respect to maternal and child health care. It includes outcomes following childbirth; strategies to coordinate myriad federal, state, local, and private programs and efforts that are designed to deal with the health and social problems impacting on infant mortality; and the implementation of the Healthy Start Program and *Healthy People 2020* infant mortality objectives.

Agenda: Topics that will be discussed include the following: Health Resources and Services Administration (HRSA) Update; MCHB Update; Healthy Start Program Update; Updates from Partnering Agencies and Organizations; and ACIM's recommendations for the HHS National Strategy to Address Infant Mortality, specifically Strategy 2: The continuum of high-quality, patient-centered care.

Proposed agenda items are subject to change as priorities dictate. Time will be provided for public comments limited to 5 minutes each. Comments are to be submitted in writing no later than 5 p.m. ET on July 1, 2014.

FOR FURTHER INFORMATION CONTACT: Anyone requiring information regarding the Committee should contact Michael C. Lu, M.D., M.P.H., Executive Secretary, ACIM, Health Resources and Services Administration, Room 18 W, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, Telephone: (301) 443–2170. Individuals who are submitting public comments or who have questions regarding the meeting and location should contact David S. de la Cruz, Ph.D., M.P.H., ACIM Designated Federal Official, Health Resources and Services Administration, Maternal and Child Health Bureau, Telephone: (301) 443–0543, email: *David.delaCruz@hrsa.hhs.gov.*

Dated: June 4, 2014.

Jackie Painter,

Deputy Director, Division of Policy and Information Coordination.

[FR Doc. 2014–13527 Filed 6–10–14; 8:45 am]

BILLING CODE

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2014–0154]

Information Collection Request to Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICRs) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of a revision to the following collection of information: 1625–0005, Application and Permit to Handle Hazardous Materials. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before August 11, 2014.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2014–0154] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT). To avoid duplicate submissions, please use only one of the following means:

(1) *Online: http://www.regulations.gov.*

(2) *Mail:* DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(3) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251. To ensure your comments are received in a timely manner, mark the fax, to attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at

Room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICR(s) are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–612), ATTN PAPERWORK REDUCTION ACT MANAGER, US COAST GUARD, 2703 MARTIN LUTHER KING JR AVE SE STOP 7710, WASHINGTON DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents. Contact Ms. Cheryl Collins, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments.

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collections; (2) the accuracy of the estimated burden of the Collections; (3) ways to enhance the quality, utility, and clarity of information subject to the Collections; and (4) ways to minimize the burden of the Collections on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise these ICRs or decide not to seek approval of revisions of the Collections. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2014–0154], and must be received by August 11, 2014. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number [USCG–2014–0154], indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (*via http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov,* 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 DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. To submit your comment online, go to *http://www.regulations.gov*, and type ''USCG–2014–0154'' in the ''Search'' box. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing comments and documents: To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Search'' box insert ''USCG–2014–0154'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF 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

Anyone can search the electronic form of comments received in 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 statement regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Information Collection Request

1. *Title:* Application and Permit to Handle Hazardous Materials.

OMB Control Number: 1625–0005.

Summary: The information sought by this collection, which includes form CG–4260, ensures the safe handling of explosives and other hazardous materials around ports and aboard vessels.

Need: Sections 1225 and 1231 of 33 U.S.C. authorize the Coast Guard to establish standards for the handling, storage, and movement of hazardous materials on a vessel and waterfront facility. Regulations in 33 CFR 126.17, 49 CFR 176.100, and 176.415 prescribe the rules for facilities and vessels.

Forms: CG–4260.

Respondents: Shipping agents and terminal operators that handle hazardous materials.

Frequency: On occasion.

Burden Estimate: The estimated burden has decreased from 205 hours to 182 hours a year due to a decrease in the estimated number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: June 3, 2014.

Marshall B. Lytle,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. 2014–13548 Filed 6–10–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2014–0107]

Information Collection Request to Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICRs) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of a Reinstatement, with change, of a previously approved collection for which approval has expired to the following collection of information: 1625–0011, Applications for Private Aids to Navigation and for Class I Private Aids to Navigation on Artificial Islands and Fixed Structures. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before August 11, 2014.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2014–0107] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT). To avoid duplicate submissions, please use only one of the following means:

(1) *Online: http://www.regulations.gov.*

(2) *Mail:* DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(3) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251. To ensure your comments are received in a timely manner, mark the fax, to attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICR(s) are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–612), ATTN PAPERWORK REDUCTION ACT MANAGER, US COAST GUARD, 2703 MARTIN LUTHER KING JR AVE SE STOP 7710, WASHINGTON DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents. Contact Ms. Cheryl Collins, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collections; (2) the accuracy of the estimated burden of the Collections; (3) ways to enhance the quality, utility, and clarity of information subject to the Collections; and (4) ways to minimize the burden of the Collections on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise these ICRs or decide not to seek approval of revisions of the Collections. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2014–0107], and must be received by August 11, 2014. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number [USCG–2014–0107], indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (via *http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov,* 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 DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. To submit your comment online, go to *http://www.regulations.gov,* and type ''USCG–2014–0107'' in the ''Search'' box. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing comments and documents: To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Search'' box insert ''USCG–2014–0107'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF 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

Anyone can search the electronic form of comments received in 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 statement regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Information Collection Request

1. *Title:* Applications for Private Aids to Navigation and for Class I Private Aids to Navigation on Artificial Islands and Fixed Structures.

OMB Control Number: 1625–0011.

Summary: Under the provision of 14 U.S.C. 83, the Coast Guard is authorized to establish aids to navigation. 14 U.S.C. 83 prohibits establishment of aids to navigation without permission of the Coast Guard. 33 CFR 66.01–5 provides a means for private individuals to establish privately maintained aids to navigation. Under 43 U.S.C. 1333, the Coast Guard has the authority to promulgate and enforce regulations concerning lights and other warning devices relating to the promotion of safety of life and property on artificial islands, installations, and other devices on the outer continental shelf involved in the exploration, development, removal, or transportation of resources there from. 33 CFR 67.35–1 prescribes the type of aids to navigation that must be installed on artificial islands and fixed structures.

To obtain approval to establish a private aid to navigation, applicants must submit either CG–2554 (Private Aids to Navigation Application) or CG–4143 (Application for Class 1 Private Aids to Navigation on Artificial Islands and Fixed Structures). The forms collect information about the private aid to navigation (type, color, and geographic position), charts or sketches of the desired location, copies of U.S. Army Corps of Engineers permits, and the applicant's contact information. The information collected for the rule can only be obtained from the owners of permitted private aids to navigation. The information collection requirements are contained in 33 CFR 66.01–5 and 67.35–5.

Need: The information on these private aid applications (CG–2554 and CG–4143) provides the Coast Guard with vital information about private aids to navigation and is essential for safe marine navigation. These forms are required under 33 CFR parts 66 & 67. The information is processed to ensure the private aid is in compliance with current regulations. Additionally, these forms provide the Coast Guard with information which can be distributed to the public to advise of new or changes to regulations to private aids to navigation.

Forms: CG–2554 and CG–4143.

Respondents: Owners of private aids to navigation.

Frequency: On occasion.

Burden Estimate: The estimated burden has decreased from 3,000 hours to 2,000 hours a year due to a decrease in the average annual number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: June 3, 2014.

Marshall B. Lytle,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. 2014–13545 Filed 6–10–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2014–0265]

Information Collection Request to Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICRs) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of an extension to the following collection of information: 1625–0106, Unauthorized Entry into Cuban Territorial Waters. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before August 11, 2014.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2014–0265] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT). To avoid duplicate submissions, please use only one of the following means:

(1) *Online: http://www.regulations.gov.*

(2) *Mail:* DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(3) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251. To ensure your comments are received in a timely manner, mark the fax, to attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at Room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICR(s) are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–612), ATTN: PAPERWORK REDUCTION ACT MANAGER, US COAST GUARD, 2703 MARTIN LUTHER KING JR AVE SE STOP 7710, WASHINGTON DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents. Contact Ms. Cheryl Collins, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collections; (2) the accuracy of the estimated burden of the Collections; (3) ways to enhance the quality, utility, and clarity of information subject to the Collections; and (4) ways to minimize the burden of the Collections on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise these

ICRs or decide not to seek approval of revisions of the Collections. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2014–0265], and must be received by August 11, 2014. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number [USCG–2014–0265], indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (*via http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov,* 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 DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. To submit your comment online, go to *http://www.regulations.gov*, and type ''USCG–2014–0265'' in the ''Search'' box. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing comments and documents: To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Search'' box insert ''USCG–2014–0265'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF 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

Anyone can search the electronic form of comments received in 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 statement regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Information Collection Request

1. *Title:* Unauthorized Entry into Cuban Territorial Waters.

Omb Control Number: 1625–0106.

Summary: The Coast Guard, pursuant to Presidential proclamation and order of the Secretary of Homeland Security, is requiring U.S. vessels, and vessels without nationality, less than 100 meters, located within the internal waters or the 12 nautical mile territorial sea of the United States, that thereafter enter Cuban territorial waters, to apply for and receive a Coast Guard permit.

Need: The information is collected to regulate departure from U.S. territorial waters of U.S. vessels, and vessels without nationality, and entry thereafter into Cuban territorial waters. The need to regulate this vessel traffic supports ongoing efforts to enforce the Cuban embargo, which is designed to bring about an end to the current government and peaceful transition to democracy. Accordingly, only applicants that demonstrate prior U.S. government approval for exports to and transactions with Cuba will be issued a Coast Guard permit.

The permit regulation requires that applicants hold United States Department of Commerce, Bureau of Industry and Security (BIS) and U.S. Department of Treasury the Office of Foreign Assets Control (OFAC) licenses that permit exports to and transactions with Cuba. The USCG permit process thus allows the agency to collect information from applicants about their status vis-à-vis BIS and OFAC licenses and monitor compliance with BIS and OFAC regulations. These two agencies administer statutes and regulations that proscribe exports (BIS) and transactions with (OFAC) Cuba. Accordingly, in order to assist BIS and OFAC in the enforcement of these license requirements, as directed by the President and the Secretary of Homeland Security, the Coast Guard is requiring certain U.S. vessels, and vessels without nationality, to demonstrate that they hold these licenses before they depart for Cuban waters.

Forms: CG–3300.

Respondents: Owners and operators of vessels.

Frequency: On occasion.

Burden Estimate: The estimated burden remains unchanged at 1 hour per year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: June 3, 2014.

Marshall B. Lytle,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. 2014–13547 Filed 6–10–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2013–0951]

Collection of Information Under Review by Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding Information Collection Requests (ICRs), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of a revision to the following collection of information: 1625–0008, Regattas and Marine Parades. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before July 11, 2014.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2013–0951] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT) and/or to OIRA. To avoid duplicate submissions, please use only one of the following means:

(1) *Online:* (a) To Coast Guard docket at *http://www.regulations.gov*. (b) To OIRA by email via: *OIRA-submission@omb.eop.gov*.

(2) *Mail:* (a) DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. (b) To OIRA, 725 17th Street NW., Washington, DC 20503, attention Desk Officer for the Coast Guard.

(3) *Hand Delivery:* To DMF address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* (a) To DMF, 202–493–2251. (b) To OIRA at 202–395–6566. To ensure your comments are received in a timely manner, mark the fax, attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at Room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov*.

Copies of the ICRs are available through the docket on the Internet at *http://www.regulations.gov*. Additionally, copies are available from: COMMANDANT (CG–612), ATTN: PAPERWORK REDUCTION ACT MANAGER, US COAST GUARD, 2703 MARTIN LUTHER KING JR. AVE. SE., STOP 7710, WASHINGTON, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Anthony Smith, Office of Information Management, telephone 202–475–3532 or fax 202–372–8405, for questions on these documents. Contact Ms. Cheryl Collins, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collections. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collections; (2) the accuracy of the estimated burden of the Collections; (3) ways to enhance the quality, utility, and clarity of information subject to the Collections; and (4) ways to minimize the burden of the Collections on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICRs referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG 2013–0951], and must be received by July 11, 2014. We will post all comments received, without change, to *http://www.regulations.gov*. They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number [USCG–2013–0951]; indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (via *http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov,* 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 DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**, but please submit them by only one means. To submit your comment online, go to *http://www.regulations.gov,* and type ''USCG–2013–0951'' in the ''Search'' box. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Search'' box insert ''USCG–2013–0951'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF 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.

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Numbers: 1625–0008.

Privacy Act

Anyone can search the electronic form of comments received in 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 statement regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (79 FR 3215, January 17, 2014) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments.

Information Collection Request

1. *Title:* Regattas and Marine Parades.

OMB Control Number: 1625–0008.

Type of Request: Revision of a currently approved collection.

Respondents: Sponsors of marine events.

Abstract: About 3,000 event sponsors will continue to submit permit applications to the Coast Guard for organized events held on navigable waterways of the U.S. The Coast Guard uses the information to consider impacts on navigation and the environment and develop measures to avoid or reduce those impacts.

Forms: CG–4423.

Burden Estimate: The estimated burden is 5,271 hours per year. The estimated burden hours is reduced from 5,500 to 5,271 due to the increase of respondents submitting applications online.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: June 3, 2014.

Marshall B. Lytle,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. 2014–13546 Filed 6–10–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0002 (65F88)]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: New or modified Base (1% annual-chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
California: Orange (FEMA Docket No.: B–1346).	City of Anaheim (13–09–0961P).	The Honorable Tom Tait, Mayor, City of Anaheim, 200 South Anaheim Boulevard, Anaheim, CA 92805.	City Hall, 200 South Anaheim Boulevard, Anaheim, CA 92805.	November 1, 2013	060213
Connecticut:					
Fairfield (FEMA Docket No.: B–1346).	Town of Stratford (12–01–2581P).	The Honorable John A. Harkins, Mayor, Town of Stratford, 2725 Main Street, Stratford, CT 06615.	Town Hall, 2725 Main Street, Stratford, CT 06615.	August 30, 2013	090016
Litchfield (FEMA Docket No.: B–1346).	Town of New Milford (13–01–1227P).	The Honorable Pat Murphy, Mayor, Town of New Milford, 10 Main Street, New Milford, CT 06776.	Town Hall, 10 Main Street, New Milford, CT 06776.	September 11, 2013 ..	090049
Idaho:					
Custer (FEMA Docket No.: B–1346).	City of Stanley (13–10–0553P).	The Honorable Herbert Mumford, Mayor, City of Stanley, Post Office Box 53, Stanley, ID 83278.	Town Hall, Post Office Box 53, Stanley, ID 83278.	August 23, 2013	160054
Custer (FEMA Docket No.: B–1346).	Unincorporated Areas of Custer County (13–10–0553P).	The Honorable Wayne Butts, Chairman, Custer County Commissioners, 801 East Main Street, Challis, ID 83226.	Custer County Courthouse, 801 East Main Street, Challis, ID 83226.	August 23, 2013	160211
Illinois:					
Cook (FEMA Docket No.: B–1346).	City of Palos Heights (13–05–2883P).	The Honorable Robert Straz, Mayor, City of Palos Heights, 7607 West College Drive, Palos Heights, IL 60463.	City Hall, 7607 West College Drive, Palos Heights, IL 60463.	September 6, 2013	170142

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Cook (FEMA Docket No.: B–1346).	Unincorporated Areas of Cook County (13–05–3224P).	The Honorable Toni Preckwinkle, President, Cook County Board of Commissioners, 118 North Clark Street, Room 537, Chicago, IL 60602.	Cook County Building and Zoning Department, 69 West Washington, Suite 2830, Chicago, IL 60602.	September 6, 2013	170054
Cook (FEMA Docket No.: B–1346).	Village of Matteson (13–05–3224P).	The Honorable Andre B. Ashmore, President, Village of Matteson, 4900 Village Commons, Matteson, IL 60443.	Village Hall, 4900 Village Commons, Matteson, IL 60443.	September 6, 2013	170123
Cook (FEMA Docket No.: B–1346).	Village of Olympia Fields (13–05–3224P).	The Honorable Debbie Meyers-Martin, President, Village of Olympia Fields, 20701 Governors Highway, Olympia Fields, IL 60461.	Village Hall, 20040 Governors Highway, Olympia Fields, IL 60461.	September 6, 2013	170139
Cook (FEMA Docket No.: B–1346).	Village of Schaumburg (13–05–1146P).	The Honorable Al Larson, President, Village of Schaumburg, 101 Schaumburg Court, Schaumburg, IL 60193.	Robert O. Atcher, Municipal Building Department of Engineering, 101 Schaumburg Court, Schaumburg, IL 60193.	October 14, 2013	170158
Peoria (FEMA Docket No.: B–1346).	City of Peoria (12–05–6386P).	The Honorable Jim Ardis, Mayor, City of Peoria, 419 Fulton Street, Room 207, Peoria, IL 61602.	Public Works Department, 3505 North Dries Lane, Peoria, IL 61604.	October 22, 2013	170536
Peoria (FEMA Docket No.: B–1346).	City of Peoria (13–05–1142P).	The Honorable Jim Ardis, Mayor, City of Peoria, 419 Fulton Street, Room 207, Peoria, IL 61602.	Public Works Department, 3505 North Dries Lane, Peoria, IL 61604.	September 11, 2013 ..	170536
Peoria (FEMA Docket No.: B–1346).	City of Peoria (12–05–6068P).	The Honorable Jim Ardis, Mayor, City of Peoria, 419 Fulton Street, Room 207, Peoria, IL 61602.	Public Works Department, 3505 North Dries Lane, Peoria, IL 61604.	September 11, 2013 ..	170536
Will (FEMA Docket No.: B–1346).	Village of Romeoville (12–05–3283P).	The Honorable John Noak, Mayor, Village of Romeoville, 1050 West Romeo Road, Romeoville, IL 60446.	Village Hall, 1050 West Romeo Road, Romeoville, IL 60446.	September 27, 2013 ..	170711
Indiana: Hamilton (FEMA Docket No.: B–1346).	City of Westfield (12–05–9297P).	The Honorable Andy Cook, Mayor, City of Westfield, 130 Penn Street, Westfield, IN 46014.	City Hall, 130 Penn Street, Westfield, IN 46014.	August 23, 2013	180083
Kansas:					
Johnson (FEMA Docket No.: B–1346).	City of Overland Park (13–07–0377P).	The Honorable Carl Gerlach, Mayor, City of Overland Park, 8500 Santa Fe Drive, Overland Park, KS 66212.	City Hall, 8500 Santa Fe Drive, Overland Park, KS 66212.	August 23, 2013	200174
Johnson (FEMA Docket No.: B–1346).	City of Overland Park (12–07–3263P).	The Honorable Carl Gerlach, Mayor, City of Overland Park, 8500 Santa Fe Drive, Overland Park, KS 66212.	City Hall, 8500 Santa Fe Drive, Overland Park, KS 66212.	August 30, 2013	200174
Maine: York (FEMA Docket No.: B–1346).	City of Biddeford (13–01–0424P).	The Honorable Alan Casavant, Mayor, City of Biddeford, 205 Main Street, Biddeford, ME 04005.	City Hall, 205 Main Street, Biddeford, ME 04005.	September 17, 2013 ..	230145
Massachusetts:					
Norfolk (FEMA Docket No.: B–1346).	Town of Braintree (13–01–1797P).	The Honorable Joseph C. Sullivan, Mayor, Town of Braintree, 1 John F. Kennedy Memorial Drive, Braintree, MA 02184.	Town Hall, 1 John F. Kennedy Memorial Drive, Braintree, MA 02184.	November 15, 2013 ...	250233
Worcester (FEMA Docket No.: B–1346).	Town of Northborough (13–01–0608P).	The Honorable Leslie Ruton, Chair, Board of Selectmen, Town of Northborough, 63 Main Street, Northborough, MA 01532.	Town Hall, 63 Main Street, Northborough, MA 01532.	October 4, 2013	250321
Michigan:					
Barry (FEMA Docket No.: B–1346).	Township of Yankee Springs (13–05–1644P).	The Honorable Mark Englerth, Supervisor, Township of Yankee Springs, 284 North Briggs Road, Middleville, MI 49333.	Yankee Springs Township Hall, 284 North Briggs Road, Middleville, MI 49333.	September 16, 2013 ..	260883
Washtenaw (FEMA Docket No.: B–1346).	City of Ann Arbor (13–05–4220P).	The Honorable John Hieftje, Mayor, City of Ann Arbor, 100 North 5th Avenue, Ann Arbor, MI 48104.	City Hall, 301 East Huron Street, 3rd Floor, Ann Arbor, MI 48107.	October 25, 2013	260213
Minnesota:					
Clay (FEMA Docket No.: B–1346).	Unincorporated Areas of Clay County (13–05–4543P).	The Honorable Grant Weyland, Chair, Clay County Board of Commissioners, 807 North 11th Street, Moorhead, MN 56560.	Clay County Courthouse, Planning and Zoning Department, 807 North 11th Street, Moorhead, MN 56560.	November 12, 2013 ...	275235
Stearns (FEMA Docket No.: B–1346).	Unincorporated Areas of Stearns County (13–05–1353P).	The Honorable Jeff Mergen, Chair, Stearns County Commissioners, 21808 Fellows Road, Richmond, MN 56368.	Stearns County Administration Center, 705 Courthouse Square, St. Cloud, MN 56303.	October 4, 2013	270546
Missouri:					
Franklin (FEMA Docket No.: B–1346).	City of Washington (13–07–1025P).	The Honorable Sandy Lucy, Mayor, City of Washington, 405 Jefferson Street, Washington, MO 63090.	City Hall, 405 Jefferson Street, Washington, MO 63090.	September 12, 2013 ..	290138
Franklin (FEMA Docket No.: B–1346).	City of Washington (12–07–3298P).	The Honorable Sandy Lucy, Mayor, City of Washington, 405 Jefferson Street, Washington, MO 63090.	City Hall, 405 Jefferson Street, Washington, MO 63090.	August 29, 2013	290138
Franklin (FEMA Docket No.: B–1346).	City of Washington (12–07–3320P).	The Honorable Sandy Lucy, Mayor, City of Washington, 405 Jefferson Street, Washington, MO 63090.	City Hall, 405 Jefferson Street, Washington, MO 63090.	August 26, 2013	290138
Nebraska: Madison (FEMA Docket No.: B–1346).	City of Norfolk (12–07–3110P).	The Honorable Sue Fuchtman, Mayor, City of Norfolk, 309 North 5th Street, Norfolk, NE 68701.	Planning and Zoning Department, 701 Koenigstein Avenue, Norfolk, NE 68701.	August 29, 2013	310147
Ohio:					

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Cuyahoga (FEMA Docket No.: B–1346).	City of Highland Heights (13–05–0770P).	The Honorable Scott Coleman, Mayor, City of Highland Heights, 5827 Highland Road, Highland Heights, OH 44143.	City Hall, 5827 Highland Road, Highland Heights, OH 44143.	October 4, 2013	390110
Franklin (FEMA Docket No.: B–1346).	City of Westerville (13–05–3808P).	The Honorable Kathy Cocuzzi, Mayor, City of Westerville, 21 South Street, Westerville, OH 43081.	Planning and Zoning Department, 64 East Walnut Street, Westerville, OH 43081.	October 25, 2013	390179
Hamilton (FEMA Docket No.: B–1346).	City of Cincinnati (13–05–0281P).	The Honorable Mark Mallory, Mayor, City of Cincinnati, 801 Plum Street, Suite 150, Cincinnati, OH 45202.	City Hall, 801 Plum Street, Cincinnati, OH 45202.	September 20, 2013 ..	390210
Hamilton (FEMA Docket No.: B–1346).	Unincorporated Areas of Hamilton County (13–05–0281P).	The Honorable Greg Hartmann, President, Hamilton County Board of Commissioners, 138 East Court Street, Room 603, Cincinnati, OH 45202.	Hamilton County Administration Building, Department of Public Works, 138 East Court Street, Room 800, Cincinnati, OH 45202.	September 20, 2013 ..	390204
Summit (FEMA Docket No.: B–1346).	City of Hudson (12–05–9936P).	The Honorable William A. Currin, Mayor, City of Hudson, 115 Executive Parkway, Suite 400, Hudson, OH 44236.	City Hall, 115 Executive Parkway, Suite 400, Hudson, OH 44236.	October 31, 2013	390660
Summit (FEMA Docket No.: B–1346).	City of Hudson (12–05–9938P).	The Honorable William A. Currin, Mayor, City of Hudson, 115 Executive Parkway, Suite 400, Hudson, OH 44236.	City Hall, 115 Executive Parkway, Suite 400, Hudson, OH 44236.	November 4, 2013	390660
Summit (FEMA Docket No.: B–1346).	Village of Boston Heights (12–05–9936P).	The Honorable William Goncy, Mayor, Village of Boston Heights, 45 East Boston Mills Road, Hudson, OH 44236.	Village Hall, 45 East Boston Mills Road, Hudson, OH 44236.	October 31, 2013	390749
Oregon:					
Jackson (FEMA Docket No.: B–1346).	Unincorporated Areas of Jackson County (13–10–0532P).	The Honorable Don Skundrick, Chair, Jackson County Board of Commissioners, 10 South Oakdale Avenue, Room 214, Medford, OR 97501.	Jackson County Courthouse, Roads, Parks and Planning, 10 South Oakdale Avenue, Medford, OR 97501.	October 30, 2013	415589
Marion (FEMA Docket No.: B–1346).	City of Salem (13–10–0791P).	The Honorable Anna M. Peterson, Mayor, City of Salem, 555 Liberty Street Southeast, Room 220, Salem, OR 97301.	City Hall, Public Works Department, 555 Liberty Street Southeast, Room 325, Salem, OR 97301.	November 15, 2013 ...	410167
Umatilla (FEMA Docket No.: B–1346).	City of Milton-Freewater (12–10–1210P).	The Honorable Lewis Key, Mayor, City of Milton-Freewater, 722 South Main Street, Milton-Freewater, OR 97862.	City Hall, Planning Department, 722 South Main Street, Milton-Freewater, OR 97862.	September 20, 2013 ..	410210
Umatilla (FEMA Docket No.: B–1346).	Unincorporated Areas of Umatilla County (12–10–1210P).	The Honorable Larry Givens, Chairman, Umatilla County Board of Commissioners, 216 Southeast 4th Street, Pendleton, OR 97801.	Umatilla County Courthouse, Planning Department, 216 Southeast 4th Street, Pendleton, OR 97801.	September 20, 2013 ..	410204
Pennsylvania: Lebanon (FEMA Docket No.: B–1346).	Township of Jackson (13–03–0866P).	The Honorable Dean O. Moyer, Vice Chairman, Jackson Township Board of Supervisors, 217 West Jackson Avenue, Myerstown, PA 17067.	Jackson Township Municipal Building, 60 North Ramona Road, Myerstown, PA 17067.	November 14, 2013 ...	421805
Rhode Island:					
Providence (FEMA Docket No.: B–1346).	City of Cranston (12–01–1131P).	The Honorable Allan W. Fung, 869 Park Avenue, Cranston, RI 02910.	City Hall, 869 Park Avenue, Cranston, RI 02910.	September 27, 2013 ..	445396
Providence (FEMA Docket No.: B–1346).	City of Providence (12–01–1131P).	The Honorable Angel Taveras, Mayor, City of Providence, 25 Dorrance Street, Providence, RI 02903.	City Hall, 25 Dorrance Street, Providence, RI 02903.	September 27, 2013 ..	445406
Providence (FEMA Docket No.: B–1346).	Town of Johnston (12–01–1131P).	The Honorable Joseph M. Polisena, Mayor, Town of Johnston, 1385 Hartford Avenue, Johnston, RI 02919.	Town Hall, Department of Building Operations, 1385 Hartford Avenue, Johnston, RI 02919.	September 27, 2013 ..	440018
Wisconsin:					
Brown (FEMA Docket No.: B–1346).	Unincorporated Areas of Brown County (13–05–1356P).	The Honorable Patrick Moynihan, Jr., Chair, Brown County Board of Commissioners, 305 East Walnut Street, Green Bay, WI 54305.	Brown County Courthouse Zoning Office, 305 East Walnut Street, Green Bay, WI 54305.	October 7, 2013	550020
Outagamie (FEMA Docket No.: B–1346).	City of Appleton (12–05–6032P).	The Honorable Timothy Hanna, Mayor, City of Appleton, 100 North Appleton Street, Appleton, WI 54911.	City Hall, 100 North Appleton Street, Appleton, WI 54911.	August 23, 2013	555542
Outagamie (FEMA Docket No.: B–1346).	Unincorporated Areas of Outagamie County (12–05–6032P).	The Honorable Thomas M. Nelson, County Executive, Outagamie County, 410 South Walnut Street, Appleton, WI 54911.	Outagamie County Building, 410 South Walnut Street, Appleton, WI 54911.	August 23, 2013	550302
Ozaukee (FEMA Docket No.: B–1346).	Village of Thiensville (12–05–9757P).	The Honorable Van Mobley, President, Village of Thiensville, 250 Elm Street, Thiensville, WI 53092.	Village Hall, 250 Elm Street, Thiensville, WI 53092.	October 18, 2013	550318

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: May 13, 2014.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2014–13619 Filed 6–10–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0002; Internal Agency Docket No. FEMA–B–1414]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR Part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR Part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of Letter of Map Revision	Effective date of modification	Community No.
Arizona: Maricopa	Unincorporated Areas of Maricopa County (13–09–2729P).	Mr. Tom Manos, Maricopa County Manager, 301 West Jefferson Street, 10th floor, Phoenix, AZ 85003.	2801 West Durango Street, Phoenix, AZ 85009.	*http://www.msc.fema.gov/lomc*	June 27, 2014	040037
Connecticut:						
Fairfield	City of Bridgeport (14–01–1231P).	The Honorable Bill Finch, Mayor, City of Bridgeport, 999 Broad Street, Bridgeport, CT 06604.	45 Lyon Terrace, Room 216, Bridgeport, CT 06604.	*http://www.msc.fema.gov/lomc*	July 18, 2014	090002
Fairfield	Town of Darien 13–01–2598P).	The Honorable Jamie J. Stevenson, First Selectman, Town of Darien, 2 Renshaw Road, Darien, CT 06820.	2 Renshaw Road, Darien, CT 06820.	*http://www.msc.fema.gov/lomc*	September 9, 2014	090005

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of Letter of Map Revision	Effective date of modification	Community No.
Fairfield	Town of Darien (13–01–2599P).	The Honorable Jayme J. Stevenson, First Selectman, Town of Darien, 2 Renshaw Road, Darien, CT 06820.	2 Renshaw Road, Darien, CT 06820.	*http://www.msc.fema.gov/lomc*	August 21, 2014	090005
Fairfield	Town of Wilton (14–01–0210P).	The Honorable William F. Brennan, First Selectman, Town of Wilton, 238 Danbury Road, Wilton, CT 06897.	238 Danbury Road, Wilton, CT 06897.	*http://www.msc.fema.gov/lomc*	September 12, 2014	090020
Florida: Nassau	Unincorporated Areas of Nassau County (14–04–0416P).	The Honorable Barry V. Holloway, Nassau County Chairman, 96135 Nassau Place, Suite 1, Yulee, FL 32097.	96161 Nassau Place, Yulee Florida, 32097.	*http://www.msc.fema.gov/lomc*	August 1, 2014	120170
Idaho:						
Ada	City of Boise (13–10–1539P).	The Honorable David Bieter, Mayor, City of Boise, P.O. Box 500, Boise, ID 83701.	150 North Capitol Boulevard, 2nd Floor, Boise, ID 83701.	*http://www.msc.fema.gov/lomc*	September 5, 2014	160002
Bonneville	City of Ammon (14–10–0057P).	The Honorable Steve Fuhriman, Mayor, City of Ammon, 2135 South Ammon Road, Ammon, ID 83406.	Ammon City Hall, 2135 South Ammon Road, Ammon, ID 83406.	*http://www.msc.fema.gov/lomc*	September 5, 2014	160028
Bonneville	Unincorporated Areas of Bonneville County (14–10–0057P).	The Honorable Roger Christensen, Commissioner, Bonneville County, 605 North Capital Avenue, Idaho Falls, ID 83402.	605 North Capitol Avenue, Idaho Falls, ID 83402.	*http://www.msc.fema.gov/lomc*	September 5, 2014	160027
Illinois:						
Cook	Village of Hoffman Estates (12–05–7136P).	The Honorable William D. McLeod, Mayor, Village of Hoffman Estates, 1900 Hassell Road, Hoffman Estates, IL 60169.	Village Hall, 1900 Hassell Road, Hoffman Estates, IL.	*http://www.msc.fema.gov/lomc*	August 19, 2014	170107
Cook	Village of Schaumburg (12–05–7136P).	The Honorable Alan L. Larson, Mayor, Village of Schaumburg, 101 Schaumburg Court, Schaumburg, IL 60193.	Department of Engineering and Public Works, 101 Schaumburg Court, IL 60193.	*http://www.msc.fema.gov/lomc*	August 19, 2014	170158
Douglas	Unincorporated Areas of Douglas County (14–05–0294P).	The Honorable Charles Knox, Douglas County Chairman, 401 South Center Street, Tuscola, IL 61953.	401 South Center Street, Tuscola, IL 61953.	*http://www.msc.fema.gov/lomc*	August 21, 2014	170194
Douglas and Moultrie.	Village of Arthur (14–05–0294P).	The Honorable Matt Bernius, Village Board President, Village of Arthur, 120 East Progress Street, Arthur, IL 61911.	120 East Progress Street, Arthur, IL 61911.	*http://www.msc.fema.gov/lomc*	August 21, 2014	170520
DuPage	Unincorporated Areas of DuPage County (13–05–3690P).	The Honorable Dan Cronin, Chairman, DuPage County, 421 North County Farm Road, Wheaton, IL 60187.	DuPage County Courthouse, 421 North County Farm Road, Wheaton, IL 60187.	*http://www.msc.fema.gov/lomc*	September 2, 2014	170197
DuPage	Village of Lisle (13–05–3690P).	The Honorable Joseph Broda, Mayor, Village of Lisle, 925 Burlington Avenue, Lisle, IL 60532.	Village Hall, 925 Burlington Avenue, Lisle, IL 60532.	*http://www.msc.fema.gov/lomc*	September 2, 2014	170211
Kane	City of Elgin (13–05–7606P).	The Honorable David Kaptain, Mayor, City of Elgin, 150 Dexter Court, Elgin, IL 60120.	Department of Public Works, Engineering Department, 150 Dexter Court, Elgin, IL 60120.	*http://www.msc.fema.gov/lomc*	July 22, 2014	170087
Kane	Unincorporated Areas of Kane County (13–05–7606P).	The Honorable Christopher Lauzen, Kane County Chairman, 719 Batavia Avenue, Building A, Geneva, IL 60134.	Water Resources Department, 719 Batavia Avenue, Building A, Geneva, IL 60134.	*http://www.msc.fema.gov/lomc*	July 22, 2014	170896

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of Letter of Map Revision	Effective date of modification	Community No.
Lake	Village of Lake Zurich (14–05–3049P).	The Honorable Thomas Poynton, Mayor, Village of Lake Zurich, 70 East Main Street, Lake Zurich, IL 60047.	Village Hall, 70 East Main Street, Lake Zurich, IL 60047.	*http://www.msc.fema.gov/lomc*	August 29, 2014	170376
Moultrie	Unincorporated Areas of Moultrie County (14–05–0294P).	The Honorable David McCabe, Moultrie County Chairman, 10 South Main Street, Sullivan, IL 61951.	Planning and Zoning Department, 10 South Main Street, Suite 1, Sullivan, IL 61951.	*http://www.msc.fema.gov/lomc*	August 21, 2014	170998
Williamson	City of Herrin (13–05–6622P).	The Honorable Victor M. Ritter, Mayor, City of Herrin, 300 North Park Avenue, Herrin, IL 62948.	300 North Park Avenue, Herrin, IL 62948.	*http://www.msc.fema.gov/lomc*	June 20, 2014	170717
Iowa:						
Black Hawk	City of Waterloo (13–07–1693P).	The Honorable Buck Clark, Mayor, City of Waterloo, 715 Mulberry Street, Waterloo, IA 50703.	715 Mulberry Street, Waterloo, IA 50703.	*http://www.msc.fema.gov/lomc*	July 8, 2014	190025
Black Hawk	Unincorporated Areas of Black Hawk County (13–07–2313P).	The Honorable Craig White, Supervisor, Black Hawk County, 316 East 5th Street, Waterloo, IA 50703.	715 Mulberry Street, Waterloo, IA 50703.	*http://www.msc.fema.gov/lomc*	June 26, 2014	190535
Kansas: Wyandotte.	City of Kansas City (13–07–2023P).	The Honorable Mark Holland, Mayor, City of Kansas City, 701 North 7th Street, 9th Floor, Kansas City, KS.	City Hall, 701 North 7th Street, 9th Floor, Kansas City, KS.	*http://www.msc.fema.gov/lomc*	June 27, 2014	200363
Maine:						
Androscoggin	City of Auburn (14–01–0761P).	The Honorable Jonathan P. Labonte, Mayor, City of Auburn, 60 Court Street, Auburn, ME 04210.	Auburn Hall, 60 Court Street, Auburn, ME 04210.	*http://www.msc.fema.gov/lomc*	July 14, 2014	230001
Androscoggin	Town of Turner (14–01–0761P).	Mr. Angelo Terreri, Selectman, Town of Turner, 11 Turner Center Road, Turner, ME 04282.	Turner Town Office, 11 Turner Center Road, Turner, ME 04282.	*http://www.msc.fema.gov/lomc*	July 14, 2014	230010
Massachusetts:						
Plymouth	Town of Marion (14–01–1304P).	The Honorable Jonathan E. Dickerson, Chairman, Board of Selectman, 2 Spring Street, Marion, MA 02738.	2 Spring Street, Marion, MA 02738.	*http://www.msc.fema.gov/lomc*	June 6, 2014	255213
Worcester	Town of Berlin (14–01–1554P).	The Honorable Judith Booman, Chairman, Town of Berlin, 23 Linden Street, Berlin, MA 01503.	23 Linden Street, Berlin, MA 01503.	*http://www.msc.fema.gov/lomc*	July 17, 2014	250294
Worcester	Town of Harvard (14–01–1553P).	Mr. Timothy P. Bragan, Town Administrator, Town of Harvard, 13 Ayer Road, Harvard, MA 01451.	Town Hall, 13 Ayer Road, Harvard, MA 01451.	*http://www.msc.fema.gov/lomc*	July 17, 2014	250308
Nebraska:						
Lancaster	City of Lincoln (13–07–1915P).	The Honorable Chris Beutler, Mayor, City of Lincoln, 555 South 10th Street, Suite 301, Lincoln, NE 68508.	Building and Safety Department, 555 South 10th Street, Lincoln, NE 68508.	*http://www.msc.fema.gov/lomc*	June 27, 2014	315273
Washington	City of Fort Calhoun (13–07–2187P).	The Honorable Mitch Robinson, Mayor, City of Fort Calhoun, 110 South 4th Street, Fort Calhoun, NE 68023.	110 South 4th Street, Fort Calhoun, NE 68023.	*http://www.msc.fema.gov/lomc*	July 3, 2014	310368
Nevada:						
Clark	City of North Las Vegas (14–09–0513P).	The Honorable John J. Lee, Mayor, City of North Las Vegas, 2250 North Las Vegas Boulevard, North Las Vegas, NV 89030.	2250 North Las Vegas Boulevard, Suite 260, North Las Vegas, NV 89030.	*http://www.msc.fema.gov/lomc*	August 12, 2014	320007
Ohio:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of Letter of Map Revision	Effective date of modification	Community No.
Lorain	City of Avon Lake (13–05–6724P).	The Honorable Greg Zika, Mayor, City of Avon Lake, 150 Avon Belden Lake, Avon Lake, OH 44012.	150 Avon Belden Lake, Avon Lake, OH 44012.	*http://www.msc.fema.gov/lomc*	August 8, 2014	390602
Medina	City of Brunswick (14–05–2309P).	The Honorable Ron Falconi, Mayor, City of Brunswick, 4095 Center Road, Brunswick, OH 44212.	4095 Center Road, Brunswick, OH 44212.	*http://www.msc.fema.gov/lomc*	July 18, 2014	390380
Oregon:						
Benton	City of Corvallis (14–10–0472P).	The Honorable Julie Manning, Mayor, City of Corvallis, 501 Southwest Madison Avenue, Corvallis, OR 97330.	501 Southwest Madison Avenue, Corvallis, OR 97330.	*http://www.msc.fema.gov/lomc*	July 14, 2014	410009
Benton	Unincorporated Areas of Benton County (14–10–0472P).	The Honorable Linda Modrell, Chair, Benton County Board of Commissioners, 205 Northwest 5th Street, Corvallis, OR 97330.	360 Southwest Avery Avenue, Corvallis, OR 97333.	*http://www.msc.fema.gov/lomc*	July 14, 2014	410008
Wisconsin: Ozaukee.	Village of Thiensville (14–05–2223X).	The Honorable Karl Hertz, President, Village of Thiensville, 250 Elm Street, Thiensville, WI 53092.	250 Elm Street, Thiensville, WI 53092.	*http://www.msc.fema.gov/lomc*	June 26, 2014	550318

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: May 9, 2014.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2014–13618 Filed 6–10–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4162–DR; Docket ID FEMA–2014–0003]

Alaska; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for State of Alaska (FEMA–4162–DR), dated January 23, 2014, and related determinations.

DATES: Effective Date: May 23, 2014.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Willie G. Nunn, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Dolph A. Diemont as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–13639 Filed 6–10–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4176–DR; Docket ID FEMA–2014–0003]

Alabama; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Alabama (FEMA–4176–DR), dated May 2, 2014, and related determinations.

DATES: Effective Date: June 2, 2014.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Alabama is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of May 2, 2014.

Houston and Washington Counties for Public Assistance (Categories A–G).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling;

97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–13635 Filed 6–10–14; 8:45 am]

BILLING CODE 911–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4176–DR; Docket ID FEMA–2014–0003]

Alabama; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Alabama (FEMA–4176–DR), dated May 2, 2014, and related determinations.

DATES: *Effective Date:* May 8, 2014.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Alabama is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of May 2, 2014.

Blount, DeKalb, Etowah, Mobile, and Tuscaloosa Counties for Individual Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–13616 Filed 6–10–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4176–DR; Docket ID FEMA–2014–0003]

Alabama; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Alabama (FEMA–4176–DR), dated May 2, 2014, and related determinations.

DATES: Effective Date: May 5, 2014.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this major disaster is closed effective May 5, 2014.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–13614 Filed 6–10–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4176–DR; Docket ID FEMA–2014–0003]

Alabama; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Alabama (FEMA–4176–DR), dated May 2, 2014, and related determinations.

DATES: *Effective Date:* May 2, 2014.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated May 2, 2014, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Alabama resulting from severe storms, tornadoes, straight-line winds, and flooding beginning on April 28, 2014, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Alabama.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and assistance for debris removal and emergency protective measures (Categories A and B) under the Public Assistance program in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act that you deem appropriate subject to completion of Preliminary Damage Assessments. Direct Federal assistance is authorized.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for

a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Albert Lewis, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Alabama have been designated as adversely affected by this major disaster:

Baldwin, Jefferson, Lee, and Limestone Counties for Individual Assistance.

Baldwin, Jefferson, Lee, Limestone, and Mobile Counties for debris removal and emergency protective measures (Categories A and B), including direct federal assistance, under the Public Assistance Program.

All counties within the State of Alabama are eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–13633 Filed 6–10–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4122–DR;Docket ID FEMA–2014–0003]

Alaska; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for State of Alaska (FEMA–4122–DR), dated June 25, 2013, and related determinations.

DATES: Effective Date: May 23, 2014.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Willie G. Nunn, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Dolph A. Diemont as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–13636 Filed 6–10–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5752–N–52]

30-Day Notice of Proposed Information Collection: Recertification of Family Income & Composition Section 235 (b) & Statistical Report Section 235 (b), (i) and (j)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date: July 11, 2014.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on March 5, 2014.

A. Overview of Information Collection

Title of Information Collection: Recertification of Family Income & Composition Section 235(b) & Statistical Report Section 235(b), (i) and (j).

OMB Approval Number: 2502–0082.

Type of Request: Extension of currently approved collection.

Form Number: HUD–93101 Recertification of Family Income and

Composition, Section 235(b) and Statistical Report Section 235(b), (i), and (j).

Description of the need for the information and proposed use: This collection of information consists of recertification information submitted by homeowners to mortgagees to determine their continued eligibility for assistance and to determine the amount of assistance a homeowner is to receive. The information collected is also used by mortgagees to report statistical and general program data to HUD.

Respondents: (i.e. affected public): Households.

Estimated Number of Respondents: 3500.

Estimated Number of Responses: 7000.

Frequency of Response: Once per Loan.

Average Hours per Response: 15 minutes to one hour.

Total Estimated Burdens: 4935.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: June 5, 2014.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2014–13604 Filed 6–10–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5752–N–51]

30-Day Notice of Proposed Information Collection: HUD-Owned Real Estate Dollar Home Sales Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date: July 11, 2014.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on January 31, 2014.

A. Overview of Information Collection

Title of Information Collection: HUD-Owned Real Estate Dollar Home Sales Program.

OMB Approval Number: 2502–0569.

Type of Request: Extension of currently approved collection.

Form Number: HUD–9548 (Sales Contract).

Description of the need for the information and proposed use: This information collection is used to determine the eligibility of prospective program participants and in binding contracts between purchasers of acquired single family assets and HUD through the Dollar Home Sales Program. The sale of these properties makes it possible for local government to rehabilitate the homes and make them available as low and moderate income housing.

Respondents: (i.e. affected public): Not-for-profit institutions.

Estimated Number of Respondents: 38.

Estimated Number of Responses: 567.

Frequency of Response: on occasion.

Average Hours per Response: 10 minutes to 1 hour.

Total Estimated Burdens: 363.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35

Dated: June 5, 2014.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2014–13602 Filed 6–10–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5756–N–20]

60-Day Notice of Proposed Information Collection: FHA-Insured Mortgage Loan Servicing of Delinquent, Default and Foreclosure With Service Members Act

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* August 11, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Ivery W. Himes, Director, Office of Single Family Program, Asset Management, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 708–1672. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Himes.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: FHA-Insured Mortgage Loan Servicing of Delinquent, Default and Foreclosure with Service Members Act.

OMB Approval Number: 2502–0584.

Type of Request: Extension.

Form Number (s):

HUD–PA 426, Avoiding Foreclosure Brochure; HUD 9539, Request for Occupied Conveyance; HUD 92070, Service members Civil Relief Act Notice Disclosure; HUD 27011, Single Family Application for Insurance Benefits; HUD 92068–A, Monthly Delinquent Loan Report

Description of the Need for the Information and Proposed Use

This information collection covers the mortgage loan servicing of FHA-insured loans that are delinquent, in default or in foreclosure. The data and information provided is essential for managing HUD's programs and the FHA's Mutual Mortgage Insurance Fund (MMI).

Respondents: 7806.

Estimated Number of Respondents

334 (FHA); 250 (VA); 7000 (Conventional Prime); 222 (Conventional Sub-Prime).

Estimated Number of Responses: 138,356,350.

Frequency of Response: The frequency is on occasion.

Average Hours per Response: 10 minutes to 15 minutes.

Total Estimated Burdens: 10,912,800.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: June 5, 2015.

Laura M. Marin,

Associate General Deputy Assistant Secretary for Housing—Associate Deputy Federal Housing Commissioner.

[FR Doc. 2014–13605 Filed 6–10–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5752–N–50]

30-Day Notice of Proposed Information Collection: Public Housing Annual Contributions Contract and Inventory Removal Application

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date: July 11, 2014.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on February 18, 2014.

A. Overview of Information Collection

Title of Information Collection: Public Housing Annual Contributions Contract and Inventory Removal Application.

OMB Approval Number: 2577–0075.

Type of Request: Revision on a currently approved collection.

Form Number: HUD–51999; HUD–52190A; HUD–52190B; HUD–52840–A; HUD–53012A, HUD–53012B, HUD 52860–A, HUD 52860–B, HUD 52860–C; HUD 52860–D; HUD 52860–E, and HUD 52860–F.

Description of the need for the information and proposed use: This information collection consolidates all ACC-related information collections involving the use of funding and inventory changes. Section 5 of the United States Housing Act of 1937 (Pub. L. 75–412, 50 Stat. 888) permits the Secretary of HUD to make annual contributions to public housing agencies (PHAs) to achieve and maintain the lower income character of public housing projects. The Secretary is required to embody the provisions for such annual contributions in a contract guaranteeing payment. Applicable regulations are 24 CFR part 941 for public housing development and 24 CFR part 969 for continued operation of low-income housing after completion of debt service. This collection also covers Public Housing Authority (PHA) submissions under Sections 18, 22, 33 and 32 that involve the authority of the HUD Secretary to approve PHA requests to remove certain public housing property from their inventories through demolition, disposition, voluntary conversion, required conversion or homeownership conveyance.

The functions and activities for Public Housing Annual Contributions Contractor, under OMB control number 2577–0270, has been combined with the Public Housing Inventory Removal Application, currently approved collection 2577–0075. The Office of Management and Budget (OMB) approved discontinuation of OMB Control Number, 2577–0270.

Respondents: Business or other for-profit, State, Local Government and public housing authorities.

ACC Provision	Number of respondents	Frequency	Total responses	Hours per response	Total hours	Cost per hour	Total cost
1. Execute new ACC via HUD form 53012–A and B	42	1	42	5	205	30	$6150
2. Terminate or amend ACC	78	1	78	5	390	30	11700
3. Request HUD approval of non-dwelling leases or agreements	114	1	114	6	735	30	22050
4. HUD approval for easement uses	48	1	48	7	3524	30	10560
5. Submit General Depository Agreement (GDA) via form HUD 51999	265	1	265	2	651	30	19530
6. Request to terminate GDA	107	1	107	2	202	30	6780
7. ACC revisions to change year end dates	23	1	23	11	257	30	7710
8. ACC to consolidate PHAS	18	1	18	12	217	30	6510
9. ACC revision to transfer programs	43	1	43	9	391	30	11730
10. Request review of Conflict of interest	102	1	102	9	951	30	27520
11. Request pooling of insurance	5	1	5	19	97	30	2910
12. Request for new Declaration of Trust (DOT) via form HUD 52190–A and B	142	1	142	19	1249	30	2910
13. Request DOT amendment or termination	221	1	221	9	2031	30	41370
14. Amend ACC for Capital Fund Finance via form HUD 52840–A	73	1	73	9	788	30	60930
15. Amend ACC for Mixed Finance Supplementary Legal Document	94	1	94	21	1981	50	96,090
16. Amend ACC for Capital Grant	2820	1	2820	4	11,070	30	391,860
17. Amend ACC for Emergency Capital Fund Grant	48	1	38	3	100	30	3990
18. Amend ACC Capital Fund for Safety and Security	75	1	50	2	96	30	3008
19. Amend ACC to Recapture Capital Fund Grant	123	1	123	8	643	30	17790
20. Amend ACC for Energy Performance Contract	38	1	38	5	192	30	5760
21. Amend ACC for Community Facilities Grants	15	1	13	90 days	28	30	840
22. Demo Disposition Approvals and Removing Units form ACC–HUD Form 52860	162	1	162	10	1696	30	50,880
23. Supplementary Document: Unique Legal Document used by HQ Staff Mixed-Finance Amendment to the Annual Contributions Contract	60	1	60	24	1440	50	72,000
Totals	3,280	1	4,679	8.8	28,812	30	880,578

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: June 4, 2014.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2014–13600 Filed 6–10–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5758–N–07]

60-Day Notice of Proposed Information Collection: Choice Neighborhoods Evaluation, Phase II

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date: August 11, 2014.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Choice Neighborhoods Evaluation, Phase II.

OMB Approval Number: Pending.

Type of Request: New.

Form Number: No forms.

Description of the need for the information and proposed use: HUD is conducting an evaluation of the Choice Neighborhoods Initiative, focused on the initial round of grants funded in August 2011. This evaluation requires the collection of information from households living in the Choice Neighborhoods sites. Phase I, approved by the Office of Management and Budget under control number 2528–0286, involved a baseline survey of households (*http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201203-2528-001*). Phase II, proposed here, involves tracking baseline survey respondents. The purpose of Phase II tracking is to maintain contact and location information for households that participated in the Choice Neighborhoods Demonstration Studies' Baseline Survey to analyze household mobility patterns and achieve a strong response rate on any follow up surveys that the U.S. Department of Housing and Urban Development (HUD) may conduct.

The tracking effort relies primarily on passive tracking strategies that use data obtained from HUD's PIC and TRACS systems, Choice Grantees, National Change of Address (NCOA) Database, and Accurint, to update the contact information for households. Active tracking strategies are used to complement passive strategies.

Respondents (i.e. affected public): This information collection will affect approximately 1,697 households that participated in the Choice Neighborhoods Demonstration Studies' Baseline Survey in 2013–14 in five cities—New Orleans, Chicago, Boston, Seattle, and San Francisco. Affected households include residents of HUD-assisted properties targeted by the Choice Neighborhoods Initiative as well as residents in the neighborhoods surrounding those properties. The respondents have all agreed to participate in the study.

There are five active tracking strategies that will directly affect Panel members:

1. Three quarters each year, panel members will receive a card/flyer with a toll-free number and Web site address set up for this study that will give respondents the opportunity to update their contact information online or by phone. We estimate that 25 percent of respondents (424) will respond to this flyer and it will take at most 5 minutes. This activity is estimated to result in 424 responses, 101.76 hours, and $1,387 of burden per year.

2. Once a year, the flyer/card will also contain a perforated mailer and a postage-paid business reply envelope, providing more opportunity for each panel member to update their contact information. We estimate that 90 percent of target development Panel members (675) and 50 percent of neighborhood Panel members (474) will respond to this flyer and it will take at most 5 minutes. This activity is estimated to result in $1,149 responses, 91.92 hours, and $1,253 of burden per year.

3. DIR will initiate follow-up phone calls to determine if the most current telephone number(s) in the contact database are correct. This action will only become necessary if there is no response to the annual mailers and there is no online update and the postcard/flyer is returned. DIR estimates that about half of the neighborhood sample (474) and 10 percent of the target development sample (74) will require a follow-up phone call. We estimate this call will take 5 minutes. We estimate that this activity will be successful for 50% of households (237 neighborhood and 37 target). This activity is estimated to result in 274 responses, 21.92 hours, and $299 of burden per year.

4. After a pre-determined number of unsuccessful telephone attempts (e.g., 3–5), a DIR field locator will visit the household to determine if the head of household still lives there. We estimate about 50 percent of the previous cases are expected to be resolved by telephone contact, with the remaining 50 percent (237 neighborhood and 37 target) being assigned to a field locator. We estimate this field location contact will take 5 minutes. This activity is estimated to result in 274 responses, 21.92 hours, and $299 of burden per year.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden Hours	Hourly cost per response	Annual cost
Postcard	424	Quarterly	3	0.08	101.76	13.63	1,387
Mailing with return envelope	1,149	Annual	1	0.08	91.92	13.63	1,253
Phone calls	274	Annual	1	0.08	21.92	13.63	299
In-person visit	274	Annual	1	0.08	21.92	13.63	299
Total	2,121				237.52		3,238

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: June 4, 2014.

Katherine O'Regan,

Assistant Secretary for Policy Development & Research.

[FR Doc. 2014–13607 Filed 6–10–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2014–N111; FXIA16710900000–145–FF09A30000]

Endangered Species; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before July 11, 2014.

ADDRESSES: Brenda Tapia, Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203; fax (703) 358–2280; or email *DMAFR@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2280 (fax); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I request copies of applications or comment on submitted applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken.

III. Permit Applications

A. Endangered Species

Applicant: Morani River Ranch, Uvalde, TX; PRT–46687A

The applicant requests amendment of their captive-bred wildlife registration under 50 CFR 17.21(g) to add Cuvier's gazelle (*Gazella cuvieri*) to enhance their propagation or survival. This

notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Michael Brock, Howell, NJ; PRT–35098B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for radiated tortoises (*Astrochelys radiata*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Matthew Bookout, Supply, NC; PRT–32021B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the species listed below to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Species

Radiated tortoise (*Astrochelys radiata*)
Galapagos giant tortoise (*Chelonoidis nigra*)
Spotted pond turtle (*Geoclemys hamiltonii*)
Yellow-spotted river turtle (*Podocnemis unifilis*)
Nile crocodile (*Crocodylus niloticus*)
African dwarf crocodile (*Osteolaemus tetraspis*)
Caiman (*Caiman crocodilus*)
Brown caiman (*Caiman crocodilus fuscus*)
Yacare caiman (*Caiman yacare*)
Broad-snouted caiman (*Caiman latirostris*)
Cuban ground iguana (*Cyclura nubila nubila*)
Grand Cayman iguana (*Cyclura lewisi*)

Applicant: Stanford University, Stanford, CA; PRT–28487B

The applicant requests a permit to import blood samples from grey mouse lemur (*Microcebus murinus*) taken from 15 captive-bred animals for the purpose of scientific research and the enhancement of the survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Multiple Applicants

The following applicants each request a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Brian Millard, Portage, PA; PRT–30429B

Applicant: Leland Sweet, Bulverde, TX; PRT–27899B

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2014–13575 Filed 6–10–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5B711.IA000814]

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Approved Tribal-State Class III Gaming Compact.

SUMMARY: This notice publishes the approval of an amendment to the Class III Tribal-State Gaming Compact (Amendment) between the Confederated Tribes of the Umatilla Indian Reservation and the State of Oregon.

DATES: June 11, 2014.

FOR FURTHER INFORMATION CONTACT: Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA) Public Law 100–497, 25 U.S.C. 2701 *et seq.,* the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR 293.4, all compact amendments are subject to review and approval by the Secretary. The Amendment clarifies requirements for vendor licensing.

Dated: June 4, 2014.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2014–13645 Filed 6–10–14; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO3100000 L13100000 PB0000 241E]

Extension of Approval of Information Collection, OMB Control Number 1004–0137

AGENCY: Bureau of Land Management, Interior.

ACTION: 60-Day Notice and Request for Comments.

SUMMARY: In compliance with the Paperwork Reduction Act, the Bureau of Land Management (BLM) invites public comments on, and plans to request approval to continue, the collection of information from those who wish to participate in the exploration, development, production, and utilization of oil and gas operations on BLM-managed public lands. The Office of Management and Budget (OMB), has assigned control number 1004–0137 to this information collection.

DATES: Please submit comments on the proposed information collection by August 11, 2014.

ADDRESSES: Comments may be submitted by mail, fax, or electronic mail.

Mail: U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW., Room 2134LM, Attention: Jean Sonneman, Washington, DC 20240.

Fax: to Jean Sonneman at 202–245–0050.

Electronic mail: *Jean_Sonneman@blm.gov.*

Please indicate ''Attn: 1004–0137'' regardless of the form of your comments.

FOR FURTHER INFORMATION CONTACT: Donnie Shaw, Division of Fluid Minerals, at 202–912–7155 (Commercial or FTS). Persons who use a telecommunication device for the deaf may call the Federal Information Relay Service at 1–800–877–8339, to leave a message for Mr. Shaw.

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act, 44 U.S.C. 3501–3521, require that interested members of the public and affected agencies be given an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8 (d) and 1320.12(a)). This notice identifies an information collection that the BLM plans to submit to the OMB for approval. The Paperwork Reduction Act provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control

number. Until the OMB approves a collection of information, you are not obligated to respond.

The BLM will request a 3-year term of approval for this information collection activity. Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) The accuracy of the agency's burden estimates; (3) Ways to enhance the quality, utility and clarity of the information collection; and (4) Ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany our submission of the information collection requests to the OMB.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

The following information is provided for the information collection:

Title: Onshore Oil and Gas Operations (43 CFR part 3160).

Forms:

- Form 3160–3, Application for Permit to Drill or Re-enter;
- Form 3160–4, Well Completion or Recompletion Report and Log;
- Form 3160–5, Sundry Notices and Reports on Wells; and
- Form 3160–6, Monthly Report of Operations.

OMB Control Number: 1004–0137.

Summary: Various Federal and Indian mineral leasing statutes authorize the BLM to grant and manage onshore oil and gas leases on Federal and Indian (except Osage Tribe) lands. In order to fulfill its responsibilities under these statutes, the BLM needs to perform the information collection activity set forth in the regulations at 43 CFR part 3160, and in onshore oil and gas orders promulgated in accordance with 43 CFR 3164.1.

Frequency of Collection: On occasion.

Description of Respondents: Lessees and applicants for leases.

Estimated Annual Responses: 235,252.

Estimated Reporting and Recordkeeping ''Hour'' Burden: 920,464 hours annually.

Estimated ''Non-hour'' Cost Burden: $32,500,000 annually.

The following table details the individual components and respective hour burden estimates of this information collection request:

A. Type of response	B. Number of responses	C. Hours per response	D. Total hours
Application for Permit to Drill or Re-enter (43 CFR 3162.3–1) Form 3160–3	5,000	80	400,000
Well Completion or Recompletion Report and Log (43 CFR 3162.4–1) Form 3160–4	5,000	4	20,000
Sundry Notices and Reports on Wells (43 CFR 3162.3–2) Form 3160–5	35,000	8	280,000
Plan for Well Abandonment (43 CFR 3162.3–4)	1,500	8	12,000
Schematic/Facility Diagrams (43 CFR 3162.4–1(a) and 3162.7–5(d)(1))	1,000	8	8,000
Drilling Tests, Logs, and Surveys (43 CFR 3162.4–2(a))	110	8	880
Disposal of Produced Water (43 CFR 3162.5–1(b), 3164.1, and Onshore Oil and Gas Order No. 7)	1,500	8	12,000
Report of Spills, Discharges, or Other Undesirable Events (43 CFR 3162.5–1(c))	215	8	1,720
Contingency Plan (43 CFR 3162.5–1(d))	52	32	1,664
Horizontal and Directional Drilling (43 CFR 3162.5–2(b))	2,100	8	16,800
Well Markers (43 CFR 3162.6)	1,000	8	8,000
Gas Flaring (43 CFR 3162.7–1(d), 3164.1, and Notice to Lessees 4A)	120	16	1,920
Records for Seals (43 CFR 3162.7–5(b))	90,000	0.75	67,500
Site Security (43 CFR 3162.7–5(c))	2,500	8	20,000
Prepare Run Tickets (43 CFR 3162.7–2, 3164.1, and Onshore Oil and Gas Order No. 4)	90,000	0.75	67,500
Application for Suspension or Other Relief (43 CFR 3165.1)	100	16	1,600
State Director Review (43 CFR 3165.3(b))	55	16	880
Totals	235,252	.....	920,464

Jean Sonneman,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 2014–13656 Filed 6–10–14; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A000 67F 134S180110; S2D2S SS08011000 SX066A00 33F 13xs501520]

Notice of Proposed Information Collection for 1029–0067; Request for Comments

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM or We) is announcing that the information collection request for the restriction on financial interests of State employees has been forwarded to the Office of Management and Budget (OMB) for review and reauthorization. The information collection package was previously approved and assigned clearance number 1029–0067. This notice describes the nature of the information collection activity and the expected burden and cost.

DATES: OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, you should submit your comments to OMB by July 11, 2014, in order to be assured of consideration.

ADDRESSES: Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of the Interior Desk Officer, by telefax at (202) 395–5806 or via email to *OIRA_Submission@omb.eop.gov.* Also, please send a copy of your comments to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 203–SIB, Washington, DC 20240, or electronically to *jtrelease@osmre.gov.* Please refer to OMB control number 1029–0067 in your correspondence.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection package contact John Trelease at (202) 208–2783, or electronically to *jtrelease@osmre.gov.* You may also view the collection at *http://www.reginfo.gov/public/do/PRAMain* (Information Collection Review, Currently Under Review, Agency is Department of the Interior, DOI–OSMRE).

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. We have submitted a request to OMB to renew its approval for the collection of information for 30 CFR part 705 and the Form OSM–23, Restriction on financial interests of State employees. We are requesting a 3-year term of approval for this information collection activity.

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 OMB control number for this collection of information is 1029–0067. Responses are mandatory.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments on 30 CFR part 705 was published on April 3, 2014 (79 FR 18695). No comments were received. This notice provides you with an additional 30 days in which to comment on the following information collection activity:

Title: 30 CFR 705—Restriction on financial interests of State employees.

OMB Control Number: 1029–0067.

Summary: Respondents supply information on employment and financial interests. The purpose of the collection is to ensure compliance with section 517(g) of the Surface Mining Control and Reclamation Act of 1977, which places an absolute prohibition on employees of regulatory authorities having a direct or indirect financial interest in underground or surface coal mining operations.

Bureau Form Number: OSM–23.

Frequency of Collection: Entrance on duty and annually.

Description of Respondents: Any State regulatory authority employee or member of advisory boards or commissions established in accordance with State law or regulation to represent multiple interests who performs any function or duty under the Surface Mining Control and Reclamation Act.

Total Annual Responses: 5,016.

Total Annual Burden Hours: 428.

Send comments on the need for the collection of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collection; and ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information, to the addresses listed under **ADDRESSES**. Please refer to OMB control number 1029–0067 in your correspondence.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: June 6, 2014.

John A. Trelease,

Acting Chief, Division of Regulatory Support.

[FR Doc. 2014–13580 Filed 6–10–14; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A000 67F 134S180110; S2D2S SS08011000 SX066A00 33F 13xs501520]

Notice of Proposed Information Collection; Request for Comments for 1029–0091

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing that the information collection request for the requirements for surface coal mining and reclamation operations on Indian lands has been forwarded to the Office of Management and Budget (OMB) for review and comment. The information collection request describes the nature of the information collection and the expected burden and cost.

DATES: OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, public comments should be submitted to OMB by July 11, 2014, in order to be assured of consideration.

ADDRESSES: Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of the Interior Desk Officer, by telefax at (202) 395–5806 or via email to *OIRA_Docket@omb.eop.gov.* Also, please send a copy of your comments to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 202–SIB, Washington, DC 20240, or electronically to *jtrelease@osmre.gov.* Please refer to OMB control number 1029–0091 in your correspondence.

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request contact John Trelease at (202) 208–2783, or electronically at *jtrelease@osmre.gov.* You may also review this collection by going to *http://www.reginfo.gov* (Information Collection Review, Currently Under Review, Agency is Department of the Interior, DOI–OSMRE).

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. OSM has submitted a request to OMB to renew its approval of the collection of information for 30 CFR 750—Requirements for surface coal mining and reclamation operations on Indian lands. OSM is requesting a 3-year term of approval for this information collection activity.

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 OMB control number for this collection of information is 1029–0091. Applicants are required to respondent to obtain a benefit.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments for this collection of information was published on March 19, 2014 (79 FR 15359). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activity:

Title: 30 CFR 750—Requirements for surface coal mining and reclamation operations on Indian lands.

OMB Control Number: 1029–0091.

Summary: Surface coal mining permit applicants who conduct or propose to conduct surface coal mining and reclamation operations on Indian lands must comply with the requirements of 30 CFR 750 pursuant to Section 710 of SMCRA.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: Applicants for coal mining permits.

Total Annual Responses: One new permit/significant revision annually.

Total Annual Burden Hours: 1,018 hours annually.

Total Annual Non-wage Costs: $34,000 for filings fees for each new permit/significant revision.

Send comments on the need for the collection of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collection; and ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information, to the addresses listed under **ADDRESSES**. Please refer to the appropriate OMB control number 1029–0091 in your correspondence.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: June 6, 2014.

John A. Trelease,

Acting Chief, Division of Regulatory Support.

[FR Doc. 2014–13655 Filed 6–10–14; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1146 and 1147 (Review)]

1-Hydroxyethylidene-1,1-Diphosphonic Acid (Hedp) From China and India

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The subject five-year reviews were initiated in March 2014 to determine whether revocation of the antidumping duty orders on HEDP from China and India would be likely to lead to continuation or recurrence of material injury. On June 2, 2014, the Department of Commerce published notice that it was revoking the orders effective June 2, 2014, because ''the domestic interested parties did not participate in these sunset reviews.'' (79 FR 31301). Accordingly, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), the subject reviews are terminated.

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

FOR FURTHER INFORMATION CONTACT: Fred Ruggles (202–205–3187), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*).

Authority: These reviews are being terminated under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.69 of the Commission's rules (19 CFR § 207.69).

By order of the Commission.

Issued: June 6, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–13577 Filed 6–10–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–917]

Certain Silicon Tuners and Products Containing Same, Including Television Tuners; Institution of Investigation Pursuant to 19 U.S.C. 1337

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 6, 2014, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Silicon Laboratories Inc. of Austin, Texas. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain silicon tuners and products containing same, including television tuners, by reason of infringement of certain claims of U.S. Patent No. 6,137,372 (''the '372 patent'') and U.S. Patent No. 6,233,441 (''the '441 patent''). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a general exclusion order and/or limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2014).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on June 5, 2014, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain silicon tuners and products containing same, including television tuners, by reason of infringement of one or more of claims 1–12 and 14–29 of the '372 patent and claims 1–5, 7–11, 17–23, 25–28, and 30–33 of the '441 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Silicon Laboratories Inc., 400 W. Cesar Chavez Street, Austin, TX 78701.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Cresta Technology Corporation, 3900 Freedom Circle, Suite 201, Santa Clara, CA 95054.

Hauppauge Digital, Inc., 91 Cabot Court, Hauppauge, NY 11788.

Hauppauge Computer Works, Inc., 91 Cabot Court, Hauppauge, NY 11788.

PCTV Systems S.a.r.l., Luxembourg, 12–14 Rue Leon Thyes, L–2636 Luxembourg.

PCTV Systems S.a.r.l. Frankfurter Str. 3c D–38122 Braunschweig Germany.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

Issued: June 6, 2014.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–13620 Filed 6–10–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Prohibited Transaction Class Exemption 1996–62, Process for Expedited Approval of an Exemption for Prohibited Transaction

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employee Benefits Security Administration (EBSA) sponsored information collection request (ICR) titled, ''Prohibited Transaction Class Exemption 1996–62, Process for Expedited Approval of an Exemption for Prohibited Transaction,'' 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 11, 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=201404-1210-004* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–EBSA, 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 information collection requirements contained in Prohibited Transaction Class Exemption (PTE) 1996–62, which provides for accelerated approval of an exemption permitting a plan to engage in a transaction that the Employee Retirement Income Security Act (ERISA) might otherwise prohibit. The PTE may be granted following a demonstration to the DOL that the transaction: (1) Is substantially similar in all material respects to at least two other transactions for which the DOL recently granted administrative relief from the same restriction; and (2) presents little, if any, opportunity for abuse or risk of loss to a plan's participants and beneficiaries. Under the PTE, a party may proceed with a transaction in as little as seventy-eight (78) days from the acknowledgment of receipt by the DOL of a written submission filed in accordance with the terms of the class exemption. The Internal Revenue Code and (ERISA) authorize this information collection. *See* 26 U.S.C. 4975 and 29 U.S.C. 1108.

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 1210–0098.

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 November 29, 2013 (78 FR 71668).

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 1210–0098. 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–EBSA.

Title of Collection: Prohibited Transaction Class Exemption 1996–62, Process for Expedited Approval of an Exemption for Prohibited Transaction.

OMB Control Number: 1210–0098.

Affected Public: Private Sector-businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 25.

Total Estimated Number of Responses: 11,250.

Total Estimated Annual Time Burden: 200 hours.

Total Estimated Annual Other Costs Burden: $40,000.

Dated: June 5, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–13570 Filed 6–10–14; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice for Request for Nominations

AGENCY: Employment and Training Administration, U.S. Department of Labor.

ACTION: Notice of Advisory Council Member Call for Nominations.

SUMMARY: The Department of Labor is requesting a total of six nominations for appointment to the Native American Employment and Training Council (NAETC) for consideration.

Background: The NAETC is a non-discretionary committee with the purpose of advising the Secretary on all aspects of the operation and administration of the Workforce Investment Act (WIA) Section 166 program. This includes the selection of the individual appointed as the head of the unit established at the Department of Labor by the Secretary to administer the Section 166 programs. The head of this unit, or his/her designee, will serve as the Designated Federal Official (DFO) for the NAETC. The current NAETC Charter was renewed for two years, effective September 9, 2013. The charter provides for the NAETC to be composed of no less than 15 members appointed by the Secretary pursuant to WIA Section 166(h)(4)(B), who are representatives of the Indian tribes, tribal organizations, Alaska native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations.

DATES: The Department must receive nominations by no later than 31 calendar days, excluding any Federal holidays, from the date of this notice. A copy of the NAETC Nomination, Self-Certification, and Nomination Acceptance Forms can be obtained by accessing the Division of Indian and Native American Programs' Web site at *http://www.doleta.gov/dinap/.*

ADDRESSES: All nominations for the NAETC should be sent electronically to *Lewis.Craig@dol.gov,* faxed to (202) 693–3817, or mailed to U.S. Department of Labor Indian and Native American Programs, Employment and Training Administration, 200 Constitution Avenue NW., Room S–4209, Washington, DC 20210, Attention: Mr. Craig Lewis, Designated Federal Officer.

SUPPLEMENTARY INFORMATION: The Secretary is seeking a total of six representatives to join the NAETC to advise the Secretary of Labor on all aspects of the operation and administration of the Indian and Native American programs authorized under Section 166 under WIA. Two of the representatives will provide expertise in ''other disciplines'' representing the areas of business and entrepreneurship, economic development, secondary and post-secondary education (including Tribal Colleges), health care, and Veteran services. The Secretary also is seeking nominations for a representative from the Employment and Training Administration Region 5, Chicago (which includes NE, KS, MO, IA, MN, WI, IL, IN MI, and OH), a representative from Employment and Training Administration Region 2, Philadelphia (which includes PA, WV, DE, and VA), one nomination for a representative of Oklahoma and one nomination for a representative from Hawaii. The NAETC's charter provides that, to the extent practicable, all geographic areas of the United States with a substantial Indian, Alaska Native, or Native Hawaiian population shall be represented on the NAETC.

Membership Qualifications: The Federal Advisory Committee Act regulations at 41 CFR 102–3.30(c) require advisory committees to have a balanced membership in terms of the points of view represented and the functions to be performed. Factors to be considered in achieving such a membership depend upon several elements, including the vision and mission of the Secretary. All nominees to the NAETC must be representatives of Indian Tribes, Tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations, as required in WIA, Section 166(h)(4)(B). In nominating ''other discipline''

representatives, the factors described above must be considered.

Members shall serve at the pleasure of the Secretary for a two year term designated by the Secretary in writing. In Region 2, the Secretary may consider nominations for appointment to the NAETC as submitted by Section 166 grantees from that region only. In Region 5, the Secretary may consider nominations for appointment to the NAETC as submitted by Section 166 grantees from that region only. The Department will accept nominations from all grantees, including Public Law 102–477 grantees, to fill seats on the NAETC representing the two ''other discipline'' memberships. Indian tribes and Indian, Alaskan Native, and Native Hawaiian organizations that do not administer a Section 166 grant also may submit nominations for these two ''other disciplines'' memberships.

In submitting nominations, consider the availability of the nominee to attend and actively participate in NAETC meetings (a minimum of two meetings annually), serve on NAETC workgroups, and provide feedback to the grantee community. Members of the NAETC shall serve without compensation and shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by Section 166(h)(4)(D)(ii) of WIA. Communication between NAETC member and his or her constituency is essential to the partnership between the Department and the Indian and Native American community.

FOR FURTHER INFORMATION CONTACT: Mr. Craig Lewis, DFO, Division of Indian and Native American Programs, Employment and Training Administration, U.S. Department of Labor, Room S–4209, 200 Constitution Avenue Northwest, Washington, DC 20210. Telephone number (202) 693–3384 (VOICE) (this is not a toll-free number).

Authority: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (FACA) (Pub. L. 92–463), as amended, and Section 166(h)(4) of the Workforce Investment Act (WIA) [29 U.S.C. 2911(h)(4)].

Portia Wu,

Assistant Secretary for Employment and Training Administration, Labor.

[FR Doc. 2014–13571 Filed 6–10–14; 8:45 am]

BILLING CODE 4501–FR–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2014–036]

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: National Archives and Records Administration.

ACTION: Notice and request for comments; Information collection request for feedback on agency service delivery.

SUMMARY: As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, we are seeking comment on the development of the following proposed Generic Information Collection Request (Generic ICR): ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery '' for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et. seq.*). This notice announces our intent to submit this collection to OMB for approval and solicits comments on specific aspects for the proposed information collection.

DATES: NARA will consider all comments it receives by August 11, 2014.

ADDRESSES: You may submit comments by one of the following methods:

- *Federal eRulemaking Portal:http://www.regulations.gov* . Follow the instructions for submitting comments. Include NARA–2014–036 in the title of your response.
- *Email: tamee.fechhelm@nara.gov*. Include NARA–2014–036 in the subject line.
- *Fax:* (301) 713 7409. Include NARA–2014–036 in the subject line.

Comments submitted in response to this notice may be made available to the public through the internet. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Tamee Fechhelm at telephone number 301–713–1694, or fax number 301–713–7409.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: This information collection activity provides a means to gather qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with NARA's commitment to improving service delivery. By qualitative feedback, we mean information that provides useful insights into customers' or stakeholders' perceptions and opinions, but not statistical surveys that yield quantitative results that can be generalized to the population of study. Qualitative feedback provides insights into perceptions, experiences, and expectations, provides an early warning of issues with service, or focuses attention on areas where communication, training or changes in operations might improve delivery of products or services. Collecting this information allows for ongoing, collaborative, and actionable communications between NARA and its customers and stakeholders. It also allows us to contribute feedback directly to improving program management.

NARA collects feedback in areas of service delivery such as timeliness, appropriateness, accuracy of information, plain language, courtesy, efficiency, and resolution of issues with service delivery. We use customer feedback to plan efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on NARA's services will be unavailable.

NARA will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collection is voluntary;
- The collection is low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and is low-cost for both the respondents and the Federal Government;
- The collection is non-controversial and does not raise issues of concern to other Federal agencies;
- It is targeted to solicit opinions from respondents who have experience with the program or may have

experience with the program in the near future;

• Personally identifiable information (PII) is collected only to the extent necessary and is not retained;

• Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;

• Information gathered will not be used for the purpose of substantially informing influential policy decisions; and

• Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results, but do not fall under the current generic collection.

As a general matter, information collections under this generic collection request will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Current Actions: OGIS Customer Service Assessment, NPRC Survey of Customer Satisfaction, and Training and Event Evaluations.

Type of Review: Regular.

Affected Public: Individuals and households, businesses and organizations, State, Local or Tribal Government.

Estimated Number of Respondents: 25,000.

Below we provide projected average estimates for the next three years:

Average expected annual number of activities: 20.

Average number of respondents per activity: 1,250.

Annual responses: 1.

Frequency of response: Once per request.

Average minutes per response: 30.

Burden hours: 12,500.

Request for Comments: NARA will summarize or include in our request for OMB approval any comments you submit in response to this notice. We invite comments on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by people to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and use technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

All written comments will be available for public inspection at regulations.gov.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

Dated: June 5, 2014.

Swarnali Haldar,

Acting Executive for Information Services/CIO.

[FR Doc. 2014–13597 Filed 6–10–14; 8:45 am]

BILLING CODE P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2014–035]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize preservation of records of continuing value in the National Archives of the United States and destruction, after a specified period, of records lacking administrative, legal, research, or other value. NARA publishes notices for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before July 11, 2014. Once NARA completes the appraisal of the records, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memoranda that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting Records Management Services (ACNR) using one of the following means:

Mail: NARA (ACNR), 8601 Adelphi Road, College Park, MD 20740–6001.

Email: request.schedule@nara.gov

FAX: 301–837–3698.

Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Margaret Hawkins, Director, Records Management Services (ACNR), National

Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: 301–837–1799. Email: *request.schedule@nara.gov*.

SUPPLEMENTARY INFORMATION: Each year, Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media-neutral unless specified otherwise. An item in a schedule is media-neutral when the disposition instructions may be applied to records regardless of the medium in which the records are created and maintained. Items included in schedules submitted to NARA on or after December 17, 2007, are media-neutral unless the item is limited to a specific medium. (See 36 CFR 1225.12(e).)

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value. Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of the Army, Agency-wide (DAA–AU–2014–0019, 1 item, 1 temporary item). Master files of an electronic information system containing helicopter maintenance records.

2. Department of the Army, Agency-wide (DAA–AU–2014–0021, 1 item, 1 temporary item). Master files of an electronic information system containing records related to equipment tests and evaluations.

3. Department of Commerce, Bureau of the Census (DAA–0029–2014–0002, 5 items, 5 temporary items). Inputs, outputs, and system documentation of an electronic information system containing rural address information.

4. Department of Defense, Defense Health Agency (DAA–0330–2014–0006, 2 items, 2 temporary items). Master files of an electronic information system containing combat theater medical data.

5. Court Services and Offenders Supervision Agency for the District of Columbia, Agency-wide (DAA–0562–2013–0001, 3 items, 3 temporary items). Master files and outputs of an electronic information system containing employee suggestions.

6. Library of Congress, Agency-wide (DAA–0297–2014–0001, 25 items, 14 temporary items). Records include background materials used to develop agency products designated for permanent retention, non-substantive program subject files, low-level meeting records, and customer feedback records. Proposed for permanent retention are substantive program subject files, annual reports, records of meetings and correspondence of senior officials, and records of committees overseeing substantive programs.

7. Library of Congress, Agency-wide (DAA–0297–2014–0002, 4 items, 4 temporary items). Records relating to the daily administration of agency programs.

8. Library of Congress, Agency-wide (DAA–0297–2014–0004, 11 items, 11 temporary items). Records relating to personnel actions such as merit selection, compensation, awards, and training.

9. Library of Congress, Agency-wide (DAA–0297–2014–0005, 7 items, 6 temporary items). Budget, accounting, and financial management records. Proposed for permanent retention are budget estimates and justifications.

10. Library of Congress, Agency-wide (DAA–0297–2014–0008, 4 items, 2 temporary items). Security and emergency management records. Proposed for permanent retention are emergency planning case files and test reports.

11. Peace Corps, Overseas Posts (N1–490–12–7, 1 item, 1 temporary item). Training materials for staff and volunteers.

12. Peace Corps, Office of the Director (DAA–0490–2013–0001, 2 items, 1 temporary item). Routine correspondence records. Proposed for permanent retention are high-level correspondence records.

13. Selective Service System, Agency-wide (DAA–0147–2014–0001, 2 items, 2 temporary items). Master files of electronic information systems containing personnel management data.

Dated: June 4, 2014.

Paul M. Wester, Jr.,

Chief Records Officer for the U.S. Government.

[FR Doc. 2014–13630 Filed 6–10–14; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0119]

Well Logging, Tracer, and Field Flood Study Licenses

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft program-specific guidance; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is revising its licensing guidance for well logging, tracer, and field flood study licenses. The NRC is requesting public comment on draft NUREG–1556, Volume 14, Revision 1, ''Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Well Logging, Tracer, and Field Flood Study Licenses.'' The document has been updated from the previous revision to include information on safety culture, security of radioactive materials, protection of sensitive information, and changes in regulatory policies and practices. This document is intended for use by applicants, licensees, and the NRC staff.

DATES: Submit comments by July 11, 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–2014–0119. 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–A44MP, 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 of this document.

FOR FURTHER INFORMATION CONTACT: Tomas Herrera, Office of Federal and State Materials and Environmental Management Programs; U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7138; email: *Tomas.Herrera@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2014–0119 when contacting the NRC about the availability of information regarding this action. You may obtain 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–2014–0119.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents Collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The draft NUREG–1556, Volume 14, Revision 1, is available in ADAMS under Accession No. ML14148A165.

• *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.

The draft NUREG–1556, Volume 14, Revision 1, is also available on the NRC's public Web site on the: (1) ''Consolidated Guidance About Materials Licenses (NUREG–1556)'' page at *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/;* and the (2) ''Draft NUREG-Series Publications for Comment'' page at *http://www.nrc.gov/public-involve/doc-comment.html#nuregs.*

B. Submitting Comments

Please include Docket ID NRC–2014–0119 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 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, and 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 into ADAMS.

II. Further Information

The NUREG provides guidance to existing well logging, tracer, and field flood study licensees and to an applicant in preparing a well logging, tracer, and field flood study license application. The NUREG also provides the NRC with criteria for evaluating a license application. The purpose of this notice is to provide the public with an opportunity to review and provide comments on draft NUREG–1556, Volume 14, Revision 1, ''Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Well Logging, Tracer, and Field Flood Study Licenses.'' These comments will be considered in the final version or subsequent revisions.

Dated at Rockville, Maryland, this 3rd day of June, 2014.

For the U.S. Nuclear Regulatory Commission.

Laura A. Dudes,

Director, Division of Materials Safety and State Agreements, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. 2014–13598 Filed 6–10–14; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This notice identifies Schedule A, B, and C appointing authorities applicable to a single agency that were established or revoked from April 1, 2014, to April 30, 2014.

FOR FURTHER INFORMATION CONTACT: Senior Executive Resources Services, Senior Executive Services and Performance Management, Employee Services, 202–606–2246.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 213.103, Schedule A, B, and C appointing authorities available for use by all agencies are codified in the Code of Federal Regulations (CFR). Schedule A, B, and C appointing authorities applicable to a single agency are not codified in the CFR, but the Office of Personnel Management (OPM) publishes a notice of agency-specific authorities established or revoked each month in the **Federal Register** at *www.gpo.gov/fdsys/.* OPM also publishes an annual notice of the consolidated listing of all Schedule A, B, and C appointing authorities, current as of June 30, in the **Federal Register**.

Schedule A

09. Department of the Air Force (Sch. A 213.3109)

(b) General

(2) Two hundred positions, serviced by Hill Air Force Base, Utah, engaged in interdepartmental activities in support of national defense projects involving scientific and technical evaluations.

Schedule B

No Schedule B authorities to report during April 2014.

Schedule C

The following Schedule C appointing authorities were approved during April 2014.

Agency name	Organization name	Position title	Authorization No.	Effective date
DEPARTMENT OF AGRICULTURE.	Farm Service Agency	State Executive Director—West Virginia.	DA140050	4/2/2014
		State Executive Director	DA140057	4/21/2014
		State Executive Director	DA140063	4/30/2014
		State Executive Director—Louisiana.	DA140051	4/4/2014
	Rural Housing Service	State Director—Virginia	DA140054	4/25/2014
	Rural Utilities Service	Senior Advisor	DA140052	4/3/2014
DEPARTMENT OF COMMERCE	Office of the Chief Economist	Special Project Advisor	DC140076	4/28/2014
	Office of the Chief of Staff	Advance Specialist	DC140084	4/29/2014
	Assistant Secretary for Industry and Analysis.	Senior Advisor for Manufacturing Policy.	DC140079	4/30/2014
	Advocacy Center	Special Assistant, Advocacy Center.	DC140074	4/15/2014
DEPARTMENT OF DEFENSE	Office of the Assistant Secretary of Defense (Special Operations/Low Intensity Conflict and Interdependent Capabilities).	Principal Director for Special Operations and Combating Terrorism.	DD140057	4/10/2014
	Office of the Secretary	Deputy White House Liaison	DD140061	4/14/2014
DEPARTMENT OF EDUCATION	Office of Legislation and Congressional Affairs.	Special Assistant	DB140055	4/3/2014
	Office of Innovation and Improvement.	Senior Advisor for Science, Technology, Engineering and Math (STEM).	DB140056	4/3/2014
	Office of the Secretary	Senior Advisor	DB140057	4/3/2014
	Office of Elementary and Secondary Education.	Special Assistant	DB140059	4/8/2014
	Office of Elementary and Secondary Education.	Special Assistant	DB140060	4/15/2014
	Office of Communications and Outreach.	Deputy Press Secretary	DB140063	4/18/2014
	Office of the Under Secretary	Confidential Assistant	DB140064	4/28/2014
		Special Assistant	DB140062	4/15/2014
DEPARTMENT OF ENERGY	Office of the Secretary of Energy Advisory Board.	Deputy Director	DE140053	4/4/2014
	Under Secretary for Science	Senior Advisor	DE140057	4/23/2014
	Assistant Secretary for Congressional and Intergovernmental Affairs.	Special Assistant	DE140056	4/24/2014
ENVIRONMENTAL PROTECTION AGENCY.	Office of the Associate Administrator for External Affairs and Environmental Education.	Deputy Press Secretary	EP140023	4/1/2014
		Director of Public Engagement	EP140024	4/10/2014
EXPORT-IMPORT BANK	Office of Communications	Senior Advisor for Communications.	EB140006	4/7/2014
FEDERAL COMMUNICATIONS COMMISSION.	Office of Media Relations	Public Affairs Specialist	FC140009	4/30/2014
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office of Intergovernmental and External Affairs.	Confidential Assistant	DH140050	4/1/2014
	Office of the Assistant Secretary for Health.	Special Assistant	DH140056	4/28/2014
DEPARTMENT OF HOMELAND SECURITY.	Office of the Under Secretary for National Protection and Programs Directorate.	Senior Advisor	DM140122	4/8/2014
	Office of the Secretary	Special Assistant	DM140126	4/28/2014
	Federal Emergency Management Agency.	Special Assistant	DM140127	4/28/2014
	Office of the Under Secretary for National Protection and Programs Directorate.	Senior Advisor for Public Affairs	DM140131	4/30/2014
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.	Office of Public Affairs	Press Secretary	DU140021	4/16/2014
DEPARTMENT OF THE INTERIOR.	Secretary's Immediate Office	Special Assistant	DI140027	4/8/2014
		Deputy Director of Advance	DI140026	4/25/2014
DEPARTMENT OF JUSTICE	Community Oriented Policing Services.	Chief of Staff	DJ140041	4/10/2014
DEPARTMENT OF LABOR	Office of the Secretary	White House Liaison	DL140037	4/1/2014
	Wage and Hour Division	Senior Advisor	DL140040	4/16/2014
	Office of Public Affairs	Speechwriter (2)	DL140039	4/17/2014
			DL140033	4/1/2014
	Office of the Assistant Secretary for Policy.	Chief of Staff	DL140030	4/25/2014

Agency name	Organization name	Position title	Authorization No.	Effective date
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.	Office of Commissioners	Counsel to a Commissioner	SH140002	4/28/2014
OFFICE OF MANAGEMENT AND BUDGET.	Office of the Director	Special Assistant	BO140012	4/24/2014
		Assistant to the Director	BO140013	4/24/2014
		Confidential Assistant	BO140015	4/28/2014
OFFICE OF PERSONNEL MANAGEMENT.	Communications and Public Liaison.	Social Media Director	PM140012	4/17/2014
SMALL BUSINESS ADMINISTRATION.	Office of the Administrator	Scheduler	SB140014	4/8/2014
		Special Assistant	SB140015	4/8/2014
	Office of Entrepreneurial Development.	Special Advisor for Entrepreneurial Development.	SB140018	4/22/2014
DEPARTMENT OF STATE	Bureau of Legislative Affairs	Legislative Management Officer	DS140073	4/3/2014
	Office of International Information Programs.	Public Affairs Specialist	DS140074	4/3/2014
	Bureau of International Security and Nonproliferation.	Staff Assistant	DS140076	4/16/2014
	Office of the Deputy Secretary for Management and Resources.	Senior Advisor	DS140077	4/16/2014
	Office of the Chief of Protocol	Protocol Officer (Visits)	DS140075	4/15/2014
	Bureau of Public Affairs	Deputy Assistant Secretary	DS140072	4/21/2014
	Office of the Coordinator for Counterterrorism.	Senior Advisor	DS140078	4/17/2014
	Bureau of Economic and Business Affairs.	Senior Advisor	DS140079	4/18/2014
	Office of the Under Secretary for Economic Growth, Energy, and the Environment.	Senior Advisor	DS140081	4/28/2014
DEPARTMENT OF TRANSPORTATION.	Assistant Secretary for Governmental Affairs.	Associate Director for Governmental and Tribal Affairs.	DT140026	4/9/2014
		Deputy Assistant Secretary for Congressional Affairs.	DT140028	4/16/2014
	Secretary	Special Assistant for Scheduling and Advance.	DT140030	4/23/2014
	Assistant Secretary for Governmental Affairs.	Deputy Assistant Secretary for Governmental Affairs.	DT140029	4/25/2014
DEPARTMENT OF THE TREASURY.	Secretary of the Treasury	Special Assistant	DY140065	4/11/2014
	Assistant Secretary (Public Affairs)	Senior Advisor	DY140066	4/11/2014

The following Schedule C appointing authorities were revoked during March 2014.

Agency	Organization	Position title	Authorization No.	Vacate date
DEPARTMENT OF AGRICULTURE.	Farm Service Agency	State Executive Director—Utah	DA130196	4/3/2014
DEPARTMENT OF EDUCATION	Office of the Deputy Secretary	Special Assistant	DB130019	4/4/2014
	Office of the Secretary	Deputy Chief of Staff	DB110006	4/5/2014
	Office of Planning, Evaluation and Policy Development.	Senior Advisor for Science, Technology, Engineering and Math (STEM).	DB120084	4/5/2014
	Office of Vocation and Adult Education.	Special Assistant	DB120081	4/5/2014
	Office of Elementary and Secondary Education.	Confidential Assistant	DB140008	4/19/2014
	Office of the Under Secretary	Confidential Assistant	DB130039	4/25/2014
	Office of Communications and Outreach.	Deputy Press Secretary for Strategic Communications.	DB130025	4/27/2014
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office of the Assistant Secretary for Planning and Evaluation.	Director of Delivery System Reform.	DH110075	4/4/2014
	Office of the Assistant Secretary for Public Affairs.	Digital Communications Coordinator.	DH130129	4/4/2014
	Office of the Secretary	Senior Advisor to the Executive Secretary.	DH120047	4/5/2014
	Office of the Assistant Secretary for Public Affairs.	Press Secretary	DH130054	4/16/2014

Agency	Organization	Position title	Authorization No.	Vacate date
	Office of Intergovernmental and External Affairs.	Director of Business Outreach	DH110139	4/18/2014
DEPARTMENT OF HOMELAND SECURITY.	Federal Emergency Management Agency.	Confidential Assistant	DM110006	4/5/2014
	Office of the General Counsel	Special Assistant to the General Counsel and Attorney Advisor.	DM130029	4/5/2014
	Office of the Chief of Staff	Special Assistant to the Deputy Chief Of Staff.	DM130115	4/11/2014
	Privacy Officer	Advisor to the Chief Privacy Officer.	DM140113	4/13/2014
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.	Office of the General Counsel	Senior Counsel	DU130045	4/11/2014
DEPARTMENT OF JUSTICE	Foreign Claims Settlement Commission.	Special Assistant to the Chairman	DJ120013	4/5/2014
	Office of the Attorney General	Special Assistant	DJ100170	4/6/2014
	Civil Division	Counsel	DJ090224	4/19/2014
	Office of the Deputy Attorney General.	Senior Counsel	DJ110094	4/19/2014
DEPARTMENT OF LABOR	Office of the Assistant Secretary for Policy.	Special Assistant	DL110028	4/5/2014
	Office of Congressional and Intergovernmental Affairs.	Legislative Officer	DL090108	4/13/2014
DEPARTMENT OF THE INTERIOR.	Secretary's Immediate Office	Special Assistant for Advance	DI130010	4/19/2014
DEPARTMENT OF TRANSPORTATION.	Assistant Secretary for Governmental Affairs.	Deputy Assistant Secretary for Governmental Affairs.	DT090074	4/2/2014
	General Counsel	Associate General Counsel	DT120015	4/4/2014
	Assistant Secretary for Governmental Affairs.	Deputy Assistant Secretary for Governmental Affairs.	DT120002	4/19/2014
	Administrator	Director for Governmental Affairs	DT120032	4/19/2014
	Assistant Secretary for Governmental Affairs.	Associate Director for Governmental Affairs.	DT130011	4/19/2014
ENVIRONMENTAL PROTECTION AGENCY.	Office of the Administrator	White House Liaison	EP130029	4/5/2014
EXPORT–IMPORT BANK	Board of Directors	Executive Secretary	EB120002	4/19/2014
	Office of Communications	Senior Vice President, Communications.	EB120005	4/25/2014
OFFICE OF NATIONAL DRUG CONTROL POLICY.	Office of Public Affairs	Special Assistant for Strategic Communications.	QQ130001	4/20/2014
OFFICE OF THE SECRETARY OF DEFENSE.	Washington Headquarters Services.	Defense Fellow	DD120096	4/5/2014
	Office of the Secretary	Deputy White House Liaison	DD130048	4/5/2014
	Office of the Secretary	Special Assistant to the White House Liaison.	DD120067	4/19/2014
SMALL BUSINESS ADMINISTRATION.	Office of the Administrator	Special Advisor	SB120033	4/20/2014

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

[FR Doc. 2014–13551 Filed 6–10–14; 8:45 am]

BILLING CODE 6325–39–P

OFFICE OF PERSONNEL MANAGEMENT

Hispanic Council on Federal Employment

AGENCY: Office of Personnel Management.

ACTION: Cancelling and re-scheduling of Council Meeting.

SUMMARY: The Hispanic Council on Federal Employment (Council) is cancelling the June 19, 2014 Council meeting and will hold its next Council meetings on July 15 from 2:00 to 4:00 p.m. at the location shown below. The Council is an advisory committee composed of representatives from Hispanic organizations and senior government officials. Along with its other responsibilities, the Council shall advise the Director of the Office of Personnel Management on matters involving the recruitment, hiring, and advancement of Hispanics in the Federal workforce. The Council is co-chaired by the Chief of Staff of the Office of Personnel Management and the Chair of the National Hispanic Leadership Agenda (NHLA).

The meeting is open to the public. Please contact the Office of Personnel Management at the address shown below if you wish to present material to the Council at any of the meetings. The manner and time prescribed for presentations may be limited, depending upon the number of parties that express interest in presenting information.

Location: U.S. Office of Personnel Management, 1900 E St. NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Veronica E. Villalobos, Director for the Office of Diversity and Inclusion, Office of Personnel Management, 1900 E St. NW., Suite 5H35, Washington, DC 20415. Phone (202) 606–0020 FAX (202) 606–2183 or email at *veronica.villalobos@opm.gov.*

U.S. Office of Personnel Management.

Katherine L. Archuleta,

Director.

[FR Doc. 2014–13550 Filed 6–10–14; 8:45 am]

BILLING CODE 6820–B2–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72328; File No. SR–NASDAQ–2014–034]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change Relating to Proposed Changes To Remove From the Exchange Rules Fee Provisions Regarding Re-Transmission of ''Third-Party Data''

June 5, 2014.

On April 7, 2014, The NASDAQ Stock Market LLC (''Nasdaq'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to remove, from the Exchange rules, fee provisions with respect to third-party data feeds that Nasdaq receives from multiple sources and then re-transmits to clients in connection with the Exchange's co-location services. The proposed rule change was published for comment in the **Federal Register** on April 28, 2014.[3] The Commission received no comment on the proposal.

Section 19(b)(2) of the Act [4] provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is June 12, 2014. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. The proposed rule change would, among other things, determine whether fees for third-party data feeds provided by Nasdaq to its co-located clients could be removed from the Exchange rules.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates July 25, 2014, as the date by which the Commission should either approve or disapprove or institute proceedings to determine whether to disapprove the proposed rule change.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–13558 Filed 6–10–14; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 71990 (April 22, 2014), 79 FR 23389 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72326; File No. SR–NYSEMKT–2014–49]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the NYSE MKT BBO Market Data Product Offering

June 5, 2014.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on May 23, 2014 NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE MKT BBO market data product offering. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the NYSE MKT BBO market data product offering. In 2010, the Securities and Exchange Commission (''Commission'') approved the NYSE MKT BBO data feed and certain fees for it.[4] NYSE MKT BBO is an NYSE MKT-only market data feed that distributes on a real-time basis the same best-bid-and-offer information that the Exchange reports under the Consolidated Quotation (''CQ'') Plan for inclusion in the CQ Plan's consolidated quotation information data stream. The data feed includes the best bids and offers for all securities that are traded on the Exchange and for which the Exchange reports quotes under the CQ Plan.

The Exchange has determined to add information about security status, such as whether a security is in a short sale restriction or retail price improvement indications pursuant to NYSE MKT Rule 107C(j)—Equities, to the NYSE MKT BBO data feed. There will be no change to the fees for the NYSE MKT BBO feed in connection with this change.[5]

The Exchange expects to offer the current NYSE MKT BBO data product and the proposed NYSE MKT BBO data product with the added security status information at the same time for a limited transition period. After the transition period, the Exchange will offer only the proposed NYSE MKT BBO with the added security status

[1] 15 U.S.C. 78s (b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 62187 (May 27, 2010), 75 FR 31500 (June 3, 2010) (SR–NYSEAmex–2010–35).

[5] When the security status information is added, NYSE MKT BBO also will be distributed in a new format, Exchange Data Protocol (''XDP''). The feed will also include a symbol index mapping message that will be sent once a day. These two changes do not affect the real-time data content that is distributed.

information. The Exchange will announce the transition dates in advance.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)[6] of the Act, in general, and furthers the objectives of Section 6(b)(5)[7] of the Act, in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, and it is not designed to permit unfair discrimination among customers, brokers, or dealers.

The Exchange believes that including the additional information in NYSE MKT BBO will provide vendors and subscribers with a more comprehensive and higher quality market data product. The NYSE MKT BBO data feed will help to protect a free and open market by providing vendors and subscribers with additional choices in receiving proprietary market data, thus promoting competition and innovation. The Exchange believes that NYSE MKT BBO offers an alternative to consolidated data products and proprietary data products offered by other exchanges.[8] In addition, the proposal would not permit unfair discrimination because the product will be available to all of the Exchange's market data vendors and customers on an equivalent basis.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (''SROs'') and broker-dealers increased authority and flexibility to offer new and unique market data to consumers of such data. It was believed that this authority would expand the amount of data available to users and consumers of such data and also spur innovation and competition for the provision of market data. The Exchange believes that the data products proposed herein are precisely the sort of market data products that the Commission envisioned when it adopted Regulation NMS. The Commission concluded that Regulation NMS—by lessening regulation of the market in proprietary data—would itself further the Act's goals of facilitating efficiency and competition:

> [E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data.[9]

By removing ''unnecessary regulatory restrictions'' on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history. The Exchange believes that offering NYSE MKT BBO with the additional information reflects innovation in its product offerings and promotes competition for the provision of market data. The existence of alternatives to the Exchange's products, including real-time consolidated data and proprietary data from other exchanges, ensures that the Exchange is not unreasonably discriminatory because vendors and subscribers can elect these alternatives.

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 market for proprietary data products is currently competitive and inherently contestable because there is fierce competition for the inputs necessary to the creation of proprietary data. Numerous exchanges compete with each other for listings, trades, and market data itself, providing virtually limitless opportunities for entrepreneurs who wish to produce and distribute their own market data. This proprietary data is produced by each individual exchange, as well as other entities (such as internalizing broker-dealers and various forms of alternative trading systems, including dark pools and electronic communication networks), in a vigorously competitive market. NYSE MKT BBO offers an alternative to similar products offered by other exchanges,[10] thus promoting competition. The existence of numerous alternatives to the Exchange's products, including real-time consolidated data and proprietary data from other sources, subjects the Exchange to vigorous competition. Vendors and subscribers are free to elect these alternatives, purchase some or all of the underlying data feeds, or choose not to purchase a specific proprietary data product at all.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[11] and Rule 19b–4(f)(6) thereunder.[12] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change or such shorter time as designated by the Commission,[13] the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[14] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing,

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] For example, NASDAQ Basic includes market status information including Stock Directory, Emergency Market Condition event messages, System Status and Trading Halt information for NASDAQ, NYSE, NYSE MKT, NYSE Arca and other regional exchange listed issues. *See* NASDAQ Rule 7047 and *http://www.nasdaqtrader.com/Trader.aspx?id=NASDAQBasic.*

[9] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005) (File No. S7–10–04).

[10] *See supra* note 8.

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 17 CFR 240.19b–4(f)(6).

[13] The Exchange has satisfied this requirement.

[14] 15 U.S.C. 78s(b)(2)(B).

including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2014–49 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2014–49. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Section, 100 F Street NE., Washington, DC 20549–1090, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for Web site viewing and printing at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2014–49 and should be submitted on or before July 2, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–13556 Filed 6–10–14; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72331; File No. SR–OCC–2014–13]

Self-Regulatory Organizations; the Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Provide for the Calculation of Initial Margin Requirements for Segregated Futures Accounts Through the Use of the Standard Portfolio Analysis of Risk Margin Calculation System

June 5, 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 28, 2014, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by OCC. OCC filed the proposed rule change pursuant to Section 19(b)(3)(A)[3] of the Act and Rule 19b–4(f)(6)[4] thereunder.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

This proposed rule change by The Options Clearing Corporation (''OCC'') would provide for the calculation of initial margin requirements for segregated futures accounts through the use of the Standard Portfolio Analysis of Risk (''SPAN'') margin calculation system in place of OCC's System for Theoretical Analysis and Numerical Simulations (''STANS'') margin calculation system.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), OCC provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing the proposed rule change, or such shorter time as designated by the Commission.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

OCC is proposing to modify its rules to provide for the calculation of margin requirements for segregated futures accounts through the use of the SPAN margin calculation system in place of OCC's STANS margin calculation system, subject to OCC's collection of enhanced margin to be deposited in the segregated futures account in the event that the margin requirement as calculated under STANS would exceed the requirement calculated under SPAN.

Compliance With CFTC Rule 39.13(g)(8)

On April 25, 2012, and November 2, 2012, OCC implemented Rule 602(a) and Rule 601(c), respectively, in compliance with Commodity Futures Trading Commission (''CFTC'') Rule 39.13(g)(8),[5] which, in relevant part, requires registered derivatives clearing organizations (''DCOs'') such as OCC to (i) collect initial margin for customer segregated futures accounts on a gross basis and (ii) have rules requiring clearing members to collect initial margin from their customers in an amount that is greater than the amount the DCO collects from clearing members.[6] Together, Rules 601(c) and 602(a) resulted in customer level margin requirements for segregated futures accounts that are calculated by clearing members using SPAN, but subject to a ''floor'' established by the clearing level margin requirements calculated by OCC using STANS.

Use of STANS Inputs in Calculation of Customer Level Margin Requirements

In addition to implementing the above described changes to its systems to margin segregated futures accounts on a gross basis, OCC sought to bring customer level margin requirements into conformity with STANS risk parameters by changing the initial risk parameter inputs for particular cleared contracts in segregated futures accounts.[7] Previously, OCC used SPAN risk parameters received from the futures exchange listing a particular cleared contract when preparing theoretical output files that clearing members used in SPAN calculations to calculate

[5] 17 CFR 39.13(g)(8).

[6] *See* Securities Exchange Act Release No. 66841 (April 20, 2012), 77 FR 24999 (April 26, 2012) (SR–OCC–2012–06) and Securities Exchange Act Release No. 68148 (November 2, 2012), 77 FR 67036 (November 8, 2012) (SR–OCC–2012–17).

[7] *Id.*

customer margin requirements.[8] In order to more closely align clearing level and customer level margin requirements, OCC replaced the SPAN risk parameters with STANS risk parameters in preparing these theoretical output files.[9] This alignment of clearing level and customer level margin requirements through the use of STANS risk parameters resulted in customers of clearing members being directly exposed to margin requirements based on STANS for the first time.

STANS is a data driven system using market data to model risk correlations and distributions in order to calculate appropriate margin coverage for each cleared contract. STANS was designed to have risk parameters adjusted on a monthly basis, when new data is made available, and on a daily basis, to take into account changes in market volatility. OCC believes that these frequent recalibrations are critical to its risk management capabilities with respect to clearing member accounts. However, as a result of the changes to OCC's rules described above, these recalibrations result in frequent changes to the margin requirements applicable to customers of clearing members. Clearing members are well capitalized entities with significant access to financing and are able to absorb frequent changes to margin requirements caused by STANS risk parameter recalibration.[10] However, certain customers of clearing members may not have the same capital requirements or access to financing as clearing members, and frequent changes to their margin requirements are more disruptive, causing uncertainty and adding unforeseen financing costs to their operations.[11]

SPAN System for Calculating Initial Margin

SPAN is used universally by all the major domestic futures clearing houses, other than OCC, to calculate clearing and customer level margin requirements, as well as by the major domestic futures exchanges. SPAN is a market simulation-based methodology that calculates initial margin requirements for a wide variety of financial instruments including futures, options, physical commodities, equities, or any combination of these instruments. SPAN assesses the risk of a portfolio by calculating the maximum likely loss that could be suffered by the portfolio based on SPAN risk parameters set by an exchange or DCO. These risk parameters, known as ''scan ranges,'' include ranges of prices, volatility and other variables. Using these scan ranges, SPAN simulates a certain number of market scenarios, known as ''risk scenarios,'' as determined by the exchange or DCO, and calculates a ''SPAN risk array,'' which is a set of numerical values that indicate how a particular contract is expected to gain or lose value under the various risk scenarios. The risk array representing the maximum likely loss to a portfolio is then used to set margin requirements by the exchange or DCO.

Proposed By-Law and Rule Changes

OCC proposes to amend Rule 601 by adding new paragraph (1) to Rule 601(e) to provide for the calculation of initial margin for segregated futures customer accounts pursuant to SPAN.[12] Proposed Rule 601(e)(1) will retain the requirement that initial margin for segregated futures accounts be calculated on a gross basis, but will calculate the initial margin requirement pursuant to the SPAN methodology in order to reduce the disruption experienced by customers of clearing members due to the frequent recalibration of STANS risk parameters. OCC believes this change will provide market participants with greater certainty regarding the funding costs associated with their futures positions. Additionally, calculating initial margin requirements for segregated futures accounts pursuant to SPAN will conform OCC's margin calculation methodology for futures and options on futures with the methodology primarily used by other DCOs, futures exchanges and participants in the futures and options on futures markets.

OCC intends to set the SPAN scan ranges for cleared contracts held in segregated futures accounts based on two years of daily returns that will be analyzed for each tenor of cleared contract. In the event that two years of daily returns are unavailable, OCC will use the model two-year daily returns produced by STANS to set the SPAN scan ranges. Scan ranges will be initially set to provide coverage for a minimum 99% confidence level. OCC intends to use the price history from the futures exchange that lists a particular contract to establish the minimum margin threshold. In the event that a contract is listed by a futures exchange that is economically equivalent to another futures exchange's contract, OCC intends to use the SPAN parameters from the primary market to establish the minimum margin threshold.

OCC will reset minimum SPAN scan ranges on a quarterly basis. Margin rates, including any changes, will be posted on OCC's public Web site and implemented within five business days of the quarterly rate setting date. This schedule will be provided to all market participants via a posting on OCC's public Web site. OCC believes these measures will promote transparency and provide clearing members and their futures customers adequate time to prepare for any changes in margin rates.

OCC staff will continuously assess the current SPAN scan ranges by comparing changes in settlement values to the established SPAN scan ranges on a daily basis. If there is a change in settlement values that exceeds the established SPAN scan ranges, OCC will reset the SPAN scan ranges in between the scheduled quarterly reset no later than five business days after the observed change in settlement values that exceeded the established SPAN scan ranges and the revised ranges will be left in place for a minimum of ten business days and, if no further breaches have been observed, OCC will reset the margin rates based on its standard approach. OCC believes that this adjustment process promotes safety and soundness in its risk management practices by implementing an ongoing monitoring process to ensure that margin levels are maintained at appropriate levels.

Proposed Rule 601(e)(1) will apply to all segregated futures accounts, including segregated futures professional accounts, internal non-proprietary cross-margining accounts and non-proprietary cross-margining accounts. For cross-margining accounts with other DCOs, OCC will use the SPAN scan ranges set by the participating DCO. For OCC internal cross-margining accounts, OCC will calculate the SPAN scan ranges as described above.

Although proposed Rule 601(e)(1) proposes to use SPAN to calculate initial margin requirements for segregated futures accounts on a gross basis, OCC believes that margin

[8] Securities Exchange Act Release No. 68148 (November 2, 2012), 77 FR 67036 (November 8, 2012) (SR–OCC–2012–17).

[9] *Id.*

[10] OCC's By-Laws and Rules require clearing members to maintain minimum net capital of $2 million. *See,* OCC By-Laws, Article V, Section 1, Interpretation and Policy .01, OCC Rule 301 and OCC Rule 302. Notwithstanding the minimum net capital requirement, most OCC clearing members maintain net capital (and margin) in excess of the minimum and are able to readily satisfy margin increases that may occur from day-to-day.

[11] Clearing members' customers include individual retail customers who do not have the same financial resources as clearing members and, unlike clearing members, will not be able to easily satisfy margin increases that occur from day-to-day.

[12] OCC has previous experience operating OCC's Theoretical Intermarket Margining System (TIMS), a margin calculation system that similar to SPAN, and does not anticipate any operational issues in implementing SPAN.

requirements calculated on a net basis, i.e., permitting offsets between different customers' positions held by a clearing member in a segregated futures account, using STANS affords OCC additional protections at the clearinghouse level against risks associated with liquidating a clearing member's segregated futures account. Accordingly, OCC proposes in new Interpretation and Policy .07 to Rule 601 to also calculate on a net basis initial margin requirements for each segregated futures accounts using STANS. If at any time OCC staff observes a segregated futures account where initial margin calculated pursuant to STANS on a net basis exceeds the initial margin calculated pursuant to SPAN on a gross basis, OCC will collateralize this risk exposure by applying an enhanced margin requirement in the amount of such difference to the account. Proposed Interpretation and Policy .07 to Rule 601 therefore would ensure that STANS, which produces the best estimate of OCC's liquidation risk, continues to be utilized in connection with the risk management process for segregated futures accounts.

Impact of Change

OCC performed an evaluation of the impact of using SPAN in place of STANS to calculate initial margin requirements for segregated futures accounts and has concluded that the impact will be minimal.[13] For 78 business days between January 15, 2014 and May 7, 2014, OCC used SPAN to calculate initial margin requirements on a gross basis for all 68 segregated futures accounts carried at OCC. The change to initial margin requirements across all individual accounts ranged between an increase of $557.5 million and a decrease of $180.4 million. The average individual account increase was $18.8 million and the average account decrease was $15.4 million. When reviewing the aggregated daily impact, the change across all accounts ranged between an increase of $390.1 million and a decrease of $764.7 million. The average aggregate increase across the 50 activity dates when an overall increase in margin was observed was $150.7 million while the average aggregate on the 28 activity dates when an overall margin decrease was observed was $267.7 million.

During the above 78 business day period, 29 of the segregated futures accounts would have been subject to the enhanced margin requirement pursuant to proposed Interpretation and Policy .07 to Rule 601 because the initial margin calculated pursuant to STANS on a net basis exceeded the initial margin calculated pursuant to SPAN on a gross basis on at least one activity date.[14] The majority of the days on which the enhanced margin would have been required of a large number of accounts were during the last week of January and the first week of February when emerging markets experienced substantial volatility.

2. Statutory Basis

OCC believes the proposed rule change is consistent with Section 17A of the Act,[15] and the rules and regulations thereunder, because the proposed modifications would help ensure that OCC is able to perform clearing services for products that are subject to either the exclusive or joint jurisdiction of the CFTC[16] and is designed to promote ''the prompt and accurate clearing and settlement of securities transactions''[17] and will ''require participants to have sufficient financial resources and robust operational capacity to meet obligations arising from participation''[18] in OCC. The proposed rule change would provide greater certainty to clearing members' customers regarding funding costs associated with their futures positions and align OCC's margin methodology for segregated futures accounts with other DCOs while allowing OCC to continue to use margin requirements to limit its credit exposures to clearing members under normal market conditions and use risk-based models and parameters to set margin requirements.[19] The proposed rule change is not inconsistent with the existing rules of OCC, including any other rules proposed to be amended or any advance notice filings pending with the Commission.

(B) Clearing Agency's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition. Changes to the rules of a clearing agency may have an impact on the participants in a clearing agency and their customers and the markets that the clearing agency serves. This proposed rule change primarily affects clearing members and their customers by changing the margin calculation system used to compute initial margin requirements for segregated futures accounts from STANS to SPAN. OCC believes that the proposed change would facilitate competition among clearing members, their customers and market participants because the rule change would affect all clearing members with segregated futures accounts equally, and bring OCC's margin system for futures in line with other DCOs. Specifically, all clearing members with segregated futures accounts would be subject to having the initial margin calculation for such accounts computed under SPAN, and all affected customers would be subject to having their customer level margin requirements calculated on the basis of SPAN. With respect to any burden on competition among clearing agencies, OCC is one of several clearing agencies that perform central counterparty services for the futures markets and all such clearing agencies, except for OCC, currently use SPAN to calculate customer level margin requirements. The proposed rule change would not impede other clearing agencies from clearing futures contracts.

For the foregoing reasons, OCC believes that the proposed rule change is in the public interest and would not impose any burden on competition among clearing members, among market participants or among clearing agencies.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

[13] The only futures products sets that OCC expects to clear following the adoption of SPAN margining will be: Volatility Futures, Variance Futures, Eurodollar Futures and Security Futures. NYSE Liffe U.S. precious metal futures and MSCI broad based index futures products will also be subject to SPAN margining as long as they are cleared by OCC. However, such NYSE Liffe U.S. futures products are scheduled to transfer to another derivatives clearing organization in the second quarter of 2014.

[14] Of these 29 accounts, 18 accounts incurred an enhanced margin charge on fewer than 10 activity dates during the 78 day period, while 6 accounts incurred an enhanced margin charge between 10 and 40 activity dates, and 5 accounts incurred an enhanced margin charge on greater than 40 activity dates. OCC staff noted that accounts incurring the enhanced margin charge on a large number of activity dates are accounts comprised of a small number of positions or positions concentrated in a small number of product types. Specifically, more than half of all observed enhanced margin charges were in accounts comprised of only NYSE Liffe Metals or NYSE Liffe MSCI products. Of the 78 activity dates, on 47 activity dates fewer than 5 accounts incurred an enhanced margin charge, on 26 activity dates between 6 and 10 clearing member accounts incurred an enhanced margin charge, and on 5 activity dates 11 to 15 clearing member accounts incurred an enhanced margin charge.

[15] 15 U.S.C. 78q–1.

[16] Securities futures are subject to the joint jurisdiction of the Commission and the CFTC.

[17] 15 U.S.C. 78q–1(b)(3)(A).

[18] 17 CFR 240.17Ad–22(d)(2).

[19] 17 CFR 240.17Ad–22(b)(2).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) Significantly affect the protection of investors and the public interest;

(ii) impose any burden on competition; and

(iii) become operative for 30 days from the day 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 and Rule 19b–4(f)(6) thereunder.[20]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment for (*http://www.sec.gov/rules/sro.shtml*);

or

- Send an email to *rule-comments@sec.gov.* Please include File Number SR–OCC–2014–13 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–OCC–2014–13. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method of submission. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Section, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at *http://www.theocc.com/components/docs/legal/rules_and_bylaws/sr_occ_14_13.pdf.*

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–OCC–2014–13 and should be submitted on or before July 2, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–13561 Filed 6–10–14; 8:45 am]

BILLING CODE 8011–01–P

[20] 17 CFR 240.19b–4(f)(6)(iii). Notwithstanding the foregoing, OCC has represented that implementation of this rule change will be delayed until this rule change is deemed certified under CFTC Regulation § 40.6.

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72330; File No. SR–OCC–2014–11]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change To Correct an Inadvertent Omission in a Prior Proposed Rule Change Concerning OCC's Clearing Fee Schedule

June 5, 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 28, 2014, The Options Clearing Corporation (''OCC'') 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 primarily by OCC. OCC filed the proposed rule change pursuant to Section 19(b)(3)(A)[3] of the Act and Rule 19b–4(f)(2)[4] thereunder.[5]

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

OCC proposes to amend its Schedule of Fees in order to correct an inadvertent omission in the Schedule of Fees that was the subject of a prior rule change.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to correct an inadvertent omission in the Schedule of Fees that was the subject of a prior rule filing. In March 2014, OCC filed, for immediate effectiveness, a proposal with the Commission to amend its Schedule of Fees, effective April 1, 2014 (''Filing 2014–05'').[6] Filing 2014–05 has since been published on the Commission's Web site and in the **Federal Register**. However, through an inadvertent oversight, the Schedule of Fees attached as Exhibit 5 to Filing 2014–05 did not include a reference to the ''decentralized linkage'' fee.[7] OCC is now proposing to correct the Schedule of Fees set forth in Exhibit 5 in order to properly reflect the decentralized linkage fee of two cents ($0.02) that has

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(2).

[5] Notwithstanding its immediate effectiveness, implementation of this rule change will be delayed until this rule change is deemed certified under CFTC Regulation § 40.6.

[6] *See* Securities and Exchange Act Release No. 71769 (March 21, 2014), 79 FR 17214 (March 27, 2014) (SR–OCC–2014–05). This filing reinstated the permanent reduced fee rates adopted, effective May 1, 2007, for securities options and securities futures.

[7] The decentralized linkage fee was added to OCC's Schedule of Fees in 2012 so that OCC could, for the purposes of charging a clearing fee, treat routing trades executed in accordance with the Options Order Protection and Locked/Crossed Market Plan the same as market maker/specialist scratch trades. *See* Securities and Exchange Act Release No. 68025 (October 10, 2012), 77 FR 63398 (October 16, 2012) (SR–OCC–2012–18).

been applied since its adoption.[8] In addition, OCC proposes to add language to its Schedule of Fees to clarify the trade volume number (i.e., more than 2750 contracts) at which market maker/specialist scratch trades and decentralized linkage trades are charged a flat fee of $55 per trade, per side instead of a per trade, per side fee of two cents ($0.02). Except for the aforementioned changes, the Schedule of Fees set forth in Exhibit 5 to this proposed rule change is the same as the Schedule of Fees contained in Exhibit 5 to Filing 2014–05.

2. Statutory Basis

OCC believes the proposed rule change is consistent with Section 17A(b)(3)(D)[9] of the Act because it corrects an inadvertent omission in OCC's Schedule of Fees, thereby ensuring transparency regarding fees. As there is no intentional change in the Fee Schedule, OCC will continue to equitably allocate fees among its clearing members and other market participants. The proposed rule change is not inconsistent with the existing rules of the OCC including any other rules proposed to be amended.

(B) Clearing Agency's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.[10]

Changes to the rules of a clearing agency may have an impact on the participants in a clearing agency, their customers, and the markets that the clearing agency serves. This proposed rule change primarily affects such users and OCC believes that the proposed modifications would not disadvantage or favor any particular user in relationship to another user because the discount is being eliminated for, and the clearing fees apply equally to, all users of OCC's services.

For the foregoing reasons, OCC believes that the proposed rule change is in the public interest, would be consistent with the requirements of the Act applicable to clearing agencies, and would not impose a burden on competition that is unnecessary or inappropriate in furtherance of the purposes of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)[11] of the Act and Rule 19b–4(f)(2)[12] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–OCC–2014–11 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–OCC–2014–11. 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 of submission. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Section, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at *http://www.theocc.com/components/docs/legal/rules_and_bylaws/sr_occ_14_11.pdf.*

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–OCC–2014–11 and should be submitted on or before July 2, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–13560 Filed 6–10–14; 8:45 am]

BILLING CODE 8011–01–P

[8] OCC considers the decentralized linkage trade to be substantially similar to a market maker/scratch trade. *Id.* Therefore the decentralized linkage fee will be the same as the market maker/scratch fee set forth in Filing 2014–05.

[9] 15 U.S.C. 78q–1(b)(3)(D).

[10] 15 U.S.C. 78q–1(b)(3)(I).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(2).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72324; File No. SR–CHX–2014–07]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Create a Uniform Taxonomy for CHX Rules and To Amend Certain Cross-References

June 5, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4[2] thereunder, notice is hereby given that on May 23, 2014, the Chicago Stock Exchange, Inc. (''CHX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

CHX proposes to amend CHX rules to create a uniform taxonomy for CHX rules and to amend certain cross-references. The Exchange has designated this proposal as non-controversial and provided the Commission with the notice required by Rule 19b–4(f)(6)(iii) under the Act.[3]

The text of this proposed rule change is available on the Exchange's Web site at *(www.chx.com)* and in 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 CHX included statements concerning the purpose of and basis for the proposed rule changes 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 CHX 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 adopt a uniform taxonomy for all CHX rules. Incidentally, the Exchange proposes to amend certain cross-references to rules affected by the general taxonomy amendment and to correct certain erroneous citations.

The proposed amendments will improve the logical flow of the rules and enable the rules to be referenced and cited more easily. The Exchange does not propose to substantively modify the language or operation of any of the current CHX rules.

General Taxonomy Amendment

The Exchange proposes to adopt a typographically-consistent taxonomy for all CHX rules (''proposed taxonomy''), which entails the following:

- The proposed format for each numbered rule is as follows: Lowercase letter, followed by an Arabic numeral, followed by a capitalized letter, and followed by a lower case roman numeral (*e.g.,* Article 30, Rule 1(a)(1)(A)(i)). When necessary, after this sequence has been followed, the rule will continue with a lowercase letter, and follow the same order as mentioned above;
- Each letter or numeral will be enclosed with parentheses, without any other punctuation mark, except for the following:
- A numeral that is utilized in a manner that is not intended to be a distinct paragraph or subparagraph under a given rule, shall be marked with ''-'' before and after the numeral and enclosed with parentheses (*e.g.,* ''(-i-)''); and
- A numeral representing an Interpretation and Policy shall be marked with a period after the numerals and will not be enclosed with parentheses (*e.g.,* ''.01''); and
- All interpretative paragraphs under a rule will be listed under a section entitled ''Interpretations and Policies'';

Most of the current CHX rules already follow the proposed taxonomy, except for the following rules, which the Exchange now proposes to amend to comport to the proposed taxonomy:

- Article 1, Rule 1;
- Article 2, Rule 12;
- Article 3, Rules 1 and 8;
- Article 6, Rules 2, 3, 5, 11, and 12;
- Article 7, Rules 3, 3A, and 4;
- Article 8, Rules 11(b), 13, 14, and 16;
- Article 9, Rules 7, 12, 14, 17, 18(d), and 24(b);
- Article 10, Rules 1 and 3;
- Article 11, Rule 4;
- Article 12, Rules 2 and 8;
- Article 13, Rule 2;
- Article 14, Rule 2;
- Article 16, Rules 1, 2, 3, 6, 8, 9, and 10;
- Article 17, Rule 3;
- Article 20, Rules 1–6, 8, and 10;
- Article 21, Rules 2 and 3; and
- Article 22, Rules 1, 2, 4, 6, 8–16, 17A, 18–22, and 24–27.

Cross-Reference Amendments

In light of the foregoing general taxonomy amendments, the Exchange proposes to make the following cross-reference amendments:[4]

- *Proposed Article 6, Rule 2(c)(1):* Replace cross-reference to ''subparagraphs (1) through (5)'' with ''subparagraphs (A) through (E).''
- *Proposed Article 6, Rule 2(c)(3)(C):* Replace cross-reference to ''subparagraph (2)'' with ''subparagraph (B).''
- *Proposed Article 6, Rule 3(b):* Replace cross-reference to ''Rule 2(c)(i)'' with ''Rule 2(c)(1).''
- *Proposed Article 6, Rule 11(a)(2)(C):* Replace cross-reference to ''(i) above'' and ''(ii) or (iii) above'' with ''(A) above'' and ''(B) or (C) above,'' respectively.
- *Proposed Article 7, Rule 4, Interpretation and Policy .01:* Replace cross-reference to ''paragraph (b)(ii)'' with ''paragraph (b)(2).''
- *Proposed Article 8, Rule 14, Commentary to Item (M):* Replace cross-reference to ''item (l), Item (m)'' and ''Item (u)'' with ''Item (L), Item (M)'' and ''Item (U),'' respectively.
- *Proposed Article 9, Rule 24(b)(2)(C):* Replace cross-reference to ''paragraphs (b)(2)(i) or (b)(2)(ii)'' with ''(b)(2)(A) or (b)(2)(B).''
- *Proposed Article 11, Rule 4, Interpretation and Policy .01(p):* Replace cross-reference to ''(1)–(15)'' replaced with ''(a)–(o).''

Erroneous Citations Amendments

The Exchange also proposes the following amendments to erroneous citations:[5]

- *Proposed Article 3, Rule 3, Interpretation and Policy .01* contains an erroneous citation to Article 3, ''Rule 3(d),'' which does not exist. The Exchange proposes to replace ''Rule 3(d)'' with ''Rule 3(c),'' which is the paragraph under which the ''60 days' prior notice'' is required.
- *Proposed Article 6, Rule 2(c)(2)(A)* contains an erroneous citation to ''Rule 2(i),'' which does not exist. The Exchange proposes to replace ''Rule 2(i)'' with ''Rule 2(c)(1),'' which is the paragraph which contains the ''definition of a Principal.''
- *Proposed Article 6, Rule 2(c)(2)(B)* contains an erroneous citation to ''paragraph (j)(1)(A),'' which does not exist. The Exchange proposes to replace ''paragraph (j)(1)(A)'' with ''paragraph (c)(2)(A)(i),'' which is the paragraph under which the business activity supervised by a ''Limited Principal—Proprietary Trader'' is discussed.
- *Proposed Article 6, Rule 11, Interpretation and Policy .03* contains an incomplete and incorrect citation to current paragraph ''(a)(3)(i)–(ii),'' as the correct citation is paragraph (a)(2) and current paragraph (a)(2) contains three subsections (i)–(iii). In light of the proposed taxonomy, the Exchange proposes to replace ''(a)(3)(i)–(ii) with ''(a)(2)(A)–(C).''
- *Proposed Article 20, Rule 10(e)(5)* contains an erroneous citation to ''Rule 7.10(e)(1),'' which does not exist. The Exchange proposes to replace ''Rule 7.10(e)(1)'' with ''paragraph (e)(1),'' which is the paragraph under which the review process for clearly erroneous transactions are described.

[3] 17 CFR 240.19b–4(f)(6)(iii).

[4] The following list of amendments will only refer to the proposed citation to the rule in which the proposed amendment will be made.

[5] *Id.*

• *Proposed Article 22, Rule 19, Interpretation and Policy .06(f)* contains a few erroneous citations to ''Rule 19(j).'' The Exchange proposes to replace ''Rule 19(j)'' with ''Rule 19(m),'' which is the rule that discusses the shareholders requirements referred to under Interpretation and Policy .06(f).

Clarifying Amendment

As a final matter, the Exchange proposes to amend the following rules, all of which define different Intermarket Sweep Order modifiers, to add ''Article 20'' before each reference to ''Rule 5,'' to clarify that the respective rules refer to Article 20, Rule 5 (''Prevention of Trade-Throughs''):

• Article 1, Rule 2(b)(1)(A);
• Article 1, Rule 2(b)(1)(E); and
• Article 1, Rule 2(b)(3)(B).

2. *Statutory Basis*

The Exchange believes that its proposal to improve the overall taxonomy of the current CHX rules by replacing the current rules organization with the proposed typographically-consistent format is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[6] In particular, the proposal is consistent with Section 6(b)(5) of the Act,[7] because it would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system. The Exchange believes that the typographically-consistent taxonomy of its rules promotes just and equitable principles of trade in that it promotes a logical flow of the rules, and allows the rules utilized by the Exchange to be referenced and cited more easily. For the same reasons, the Exchange believes that the proposed amendments are consistent with the protection of investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes to improve the overall taxonomy of the current CHX rules by replacing the current rules organization with the proposed typographically-consistent prefix format contributes to the protection of investors and the public interest by making the CHX rules easier to understand, and reference. Since the Exchange does not propose to substantively modify the language of its rules, the proposed changes will not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[8] and subparagraph (f)(6) of Rule 19b–4[9] thereunder.

At any time within the 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the change in the rules of the self-regulatory organization made thereby, if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in the furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

• Send an email to *rule-comments@sec.gov.* Please include File No. SR–CHX–2014–07 on the subject line.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File No. SR–CHX–2014–07. 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 changes 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 No. SR–CHX–2014–07 and should be submitted on or before July 2, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–13554 Filed 6–10–14; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(a)(ii).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72325; File No. SR–CBOE–2014–048]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change Relating to the Give Up of a Clearing Trading Permit Holder

June 5, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 23, 2014, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend its rules governing the give up of a Clearing Trading Permit Holder by a Trading Permit Holder on Exchange Transactions. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to augment its requirements in CBOE Rules 6.21 and 6.50 related to the give up of a Clearing Trading Permit Holder (''CTPH'') by a Trading Permit Holder (''TPH'') on Exchange transactions. By way of background, to enter transactions on the Exchange, a TPH must either be a CTPH or must have a CTPH agree to accept financial responsibility for all of its transactions. Additionally, Rule 6.21 currently provides that when a TPH executes a transaction on the Exchange, it must give up the name of the CTPH (the ''Give Up'') through which the transaction will be cleared (i.e., ''give up''). Rule 6.50 provides that every CTPH will be responsible for the clearance of Exchange transactions of each TPH that gives up the CTPH's name pursuant to a Letter of Authorization, Letter of Guarantee, or other authorization given by the CTPH to the executing TPH. In a recent review of its rules relating to the give up of CTPHs by TPHs, the Exchange determined that it would be beneficial to further address and provide additional detail in its rules regarding the give up process.

Designated Give Ups and Guarantors

The Exchange seeks to amend Rule 6.21 to provide that a TPH may only give up a ''Designated Give Up'' or its ''Guarantor.'' The Exchange proposes to introduce and define the term ''Designated Give Up.'' For purposes of Rule 6.21, a ''Designated Give Up,'' is any CTPH that a TPH (other than a Market-Maker[3]) identifies to the Exchange, in writing, as a CTPH that the TPH would like to have the ability to give up. To designate a ''Designated Give Up'' a TPH must submit written notification, in a form and manner determined by the Exchange, to the Registration Services Department (''RSD''). Specifically, the Exchange anticipates using a standardized form (''Notification Form'') that a TPH would need to complete and submit to the RSD. A copy of the proposed Notification Form is included with this filing in Exhibit 3. Similarly, should a TPH no longer want the ability to give up a particular Designated Give Up, it must submit written notification, in a form and manner determined by the Exchange, to the RSD. The Exchange notes that a TPH may designate any CTPH as a Designated Give Up. Additionally, there is no minimum or maximum number of Designated Give Ups that a TPH must identify. The Exchange shall notify a CTPH, in writing and as soon as practicable, of each TPH that has identified it as a Designated Give Up. The Exchange however, will not accept any instructions, and not give effect to any previous instructions, from a CTPH not to permit a TPH to designate the CTPH as a Designated Give Up. The Exchange notes that there is no subjective evaluation of a TPH's list of proposed Designated Give Ups by the Exchange. Rather, the Exchange intends to process each list as submitted and ensure that the Clearing Trading Permit Holders identified as Designated Give Ups are in fact current Clearing Trading Permit Holders, as well as confirm that the Notification Forms are complete (e.g., contains appropriate signatures) and the OCC numbers listed for each Clearing Trading Permit Holder are accurate.

The Exchange also proposes to define the term ''Guarantor'' in the proposed rule text. For purposes of Rule 6.21, a ''Guarantor'' shall refer to a CTPH that has issued a Letter of Guarantee or Letter of Authorization for the executing TPH under the Rules of the Exchange[4] that is in effect at the time of the execution of the applicable trade. An executing TPH may give up its Guarantor without having to first designate it to the Exchange as a ''Designated Give Up.'' The Exchange also notes that CBOE Rule 8.5 provides that a Letter of Guarantee is required to be issued and filed with the Exchange by each CTPH that a Market-Maker desires to clear transactions through. Accordingly, a Market-Maker shall only be enabled to give up a Guarantor of the Market-Maker pursuant to CBOE Rule 8.5 and will not identify any Designated Give Ups.

As noted above, the proposed rule change seeks to provide that a TPH may give up only (i) the name of a CTPH that has previously been identified and processed by the Exchange as a Designated Give Up for that TPH, if not a Market-Maker or (ii) its Guarantor. This limitation shall be enforced by the Exchange's trading systems. Specifically, the Exchange will configure its trading systems to only accept orders from a TPH which identify a Designated Give Up or

[3] For purposes of this rule, references to ''Market-Maker'' shall refer to Trading Permit Holders acting in the capacity of a Market-Maker and shall include all Exchange Market-Maker capacities (e.g., Designated Primary Market-Makers and Lead Market-Makers).

[4] *See e.g.,* CBOE Rule 3.28, CBOE Rule 6.72, CBOE Rule 8.5.

Guarantor for that TPH and will reject any order entered by a TPH which designates a Give Up that is not at the time a Designated Give Up or Guarantor of the TPH. The Exchange notes that it will notify a TPH in writing when an identified Designated Give Up becomes ''effective'' (i.e., when a CTPH that has been identified by the TPH as a Designated Give Up has been enabled by the Exchange's trading systems to be given up). A Guarantor for a TPH shall be enabled to be given up for that TPH without any further action by the TPH (i.e., submitting its name as a Designated Give Up on the Notification Form). The Exchange notes that this configuration (i.e., the trading system accepting only orders which identify a Designated Give Up or Guarantor) is intended to help reduce ''keypunch errors'' and prevent TPHs from mistakenly giving up the name of a CTPH that it had no intention of ever using as a Give Up.

Acceptance of a Trade

The Exchange next proposes to permit a Designated Give Up and a Guarantor to, in certain circumstances, determine not to accept a trade on which its name was given up. If a Designated Give Up or Guarantor determines not to accept a trade, it may reject the trade in accordance with the procedures described more fully below.

A Designated Give Up may determine to not accept a trade on which its name was given up so long as it believes in good faith that it has a valid reason not to accept the trade. Examples of valid reasons may be that the Designated Give Up does not have a customer for that particular trade or that another CTPH agrees to be the Give Up on the trade and has notified the Exchange and executing TPH in writing of its intent to accept the trade. If a Designated Give Up determines to not accept (and thereby reject) a trade on which its name was given up, the executing TPH's Guarantor or another CTPH that agrees to be the Give Up on the trade shall become the Give Up. Next, the Exchange proposes to provide that a Guarantor may not accept (and thereby reject) a non-Market-Maker trade on which its name was given up only if another CTPH agrees to be the Give Up on the trade and has notified the Exchange and executing TPH in writing of its intent to accept the trade. The Exchange notes that only a Designated Give Up or Guarantor whose name was initially given up on a trade is permitted to not accept the trade, subject to the conditions noted above (i.e., the CTPH or Guarantor that becomes the Give Up on a rejected trade may not also reject the trade).

Rejection of a Trade

The Exchange has incorporated into proposed Rule 6.21 procedures that must be followed in order for a Designated Give Up to reject a trade. A trade may only be rejected on (i) the trade date or (ii) the business day following the trade date (''T+1'') (except that transactions in expiring options series may not be rejected on T+1).

Rejection on Trade Date

If a Designated Give Up decides to reject a trade on the trade date, it must first notify, in writing, the executing TPH or its designated agent, as soon as possible and attempt to resolve the disputed give up. This requirement puts the executing TPH on notice that the Give Up on the trade may be changed and provides the executing TPH and Designated Give Up an opportunity to resolve the dispute in a manner agreeable to each party. The Exchange notes that a Designated Give Up may request from the Exchange the contact information of the executing TPH or its designated agent for any trade it wishes to reject.

Following notification to the executing TPH on the trade date, a Designated Give Up may request the ability from the Exchange to change the Give Up on the trade. This request must be made by completing and submitting a standardized form (''Give Up Change Form'') to the Exchange. A copy of the proposed Give Up Change Form is included with this filing in Exhibit 3. So long as the Exchange is able to process the request prior to the trade input cutoff time established by the Clearing Corporation (or fifteen minutes thereafter, so long as the Exchange receives and is able to process a request to extend its time of final trade submission to the Clearing Corporation) (''Trade Date Cutoff Time''), the Exchange will provide the Designated Give Up the ability to make the change to the Give Up on the trade to either (1) another CTPH or (2) the executing TPH's Guarantor.

A Designated Give Up may change the Give Up to another CTPH (''New CTPH'') (i.e., a CTPH that is not the executing TPH's Guarantor) only if that CTPH has agreed to be the give up on the trade and has first notified the Exchange and the executing TPH in writing of its intent to accept the trade. To notify the Exchange, the New CTPH must complete and submit a standardized form (i.e., the Give-Up Change Form for Accepting Clearing Trading Permit Holders) to the Exchange. A copy of the proposed Give-Up Change Form for Accepting Clearing Trading Permit Holders is included with this filing in Exhibit 3. The Exchange notes that any CTPH may agree to accept a trade from the Designated Give Up that is rejecting the trade (i.e., the New CTPH does not have to already be a Designated Give Up of the executing TPH). The Exchange also notes that a New CTPH that has agreed to accept a trade and become the Give Up cannot later reject the trade. Requiring the New CTPH to provide notice to the Exchange of its intent to accept the trade and prohibiting the New CTPH from later rejecting the trade provides finality to the trade and ensures that the trade is not repeatedly reassigned from one CTPH to another.

The Exchange also seeks to provide that a Designated Give Up may alternatively change the Give Up to the executing TPH's Guarantor. The Guarantor does not need to notify the Exchange of its intent to accept the trade nor does it need to submit any notification or form. The Designated Give Up however, must first provide written notice to the Guarantor that it will be making this change. A Guarantor that becomes the Give Up on a trade as a result of the Designated Give Up rejecting the trade is prohibited from not accepting the trade/rejecting the trade. This prohibition provides finality to the trade and ensures that the trade is not repeatedly reassigned from one CTPH to another.

A Guarantor may also reject a non-Market-Maker trade for which its name was the initial given up by a TPH, but only if another CTPH has first agreed to be the Give Up on the trade and has notified the Exchange and executing TPH in writing of its intent to accept the trade. If a Guarantor of a TPH decides to reject a trade on the trade date, it must follow the same procedures to change the Give Up as would be followed by a Designated Give Up. The ability to make any changes, either by the Designated Give Up or Guarantor, to the Give Up pursuant to this procedure will end at the Trade Date Cutoff Time.

Finally, once the Give Up has been changed, the Designated Give Up or Guarantor making the change must immediately thereafter notify the Exchange, the parties to the trade and the New CTPH of the change in writing.

Rejection on T+1

The Exchange next acknowledges that some clearing firms may not reconcile their trades until after the Trade Date Cutoff Time. A clearing firm therefore, may not realize that a valid reason exists to not accept a particular trade until

after the close of the trading day or until the following morning. Accordingly, the Exchange seeks to establish a procedure for a Designated Give Up or Guarantor of a TPH that is not a Market-Maker to reject a trade on the following trade day (''T+1''). The Exchange notes that a separate procedure must be established for T+1 changes because to effectively change the Give Up on a trade on T+1, an offsetting reversal has to occur (as opposed to merely identifying a different CTPH on the trade). More specifically, a buy side must be entered by one CTPH and the sell side must be entered by the other CTPH in order to effect the moving of the position from one CTPH to another.

A Designed [sic] Give Up that wishes to reject a trade on T+1 must first notify the executing TPH, in writing, to try to attempt and resolve the dispute. Following notification to the TPH, a Designated Give Up may contact the Exchange and request the ability to enter trade records into the Exchange's trading system on behalf of itself and either the New CTPH or the executing TPH's Guarantor, which would effect a transfer of the trade to the new Give Up. So long as the Exchange is able to process the request prior to 12:00 p.m. (CT) on T+1 (''T+1 Cutoff Time''), the Exchange shall provide the Designated Give Up the ability to do so. The request must be made in writing using a standardized form (i.e., the Give Up Change Form) from the Exchange. In the event a New CTPH will be accepting the trade as the Give Up, the New CTPH must also complete and submit the CBOE Give-Up Change Form for Accepting Clearing Trading Permit Holders. A Guarantor that becomes the new Give Up on T+1 does not need to notify the Exchange of its intent to accept the trade nor does it need to submit any notification or form. The Designated Give Up however, must first provide written notice to the Guarantor that it will be making this change on T+1.

An executing TPH's Guarantor that was the initial Give Up on a trade may also reject the trade on T+1, but may only change the Give Up to another CTPH that has first agreed to be the Give Up on the trade and has notified the Exchange (by submitting the Give Up Change Form) and executing TPH in writing of its intent to accept the trade. If a Guarantor of a TPH decides to reject a non-Market-Maker trade on T+1, it must follow the same procedures outlined in subparagraph (f)(iii). The Exchange again notes that only a Guarantor whose name was initially given up is permitted to reject a trade (i.e., a Guarantor cannot reject a trade on T+1 for which it has become the give up as a result of a Designated Give Up not accepting the trade).

The ability for either a Designated Give Up or Guarantor to make these changes shall end at the T+1 Cutoff Time. The Exchange notes that that the T+1 Cutoff Time is 12:00 p.m. (CT) to provide finality and certainty as to which CTPH will be the CTPH for the trade.

Once the change to the Give Up has been made, the Designated Give Up or Guarantor making the change must immediately thereafter notify the Exchange, the parties to the trade and the New CTPH of the change in writing. The Exchange notes that the T+1 procedure is not applicable to trades in expiring options series that take place on the last trading day prior to their expiration. Rather, a Designated Give Up and Guarantor may only reject these transactions on the trade date until the Trade Date Cutoff Time in accordance with the trade date procedures described above.

As discussed above, the Exchange is allowing TPHs that are not Market-Makers to identify any CTPH as a Designated Give Up. Also as discussed, the Exchange has determined not to take instructions from a CTPH not to permit a particular TPH from giving up their name so that the Exchange will not be placed in the position of arbiter between a CTPH, a TPH and a customer. The Exchange recognizes, however, that TPHs should not be given the ability to give up any CTPH without also providing a method of recourse to those CTPHs which, for the prescribed reasons discussed above, should not be obligated to clear certain trades for which they are given up. The Exchange accordingly is seeking to provide Designated Give Ups and Guarantors the ability to, where appropriate, reject a trade. Ultimately, however, the trade must clear with a clearing firm and there must be finality to the trade. The Exchange believes that the executing TPH's Guarantor, absent a CTPH that agrees to accept the trade, should become the Give Up on any trade which a Designated Give Up determines to reject in accordance with these proposed rule provisions, because the Guarantor, by virtue of having issued a Letter of Guarantee or Authorization, has already accepted financial responsibility for all Exchange transactions made by the executing TPH. The Exchange however, does not want to prevent a CTPH that agrees to accept the trade from being able to do so, and accordingly, the Exchange also provides that a New CTPH may become the Give Up on a trade in accordance with the procedure discussed above.

Other Give Up Changes

The Exchange seeks to codify in its proposed rule three scenarios in which a Give Up on a transaction may be changed without Exchange involvement. First, if an executing TPH has the ability through an Exchange system to do so, it may change the Give Up on a trade to another Designated Give Up or its Guarantor. The Exchange notes that TPHs often make these changes when, for example, there was a keypunch error (i.e. an error that involves the erroneous entry of an intended clearing firm's OCC clearing number). The ability of the executing TPH to make any such change will end at the Trade Date Cutoff Time.[5]

Next, the proposed rule provides that, if a Designated Give Up has the ability to do so, it may change the Give Up on a transaction for which it was given up to (i) another CTPH affiliated with the Designated Give Up or (ii) a CTPH for which the Designated Give Up is a back office agent. The ability to make such a change will end at the Trade Date Cutoff Time. The procedures in proposed subparagraph (f) of Rule 6.21 that were previously described will not apply in these instances. The Exchange notes that often CTPHs themselves have the ability to change a Give Up on a trade for which it was given up to another CTPH affiliate or CTPH for which the Designated Give Up is a back office agent. Therefore, Exchange involvement in these instances is not necessary.

Lastly, the proposed rule provides that if both a Designated Give Up and a CTPH have the ability through an Exchange system to do so, the Designated Give Up and CTPH may each enter trade records into the Exchange's systems on T+1 that would effect a transfer of the trade in a non-expired option series from that Designated Give Up to that CTPH. Likewise, if a Guarantor of a TPH trade that is not a Market-Maker trade and a CTPH have the ability through an Exchange system to do so, the Guarantor and CTPH may each enter trade records into the Exchange's systems on T+1 that would effect a transfer of the trade in a non-expired option series from that Guarantor to that CTPH. The Designated Give Up or Guarantor shall not make any such change after the T+1 Cutoff Time. The Exchange notes that a Designated Give Up (or Guarantor) must notify, in writing, the Exchange and all

[5] After that time, the TPH will no longer have the ability to make this type of change as the trade will have been submitted to OCC.

the parties to the trade, of any such change made pursuant to this provision. This notification alerts the parties and the Exchange that a change to the Give Up has been made. Finally, the Designated Give Up (or Guarantor) will be responsible for monitoring the trade and ensuring that the other CTPH has entered its side of the transaction timely and correctly. If either a Designated Give Up (or Guarantor) or CTPH cannot themselves enter trade records into the Exchange's systems to effect a transfer of the trade from one to the other, the Designated Give Up (or Guarantor) may request the ability from the Exchange to enter both sides of the transaction in accordance with this amended Rule 6.21 and pursuant to the procedures set forth in subparagraph (f)(iii) of that Rule.

Responsibility

For purposes of the Rules of the Exchange, a CTPH will be financially responsible for all trades for which it is the Give Up at the Applicable Cutoff Time (for purposes of the proposed rule, the ''Applicable Cutoff Time'' shall refer to the T+1 Cutoff Time for non-expiring option series and to the Trade Date Cutoff Time for expiring option series). The Exchange notes however, that nothing in the proposed rule shall preclude a different party from being responsible for the trade outside of the Rules of the Exchange pursuant to OCC Rules, any agreement between the applicable parties, other applicable rules and regulations, arbitration, court proceedings or otherwise. Moreover, in processing a request to provide a Designated Give Up the ability to change a Give Up on a trade, the Exchange will not consider or validate whether the Designated Give Up has satisfied the requirements of this Rule in relation to having a good faith belief that it has a valid reason not to accept a trade or having notified the executing TPH and attempting to resolve the disputed Give Up prior to changing the Give Up. Rather, upon request, the Exchange shall always provide a Designated Give Up or Guarantor the ability to change the give up or to reject a trade pursuant to the proposed rule so long as the Designated Give Up or Guarantor, and New CTPH if applicable, have provided a completed Give Up Change Forms within the prescribed time period. The Exchange notes that given the inherent time constraints in making a change to a Give Up on a transaction, the Exchange would not be able to adequately consider the above-mentioned requirements and make a determination within the prescribed period of time. Rather, the Exchange will examine trades for which a Give Up was changed pursuant to subparagraphs (e) and (f) after the fact to ensure that requirements set forth in amended Rule 6.21 were complied with. Particularly, the Exchange notes that the Give Up Change Forms that Designated Give Ups, Guarantors and New CTPHs must submit, will help to ensure that the Exchange obtains, in an uniform format, the information that it needs to monitor and regulate this rule and these give up changes in particular. This information, for example, will better allow the Exchange to determine whether the Designated Give Up had a valid reason to reject the trade, as well as assist the Exchange in cross checking and confirming that what the Designated Give Up or Guarantor said it was going to do is what it actually did (e.g., check that the New CTPH identified in the Give Up Change Form was the CTPH that actually was identified on the trade as the Give Up). Additionally, the proposed rule does not preclude these factors from being considered in a different forum (e.g., court or arbitration) nor does it preclude any CTPH that violates any provision of amended Rule 6.21 rule from being subject to discipline in accordance with Exchange rules.

Finally, the Exchange proposes to eliminate language in Rule 6.50 that addresses the financial responsibility of transactions clearing through CTPHs. Financial responsibility is now addressed and clarified in amended Rule 6.21, and as such, the Exchange believes this language in Rule 6.50 is unnecessary.

The Exchange proposes to announce the implementation date of the proposed rule change in a Regulatory Circular, to be published no later than thirty (30) days following Commission approval. The implementation date will be no later than ninety (90) days following publication of the Regulatory Circular. The Exchange notes this additional time gives TPHs time to provide their lists of all CTPHs that they would like to designate as ''Designated Give Ups'' and gives the Exchange time to process those lists and configure its system accordingly.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[6] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

First, detailing in the rules how TPHs will give up CTPHs and how CTPHs may ''reject'' a trade provides transparency and operational certainty. The Exchange believes additional transparency removes a potential impediment to, and will contribute to perfecting, the mechanism for a free and open market and a national market system, and, in general, will protect investors and the public interest. Moreover, the Exchange notes that amended Rule 6.21 requires standardized forms to be used in the designation of Designated Give Ups to ensure a seamless administration of the Rule. The Rule also requires that CTPHs submit standardized forms when requesting the ability to reject a trade and that all notifications relating to a change in Give Up are in writing. These requirements will aid the Exchange's efforts to monitor and regulate Trading Permit Holders and Clearing Trading Permit Holders as they relate to amended Rule 6.21 and changes in give ups, thereby protecting investors and the public interest.

Additionally, the Exchange notes that in evaluating its give up rule provisions, it solicited feedback from a variety of market participants. The Exchange believes that its proposed give up rule strikes the right balance between the various views and interests across the industry. For example, although the rule allows TPHs that are not Market-Makers to identify any CTPH as a Designated Give Up, it also provides that CTPHs will receive notice of any TPH that has designated it as a Designated Give Up and provides for a procedure for a CTPH to ''reject'' a trade in accordance with the Rules, both on the trade date and T+1. The Exchange recognizes that TPHs should not be given the ability to

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] *Id.*

give up any CTPH without also providing a method of recourse to those CTPHs which, for the prescribed reasons discussed above, should not be obligated to clear certain trades for which they are given up. The Exchange believes that providing Designated Give Ups the ability to reject a trade within a reasonable amount of time is consistent with the Act as, pursuant to the proposed rule, the Designated Give Ups may only do so if they have a valid reason and because ultimately, the trade can always be assigned to the Guarantor of the executing TPH. A trade must clear with a clearing firm and there must be finality to the trade. The Exchange believes that the executing TPH's Guarantor, absent a CTPH that agrees to accept the trade, should become the Give Up on any trade which a Designated Give Up determines to reject in accordance with the proposed rule provisions, because the Guarantor, by virtue of having issued a Letter of Guarantee or Authorization, has already accepted financial responsibility for all Exchange transactions made by the executing TPH. Therefore, amended Rule 6.21 is reasonable and provides certainty that a CTPH will always be responsible for a trade, which protects investors and the public interest.

Lastly, the Exchange notes that amended Rule 6.21 does not preclude a different party than the party given up from being responsible for the trade outside of the Rules of the Exchange pursuant to OCC Rules, any agreement between the applicable parties, other applicable rules and regulations, arbitration, court proceedings or otherwise. The Exchange acknowledges that it will not consider whether the Designated Give Up has satisfied the requirements of this Rule in relation to having a good faith belief that it has a valid reason not to accept a trade or having notified the executing TPH and attempting to resolve the disputed Give Up prior to changing the Give Up, due to inherent time restrictions. However, the Exchange believes investor and public interest are still protected as the Exchange will still examine trades for which a Give Up was changed pursuant to subparagraphs (e) and (f) of amended Rule 6.21 after the fact to ensure that the requirements set forth in the Rule were complied with. As noted above, the use of standardized forms and the requirement that certain notices be in writing will assist monitoring any give up changes and enforcing amended Rule 6.21. Finally, the Exchange notes that the Rule does not preclude these factors from being considered in a different forum (e.g., court or arbitration) nor does it preclude any TPH or CTPH that violates any provision of amended Rule 6.21 from being subject to discipline by the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose an unnecessary burden on intramarket competition because it will apply equally to all similarly situated Trading Permit Holders. The Exchange also notes that, should the proposed changes make CBOE more attractive for trading, market participants trading on other exchanges can always elect to become TPHs on CBOE to take advantage of the trading opportunities.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited nor received comments on the version of the proposed rule change submitted in this rule filing. As further described in Item 1 [sic] above, the Exchange has solicited feedback from a variety of market participants regarding the general subject of this rule 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 Exchange consents, the Commission will:

A. By order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2014–048 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2014–048. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal 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–2014–048, and should be submitted on or before July 2, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–13555 Filed 6–10–14; 8:45 am]

BILLING CODE 8011–01–P

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72336; File No. SR–NYSEArca–2014–42]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Granting Approval of Proposed Rule Change Relating to the Listing and Trading of Shares of Schwab Active Short Duration Income ETF; Schwab TargetDuration 2-Month ETF; Schwab TargetDuration 9-Month ETF; and Schwab TargetDuration 12-Month ETF Under NYSEArca Equities Rule 8.600

June 5, 2014.

I. Introduction

On April 14, 2014, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the Schwab Active Short Duration Income ETF; Schwab TargetDuration 2-Month ETF; Schwab TargetDuration 9-Month ETF; and Schwab TargetDuration 12-Month ETF (individually, ''Fund,'' and collectively, ''Funds'') under NYSE Arca Equities Rule 8.600. The proposed rule change was published for comment in the **Federal Register** on May 1, 2014.[3] The Commission received no comments on the proposed rule change. This order grants approval of the proposed rule change.

II. Description of the Proposed Rule Change

The Exchange proposes to list and trade Shares of the Funds pursuant to NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares on the Exchange. Each Fund is a series of the Schwab Strategic Trust (''Trust''), a statutory trust organized under the laws of the State of Delaware and registered with the Commission as an open-end management investment company.[4] The Funds will be advised by Charles Schwab Investment Management, Inc. (''CSIM'' or ''Adviser''). The Exchange states that the Adviser is not a broker-dealer but is affiliated with a broker-dealer, Charles Schwab & Co., Inc. The Adviser has implemented and will maintain a fire wall with respect to its broker-dealer affiliate regarding access to information concerning the composition of or changes to each respective Fund's portfolio.[5]

The Exchange has made the following representations and statements in describing the Funds and their respective investment strategies, including other portfolio holdings and investment restrictions.

Schwab Active Short Duration Income ETF [6]

Principal Investments

According to the Short Duration Registration Statement, the investment objective of the Fund is to seek a high level of current income consistent with preservation of capital and daily liquidity.

To pursue its goal, it is the Fund's policy, under normal circumstances,[7] to invest at least 90% of its net assets [8] in a portfolio of investment-grade short-term fixed-income securities issued by U.S. and foreign issuers and in other short-term investments, as described below. The short-term fixed-income securities in which the Fund may invest include corporate and commercial debt instruments; [9] privately-issued securities; [10] mortgage-backed and asset-backed securities; [11] variable- and floating-rate fixed-income securities; repurchase agreements; [12] money market instruments, including, but not limited to certificates of deposit, commercial paper, promissory notes, and asset-backed commercial paper; obligations issued by the U.S. government or its agencies and instrumentalities,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 72028 (Apr. 25, 2014), 79 FR 24789 (''Notice'').

[4] The Trust is registered under the Investment Company Act of 1940 (''1940 Act''). According to the Exchange, on November 21, 2012, the Trust filed with the Commission a registration statement on Form N–1A under the Securities Act of 1933 (''Securities Act'') and the 1940 Act relating to the Schwab Active Short Duration Income ETF (File Nos. 333–160595 and 811–22311) (''Short Duration Registration Statement''). On August 1, 2013, the Trust filed with the Commission a registration statement on Form N–1A under the Securities Act and the 1940 Act for the Schwab TargetDuration 2-Month ETF; Schwab TargetDuration 9-Month ETF; and Schwab TargetDuration 12-Month ETF (File Nos. 333–160595 and 811–22311) (''TargetDuration Registration Statement'' and, together with the Short Duration Registration Statement, collectively, ''Registration Statements''). In addition, the Exchange states that the Adviser (defined herein) has obtained certain exemptive relief under the 1940 Act. *See* Investment Company Act Release No. 30606 (July 23, 2013) (File No. 812–14009). The Exchange states that each Fund will be offered in reliance upon the Exemptive Order issued to the Adviser.

[5] *See* NYSE Arca Equities Rule 8.600, Commentary .06. In the event (a) the Adviser becomes a registered broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, the adviser or sub-adviser will implement a fire wall with respect to its relevant personnel or its broker-dealer affiliate regarding access to information concerning the composition of or changes to the portfolios, and it will be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding the portfolios.

[6] The Adviser represents that the name of this Fund will be changed to the Schwab TargetDuration 6-Month ETF prior to commencement of listing and trading of Shares of the Fund on the Exchange. This change will be reflected in an amendment to the Short Duration Registration Statement.

[7] With respect to each of the Funds, the term ''under normal circumstances'' includes, but is not limited to, the absence of extreme volatility or trading halts in the fixed-income markets or the financial markets generally; events or circumstances causing a disruption in market liquidity or orderly markets; 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.

[8] Each Fund's 90% investment policy may be satisfied by the investments outlined in a Fund's ''Principal Investments'' section. Certain ''Non-Principal Investments'' of each Fund, as discussed below, may also be considered within a Fund's 90% investment policy to the extent they are investment-grade short-term fixed-income securities. *See* note 55, *infra.*

[9] The Adviser expects that, under normal market circumstances, each Fund will generally seek to invest in corporate bond issuances in developed countries that have at least $100,000,000 par amount outstanding and at least $200,000,000 par amount outstanding with respect to corporate bond issuances in emerging market countries.

[10] Privately-issued securities are generally issued under Rule 144A of the Securities Act.

[11] Each Fund's investments in each of the following security types will be limited to 10% of a Fund's net assets: (1) Non-agency residential-mortgage-backed securities; (2) non-agency commercial-mortgage-backed securities; and (3) non-agency asset-backed securities. Each Fund's aggregate investments in the following security types will be limited to 20% of a Fund's net assets: (1) Non-agency residential-mortgage-backed securities; (2) non-agency commercial-mortgage-backed securities; and (3) non-agency asset-backed securities. As noted for each Fund, at least 90% of a Fund's net assets will be, under normal circumstances, invested in U.S. dollar-denominated fixed-income securities. All fixed-income securities, including mortgage-backed and asset-backed securities, purchased by a Fund will be rated A– or higher. Neither high-yield asset-backed securities nor high-yield mortgage-backed securities are included in a Fund's principal investment strategies. The liquidity of a security, especially in the case of asset-backed and mortgage-backed debt securities, is a factor in each Fund's security selection process. Asset-backed securities backed by a specific industry receivable are classified into distinct industries based on the underlying credit and liquidity structures. Asset-backed commercial paper programs backed by multiple industry receivables are classified within a multi-industry category. Each Fund will limit investments in each identified industry individually and in the multi-industry category to less than 25% of its net assets.

[12] Repurchase agreements are instruments under which a buyer acquires ownership of certain securities (usually U.S. government securities) from a seller who agrees to repurchase the securities at a mutually agreed-upon time and price, thereby determining the yield during the buyer's holding period. The period to maturity for repurchase agreements is generally short (from overnight to one week), although it may be longer. In addition, the securities collateralizing a repurchase agreement may have longer maturity periods.

including but not limited to, obligations that are not guaranteed by the U.S. Treasury, such as those issued by Fannie Mae and Freddie Mac; and bank notes and similar demand deposits. To gain exposure to short-term fixed-income securities, the Fund may invest in other short-term investments including (1) money market funds (including funds that are managed by the Adviser or one of its affiliates), (2) other investment companies,[13] including exchange-traded funds (''ETFs''),[14] that invest in securities similar to those in which the Fund may invest directly, and (3) cash and cash equivalents. All of these investments will be denominated in U.S. dollars, including those that are issued by foreign issuers.

All fixed-income securities purchased by the Fund will be rated A− or higher by Standard & Poor's Corporation (''S&P''); will have an equivalent rating by another Nationally Recognized Statistical Rating Organization (''NRSRO''), such as Fitch Inc. (''Fitch'') or Moody's Investor Services, Inc. (''Moody's''); or, if unrated, will be of equivalent quality, as determined by the Adviser.[15]

Under normal circumstances, the Fund will generally maintain a portfolio duration of less than six months.[16] The Adviser may adjust the Fund's duration within the stated limit based on current or anticipated changes in interest rates.

Additionally, under normal circumstances, the Fund generally expects to maintain a portfolio maturity (which is the weighted average maturity of all the securities held in the portfolio) of less than twelve months (1 year). For most security types, the security's final maturity date (the date on which the final principal payment of the security is scheduled to be paid) will be used to determine the Fund's portfolio maturity.[17] The Fund will not purchase any security with a maturity—or, for securitized investments, a weighted average life—of more than twenty-four months (2 years) from the date of acquisition. The Adviser may adjust the Fund's maturity within the stated limit based on current and anticipated changes in interest rates.

The Fund is an actively-managed fund that does not seek to track the performance of a specific index. The Exchange notes, however, that the Fund's portfolio, under normal circumstances, will meet certain criteria similar to those applicable to index-based, fixed-income exchange-traded funds contained in NYSE Arca Equities Rule 5.2(j)(3), Commentary.02.[18]

Schwab TargetDuration 2-Month ETF

Principal Investments

According to the TargetDuration Registration Statement, the investment objective of the Fund is to seek current income consistent with preservation of capital and daily liquidity.

To pursue its goal, it is the Fund's policy, under normal circumstances,[19] to invest at least 90% of its net assets[20] in a portfolio of investment-grade short-term fixed-income securities issued by U.S. and foreign issuers and in other short-term investments. The fixed-income securities in which the Fund may invest include corporate and commercial debt instruments;[21] privately-issued securities;[22] mortgage-backed and asset-backed securities;[23] variable- and floating-rate fixed-income securities; repurchase agreements;[24] money market instruments, including, but not limited to certificates of deposit, commercial paper, promissory notes, and asset-backed commercial paper; obligations issued by the U.S. government or its agencies and instrumentalities, including but not limited to, obligations that are not guaranteed by the U.S. Treasury, such as those issued by Fannie Mae and Freddie Mac; and bank notes and similar demand deposits. To gain exposure to short-term fixed-income securities, the Fund may invest in other short-term investments including (1) money market funds (including funds that are managed by the Adviser or one of its affiliates), (2) other investment companies,[25] including ETFs,[26] that invest in securities similar to those in which the Fund may invest directly, and (3) cash and cash equivalents. All of these investments will be denominated in U.S. dollars, including those that are issued by foreign issuers.

All fixed-income securities purchased by the Fund will be rated A− or higher by S&P; hold an equivalent rating by another NRSRO such as Fitch or Moody's; or, if unrated, be determined by the Adviser to be of equivalent quality.[27]

Under normal circumstances, the Fund will generally maintain a portfolio duration of less than two months.[28] The Adviser may adjust the Fund's duration within the stated limit based on current and anticipated changes in interest rates.

Additionally, under normal circumstances, the Fund generally expects to maintain a portfolio maturity (which is the weighted average maturity

[13] Each Fund may invest in other investment companies to the extent permitted by Section 12(d)(1) of the 1940 Act and rules thereunder or by any applicable exemption under the 1940 Act with respect to such investments.

[14] For purposes of this proposed rule change, ETFs include Investment Company Units (as described in NYSE Arca Equities Rule 5.2(j)(3)); Portfolio Depositary Receipts (as described in NYSE Arca Equities Rule 8.100); and Managed Fund Shares (as described in NYSE Arca Equities Rule 8.600). The ETFs all will be listed and traded in the U.S. on registered exchanges. While each Fund may invest in inverse ETFs, a Fund will not invest in leveraged (*e.g.,* 2X or 3X) or leveraged inverse ETFs.

[15] In determining whether a security is of ''equivalent quality,'' the Adviser may consider various factors, including but not limited to: Whether the issuer of the security has issued other rated securities; whether the obligations under the security are guaranteed by another entity and the rating of the guarantor (if any); whether and (if applicable) how the security is collateralized; other forms of credit enhancement (if any); the security's maturity date; liquidity features (if any); relevant cash flow(s); valuation features; and other structural analysis.

[16] Duration measures the price sensitivity of a security to interest rate changes. The longer the duration, the more sensitive the portfolio will be to a change in interest rates.

[17] For securitized investments such as asset-backed and mortgage-backed securities, the security's weighted average life (the weighted average time to receipt of all principal payments) will be used to determine a Fund's portfolio maturity, while for securities with embedded demand features, such as puts or calls, either the security's demand date or the final maturity date, depending on interest rates, yields, and other market conditions, will be used.

[18] *See* NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 governing fixed-income based Investment Company Units. Under normal circumstances, each Fund's portfolio will meet the following criteria: (i) Components that in the aggregate account for at least 65% of the weight of the index or portfolio must each have a minimum original principal amount outstanding of $100 million or more (in contrast to the requirement in NYSE Arca Equities Rule 5.2(j)(3), Commentary .02(a)(3) that 75% of the weight of the index or portfolio meet such requirement); (ii) no component fixed-income security (excluding Treasury Securities, government-sponsored entity and other exempted securities) will represent more than 30% of the weight of the portfolio, and the five highest-weighted component fixed-income securities (excluding Treasury Securities, government-sponsored entity and other exempted securities) will not in the aggregate account for more than 65% of the weight of the portfolio); and (iii) the portfolio (excluding Treasury Securities, government-sponsored-entity securities and other exempted securities) will include securities from a minimum of 13 non-affiliated issuers. Each Fund will not be required to meet the requirements of NYSE Arca Equities Rule 5.2(j)(3), Commentary .02(a)(3) (which relates to convertible security index components and removal of such components from an index or portfolio once the convertible security converts to the underlying security), and Commentary .02(a)(6) (which relates to reporting, numerical, or other enumerated requirements applicable to issuers of index component securities).

[19] *See* note 7, *supra.*

[20] *See* note 8, *supra.*

[21] *See* note 9, *supra.*

[22] *See* note 10, *supra.*

[23] *See* note 11, *supra.*

[24] *See* note 12, *supra.*

[25] *See* note 13, *supra.*

[26] *See* note 14, *supra.*

[27] *See* note 15, *supra.*

[28] *See* note 16, *supra.*

of all the securities held in the portfolio) of less than four months. For most security types, the security's final maturity date (the date on which the final principal payment of the security is scheduled to be paid) will be used to determine the Fund's portfolio maturity.[29] The Fund will not purchase any security with a maturity—or, for securitized investments, a weighted average life—of more than eighteen months (1.5 years) from the date of acquisition. The Adviser may adjust the Fund's maturity within the stated limit based on current and anticipated changes in interest rates.

The Fund is an actively-managed fund that does not seek to track the performance of a specific index. The Exchange notes, however, that the Fund's portfolio, under normal circumstances, will meet certain criteria similar to those applicable to index-based, fixed-income exchange-traded funds contained in NYSE Arca Equities Rule 5.2(j)(3), Commentary .02.[30]

Schwab TargetDuration 9-Month ETF

Principal Investments

According to the TargetDuration Registration Statement, the investment objective of the Fund is to seek a high level of current income consistent with preservation of capital.

To pursue its goal, it is the Fund's policy, under normal circumstances,[31] to invest at least 90% of its net assets [32] in a portfolio of investment-grade short-term fixed-income securities issued by U.S. and foreign issuers and in other short-term investments. The fixed-income securities in which the Fund may invest include corporate and commercial debt instruments; [33] privately-issued securities; [34] mortgage-backed and asset-backed securities; [35] variable- and floating-rate fixed-income securities; repurchase agreements,[36] money market instruments, including, but not limited to certificates of deposit, commercial paper, promissory notes, and asset-backed commercial paper; obligations issued by the U.S. government or its agencies and instrumentalities, including but not limited to, obligations that are not guaranteed by the U.S. Treasury, such as those issued by Fannie Mae and Freddie Mac; and bank notes and similar demand deposits. To gain exposure to short-term fixed-income securities, the Fund may invest in other short-term investments including (1) money market funds (including funds that are managed by the Adviser or one of its affiliates), (2) other investment companies,[37] including ETFs,[38] that invest in securities similar to those in which the Fund may invest directly, and (3) cash and cash equivalents. All of these investments will be denominated in U.S. dollars, including those that are issued by foreign issuers.

All fixed-income securities purchased by the Fund will be rated A− or higher by S&P; hold an equivalent rating by another NRSRO such as Fitch or Moody's; or, if unrated, be determined by the Adviser to be of equivalent quality.[39]

Under normal circumstances, the Fund will generally maintain a portfolio duration of less than nine months.[40] The Adviser may adjust the Fund's duration within the stated limit based on current and anticipated changes in interest rates.

Additionally, under normal circumstances, the Fund generally expects to maintain a portfolio maturity (which is the weighted average maturity of all the securities held in the portfolio) of less than eighteen months (1.5 years). For most security types, the security's final maturity date (the date on which the final principal payment of the security is scheduled to be paid) will be used to determine the Fund's portfolio maturity.[41] The Fund will not purchase any security with a maturity—or, for securitized investments, a weighted average life—of more than thirty months (2.5 years) from the date of acquisition. The Adviser may adjust the Fund's maturity within the stated limit based on current and anticipated changes in interest rates.

The Fund is an actively-managed fund that does not seek to track the performance of a specific index. The Exchange notes, however, that the Fund's portfolio, under normal circumstances, will meet certain criteria similar to those applicable to index-based, fixed-income exchange-traded funds contained in NYSE Arca Equities Rule 5.2(j)(3), Commentary .02.[42]

Schwab TargetDuration 12-Month ETF

Principal Investments

According to the TargetDuration Registration Statement, the investment objective of the Fund is to seek maximum current income consistent with preservation of capital.

To pursue its goal, it is the Fund's policy, under normal circumstances,[43] to invest at least 90% of its net assets [44] in a portfolio of investment-grade short-term fixed-income securities issued by U.S. and foreign issuers and in other short-term investments. The fixed-income securities in which the Fund may invest include corporate and commercial debt instruments; [45] privately-issued securities,[46] mortgage-backed and asset-backed securities; [47] variable- and floating-rate fixed-income securities; repurchase agreements; [48] money market instruments, including, but not limited to certificates of deposit, commercial paper, promissory notes, and asset-backed commercial paper; obligations issued by the U.S. government or its agencies and instrumentalities, including but not limited to, obligations that are not guaranteed by the U.S. Treasury, such as those issued by Fannie Mae and Freddie Mac; and bank notes and similar demand deposits. To gain exposure to short-term fixed-income securities, the Fund may invest in other short-term investments including (1) money market funds (including funds that are managed by the Adviser or one of its affiliates), (2) other investment companies,[49] including ETFs,[50] that invest in securities similar to those in which the Fund may invest directly, and (3) cash and cash equivalents. All of these investments will be denominated in U.S. dollars, including those that are issued by foreign issuers.

All fixed-income securities purchased by the Fund will be rated A− or higher by S&P; hold an equivalent rating by another NRSRO such as Fitch or Moody's; or, if unrated, be determined by the Adviser to be of equivalent quality.[51]

Under normal circumstances, the Fund will generally maintain a portfolio duration of less than twelve months (1 year).[52] The Adviser may adjust the Fund's duration within the stated limit based on current and anticipated changes in interest rates.

Additionally, under normal circumstances, the Fund generally expects to maintain a portfolio maturity

[29] *See* note 17, *supra.*
[30] *See* note 18, *supra.*
[31] *See* note 7, *supra.*
[32] *See* note 8, *supra.*
[33] *See* note 9, *supra.*
[34] *See* note 10, *supra.*
[35] *See* note 11, *supra.*
[36] *See* note 12, *supra.*
[37] *See* note 13, *supra.*
[38] *See* note 14, *supra.*
[39] *See* note 15, *supra.*
[40] *See* note 16, *supra.*
[41] *See* note 17, *supra.*
[42] *See* note 18, *supra.*
[43] *See* note 7, *supra.*
[44] *See* note 8, *supra.*
[45] *See* note 9, *supra.*
[46] *See* note 10, *supra.*
[47] *See* note 11, *supra.*
[48] *See* note 12, *supra.*
[49] *See* note 13, *supra.*
[50] *See* note 14, *supra.*
[51] *See* note 15, *supra.*
[52] *See* note 16, *supra.*

(which is the weighted average maturity of all the securities held in the portfolio) of less than twenty-four months (2 years). For most security types, the security's final maturity date (the date on which the final principal payment of the security is scheduled to be paid) will be used to determine the Fund's portfolio maturity.[53] The Fund will not purchase any security with a maturity—or, for securitized investments, a weighted average life—of more than thirty-six months (3 years) from the date of acquisition. The Adviser may adjust the Fund's maturity within the stated limit based on current and anticipated changes in interest rates.

The Fund is an actively-managed fund that does not seek to track the performance of a specific index. The Exchange notes, however, that the Fund's portfolio, under normal circumstances, will meet certain criteria similar to those applicable to index-based, fixed-income exchange-traded funds contained in NYSE Arca Equities Rule 5.2(j)(3), Commentary .02.[54]

Non-Principal Investments [55]

As part of each Fund's non-principal investment strategies, a Fund may invest in other securities such as Build America Bonds; [56] capital and trust preferred securities; [57] fixed-income securities with put features; sinking funds; [58] and zero-coupon, step-coupon, and pay-in-kind securities.[59] Also as part of each Fund's non-principal investment strategies, a Fund may borrow money in accordance with the 1940 Act as outlined in a Fund's Registration Statement.

A Fund may not hold more than 15% of its net assets in illiquid assets, including Rule 144A securities [60] except for Rule 144A securities deemed liquid by the Adviser, based on criteria for liquidity established by the Board, consistent with Commission guidance.[61] Each 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 a 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.

Furthermore, a Fund may not concentrate investments in a particular industry or group of industries, as concentration is defined under the 1940 Act, the rules or regulations thereunder, or any exemption therefrom, as such statute, rules, or regulations may be amended or interpreted from time to time.

Each Fund will not invest in options, futures, swaps, or other derivatives or in non-U.S. equity securities. A Fund's investments will be consistent with its investment objective and will not be used to enhance leverage.

Additional information regarding the Trust, the Funds, and the Shares of each Fund, including investment strategies, risks, creation and redemption procedures, fees, portfolio holdings, disclosure policies, distributions, and taxes, among other things, is included in the Notice and Registration Statements, as applicable.[62]

III. Discussion and Commission's Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of Section 6 of the Act [63] and the rules and regulations thereunder applicable to a national securities exchange.[64] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[65] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission notes that the Funds and the Shares must comply with the requirements of NYSE Arca Equities Rule 8.600 for the Shares to be listed and traded on the Exchange.

The Commission finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Act,[66] which sets forth Congress's finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for, and transactions in, securities. Quotation and last-sale information for the Shares will be available via the Consolidated Tape Association ("CTA") high-speed line. In addition, the Portfolio Indicative Value, as defined in NYSE Arca Equities

[53] *See* note 17, *supra.*

[54] *See* note 18, *supra.*

[55] Certain investments have been identified as "Non-Principal Investments" within the Registration Statements given the limited extent to which these investments are expected to constitute each Fund's portfolio. These non-principal investments, however, may be considered within a Fund's 90% investment policy to the extent they are investment-grade short-term fixed-income securities.

[56] Build America Bonds offer an alternative form of financing to state and local governments whose primary means for accessing the capital markets has historically been through the issuance of tax-free municipal bonds. Issuance of Build America Bonds ceased on December 31, 2010. Outstanding Build America Bonds will continue to be eligible for the federal interest-rate subsidy, which continues for the life of the bonds.

[57] Capital securities are certain subordinated securities and generally rank senior to common stock and preferred stock in an issuer's capital structure, but have a lower security claim than the issuer's corporate bonds. Trust preferred securities have characteristics similar to other capital securities. They are issued by a special purpose trust subsidiary backed by subordinated debt of the corporate parent.

[58] Sinking funds are generally established by bond issuers to set aside a certain amount of money to cover timely repayment of bondholders' principal raised through a bond issuance. By creating a sinking fund, the issuer is able to spread repayment of principal to numerous bondholders while reducing reliance on its then-current cash flows. A sinking fund also may allow the issuer to annually repurchase certain of its outstanding bonds from the open market or repurchase certain of its bonds at a call price named in a bond's sinking fund provision. This call provision allows bonds to be prepaid or called prior to a bond's maturity.

[59] Zero-coupon, step-coupon, and pay-in-kind securities are fixed-income securities that do not make regular cash interest payments throughout the period prior to maturity. Zero-coupon and step-coupon securities are sold at a deep discount to their face value. A zero-coupon security pays no interest to its holders during its life. Step-coupon securities are debt securities that, instead of having a fixed coupon for the life of the security, have coupon or interest payments that may increase or decrease to pre-determined rates at future dates. Pay-in-kind securities pay interest through the issuance of additional securities. To continue to qualify as a "regulated investment company" or "RIC" under the Internal Revenue Code of 1986, as amended, and to avoid excise tax, each Fund may be required to distribute a portion of such discount value and income and may be required to dispose of other portfolio securities, which may occur in periods of adverse market prices, in order to generate cash to meet these distribution requirements.

[60] Rule 144A securities are securities that, while privately placed, are eligible for purchase and resale pursuant to Rule 144A of the Securities Act.

[61] 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).

[62] *See* Notice and Registration Statements, *supra* notes 3 and 4, respectively.

[63] 15 U.S.C. 78f.

[64] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[65] 15 U.S.C. 78f(b)(5).

[66] 15 U.S.C. 78k–1(a)(1)(C)(iii).

Rule 8.600(c)(3), of the Shares of each Fund will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Core Trading Session.[67] On each day that the Exchange is open for business (normally from 9:30 a.m. until 4:00 p.m. Eastern Time) (''Business Day''), before commencement of the Core Trading Session, the Adviser will disclose on each Fund's Web site the Disclosed Portfolio, as defined in NYSE Arca Equities Rule 8.600(c)(2), that will form the basis for each Fund's calculation of net asset value (''NAV'') at the end of the Business Day.[68] Each Fund will calculate its NAV at the close of the regular trading session of each Business Day using the values of the respective Fund's portfolio securities.[69] A basket composition file disclosing each Fund's securities, which will include the security names and share quantities required to be delivered in exchange for Fund Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of the New York Stock Exchange via the National Securities Clearing Corporation. 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 or will be available via the respective newspapers' Web sites and other such sources. Intra-day and closing price information regarding corporate and commercial debt instruments; privately-issued securities; mortgage-backed and asset-backed securities; variable- and floating-rate fixed-income securities; repurchase agreements; money market instruments; obligations issued by the U.S. government or its agencies and instrumentalities; bank notes and similar demand deposits; Build America Bonds; fixed-income securities with put features; sinking funds; capital and trust-preferred securities; and step-coupons will be available from major market data vendors. Price information for ETFs and exchange-traded capital and trust-preferred securities will be available from the applicable exchange or major market-data vendors. Price information for other investment company securities (including money market funds) will be available from major market-data vendors. The Funds' Web site will include a form of the prospectus for each Fund, which may be downloaded, and additional data relating to NAV and other applicable quantitative information.

The Commission further believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. The Commission notes that the Exchange will obtain a representation from the issuer of the Shares of each Fund 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.[70] The Exchange may halt trading in the Shares if trading is not occurring in the securities or the financial instruments constituting the Disclosed Portfolio of a Fund, or if other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.[71] In addition, trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of each Fund may be halted. Further, the Commission notes that the Reporting Authority that provides the Disclosed Portfolio of each Fund must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material, non-public information regarding the actual components of the portfolio.[72] The Commission further notes that the Financial Industry Regulatory Authority (''FINRA''), on behalf of the Exchange, will communicate as needed regarding trading in the Shares, ETFs, exchange-traded capital and trust-preferred securities, and other exchange-listed assets, as applicable, with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG''), and FINRA, on behalf of the Exchange,[73] may obtain trading information regarding trading in the Shares, ETFs, exchange-traded capital and trust-preferred securities, and other exchange-listed assets, as applicable, from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, ETFs, exchange-traded capital and trust-preferred securities, and other exchange-listed assets, as applicable, from markets and other entities that are

[67] According to the Exchange, several major market-data vendors widely disseminate PIVs taken from CTA or other data feeds. The Exchange further notes that the PIV's approximate value generally will be determined by using current market quotations or price quotations obtained from broker-dealers that may trade in the portfolio securities held by a Fund. The PIV will be based upon the current value for the components of a Fund's Disclosed Portfolio, as defined in NYSE Arca Equities Rule 8.600(c)(2).

[68] On a daily basis, the Adviser will disclose for each portfolio security and financial instrument of each Fund the following information: Ticker symbol (if applicable); name of security and financial instrument; number of shares, if applicable, and dollar value of securities and financial instruments held in the portfolio; and percentage weighting of the security and financial instrument in the portfolio. The Web site information will be publicly available at no charge.

[69] The Exchange represents that, when valuing fixed-income securities with remaining maturities of more than 60 days, each Fund will use the value of the security provided by independent pricing services. The pricing services may value fixed-income securities at an evaluated price by employing methodologies that use actual market transactions, broker-supplied valuations, or other methodologies designed to identify the market value for such securities. When valuing fixed-income securities with remaining maturities of 60 days or less, each Fund may use the security's amortized cost, which approximates the security's market value. Corporate and commercial debt instruments; privately-issued securities; mortgage-backed and asset-backed securities; variable- and floating-rate fixed-income securities; repurchase agreements; money market instruments; obligations issued by the U.S. government or its agencies and instrumentalities; bank notes and similar demand deposits; Build America Bonds; fixed-income securities with put features; sinking funds; over-the-counter capital and trust-preferred securities; and step-coupons will be valued based on price quotations or other equivalent indications of value provided by a third-party pricing service. Any such third-party pricing service may use a variety of methodologies to value some or all of a Fund's debt securities to determine the market price. For example, the prices of securities with characteristics similar to those held by each Fund may be used to assist with the pricing process. In addition, the pricing service may use proprietary pricing models. A Fund's debt securities may be valued at the mean between the last available bid and ask prices for such securities or, if such prices are not available, at prices for securities of comparable maturity, quality, and type. Short-term securities for which market quotations are not readily available will be valued at amortized cost, which approximates market value. ETFs and exchange-traded capital and trust preferred securities will be valued at market value, which will generally be determined using the last reported official closing or last trading price on the exchange or market on which the security is primarily traded at the time of valuation. Investment company securities, including money market funds, (other than ETFs) will be valued at NAV.

[70] *See* NYSE Arca Equities Rule 8.600(d)(1)(B).

[71] *See* NYSE Arca Equities Rule 8.600(d)(2)(C) (providing additional considerations for the suspension of trading in or removal from listing of Managed Fund Shares on the Exchange). 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 each Fund. Trading in Shares of either Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable.

[72] *See* NYSE Arca Equities Rule 8.600(d)(2)(B)(ii).

[73] The Exchange states that, while 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.

members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[74] FINRA, on behalf of the Exchange, is able to access, as needed, trade information reported to FINRA's Trade Reporting and Compliance Engine (''TRACE'') for certain fixed-income securities held by the Funds.

The Exchange states that it has a general policy prohibiting the distribution of material, non-public information by its employees. The Exchange also states that CSIM is not a broker-dealer but is affiliated with a broker-dealer, Charles Schwab & Co., Inc., and that CSIM has implemented and will maintain a fire wall with respect to its broker-dealer affiliate regarding access to information concerning the composition of or changes to the portfolios.[75]

The Exchange represents that the Shares are deemed to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. In support of this proposal, the Exchange has made representations, including:

(1) The Shares of each Fund will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.600.

(2) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.

(3) The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by FINRA on behalf of the Exchange, that are designed to detect violations of Exchange rules and applicable federal securities laws and that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

(4) Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit (''ETP'') Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Information Bulletin will discuss the following: (a) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (b) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (c) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated Portfolio Indicative Value will not be calculated or publicly disseminated; (d) how information regarding the Portfolio Indicative Value is disseminated; (e) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (f) trading information.

(5) For initial and continued listing, each Fund will be in compliance with Rule 10A–3 under the Exchange Act,[76] as provided by NYSE Arca Equities Rule 5.3.

(6) The Adviser expects that, under normal market circumstances, each Fund will generally seek to invest in corporate bond issuances in developed countries that have at least $100,000,000 par amount outstanding and at least $200,000,000 par amount outstanding with respect to corporate bond issuances in emerging market countries.

(7) Each Fund's investments in each of the following security types will be limited to 10% of a Fund's net assets: (a) Non-agency residential-mortgage-backed securities; (b) non-agency commercial-mortgage-backed securities; and (c) non-agency asset-backed securities. Each Fund's aggregate investments in the following security types will be limited to 20% of a Fund's net assets: (a) Non-agency residential-mortgage-backed securities; (b) non-agency commercial-mortgage-backed securities; and (c) non-agency asset-backed securities.

(8) At least 90% of a Fund's net assets will be, under normal circumstances, invested in U.S. dollar-denominated fixed-income securities. All fixed-income securities, including mortgage-backed and asset-backed securities, purchased by a Fund will be rated A– or higher. Neither high-yield asset-backed securities nor high-yield mortgage-backed securities are included in a Fund's principal investment strategies.

(9) Each Fund's portfolio, under normal circumstances, will meet certain criteria similar to those applicable to index-based, fixed-income exchange-traded funds contained in NYSE Arca Equities Rule 5.2(j)(3), Commentary.02.[77]

(10) A Fund may not hold more than 15% of its net assets in illiquid assets, including Rule 144A securities, except for Rule 144A securities deemed liquid by the Adviser, based on criteria for liquidity established by the Board, consistent with Commission guidance.

(11) A minimum of 100,000 Shares of each Fund will be outstanding at the commencement of trading on the Exchange.

(12) With respect to each of the Funds, the Fund's investments will be consistent with the Fund's investment objective and will not be used to enhance leverage. While each Fund may invest in inverse ETFs, a Fund will not invest in leveraged (*e.g.,* 2X or 3X) or leveraged inverse ETFs.

(13) Each Fund will not invest in options, futures, swaps, or other derivatives, or in non-U.S. equity securities.

This approval order is based on all of the Exchange's representations and description of the Funds, including those set forth above and in the Notice.

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act[78] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[79] that the proposed rule change (SR–NYSEArca–2014–42) be, and it hereby is, approved.

[74] For a list of the current members of ISG, *see www.isgportal.org.* The Exchange notes that not all components of the Disclosed Portfolio for each Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[75] *See supra* note 5. An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (''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.

[76] 17 CFR 240.10A–3.

[77] *See* note 18, *supra.*

[78] 15 U.S.C. 78f(b)(5).

[79] 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[80]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–13564 Filed 6–10–14; 8:45 am]

BILLING CODE 8011–01–P

[80] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72332 ; File No. SR–FINRA–2014–020]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change To Adopt FINRA Rule 2081, Prohibited Conditions Relating to Expungement of Customer Dispute Information

June 5, 2014.

On April 14, 2014, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt FINRA Rule 2081 to prohibit member firms and associated persons from conditioning or seeking to condition settlement of a dispute with a customer on, or to otherwise compensate the customer for, the customer's agreement to consent to, or not to oppose, the firm's or associated person's request to expunge the customer dispute information which was the subject of the settlement from the Central Registration Depository (CRD®). The proposal was published for comment in the **Federal Register** on April 23, 2014.[3] The Commission received 15 comments on the proposal.[4]

Section 19(b)(2) of the Act [5] provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is June 7, 2014. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the comment letters received.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[6] designates July 22, 2014 as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–FINRA–2014–020).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–13562 Filed 6–10–14; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 71959 (April 17, 2014), 79 FR 22734 (SR–FINRA–2014–020).

[4] *See* Letter from Steven B. Caruso, Maddox Hargett Caruso, P.C., dated April 21, 2014; Letter from Nicole G. Iannarone, Assistant Clinical Professor, Tim Guilmette, Student Intern, and Nataliya Obikhod, Student Intern, Georgia State University College of Law, dated May 1, 2014; Letter from Ryan K. Bakhtiari, Aidikoff, Uhl and Bakhtiari, dated May 5, 2014; Letter from Richard P. Ryder, dated May 5, 2014; Letter from Barry D. Estell, dated May 7, 2014; Letter from Leonard Steiner, Steiner & Libo, PC, dated May 7, 2014; Letter from Philip M. Aidikoff, Aidikoff, Uhl and Bakhtiari, dated May 1, 2014; Letter from George H. Friedman, George H. Friedman Consulting, LLC, dated May 13, 2014; Letter from Jason Doss, President, Public Investors Arbitration Bar Association, dated May 13, 2014; Letter from David T. Bellaire, Executive Vice President and General Counsel, Financial Services Institute, dated May 14, 2014; Letter from Andrea Seidt, Ohio Securities Commissioner and North American Securities Administrators Association (''NASAA'') President, NASAA, dated May 14, 2014; Letter from Jill Gross, Director, Elissa Germaine, Supervising Attorney, and Michelle Robinson, Student Intern, John Jay Legal Services, Inc., Pace University School of Law, dated May 14, 2014; Letter from Kevin M. Carroll, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association Small Firms Committee, dated May 14, 2014; Letter from Ronald M. Amato, Amato Law Firm, LLC, dated May 15, 2014; and Letter from Harry A. Jacobwitz, Database Manager, Securities Arbitration Commentator, Inc., dated May 16, 2014.

[5] 15 U.S.C. 78s(b)(2).

[6] 15 U.S.C. 78s(b)(2).

[7] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72327; File No. SR–NYSE–2014–27]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the NYSE BBO Market Data Product Offering

June 5, 2014.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on May 23, 2014, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE BBO market data product offering. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the NYSE BBO market data product

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

offering. In 2010, the Securities and Exchange Commission (''Commission'') approved the NYSE BBO data feed and certain fees for it.[4] NYSE BBO is an NYSE-only market data feed that distributes on a real-time basis the same best-bid-and-offer information that the Exchange reports under the Consolidated Quotation (''CQ'') Plan for inclusion in the CQ Plan's consolidated quotation information data stream. The data feed includes the best bids and offers for all securities that are traded on the Exchange and for which NYSE reports quotes under the CQ Plan.

The Exchange has determined to add information about security status, such as whether a security is in a short sale restriction or retail price improvement indications pursuant to NYSE Rule 107C(j), to the NYSE BBO data feed. There will be no change to the fees for the NYSE BBO feed in connection with this change.[5]

The Exchange expects to offer the current NYSE BBO data product and the proposed NYSE BBO data product with the added security status information at the same time for a limited transition period. After the transition period, the Exchange will offer only the proposed NYSE BBO with the added security status information. The Exchange will announce the transition dates in advance.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)[6] of the Act, in general, and furthers the objectives of Section 6(b)(5)[7] of the Act, in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, and it is not designed to permit unfair discrimination among customers, brokers, or dealers.

The Exchange believes that including the additional information in NYSE BBO will provide vendors and subscribers with a more comprehensive and higher quality market data product. The NYSE BBO data feed will help to protect a free and open market by providing vendors and subscribers with additional choices in receiving proprietary market data, thus promoting competition and innovation. The Exchange believes that NYSE BBO offers an alternative to consolidated data products and proprietary data products offered by other exchanges.[8] In addition, the proposal would not permit unfair discrimination because the product will be available to all of the Exchange's market data vendors and customers on an equivalent basis.

In adopting Regulation NMS, the Commission granted self-regulatory organizations (''SROs'') and broker-dealers increased authority and flexibility to offer new and unique market data to consumers of such data. It was believed that this authority would expand the amount of data available to users and consumers of such data and also spur innovation and competition for the provision of market data. The Exchange believes that the data products proposed herein are precisely the sort of market data products that the Commission envisioned when it adopted Regulation NMS. The Commission concluded that Regulation NMS—by lessening regulation of the market in proprietary data—would itself further the Act's goals of facilitating efficiency and competition:

> [E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data.[9]

By removing ''unnecessary regulatory restrictions'' on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history. The Exchange believes that offering NYSE BBO with the additional information reflects innovation in its product offerings and promotes competition for the provision of market data. The existence of alternatives to the Exchange's products, including real-time consolidated data and proprietary data from other exchanges, ensures that the Exchange is not unreasonably discriminatory because vendors and subscribers can elect these alternatives.

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 market for proprietary data products is currently competitive and inherently contestable because there is fierce competition for the inputs necessary to the creation of proprietary data. Numerous exchanges compete with each other for listings, trades, and market data itself, providing virtually limitless opportunities for entrepreneurs who wish to produce and distribute their own market data. This proprietary data is produced by each individual exchange, as well as other entities (such as internalizing broker-dealers and various forms of alternative trading systems, including dark pools and electronic communication networks), in a vigorously competitive market. NYSE BBO offers an alternative to similar products offered by other exchanges,[10] thus promoting competition. The existence of numerous alternatives to the Exchange's products, including real-time consolidated data and proprietary data from other sources, subjects the Exchange to vigorous competition. Vendors and subscribers are free to elect these alternatives, purchase some or all of the underlying data feeds, or choose not to purchase a specific proprietary data product at all.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[11] and Rule 19b–4(f)(6) thereunder.[12] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on

[4] *See* Securities Exchange Act Release No. 62181 (May 26, 2010), 75 FR 31488 (June 3, 2010) (SR–NYSE–2010–30).

[5] When the security status information is added, NYSE BBO also will be distributed in a new format, Exchange Data Protocol (''XDP''). The feed will also include a symbol index mapping message that will be sent once a day. These two changes do not affect the real-time data content that is distributed.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] For example, NASDAQ Basic includes market status information including Stock Directory, Emergency Market Condition event messages, System Status and Trading Halt information for NASDAQ, NYSE, NYSE MKT, NYSE Arca and other regional exchange listed issues. *See* NASDAQ Rule 7047 and *http://www.nasdaqtrader.com/Trader.aspx?id=NASDAQBasic.*

[9] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005) (File No. S7–10–04).

[10] *See supra* note 8.

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 17 CFR 240.19b–4(f)(6).

competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change or such shorter time as designated by the Commission,[13] the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[14] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSE–2014–27 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2014–27. 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 inspection and copying in the Commission's Public Reference Section, 100 F Street NE., Washington, DC 20549–1090, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for Web site viewing and printing at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2014–27 and should be submitted on or before July 2, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–13557 Filed 6–10–14; 8:45 am]

BILLING CODE 8011–01–P

[13] The Exchange has satisfied this requirement.

[14] 15 U.S.C. 78s(b)(2)(B).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72329; File No. SR–CBOE–2014–017]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment 1, To Amend Its Rules Related to Complex Orders

June 5, 2014.

I. Introduction

On February 19, 2014, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its rules relating to complex orders. On March 3, 2014, the Exchange filed Amendment No. 1 to the proposed rule change. The proposed rule change, as modified by Amendment No. 1 thereto, was published for comment in the **Federal Register** on March 10, 2014.[3] The Commission received no comments on the proposed rule change. On April 23, 2014, the Commission extended the time period in which to either approve the proposal, disapprove the proposal, or to institute proceedings to determine whether to approve or disapprove the proposal, to June 6, 2014.[4] This order institutes proceedings under Section 19(b)(2)(B) of the Act[5] to determine whether to approve or disapprove the proposal.

II. Description of Proposed Rule Change

Under current CBOE Rule 6.53C(d)(ii), a Trading Permit Holder representing a COA-eligible order may request that the Exchange initiate a complex order auction (''COA'') for the COA-eligible order before such order enters the complex order book (''COB'').[6] In this proposed rule change, the Exchange proposes to require all complex orders with three or more legs to be subject to a COA prior to entering the COB.[7] Specifically, the Exchange proposes to amend Rule 6.53C(d)(ii) to provide that CBOE's Hybrid Trading System[8] (the ''System'') will initiate a COA on receipt of: (1) A COA-eligible order with two

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 71648 (March 5, 2014), 79 FR 13359 (''Notice'').

[4] *See* Securities Exchange Act Release No. 72008, 79 FR 24032 (April 29, 2014).

[5] 15 U.S.C. 78s(b)(2)(B).

[6] Under current CBOE Rule 6.53C(d)(i)(2), the Exchange may determine on a class-by-class basis which complex orders are eligible for a COA, including by complex order type and origin type. The Exchange notes that currently, in all Hybrid classes, customer, firm and broker-dealer complex orders are eligible for a COA, and all complex order types except for immediate-or-cancel (''IOC'') orders are eligible for a COA in all Hybrid classes. *See* Notice, *supra* note 3, n.8. Additionally, only marketable orders and ''tweeners'' (limit orders bettering the same side of the derived net market) are eligible for a COA. For Hybrid 3.0 classes (*i.e.* SPX), all complex order types (including IOC orders) are eligible for a COA, but only customer complex orders are eligible for a COA. *See id.* (citing CBOE Regulatory Circulars RG06–73, RG08–38, and RG08–97).

[7] The Exchange explains that this proposed change applies to Hybrid classes only, and not Hybrid 3.0 classes. *See* Notice, *supra* note 3, n.7. In this regard, the proposed rule change proposes to amend CBOE Rule 6.53C, Interpretation and Policy .10 to indicate that complex orders in Hybrid 3.0 classes, regardless of the number of legs, will initiate a COA in the same manner they currently do. *See id.*

[8] The proposed rule change proposes to amend CBOE Rule 6.53C(d)(ii) to say that the System, rather than the Exchange, will send the RFR message. *See id.* at n.9. Because the System will automatically send the RFR message when the conditions set forth in CBOE Rule 6.53C(d)(ii) are met, the Exchange believes using the term ''System'' in the rule text is appropriate. *See id.*

legs and request from the Trading Permit Holder representing the order that it initiate a COA; or (2) a complex order with three or more legs, regardless of the order's routing parameters (*e.g.,* a request to route directly to the COB) or handling instructions (except for orders routed for manual handling).[9] Thus, as proposed, all complex orders in Hybrid classes with three or more legs would automatically be subject to a COA (other than those routed for manual handling) prior to entering the COB where they can leg into the market.[10]

The Exchange proposes to amend CBOE Rule 6.53C(d)(ii) to provide that CBOE's System will reject back to a Trading Permit Holder any complex order with three or more legs that includes a request pursuant to CBOE Rule 6.53C, Interpretation and Policy .04 [11] that the order not initiate a COA.[12] The Exchange also proposes to amend CBOE Rule 6.53C(d)(ii), which currently provides that only a Trading Permit Holder representing an order may request that the order initiate a COA, to also provide that PAR operators handling an order may request that a COA-eligible order initiate a COA.[13]

According to the Exchange, this proposed rule change will address the concern that market makers may reduce the size of their quotations in the leg markets because of the presence of certain complex orders that are designed to circumvent the ''Quote Risk Monitor Mechanism'' (''QRM'') settings established by market makers.[14] CBOE describes the QRM as a functionality designed to help market makers provide liquidity across most series in their appointed classes without being at risk of executing the full cumulative size of all their quotes before being given adequate opportunity to adjust their quotes.[15]

The QRM, according to CBOE, generally operates by allowing market makers to set a variety of parameters, which, if triggered, will cause the System to cancel a market maker's quotes in all series in an appointed class after executing the order that triggered the parameter.[16] CBOE states that the System performs the QRM parameter calculations to determine if the QRM has been triggered after each execution against a market maker's quotes.[17] According to the Exchange, when a complex order legs into the regular market (*i.e.,* executes against individual quotes for each of the legs in the regular market), all of the legs of a complex order are considered as a single execution for purposes of the QRM, and not as a series of individual transactions, because each leg of the complex order is contingent on the other leg.[18] Thus, the System performs the QRM parameter calculations after the entire complex order executes against interest in the regular market. In contrast, if the legs of the complex order had been submitted to the regular market separately and without any complex order contingency, the System would perform the QRM parameter calculations after each leg executed against interest in the regular market. According to the Exchange, this differential treatment may result in market makers exceeding their risk parameters by a greater number of contracts when complex orders leg into the regular market.[19]

The Exchange believes that the potential risk to market makers of complex orders legging into the regular market limits the amount of liquidity that market makers are willing to provide in the regular market.[20] In particular, according to the Exchange, market makers may reduce the size of their quotations in the regular market because of the presence of these complex orders that are designed to circumvent QRM and risk the execution of the cumulative size of market makers' quotations across multiple series without market makers' being aware of these complex orders or having an opportunity to adjust their quotes.[21] Accordingly, the Exchange believes that reducing market maker risk in the regular market by requiring complex orders in Hybrid classes with three or more legs to be subject to a COA—which will allow market makers to react accordingly, including adjusting their quotes to avoid the circumvention of their QRM parameter settings—will benefit investors by encouraging market makers to provide additional liquidity in the regular market and enhance competition in those classes.[22] According to the Exchange, this potential benefit to investors far exceeds any ''perceived detriment'' to requiring certain complex orders to be subject to a COA prior to potential interaction with the leg markets.[23] The Exchange notes that complex orders with three or more legs will still have opportunities for execution through a COA, in the COB or in the leg markets if they do not execute at the end of the COA.[24]

In the Notice, the Exchange states that it will announce the implementation date of the proposed rule change in a Regulatory Circular to be published no later than 90 days following the effective date of this proposed rule change.[25] The Exchange also states that the implementation date will be no later than 180 days following the effective date of this proposed rule change.[26]

III. Proceedings To Determine Whether To Approve or Disapprove SR–CBOE–2014–017 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act [27] to determine whether the proposed rule change should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change, as discussed below. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described in greater detail below, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[28] the Commission is providing

[9] The Exchange explains that if a complex order with three or more legs contains an instruction to route for manual handling, such as to PAR, and through such manual handling routes to the COB, the proposed rule change would provide that such order will initiate a COA prior to entry on the COB, even if the PAR operator requests that the order not initiate a COA. *See* Notice, *supra* note 3, n.10.

[10] The Exchange states that this automatic initiation of a COA does not apply to stock-option orders. *See id.* at n.11.

[11] CBOE Rule 6.53C, Interpretation and Policy .04 provides that Trading Permit Holders routing complex orders directly to the COB may request that the complex orders initiate a COA on a class-by-class basis and Trading Permit Holders with resting complex orders on PAR may request that complex orders initiate a COA on an order-by-order basis.

[12] *See* Notice, *supra* note 3, at 13362.

[13] CBOE believes that permitting orders resting on PAR to initiate a COA is consistent with other CBOE rules. *See id.* at n. 15 and accompanying text (citing to CBOE Rule 6.53C(d), which, according to the Exchange, states that complex orders may be subject to a COA once on PAR, and CBOE Rule 6.53C, Interpretation and Policy .04(a), which, according to the Exchange, states that Trading Permit Holders with resting complex orders on PAR may request that complex orders initiate a COA).

[14] *See* Notice, *supra* note 3, at 13363.

[15] *See id.* at 13361.

[16] *See id.* at 13360–61. CBOE states that the System performs the parameter calculations after an execution against a market maker quote occurs in order to assure that all quotations are firm for their full size. *See id.* at 13361.

[17] *See id.*

[18] *See id.*

[19] *See id.*

[20] *See* Notice, *supra* note 3, at 13362.

[21] *See id.*

[22] *See id.*

[23] *See id.*

[24] *See id.*

[25] *See* Notice, *supra* note 3, at 13363.

[26] *See id.*

[27] 15 U.S.C. 78s(b)(2)(B).

[28] *Id.* Section 19(b)(2)(B) of the Exchange Act also provides that proceedings to determine whether to

notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of, and input from commenters with respect to, the proposed rule change's consistency with Section 6(b)(5) of the Act, which require that the rules of a national securities exchange be designed, among other things, to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.[29]

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the concerns identified above, as well as any other concerns they may have with the proposed rule change. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) [30] or any other provision of the Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval which would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[31]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by July 2, 2014. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by July 16, 2014. The Commission asks that commenters address the sufficiency and merit of the Exchange's statements in support of the proposed rule change, in addition to any other comments they may wish to submit about the proposed rule change. In particular, the Commission seeks comment on the following:

1. According to the Exchange, the proposed rule change is designed to limit a market maker's risk against executions of complex orders with three or more legs. Please provide data, if available, showing how the execution of such orders against market maker quotes in the regular market affects a market maker's risk exposure, including for complex orders with only three legs.

2. Do commenters agree with CBOE's assertion that the potential risk to market makers in the regular market that may result from complex orders with three or more legs legging into the regular market outweighs the potential benefit of continuing to allow a COA to remain voluntary for complex orders with three or more legs? If so, why? If not, why not?

3. Do commenters agree with CBOE's assertion that the proposed rule change would encourage market makers to provide additional liquidity on the Exchange? If so, why? If not, why not? To the extent possible, please provide supporting data.

4. Do commenters agree with CBOE's assertion that any resulting benefit to investors far exceeds any ''perceived detriment'' of requiring certain complex orders to be subject to a COA prior to potential interaction with the leg markets? If so, why? If not, why not? What are the possible ''perceived detriment[s]'' that could result from the proposal?

5. The proposed rule change would require that complex orders of three or more legs be subject to a COA prior to potential interaction with the leg markets. What are commenters' views on the impact of such a requirement on the execution of such complex orders? Please explain.

6. Do commenters agree with CBOE's assertion that market makers may reduce the size of their quotations if complex orders of three or more legs are able to execute against the leg markets? Have market makers already begun to reduce the size of their quotations as a result of such orders? If so, when did market makers begin reducing the size of their quotes? Was there a particular event or other change that resulted in additional executions against the leg markets that, in turn, prompted market makers to begin changing the size of their quotes? To the extent possible, please provide supporting data.

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–2014–017 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–2014–017. 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 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–2014–017 and should be submitted on or before July 2, 2014. Rebuttal comments should be submitted by July 16, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–13559 Filed 6–10–14; 8:45 am]

BILLING CODE 8011–01–P

disapprove a proposed rule change must be concluded within 180 days of the date of publication of notice of the filing of the proposed rule change. *See id.* The time for conclusion of the proceedings may be extended for up to 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding. *See id.*

[29] 15 U.S.C. 78f(b)(5).

[30] *Id.*

[31] Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Reps. No. 75, 94th Cong., 1st Sess. 30 (1975).

[32] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72333; File No. SR–BATS–2014–019]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use of BATS Exchange, Inc.

June 5, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 28, 2014, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') 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 Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members[5] and non-members of the Exchange pursuant to BATS Rules 15.1(a) and (c). Changes to the fee schedule pursuant to this proposal are effective upon filing.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

On April 17, 2014, the Exchange filed a proposal to adopt rules to create a Lead Market Maker Program (the ''Program'') on an immediately effective basis.[6] The Exchange plans to implement the Program on June 2, 2014. The Program is designed to strengthen market quality for BATS-listed ETPs[7] by offering enhanced rebates to market makers registered with the Exchange (''Market Makers'')[8] that are also registered as a lead market maker (''LMM'') in an LMM Security[9] and meet certain minimum quoting standards (''Minimum Performance Standards'').[10] The purpose of this filing is to adopt such enhanced rebates and to make corresponding clarifying changes to the fee schedule.

Effective June 2, 2014, the Exchange proposes to modify its fee schedule applicable to use of the Exchange in order to provide pricing for orders that add displayed liquidity in LMM Securities entered by LMMs that meet the Minimum Performance Standards (a ''Qualified LMM''). The Exchange is proposing to implement a tiered rebate structure that is based on the consolidated average daily volume (''CADV'') of the LMM Security.[11] Specifically, the Exchange is proposing that, unless an LMM otherwise qualifies for a higher rebate, a Qualified LMM shall receive the following rebates for each share of added displayed liquidity: Where the CADV is 10,000 or less, $0.0070; where the CADV is between 10,001 and 40,000, $0.0050; where the CADV is between 40,001 and 80,000, $0.0045; where the CADV is between 80,001 and 150,000, $0.0040; and where the CADV is greater than 150,000, $0.0035. While not possible under the current pricing structure, in the event that a Qualified LMM is ever eligible to receive a higher per share rebate under non-LMM pricing, the Qualified LMM will receive such higher non-LMM rebate. As proposed, LMM rebates are not eligible for additional rebates like the NBBO Setter or NBBO Joiner rebates currently offered by the Exchange.

Under the proposal, CADV is calculated based on the three calendar months preceding the month for which the fees apply, meaning that when calculating the rebates that apply to a particular LMM Security, the CADV will be based on the three calendar months prior to the current trading month. For example, in calculating the rebates that will apply to an LMM for a particular LMM Security for November, the Exchange will look to the average daily volume reported for the LMM Security by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for August, September, and October. If that LMM Security was an initial listing on BATS (not a transfer listing from another listing market) and was listed beginning on September 15, the calculation of CADV used for November pricing would include all days from August 1 through September 14 with zero volume each trading day. For transfer listings, the determination of the rebates for a month will be based on the CADV for the past three months, regardless of where the ETP was listed during that period.

The Exchange is not proposing to make any changes to its existing price structure. The Exchange notes that all volume, including volume in LMM Securities, will continue to be included in all volume calculations as it relates to other rebates and fees on the Exchange.

Corresponding Changes

Finally, the Exchange proposes to make several non-substantive changes to the fee schedule, including amending the footnote numbering in order to accommodate the addition of new footnote 3, which, as described above, defines the term CADV, and, similarly, the deletion of existing footnote 4, which is currently reserved.

Implementation Date

The Exchange proposes to implement these amendments to its fee schedule on June 2, 2014.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] A Member is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[6] *See* Securities Exchange Act Release No. 72020 (April 25, 2014) 79 FR 24807 (May 1, 2014) (SR–BATS–2014–015).

[7] As defined in Rule 11.8(e)(1)(A), ETP means any security listed pursuant to Exchange Rule 14.11.

[8] *See* BATS Rule 11.5.

[9] As defined in Rule 11.8(e)(1)(C), LMM Security means an ETP that has an LMM.

[10] As defined in Rule 11.8(e)(1)(D), Minimum Performance Standards means a set of standards applicable to an LMM that may be determined from time to time by the Exchange.

[11] As defined in the proposed fee schedule, ''CADV'' means consolidated average daily volume calculated as the average daily volume reported for a security by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the three calendar months preceding the month for which the fees apply.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[12] Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) and 6(b)(5) of the Act,[13] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using any facility or system which the Exchange operates or controls and it does not unfairly discriminate between customers, issuers, brokers or dealers. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive.

The Exchange believes that the proposed LMM rebates are equitable and not unfairly discriminatory because they will incentivize and reward LMMs that make tangible commitments to enhancing market quality for securities listed on the Exchange. The Exchange further believes that the proposal will encourage the development of new financial products, provide a better trading environment for investors in ETPs, and generally encourage greater competition between listing venues.

As described above, the Exchange proposes to provide rebates to Qualified LMMs for adding displayed liquidity ranging from $0.0035 to $0.0070 per share. This range is based on an LMM Security's CADV such that as the CADV increases, the proposed rebate decreases. Typically, the lower a security's CADV, the higher the risks and costs to a market maker associated with making markets in the security, such as holding inventory in the security. As the CADV for a security increases, and thus the liquidity increases, typically these same costs associated with making markets in a security decrease. Similarly, the lower a security's CADV, the wider the bid-ask spread in that security will typically be, which means that anyone that wants to buy (sell) the security will have to pay a higher (receive a lower) price for the security. As a security's CADV increases, the narrower the bid-ask spread typically becomes, which means that a buyer (seller) pays (receives) a lower (higher) price when buying (selling) the security. As such, the Exchange's proposal to pay rebates between $0.0070 and $0.0035 per share to Qualified LMMs as the CADV of the LMM Security increases is designed to provide higher rebates to Qualified LMMs for meeting the Minimum Quoting Standards in securities that are most likely to cost them the most to make a market, which the Exchange believes will have the effect of shrinking the bid-ask spread in such securities and reducing (increasing) the price for anyone that wants to buy (sell) the security. As the CADV of a security increases, the cost of making markets in the security decreases, which is why the Exchange is proposing to offer smaller rebates to Qualified LMMs for LMM Securities with higher CADV, while still having the effect of tightening spreads. The Exchange believes that the tightened spreads and the increased liquidity from the proposal will benefit all investors by deepening the Exchange's liquidity pool, offering additional flexibility for all investors to enjoy cost savings, supporting the quality of price discovery, promoting market transparency and improving investor protection.

Based on the foregoing, the Exchange believes that these rebates will incent Qualified LMMs to narrow spreads, increase liquidity, and generally enhance the quality of quoting in all securities, particularly in lower CADV securities, which will reduce trading costs and benefit investors generally. Accordingly, the Exchange believes that the proposal is equitably allocated and not unfairly discriminatory because the proposal is consistent with the overall goals of enhancing market quality.

The Exchange notes that the proposed pricing structure is not dissimilar from volume-based rebates and fees (''Volume Tiers'') that have been widely adopted, including those maintained on the Exchange, and are equitable and not unfairly discriminatory because they are open to all members on an equal basis and provide higher rebates and lower fees that are reasonably related to the value to an exchange's market quality. While Volume Tiers are generally designed to incentivize higher levels of liquidity provision and/or growth patterns on the Exchange across all securities, the proposal is designed to more precisely garner the same benefits specifically in LMM Securities. Stated another way, while Volume Tiers aim to enhance market quality generally, the proposed rebates are designed to enhance market quality on a security by security basis and particularly in securities with a lower CADV. As such, the Exchange believes that the proposed changes will strengthen its market quality for BATS-listed securities by enhancing the quality of quoting in such securities and will further assist the Exchange in competing as a listing venue for issuers seeking to list ETPs. Accordingly, the Exchange believes that the proposal will complement the Exchange's program for listing securities on the Exchange, which will, in turn, provide issuers with another option for raising capital in the public markets, thereby promoting the principles discussed in Section 6(b)(5) of the Act.[14]

Corresponding Changes

Finally, the Exchange believes that the clarifying change that changes the footnote reference to facilitate the addition of footnote 3 as well as the deletion of footnote 4 is reasonable as it will help to avoid confusion for those that review the Exchange's fee schedule. The Exchange notes that the proposed change is not designed to amend any fee or rebate, nor alter the manner in which it assesses fees or calculates rebates. The Exchange believes that the proposed amendment is intended to make the fee schedule clearer and less confusing for investors and eliminate potential investor confusion, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. With respect to the proposed new LMM rebates, the Exchange does not believe that the changes burden competition, but instead, enhance competition, as they are intended to increase the competitiveness of the Exchange's listings program. The Exchange also believes the proposed changes would enhance competition because they are similar to pricing incentives provided by both Arca and Nasdaq. As stated above, the Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if the deem fee structures to be unreasonable or excessive. The proposed changes are generally intended to enhance the rebates in LMM Securities for Qualified LMMs, which is intended to enhance market quality in BATS-listed securities. As such, the

[12] 15 U.S.C. 78f.

[13] 15 U.S.C. 78f(b)(4) and (5).

[14] 15 U.S.C. 78f(b)(5).

proposal is a competitive proposal that is intended to add additional liquidity to the Exchange, which will, in turn, benefit the Exchange and all Exchange participants. In addition, the Exchange believes that the proposed non-substantive changes to the footnotes on the fee schedule would not affect intermarket nor intramarket competition because the change does not alter any fees or rebates on the Exchange or the criteria associated therewith.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and paragraph (f) of Rule 19b–4 thereunder.[16] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BATS–2014–019 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–BATS–2014–019. 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–BATS–2014–019, and should be submitted on or before July 2, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–13563 Filed 6–10–14; 8:45 am]

BILLING CODE 8011–01–P

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f).

[17] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Buy America Waiver Notification

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for the use of non-domestic motor and machinery brakes for the Sarah Mildred Long Bridge Replacement project in the State of Maine.

DATES: The effective date of the waiver is June 12, 2014.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, 202–366–1562, or via email at *gerald.yakowenko@dot.gov.* For legal questions, please contact Mr. Jomar Maldonado, FHWA Office of the Chief Counsel, 202–366–1373, or via email at *jomar.maldonado@dot.gov.* Office hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded from the **Federal Register**'s home page at: *http://www.archives.gov* and the Government Printing Office's database at: *http://www.access.gpo.gov/nara.*

Background

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate to use non-domestic motor and machinery brakes for the Sarah Mildred Long Bridge Replacement project in the State of Maine.

In accordance with Title I, Division A, section 122 of the ''Consolidated and Further Continuing Appropriations Act, 2012'' (Pub. L. 112–55), the FHWA published on March 5, a notice of intent to issue a waiver for the following non-domestic bridge items for use in the Sarah Mildred Long Bridge Replacement project in Maine: (1) Motor brakes; (2) machinery brakes; (3) counterweight sheave bearings; (4) deflector sheave bearings; (5) operating drum bearings; and (6) span lock bearings. The notice was published on FHWA's Web site at *http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=96.* The FHWA received 27 comments in response to the publication. Eight commenters expressed support for the waiver of the items. Three support the waiver with conditions. One of those supporting commenters suggested that the waiver may be granted for a period of time if the components are not locally readily available. Two of those supporting commenters stated that a waiver should be granted only when all efforts are made to ensure that domestic

products are not available. Fourteen commenters opposed the waiver and some provided names of potential domestic manufacturers of the components. Potential domestic manufacturers suggested were Oregon Works, Steward Machine, Hardie-Tynes, Timken Steel Corporation, Philadelphia Gear, and JC Machine.

The Maine DOT made contact with the companies to verify domestic availability and possible supply of the items. Based on information received from those companies, Jeff Folsom of Maine DOT provided comments on April 2 stating that Maine DOT was withdrawing the waiver request for the counterweight sheave bearings, deflector sheave bearings, operating drum bearings, and span lock bearings. There were no domestic manufacturers of motor and machinery brakes identified. During the 15-day comment period, the FHWA conducted an additional nationwide review to locate potential domestic manufacturers of the motor and machinery brakes. Maine DOT also made additional contact with Philadelphia Gear, Hardie-Tynes, New Jersey DOT, and JC Machine. On April 4 Hardie-Tynes responded to Maine DOT that it cannot furnish machinery brakes. On April 17 Philadelphia Gear responded that it only manufactures gear boxes and large gears for moveable structures. The New Jersey DOT could not provide specific information on domestic manufacturers of moveable bridge components that it used in the past. Based on all the information available to the Agency, the FHWA concludes that there are no domestic manufacturers of the motor and machinery brakes.

In accordance with the provisions of section 117 of the SAFETEA–LU Technical Corrections Act of 2008 (Pub. L. 110–244, 122 Stat. 1572), the FHWA is providing this notice of its finding that a waiver of Buy America requirements is appropriate because the products are not produced in the United States in sufficient and reasonably available quantities which are of a satisfactory quality (23 U.S.C. 313(b)(2); 23 CFR 635.410(c)(1)(ii)). The FHWA invites public comment for an additional 15 days following the effective date of the finding. Comments may be submitted via the above link to the FHWA Web site.

(Authority: 23 U.S.C. 313; Pub. L. 110–161; 23 CFR 635.410).

Dated: June 2, 2014.

Gregory G. Nadeau,

Deputy Administrator, Federal Highway Administration.

[FR Doc. 2014–13603 Filed 6–10–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Buy America Waiver Notification

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate for the obligation of Federal-aid funds for 73 State projects involving the purchase or retrofit of vehicles or vehicle components on the condition that they be assembled in the U.S.

DATES: The effective date of the waiver is June 12, 2014.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, 202–366–1562, or via email at *gerald.yakowenko@dot.gov.* For legal questions, please contact Mr. Jomar Maldonado, FHWA Office of the Chief Counsel, 202–366–1373, or via email at *jomar.maldonado@dot.gov*. Office hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded from the **Federal Register**'s home page at *http://www.archives.gov* and the Government Printing Office's database at *http://www.access.gpo.gov/nara.*

Background

This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate for the obligation of Federal-aid funds for 73 State projects involving the purchase or retrofit of vehicles (including sedans, vans, pickups, SUVs, trucks, buses, street sweepers) or vehicle components (such as exhaust controls and auxiliary power units) on the condition that they be assembled in the U.S. The waiver would apply to approximately 810 vehicles. The requests, available at *http://www.fhwa.dot.gov/construction/contracts/cmaq140211.cfm,* are incorporated by reference into this notice. The purposes of these projects include the improvement of air quality (Congestion Mitigation and Air Quality Improvement Program projects), implementation of the National Bridge and Tunnel Inventory and Inspection Program, and the implementation of the FHWA's Recreational Trails Program.

Title 23, Code of Federal Regulations, section 635.410 requires that any steel or iron materials (including protective coatings) that will be permanently incorporated in a Federal-aid project must be manufactured in the U.S. For FHWA, this means that all the processes that modified the chemical content, physical shape or size, or final finish of the material (from initial melting and mixing, continuing through the bending and coating) occurred in the U.S. The statute and regulations create a process for granting waivers from the Buy America requirements when its application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. In 1983, the FHWA determined that it was both in the public interest and consistent with the legislative intent to waive Buy America for manufactured products other than steel manufactured products. However, FHWA's national waiver for manufactured products does not apply to the requests in this notice because they involve predominately steel and iron manufactured products. The FHWA's Buy America requirements do not have special provisions for applying Buy America to ''rolling stock'' such as vehicles or vehicle components (see title 49, United States Code, section 5323(j)(2)(C) (49 U.S.C. 5323(j)(2)(C)), 49 CFR 661.11, and 49 U.S.C. 24405(a)(2)(C) for examples of Buy America rolling stock provisions for other DOT agencies).

Based on all the information available to the agency, FHWA concludes that there are no domestic manufacturers that produce the vehicles and vehicle components identified in this notice in such a way that all their steel and iron elements are manufactured domestically. The FHWA's Buy America requirements were tailored to the types of products that are typically used in highway construction, which generally meet the requirement that all the steel and iron be manufactured domestically. Vehicles were not the types of products that were initially envisioned to meet FHWA Buy America requirements. In today's global industry, vehicles are assembled with iron and steel components that are manufactured all over the world. The FHWA is not aware of any domestically produced vehicle

on the market that meets the FHWA's Buy America requirement to have all its iron and steel be manufactured exclusively in the U.S. For example, the Chevrolet Volt, which was identified by many commenters in a November 21, 2011, **Federal Register** Notice (76 FR 72027) as a car that is made in the U.S., is comprised of only 45 percent of U.S. and Canadian content according to the National Highway Traffic Safety Administration's Part 583 American Automobile Labeling Act Report Web page (*http://www.nhtsa.gov/Laws+&+Regulations/Part+583+American+Automobile+Labeling+Act+(AALA)+Reports*). Moreover, there is no indication of how much of this 45 percent content is U.S.-manufactured (from initial melting and mixing) iron and steel content.

In accordance with Division A, section 122 of the Consolidated and Further Continuing Appropriations Act of 2012 (Public Law (Pub. L.) 112–284), FHWA published a notice of intent to issue a waiver on its Web site at (*http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=95*) on March 3. The FHWA received 16 comments in response to the publication. Eight commenters supported granting a waiver. Two supported the waiver only when certain conditions are met: One suggested that a maximum 15 percent of the components should be allowed and the other stated that at least 60 percent of the contents should be domestic. Two other commenters provided general statements that U.S. tax dollars should go toward domestic labor and materials that help create jobs. Four commenters objected to the waiver.

Based on FHWA's conclusion that there are no domestic manufacturers that can produce the vehicles and vehicle components identified in this notice in such a way that all its steel and iron elements are manufactured domestically, and after consideration of the comments received, FHWA finds that application of the FHWA's Buy America requirements to these products is inconsistent with the public interest (23 U.S.C. 313(b)(1) and 23 CFR 635.410(c)(2)(i)). However, FHWA believes that it is in the public interest and consistent with the Buy America requirements to impose the condition that the vehicles and the vehicle components be assembled in the U.S. Requiring final assembly to be performed in the U.S. is consistent with past guidance to the FHWA Division Offices on manufactured products (see Memorandum on Buy America Policy Response, Dec. 22, 1997, (*http://www.fhwa.dot.gov/programadmin/contracts/122297.cfm*). A waiver of the Buy America requirement without any regard to where the vehicle is assembled would diminish the purpose of the Buy America requirement. Moreover, in today's economic environment, the Buy America requirement is especially significant in that it will ensure that Federal Highway Trust Fund dollars are used to support and create jobs in the U.S. This approach is similar to the partial waivers previously given for various vehicle projects. Thus, so long as the final assembly of the 73 vehicle projects (including sedans, vans, pickups, SUVs, trucks, buses, street sweepers, and tractors) and vehicle components (such as exhaust controls and auxiliary power units) occurs in the U.S., applicants to this waiver request may proceed to purchase these vehicles and equipment consistent with the Buy America requirement.

In accordance with the provisions of section 117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Technical Corrections Act of 2008 (Pub. L. 110–244), FHWA is providing this notice of its finding that a public interest waiver of Buy America requirements is appropriate on the condition that the vehicles and vehicle components identified in the notice be assembled in the U.S. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to FHWA's Web site via the link provided to the waiver page noted above.

Authority: 23 U.S.C. 313; Pub. L. 110–161, 23 CFR 635.410.

Dated: June 3, 2014.

Gregory G. Nadeau,

Deputy Administrator, Federal Highway Administration.

[FR Doc. 2014–13606 Filed 6–10–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0283]

Hours of Service of Drivers: National Pork Producers Council; Granting of Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition; granting of application for exemption.

SUMMARY: FMCSA announces the granting of a limited one-year exemption from the 30-minute rest break provision of the Agency's hours-of-service (HOS) regulations for commercial motor vehicle (CMV) drivers transporting livestock. FMCSA has analyzed the exemption application submitted by the National Pork Producers Council (NPPC) on behalf of all livestock transporters and the public comments received in response to the Agency's August 12, 2013, notice announcing the application and requesting public comment. The Agency has determined that it is appropriate to grant a limited one-year exemption to ensure the well-being of Nation's livestock during interstate transportation by CMV. The exemption, subject to the terms and conditions imposed, will achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. This conclusion is supported by the real-world experience of the industry's operations under the limited 90-day waiver FMCSA granted in 2013. This exemption preempts inconsistent State and local requirements.

DATES: This exemption is effective June 11, 2014 and expires on June 11, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver, and Vehicle Safety Standards; Telephone: 202–366–4325. Email: *MCPSD@dot.gov*.

SUPPLEMENTARY INFORMATION:

Legal Basis

Section 4007(a) of the Transportation Equity Act for the 21st Century (TEA–21) (Pub. L. 105–178, 112 Stat. 107, 401, June 9, 1998) provided the Secretary of Transportation (the Secretary) the authority to grant exemptions from any of the Federal Motor Carrier Safety Regulations (FMCSRs) issued under chapter 313 or section 31136 of title 49 of the United States Code, to a person(s) seeking regulatory relief (49 U.S.C. 31136, 31315(b)). Prior to granting an exemption, the Secretary must request public comment and make a determination that the exemption is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the exemption. Exemptions may be granted for a period of up to 2 years and may be renewed.

The FMCSA Administrator has been delegated authority under 49 CFR 1.87(e)(1) and (f) to carry out the functions vested in the Secretary by 49 U.S.C. chapter 313 and subchapters I and III of chapter 311, relating, respectively, to the commercial driver's license program and to commercial

motor vehicle (CMV) programs and safety regulation.

Background Information

On December 27, 2011, FMCSA published a final rule amending its HOS regulations for drivers of property-carrying commercial motor vehicles (CMVs). The final rule included a new provision requiring drivers to take a rest break during the work day under certain circumstances. Drivers may drive a CMV only if a period of 8 hours or less has passed since the end of their last off-duty or sleeper-berth period of at least 30 minutes. FMCSA did not specify when drivers must take the minimum 30-minute break, but the rule requires that they wait no longer than 8 hours after the last off-duty or sleeper-berth period of that length or longer to take the break. The new requirement took effect on July 1, 2013.

On August 2, 2013, the U.S. Court of Appeals for the District of Columbia Circuit issued its opinion on petitions for review of the 2011 HOS rule filed by the American Trucking Associations, Public Citizen, and others [*American Trucking Associations, Inc.,* v. *Federal Motor Carrier Safety Administration,* 724 F.3d 243 (D.C. Cir. 2013)]. The Court upheld the 2011 HOS regulations in all respects except for the 30-minute break provision as it applies to short haul drivers.

The Court vacated the rest-break requirement of 49 CFR 395.3(a)(3)(ii) with respect to any driver qualified to operate under either of the ''short haul'' exceptions outlined in 49 CFR 395.1(e)(1) or (2). Specifically, the following drivers are no longer subject to the 30-minute break requirement:

- All drivers (whether they hold a commercial driver's license (CDL) or not) who operate within 100 air-miles of their normal work reporting location and satisfy the time limitations and recordkeeping requirements of 49 CFR 395.1(e)(1), and
- All non-CDL drivers who operate within a 150 air-mile radius of the location where the driver reports for duty and satisfy the time limitations and recordkeeping requirements of 49 CFR 395.1(e)(2).

On October 28, 2013, the Agency published a final rule codifying the court decision (78 FR 64179).

Application for Exemption

On June 19, 2013, the National Pork Producers Council (NPPC) requested a limited 90-day waiver and a limited two-year exemption from the rest-break requirement for drivers of CMVs engaged in the transportation of livestock. A copy of the request is included in the docket referenced at the beginning of this notice.

The NPPC submitted its application on behalf of itself and the following organizations:

- Agricultural and Food Transporters Conference of the American Trucking Associations;
- American Farm Bureau Federation;
- American Feed Industry Association;
- American Meat Institute;
- Livestock Marketing Association;
- National Cattlemen's Beef Association;
- National Chicken Council;
- National Milk Producers Federation;
- National Turkey Federation;
- North American Meat Association;
- Professional Rodeo Cowboys Association; and,
- U.S. Poultry and Egg Association.

The NPPC stated that complying with the 30-minute rest break rule would cause livestock producers and their drivers irreparable harm, place the health and welfare of the livestock at risk, and provide no apparent benefit to public safety, while forcing the livestock industry and its drivers to choose between the humane handling of animals or compliance with the rule.

The NPPC explained that the process of transporting livestock, whether for slaughter, transfer of ownership, or purposes of breeding or simply finding forage for feed, is a significant concern to the agricultural industry. The animals face a variety of stresses including temperature, humidity, and weather conditions.

During the summer months, exposure to heat is one of the greatest concerns in maintaining the animals' well-being. This is especially challenging for the transportation of pigs because the animals cannot sweat and are subject to heat stress. When heat stress occurs, a pig's body temperature rises to a level that it cannot control through its normal panting mechanisms. Under the industry's guidelines, drivers are directed to avoid stopping in temperatures greater than 80 degrees. Drivers are advised to stop only when animals will be immediately unloaded or when a safety issue arises. If the vehicle must be stopped, drivers are required to stay with the animals and provide them with water to help keep them cool.

When temperature and humidity result in a heat index greater than or equal to 100 degrees Fahrenheit, cattle are also placed at significant health risk. When cattle are stressed under extreme heat conditions, they are more likely to become non-ambulatory, sick, and even die. Non-ambulatory cattle are banned from entering the food system. Current industry guidelines recommend that drivers avoid stopping, as internal trailer temperatures will then increase rapidly because of the loss of airflow through the trailer and heat production from the animals.

With regard to transporting livestock during the winter months, NPPC described the complications of keeping the animals warm without having them potentially overheat when the vehicle is stopped.

FMCSA analyzed the request and on July 11, 2013, granted, subject to specific terms and conditions, a waiver from the rest break requirement for drivers transporting livestock. The waiver ended by its terms on October 9, 2013.

Population of Drivers and Carriers Engaged in Livestock Transportation

Although NPPC did not provide information on the number of carriers and drivers to be included in the exemption it requested, FMCSA reviewed its Motor Carrier Management Information System (MCMIS) to determine this information. MCMIS includes the information reported to the Agency by carriers submitting the Motor Carrier Identification Report (FMCSA Form MCS–150), required by 49 CFR 390.19. As of May 13, 2014, MCMIS listed 66,316 motor carriers that identified livestock as a type (though not necessarily the only type) of cargo they transported. These carriers operate 196,398 vehicles and employ 252,540 drivers. And 130,896 of these drivers operate within a 100 air-mile radius of their work-reporting location—a fact that is important because previous statutory exemptions provided compete relief from the HOS requirements for these drivers. A final rule published on March 14, 2013, extended the 100 air-mile radius previously in effect to 150 air miles (*see* 49 CFR 395.1(k), 78 FR 16189). Therefore, these 131,000 drivers would not need the exemption, leaving fewer than 122,000 drivers likely to utilize this relief from the 30-minute rest break provision. Of these, an unidentified portion may consist of team drivers, who would not need to take the required minimum 30-minute break, even without the exemption.

Public Comments in Response to the Exemption Application

On August 12, 2013, FMCSA published notice of the NPPC application for an exemption and requested public comment (78 FR 48928). By the closing of the comment period, twenty-two commenters had

responded. Twenty of these commenters supported the application for exemption and two opposed it.

The two comments opposing the application were from individuals. One opposed the 30-minute break rule in general, and the other questioned how farmers keep livestock under proper climate conditions when they are not being transported. The later indicated that if one commodity deserved an exemption, all did.

The 20 comments favoring the application were submitted by various parties (mostly trade associations and livestock carriers) familiar with the transportation by CMV of various types of livestock, including cattle, pigs, and sheep. Several of these commenters submitted supporting data. In his comment to the docket, Scott George, President of the National Cattlemen's Beef Association, submitted data from the Livestock Marketing Information Center (LMIC). Six sub-agencies of the U.S. Department of Agriculture are members of LMIC, including the Agricultural Marketing Service, the Animal and Plant Health Inspection Service, and the Grain Inspection, Packers and Stockyards Administration. Many State extension services and land grant universities are also LMIC members.

The comments favoring the application explain the importance of the safe, timely transportation of livestock. This transportation originates in all regions of the U.S. and the ultimate product is often shipped to global markets. The comments detail the various risks to the health and welfare of livestock being transported that are inherent in stopping during extreme hot or cold temperatures. Data in the docket show that the temperature inside a stopped livestock trailer can rise rapidly during hot summer days, and can drop rapidly on winter days, especially in windy conditions. Current industry standards strongly discourage drivers from stopping a CMV loaded with pigs when the temperature exceeds 80 degrees. Cattle are affected adversely if the vehicle stops when the heat and humidity have raised the heat index to 100 degrees or more.

Substandard transportation of livestock elevates the risk that the physical condition of the animals will deteriorate and that food products derived from the animals, if they accidentally remained in the human food chain, may be unsafe for human consumption. Comprehensive industry guidelines governing the safe movement of livestock have been submitted to the docket. These guidelines and comments describe stops of up to 30 minutes as problematic for many animals, even in favorable weather. Industry guidelines encourage drivers of livestock to keep the CMV moving ''if at all possible.'' For most livestock, the driver stopping a CMV en route is directed to offload the animals from the vehicle immediately. However, an appropriate facility for offloading is often not available. In these situations, the guidelines recommend that the stop be as brief as possible. Some commenters asserted that even under ideal conditions drivers transporting livestock should not stop the CMV for as long as 30 minutes because the risk of jeopardizing the health of the animals is too great.

On September 11, 2013, and November 21, 2013, NPPC submitted supplemental comments to the docket for this matter. Although the November 21 submission was outside the comment period that ended on September 11, FMCSA determined that it did not differ in substance from the original application or the September 11 comments from NPPC, and therefore no need existed to reopen the comment period.

FMCSA Response

FMCSA has evaluated NPPC's application for exemption, and reviewed the data, safety analyses, and public comments submitted. Stakeholders in this industry have provided substantial data supporting this application for exemption, and have outlined in detail the various risks associated with stopping a CMV transporting livestock.

The Agency finds the arguments and data submitted by commenters supporting the application to be persuasive. Stopping a CMV with livestock on board in extreme weather conditions can seriously jeopardize the health and welfare of the animals, even when the CMV is stopped for as little as 10 minutes. The Agency recognizes that in many cases it is impractical for drivers to offload livestock in order to obtain the 30-minute break required by 49 CFR 395.3(a)(3)(ii).

Analysis of Fatal Crashes Involving Carriers Transporting Livestock

FMCSA reviewed ''Trucks Involved in Fatal Accidents Factbook 2008'' (UMTRI–2011–15, March 2011) published by the University of Michigan Transportation Research Institute's Center for National Truck and Bus Statistics to determine the prevalence of crashes involving the transportation of livestock. In 2008, there were 4,352 trucks involved in fatal crashes and 20 of those vehicles were transporting live animals, with 13 of the vehicles reported as having a livestock cargo body. There were 13 other vehicles with an empty livestock cargo body involved in fatal crashes. Overall, trucks transporting live animals represent less than one half of one percent of the trucks involved in fatal crashes.

The Trucks Involved in Fatal Accidents (TIFA) report showed that 26 livestock cargo body vehicles, all of them tractor-semitrailer combinations, were involved in fatal crashes. Of that number, 13 livestock vehicles were transporting live animals at the time of the crash. Seven instances of vehicles transporting live animals being involved in a fatal crash involved CMVs with a body type reported as something other than a livestock body, based on the information above.

About one-third of the 2008 crashes involving livestock transporters occurred on trips sufficiently short that the driver probably was exempt from the HOS requirements. With the recent expansion of the HOS exemption from 100 air-miles to 150 air-miles, any crashes that occur in the future are even more likely to occur within the exempt zone.

FATAL TRUCK INVOLVEMENTS BY TRIP TYPE AND LIVESTOCK CARGO BODY TYPE

Trip type	Cargo body: livestock, tractor combination	Statutory exemption from HOS rules (<150 miles)
Local	3	Yes.
51–100	2	Yes.
101–150	3	Yes.
151–200	3	No. Drivers may be able to achieve compliance with the 30-minute break requirement because of limited distance.

FATAL TRUCK INVOLVEMENTS BY TRIP TYPE AND LIVESTOCK CARGO BODY TYPE—Continued

Trip type	Cargo body: livestock, tractor combination	Statutory exemption from HOS rules (<150 miles)
201–500	10	No.
>500 miles	4	No.
Unknown	1	Unknown.
Total	26	

Given the low number of fatal crashes involving carriers transporting live animals (e.g., 20 crashes for an industry sector that currently includes 66,316 active carriers), FMCSA believes there would be no decrease in safety for the traveling public associated with an exemption from the 30-minute rest break requirement.

FMCSA Determination

In consideration of the above, FMCSA has determined that it is appropriate to provide a limited one-year exemption from the 30-minute break requirement in the FMCSRs for interstate motor carriers transporting livestock. A review of the most recent MCMIS and TIFA data provides a basis for determining that a limited exemption, based on the terms and conditions imposed, would achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

The Agency has decided to limit the exemption to a one-year period in order to gather additional data about the highway safety of operations under the exemption. As noted below, carriers utilizing the exemption will be required to report any accidents, as defined in 49 CFR 390.5, to FMCSA. The exemption would be eligible for renewal consideration at the end of the one-year period.

Terms and Conditions of the Exemption

Extent of the Exemption

This exemption is limited to drivers engaged in the interstate transportation of livestock by CMV. The exemption from the 30-minute rest-break requirement is applicable during the transportation of livestock and does not cover the operation of the CMVs after the livestock are unloaded from the vehicle.

This exemption is only available to drivers transporting livestock as defined in the Emergency Livestock Feed Assistance Act of 1988, as amended (the 1988 Act) [7 U.S.C. 1471(2)]. The term ''livestock'' as used in this exemption means ''cattle, elk, reindeer, bison, horses, deer, sheep, goats, swine, poultry (including egg-producing poultry), fish used for food, and other animals designated by the Secretary of Agriculture that are part of a foundation herd (including dairy producing cattle) or offspring, or are purchased as part of a normal operation and not to obtain additional benefits under [the 1988 Act].''

The exemption is further limited to motor carriers that have a ''satisfactory'' safety rating or are ''unrated;'' motor carriers with ''conditional'' or ''unsatisfactory'' safety ratings are prohibited from utilizing this exemption.

Safety Rating

Motor carriers that have received compliance reviews are required to have a ''satisfactory'' rating to qualify for this exemption. The compliance review is an on-site examination of a motor carrier's operations, including records on drivers' hours of service, maintenance and inspection, driver qualification, commercial driver's license requirements, financial responsibility, accidents, hazardous materials, and other safety and transportation records to determine whether a motor carrier meets the safety fitness standard. The assignment of a ''satisfactory'' rating means the motor carrier has in place adequate safety management controls to comply with the Federal safety regulations, and that the safety management controls are appropriate for the size and type of operation of the motor carrier.

The FMCSA will also allow ''unrated'' carriers to use the exemption. Unrated motor carriers are those that have not received a compliance review. It would be unfair to exclude such carriers simply because they were not selected by for a compliance review, especially since carriers are prioritized for compliance reviews on the basis of known safety deficiencies.

The Agency is not allowing motor carriers with conditional or unsatisfactory ratings to participate because both of those ratings indicate that the carrier has safety management control problems. There is little reason to believe that carriers rated either unsatisfactory or conditional could be relied upon to comply with the terms and conditions of the exemption.

Accident Reporting

Motor carriers must notify FMCSA by email addressed to *MCPSD@DOT.GOV* with 5 business days of any accident (as defined in 49 CFR 390.5) that occurs while its driver is operating under the terms of this exemption. The notification must include:

a. Date of the accident,

b. City or town, and State, in which the accident occurred, or closest to the accident scene,

c. Driver's name and license number,

d. Vehicle number and state license number,

e. Number of individuals suffering physical injury,

f. Number of fatalities,

g. The police-reported cause of the accident,

h. Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations, and

i. The total driving time and total on-duty time prior to the accident.

Period of the Exemption

FMCSA provides an exemption from the 30-minute break requirement (49 CFR 395.3(a)(3)(ii)) during the period of June 11, 2014 through June 11, 2015.

Safety Oversight of Carriers Operating Under the Exemption

FMCSA expects each motor carrier operating under the terms and conditions of this exemption to maintain its safety record. However, should safety deteriorate,

FMCSA will, consistent with the statutory requirements of 49 U.S.C. 31315, take all steps necessary to protect the public interest. Authorization of the exemption is discretionary, and FMCSA will immediately revoke the exemption of any motor carrier or driver for failure to comply with the terms and conditions of the exemption.

Preemption

During the period the exemption is in effect, no State may enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a person or entity operating under the exemption [49 U.S.C. 31315(d)].

Issued on: June 6, 2014.

Anne S. Ferro,

Administrator.

[FR Doc. 2014–13628 Filed 6–9–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Request for Comment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), this notice announces that the Information Collection Request (ICR) abstracted below will be submitted to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the information collection and its expected burden. A **Federal Register** Notice with a 60-day comment period soliciting public comments on the following information collection was published on June 6, 2013 (**Federal Register**/Vol. 78, No. 109/pp. 34152–34154).

DATES: Submit comments to the Office of Management and Budget (OMB) on or before July 11, 2014.

FOR FURTHER INFORMATION CONTACT: Alan Block at the National Highway Traffic Safety Administration, Office of Behavioral Safety Research (NTI–131), W46–499, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590. Mr. Block's phone number is 202–366–6401 and his email address is *alan.block@dot.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2127–0645.

Type of Request: Reinstatement with change.

Title: Motor Vehicle Occupant Safety Survey (MVOSS).

Form No.: NHTSA Form 1020A and NHTSA Form 1020B.

Type of Review: Regular.

Respondents: NHTSA proposes to conduct the Motor Vehicle Occupant Safety Survey (MVOSS) among national probability samples of adults age 16 and older. The survey is composed of two questionnaires, each of which will be administered to independently drawn samples of respondents. The survey will use Web as the primary response mode, with mail and telephone as alternative response modes. Prior to the survey, there will be usability tests of each of the three response modes to assess the interface between survey and respondent. The usability tests will be conducted with a convenience sample of adults. There also will be a pilot test of the survey. The pilot test will be conducted with a sample of randomly selected people age 16 and older. Full administration of the survey will be conducted with probability-based samples of people ages 16 and older drawn from an address-based sampling (ABS) frame.

Estimated Number of Respondents: There will be 60 respondents participating in the usability tests. The pilot test will have a total drawn sample of 3,000. The response rate it will achieve is unknown, but for purposes of burden estimation this project will assume a response rate upper limit of 50%. The estimated total number of respondents is therefore 1,500. For the full administration of the survey, there will be two versions of the questionnaire, one focusing on seat belts and the other focusing on child restraint use. Sufficient sample will be drawn to complete 6,000 interviews per questionnaire, for a total of 12,000 completed interviews.

Estimated Time per Response: Average duration per respondent for the usability tests will be two hours. Average duration per respondent for both the pilot test and the full administration of the survey will be 15 minutes.

Total Estimated Annual Burden Hours: The total estimated annual burden for the usability tests is 60 subjects × 2 hours = 120 hours. The total estimated annual burden for the pilot test is 3,000 sample × 50% response rate × 15 minutes = 375 hours. The total estimated annual burden for the full administration of the survey is 6,000 respondents × 2 questionnaires × 15 minutes = 3,000 hours. The total estimated annual burden for all three information collections combined is 3,495 hours.

Frequency of Collection: Respondents will participate a single time in the usability tests, pilot test, or survey. They will not participate in more than one of these forms of information collection. The usability tests, pilot test, and survey will be conducted a single time.

Abstract: The Motor Vehicle Occupant Safety Survey (MVOSS) is conducted on a periodic basis by the National Highway Traffic Safety Administration to obtain a status report on attitudes, knowledge, and behavior related to motor vehicle occupant protection. It was last conducted in 2007. The survey is composed of two questionnaires, each administered to a randomly selected sample of approximately 6,000 persons age 16 and older. One questionnaire focuses on seat belt issues while the other focuses on child restraint use. Additional topics addressed by the survey include air bags, emergency medical services, wireless phone use in motor vehicles, and crash injury experience. The proposed survey is the seventh in the MVOSS series, which began in 1994. The proposed MVOSS will collect data on topics included in the preceding surveys in order to monitor change over time in the use of occupant protection devices and in attitudes and knowledge related to motor vehicle occupant safety. The survey will also include new questions that address emergent issues.

The proposed MVOSS will use a multi-mode approach that employs Web as the primary response mode, with the online technology serving to reduce length and minimize recording errors. Mail and telephone will serve as alternative response modes for respondents that choose not to participate on-line. The telephone interviewers will use computer-assisted telephone interviewing (CATI). A Spanish language translation of the questionnaires, and bilingual interviewers to conduct the telephone interviews, will be used to minimize language barriers to participation.

The multi-mode approach is a major change in methodology from previous administrations of the MVOSS, as will be the use of an address-based sampling (ABS) frame as opposed to the telephone sampling frames used during previous administrations of the MVOSS. Therefore, the full administration of the survey will be preceded by usability tests to assess the interface between survey and respondents, and a pilot test to assess the methods for each of the response modes used in the survey.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk

Officer for Department of Transportation, National Highway Traffic Safety Administration, or by email at *oira_submission@omb.eop.gov*, or fax: 202–395–5806.

Comments Are Invited On: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department of Transportation, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is most effective if OMB receives it within 30 days of publication of this notice.

Authority: 44 U.S.C. Section 3506(c)(2)(A).

Issued in Washington, DC, on June 5, 2014.

Jeff Michael,

Associate Administrator, Research and Program Development.

[FR Doc. 2014–13587 Filed 6–10–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2014–0068]

Toyota Motor North America, Inc.; Receipt of Petition for Temporary Exemption From an Electrical Safety Requirement of FMVSS No. 305

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

ACTION: Notice of receipt of a petition for a temporary exemption from a provision of Federal Motor Vehicle Safety Standard (FMVSS) No. 305, *Electric-powered vehicles: electrolyte spillage and electrical shock protection.*

SUMMARY: In accordance with the procedures in 49 CFR part 555, Toyota Motor North America, Inc. (Toyota) has petitioned the agency for a temporary exemption from one requirement of FMVSS No. 305. That portion of FMVSS No. 305 requires manufacturers to maintain a certain level of electrical isolation (or reduce the voltage below specified levels) of high voltage electrical components of an electric vehicle (EV) in the event of a crash in order to protect the vehicle's occupants and first responders. Toyota states that a forthcoming fuel cell vehicle (FCV) model cannot meet this requirement due to certain design characteristics of their FCVs. Instead, Toyota states that it is using alternative strategies to help ensure that occupants and first responders are protected in the event of a crash. NHTSA has made no judgment on the merits of the application. This notice of receipt of an application for a temporary exemption is published in accordance with statutory and administrative provisions.

DATES: You should submit your comments not later than July 11, 2014.

FOR FURTHER INFORMATION CONTACT: Jesse Chang, Office of the Chief Counsel, NCC–112, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: (202) 366–2992; Fax: (202) 366–3820.

ADDRESSES: We invite you to submit comments on the application described above. You may submit comments identified by docket number in the heading of this notice by any of the following methods:

- *Fax:* 1–202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act discussion below. We will consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, we will also consider comments filed after the closing date.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* at any time or to 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. Telephone: (202) 366–9826.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476) or you may visit *http://www.dot.gov/privacy.html.*

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR part 512).

SUPPLEMENTARY INFORMATION:

I. The Electrical Safety Requirement in FMVSS No. 305 and its Purpose

In 2000, the agency created Federal Motor Vehicle Safety Standard (FMVSS) No. 305 to help facilitate the safe introduction of EVs into the marketplace.[1] While FMVSS No. 305 addresses a number of safety concerns relevant to EVs (e.g., battery retention and electrolyte spillage), paragraph S5.3 of the standard, at issue here, requires EVs to maintain electrical isolation of various major electrical components (e.g., components related to the vehicle's propulsion) after specified crash tests. The purpose of the requirements in S5.3 is to reduce the risk of high voltage electrical shock to the vehicle's occupants and the first responders in the event of a crash.[2]

NHTSA published its most recent major update to the S5.3 requirements in 2010.[3] In this update, NHTSA expanded the types of electrical components that would be covered by the requirement and the options available for complying with the requirement. Namely, the agency expanded the coverage of the standard to include other high voltage

[1] *See* 65 FR 57980 (September 27, 2000).

[2] *See id.*

[3] *See* 75 FR 33515 (June 14, 2010). NHTSA also answered petitions for reconsideration on this final rule on July 29, 2011 dealing with clarifying the definitions and test procedures of the June 14, 2010 final rule. *See* 76 FR 45436.

components of the EV beyond the propulsion battery. Further, the updated requirements recognize the different safety implications between Alternating Current (AC) and Direct Current (DC) by establishing different requirements for each type of electrical component. FMVSS No. 305 further specifies various crash test conditions under which a vehicle is required to meet the aforementioned requirements. Depending on the particular crash scenario (e.g., frontal barrier, rear moving barrier, and side moving deformable barrier), the tests can be conducted at any speed up to a maximum speed of 48, 80, or 54 km/h, respectively.[4]

The subject of Toyota's petition is these electrical safety requirements in paragraph S5.3 of FMVSS No. 305. Toyota states in its petition that certain design aspects of their Fuel Cell Vehicles (FCVs) preclude the vehicle from meeting the electrical safety requirements in paragraph S5.3 of FMVSS No. 305. However, Toyota states that it will implement various alternative strategies to ensure that the vehicle occupants and first responders are protected from an undue risk of high voltage electrical shock after a crash. Section III below describes Toyota's petition in more detail.

II. Statutory Authority for Temporary Exemptions

The National Traffic and Motor Vehicle Safety Act (Safety Act), codified at 49 U.S.C. Chapter 301, provides the Secretary of Transportation authority to exempt, on a temporary basis and under specified circumstances, motor vehicles from a motor vehicle safety standard or bumper standard. This authority is set forth at 49 U.S.C. 30113. The Secretary has delegated the authority for implementing this section to NHTSA.

The Act authorizes the Secretary to grant a temporary exemption to a vehicle manufacturer under certain conditions. The relevant conditions for this petition require the Secretary to find:

(1) That ''the exemption would make the development or field evaluation of a low-emission motor vehicle easier and would not unreasonably lower the safety level of that vehicle;'' or

(2) that ''compliance with the standard would prevent the manufacturer from selling a motor vehicle with an overall safety level at least equal to the overall safety level of nonexempt vehicles.'' [5]

NHTSA established 49 CFR part 555, *Temporary Exemption from Motor Vehicle Safety and Bumper Standards,* to implement the statutory provisions concerning temporary exemptions. The requirements specified in 49 CFR 555.5 state that the petitioner must set forth the basis of the application by providing the required information under part 555.6, and the reasons why the exemption would be in the public interest and consistent with the objectives of 49 U.S.C. Chapter 301.

A petition under the basis that the exemption would make easier the development or field evaluation of a low-emission motor vehicle must include the information specified in 49 CFR 555.6(c). The main requirements of that section include: (1) Substantiation that the vehicle is a low-emission vehicle; (2) documentation establishing that a temporary exemption would not unreasonably degrade the safety of a vehicle; (3) substantiation that a temporary exemption would facilitate the development or field evaluation of the vehicle; and (4) a statement of whether the petitioner intends to conform to the standard at the end of the exemption period.

A petition under the basis that compliance with the standard would prevent the manufacturer from selling a motor vehicle with an overall safety level at least equal to the overall safety level of nonexempt vehicles must include the information specified in 49 CFR 555.6(d). The main requirements of that section include: (1) A detailed description of how the motor vehicle differs from one that conforms with the standard; (2) a detailed description of any safety features that are offered as standard equipment that are not required by an FMVSS; (3) the results of any tests showing that the vehicle doesn't meet the standard but has an overall level of safety at least equal to nonexempt vehicles; and (4) a statement of whether the petitioner intends to conform to the standard at the end of the exemption period.

III. Overview of Petition

In accordance with 49 U.S.C. 30113 and the procedures in 49 CFR part 555, Toyota Motor North America, Inc. (Toyota) submitted a petition asking the agency for a temporary exemption from the electrical safety requirements in paragraph S5.3 of FMVSS No. 305. They state that they plan to manufacture an FCV model and that certain aspects of their FCV design prevent it from meeting the requirements in S5.3 of FMVSS No. 305.

As described above, the requirements of paragraph S5.3 state that (after certain specified crash tests) a vehicle must maintain an electrical isolation of 500 ohms/volt for AC high voltage sources (and DC high voltage sources without electrical isolation monitoring) or 100 ohms/volt for DC high voltage sources with electrical isolation monitoring. Vehicles subject to FMVSS No. 305 must meet these requirements when tested under any speed up to a maximum speed of 48, 54, or 80 km/h (depending on the particular crash test).

Toyota states in its petition that its vehicle will be able to meet the requirements of paragraph S5.3 of FMVSS No. 305 under some, but not all, of the specified test speeds. The company states that under higher speeds (e.g., speeds similar to when an air bag would deploy), an automatic disconnect mechanism activates to ensure that the high voltage components will meet the requirements of paragraph S5.3. However, Toyota states that the automatic disconnect mechanism in its FCVs will not be triggered in impacts at relatively low speeds. Toyota believes it would not be appropriate to equip FCVs with sensors that would trigger the automatic disconnect mechanism following minor impacts (such as parking lot collisions or curb contacts), since it is not possible to drive the vehicle after the system is disconnected. Toyota states that its FCV would be unable to meet the requirements of paragraph S5.3 in such low speed crash conditions where the automatic disconnect mechanism is not triggered.[6]

Toyota applies for this exemption under two alternative bases.[7] First, Toyota states that this exemption would make the development or field evaluation of a low-emission motor vehicle easier and would not unreasonably lower the safety level of the vehicle. Second, Toyota believes that compliance with FMVSS No. 305 would prevent it from selling a motor vehicle with an overall safety level at least equal to the overall safety level of non-exempt vehicles. Toyota requests the exemption (under either basis) for 2 years and has stated that it would not produce more than 2,500 exempted FCVs within any 12-month period during the exemption.

In support of its first basis (low-emission vehicle) Toyota states that its FCV qualifies as a low-emission vehicle because its FCV will not emit particulate matter. Further, Toyota states that the FCV's noncompliance

[4] The speed condition for each test is specified in paragraphs S6.1 to S6.3.

[5] *See* 49 U.S.C. 30113.

[6] Additional information is available in Toyota's petition. The petition is available in the docket referenced at the beginning of this document.

[7] To view the application, go to *http://www.regulations.gov* and enter the docket number set forth in the heading of this document.

with paragraph S5.3 of FMVSS No. 305 would not unreasonably degrade the safety of the vehicle because the vehicle has additional safety features designed to protect vehicle occupants and first responders in the event of a crash. First, Toyota equipped the FCV high voltage sources with physical barriers that they believe would prevent any direct physical contact with live voltage sources after the crash. Second, Toyota ensured that all physical barriers would be grounded to the chassis with a grounding resistance of less than 0.1 ohms. The company states that this would protect against any indirect contact with high voltage sources. Finally, Toyota states that the high voltage sources would continue to maintain an electrical isolation of 100 ohms/volt. Through the combination of these three attributes, Toyota believes that the noncompliance with paragraph S5.3 would not unreasonably degrade the safety of its FCV.

In support of the second basis (overall safety is at least equal to a nonexempt vehicle), Toyota states that its FCV would not meet the current requirements of FMVSS No. 305 in low speed crashes where the automatic disconnect does not activate and Toyota would not be able to sell the vehicle in the United States. However, due to the additional safety features that the company plans to incorporate into its FCVs (i.e., physical barrier + grounding of the physical barriers to the chassis + maintaining electrical isolation of 100 ohms/volt), Toyota believes that their FCV maintains a level of safety that is at least equivalent to a vehicle complying with FMVSS No. 305. In support of this contention, Toyota cites their belief that their FCV would comply with the relevant European standard (ECE R.100) and Global Technical Regulation (GTR) No. 13 which allow manufacturers to ensure electrical safety through methods such as encasing high voltage sources in a physical barrier.

IV. Completeness and Comment Period

Upon receiving a petition, NHTSA conducts an initial review of the petition with respect to whether the petition is complete and whether the petitioner appears to be eligible to apply for the requested exemption. The agency has tentatively concluded that the petition from Toyota is complete and that Toyota is eligible to apply for a temporary exemption. The agency has not made any judgment on the merits of the application, and is placing a non-confidential copy of the petition in the docket.

The agency seeks comment from the public on the merits of Toyota's application for a temporary exemption from the electrical safety requirements in paragraph S5.3 of FMVSS No. 305. We are providing a 30-day comment period. After considering public comments and other available information, we will publish a notice of final action on the application in the **Federal Register**.

Dated: May 29, 2014.

Claude H. Harris,

Acting Associate Administrator, for Rulemaking.

[FR Doc. 2014–13540 Filed 6–10–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 6, 2014.

The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before July 11, 2014 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8141, Washington, DC 20220, or email at *PRA@treasury.gov*.

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by emailing *PRA@treasury.gov,* calling (202) 622–1295, or viewing the entire information collection request at *www.reginfo.gov*.

Financial Crimes Enforcement Network (FinCEN)

OMB Number: 1506–0012.

Type of Review: Revision of a currently approved collection.

Title: Bank Secrecy Act Designation of Exempt Person (DOEP) Report.

Form: Form 110.

Abstract: The Bank Secrecy Act and its implementing regulations require banks to file currency transaction reports (CTRs) on transactions in currency of more than $10,000. The regulations also permit a bank to exempt certain persons from currency transaction reporting in accordance with 31 CFR 1020.315.

Banks are the only type of financial institutions that may exempt customers from CTR filing requirements. The term ''bank'' is defined in 31 CFR 1010.100(d) and includes savings and loan associations, thrift institutions, and credit unions. A bank that wishes to designate a customer as an exempt person must file FinCEN Form 110.

Affected Public: Businesses or other for-profit organizations; Not-for-profit institutions.

Estimated Annual Burden Hours: 31,450.

Brenda Simms,

Treasury PRA Clearance Officer.

[FR Doc. 2014–13581 Filed 6–10–14; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF THE TREASURY

Survey of Foreign Ownership of U.S. Securities as of June 30, 2014

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Department of the Treasury is informing the public that it is conducting a mandatory survey of foreign ownership of U.S. securities as of June 30, 2014. This mandatory survey is conducted under the authority of the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 et seq.) This Notice constitutes legal notification to all United States persons (defined below) who meet the reporting requirements set forth in this Notice that they must respond to, and comply with, this survey. Additional copies of the reporting forms SHL (2014) and instructions may be printed from the Internet at: *http://www.treasury.gov/resource-center/data-chart-center/tic/Pages/forms-sh.aspx*.

Definition: A U.S. person is any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency), who resides in the United

States or is subject to the jurisdiction of the United States.

Who Must Report: The following U.S. persons must report on this survey:

(1) U.S. persons who manage the safekeeping of U.S. securities (as specified below) for foreign persons. These U.S. persons, who include the affiliates in the United States of foreign entities, and are henceforth referred to as U.S. custodians, must report on this survey if the total market value of the U.S. securities whose safekeeping they manage on behalf of foreign persons—aggregated over all accounts and for all U.S. branches and affiliates of their firm—is $100 million or more as of June 30, 2014.

(2) U.S. persons who issue securities, if the total market value of their securities owned directly by foreign persons—aggregated over all securities issued by all U.S. subsidiaries and affiliates of the firm, including investment companies, trusts, and other legal entities created by the firm—is $100 million or more as of June 30, 2014. U.S. issuers should report only foreign holdings of their securities which are directly held for foreign residents, i.e., where no U.S.-resident custodian or central securities depository is used. Securities held by U.S. nominees, such as bank or broker custody departments, should be considered to be U.S.-held securities as far as the issuer is concerned.

(3) U.S. persons who receive a letter from the Federal Reserve Bank of New York that requires the recipient of the letter to file Schedule 1, even if the recipient is under the exemption level of $100 million and need only report ''exempt'' on Schedule 1.

What To Report: This report will collect information on foreign resident holdings of U.S. securities, including equities, short-term debt securities (including selected money market instruments), and long-term debt securities.

How To Report: Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, may be obtained at the Web site address given above in the Summary, or by contacting the survey staff of the Federal Reserve Bank of New York at (212) 720–6300 or (646) 720–6300, email: *SHLA.help@ny.frb.org*. The mailing address is: Federal Reserve Bank of New York, Statistics Function, 4th Floor, 33 Liberty Street, New York, NY 10045–0001. Inquiries can also be made to the Federal Reserve Board of Governors, at (202) 452–3476, or to Dwight Wolkow, at (202) 622–1276, or by email: *comments2TIC@do.treas.gov*.

When To Report: Data should be submitted to the Federal Reserve Bank of New York, acting as fiscal agent for the Department of the Treasury, by August 29, 2014.

Paperwork Reduction Act Notice: This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 1505–0123. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. The estimated average annual burden associated with this collection of information is 486 hours per report for the largest custodians of securities, 110 hours per report for the largest issuers of securities that have data to report and are not custodians, and 16 hours per report for those who file as exempt in a benchmark survey. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Department of the Treasury, Office of International Affairs, Attention Administrator, International Portfolio Investment Data Reporting Systems, Room 5422, Washington, DC 20220, and to OMB, Attention Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Dwight Wolkow,

Administrator, International Portfolio Investment Data Reporting Systems.

[FR Doc. 2014–13629 Filed 6–10–14; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket ID OCC–2014–0014]

Minority Depository Institutions Advisory Committee

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

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The Office of the Comptroller of the Currency (OCC) announces a meeting of the Minority Depository Institutions Advisory Committee (MDIAC).

DATES: The OCC MDIAC will hold a public meeting on Wednesday, June 25, 2014, beginning at 1 p.m. Central Daylight Time (CDT).

ADDRESSES: The OCC will hold the June 25, 2014, meeting of the MDIAC at the Sheraton Dallas Hotel by the Galleria, 4801 Lyndon B Johnson Fwy, Dallas, TX 75244.

FOR FURTHER INFORMATION CONTACT: Beverly Cole, Senior Advisor to the Senior Deputy Comptroller for Midsize and Community Bank Supervision, (202) 649–5420, Office of the Comptroller of the Currency, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: By this notice, the OCC is announcing that the OCC MDIAC will convene a meeting at 1 p.m. CDT on Wednesday, June 25, 2014, at the Sheraton Dallas Hotel by the Galleria, 4801 Lyndon B Johnson Fwy, Dallas, TX 75244. Agenda items include a discussion of the status of the minority depository institution industry and current topics of interest to the industry. The purpose of the meeting is for the MDIAC to advise the OCC on steps the OCC may be able to take to ensure the continued health and viability of minority depository institutions and other issues of concern to minority depository institutions. Members of the public may submit written statements to the MDIAC by any one of the following methods:

- *Email* to *MDIAC@occ.treas.gov;* or
- *Mail* to: Beverly Cole, Designated Federal Official, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

The OCC must receive written statements no later than Friday, June 13, 2014. Members of the public who plan to attend the meeting and members of the public who require auxiliary aid should contact the OCC by 5 p.m. Eastern Daylight Time on Wednesday, June 18, 2014, to inform the OCC of their desire to attend the meeting and to provide the information that will be required to facilitate entry into the meeting. Attendees should provide their full name, email address, and organization, if any. Members of the public may contact the OCC via email at *MDIAC@occ.treas.gov* or by telephone at 202–649–5420.

Dated: June 6, 2014.

Paul M. Nash,

Senior Deputy Comptroller and Chief of Staff.

[FR Doc. 2014–13669 Filed 6–9–14; 11:15 am]

BILLING CODE 4810–33–P

FEDERAL REGISTER

Vol. 79 Wednesday,
No. 112 June 11, 2014

Part II

The President

Proclamation 9140—Flag Day and National Flag Week, 2014

Federal Register
Vol. 79, No. 112
Wednesday, June 11, 2014

Presidential Documents

Title 3—

The President

Proclamation 9140 of June 6, 2014

Flag Day and National Flag Week, 2014

By the President of the United States of America

A Proclamation

Over farmlands and town squares, atop skyscrapers and capitol buildings, the American flag soars. It reminds us of our history—13 colonies that rose up against an empire—and celebrates the spirit of 50 proud States that form our Union today. On Flag Day and during National Flag Week, we pay tribute to the banner that weaves us together and waves above us all.

For more than two centuries, Americans have saluted Old Glory in times of trial and triumph. Generations have looked to it as they steeled their resolve, and an unbroken chain of men and women in uniform has served under our flag. From the banks of Baltimore's Inner Harbor to European trenches and Pacific islands, from the deserts of Iraq to the mountains of Afghanistan, they have risked their lives so we might live ours. When we lay our veterans to rest, many go draped with the stars and stripes upon them, and their families find solace in the folds of honor held tightly to their chest. Because of their sacrifice, our Nation is stronger, safer, and will always remain a shining beacon of freedom for the rest of the world.

With a familiar design that has evolved along with a growing Nation, our flag stitches the ideals for which America was born to the reality of our times. It reminds us that fidelity to our founding principles requires new responses to new challenges. As we prepare to meet the great tests of our age, let every American draw inspiration from this symbol of our past, our present, and our common dreams.

To commemorate the adoption of our flag, the Congress, by joint resolution approved August 3, 1949, as amended (63 Stat. 492), designated June 14 of each year as ''Flag Day'' and requested that the President issue an annual proclamation calling for its observance and for the display of the flag of the United States on all Federal Government buildings. The Congress also requested, by joint resolution approved June 9, 1966, as amended (80 Stat. 194), that the President annually issue a proclamation designating the week in which June 14 occurs as ''National Flag Week'' and call upon citizens of the United States to display the flag during that week.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim June 14, 2014, as Flag Day and the week beginning June 8, 2014, as National Flag Week. I direct the appropriate officials to display the flag on all Federal Government buildings during that week, and I urge all Americans to observe Flag Day and National Flag Week by displaying the flag. I also call upon the people of the United States to observe with pride and all due ceremony those days from Flag Day through Independence Day, also set aside by the Congress (89 Stat. 211), as a time to honor America, to celebrate our heritage in public gatherings and activities, and to publicly recite the Pledge of Allegiance to the Flag of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of June, in the year of our Lord two thousand fourteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

[FR Doc. 2014–13826
Filed 6–10–14; 11:15 am]
Billing code 3295–F4

Reader Aids

Federal Register

Vol. 79, No. 112

Wednesday, June 11, 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
32633–32858 6
32859–33042 9
33043–33418 10
33419–33646 11

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
9139 33417
9140 33645

5 CFR

Proposed Rules:
2641 33138

7 CFR

63 31843
319 32433
932 33419
1410 32435
1951 31845
4274 31845
Proposed Rules:
1951 31884
4274 31884

9 CFR

201 32859
310 32436

10 CFR

431 32050
1703 31848
Proposed Rules:
429 32020
430 32020

12 CFR

Proposed Rules:
Ch. I 32172
4 33260
5 33260
7 33260
14 33260
32 33260
34 33260
100 33260
116 33260
143 33260
144 33260
145 33260
146 33260
150 33260
152 33260
159 33260
160 33260
161 33260
162 33260
163 33260
174 33260
192 33260
193 33260
Ch. II 32172
Ch. III 32172
Ch. VII 32191

13 CFR

125 31848
127 31848

14 CFR

25 .....32633, 32635, 32636, 32637, 32639, 32640, 32642, 33043
39 .....31849, 31851, 31855, 31897, 32859, 33045, 33048, 33050, 33052, 33054
71 .....32440, 32441, 32861, 32862
97 .....33420, 33421, 33426, 33430
121 32157
Proposed Rules:
25 .....31886, 33140
39 .....31229, 31231, 31233, 31888, 32195, 32197, 32500, 32881, 33484
71 .....31236, 32883
77 33145

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
420 33145

21 CFR

17 32643
73 33431
106 .....33056, 33057
107 33057
310 33072
314 33072
317 32464
329 33072

600 33072
878 ....31205, 31859

22 CFR

42 32481

23 CFR

450 31214
Proposed Rules:
450 31784

24 CFR

3280 31861

26 CFR

1 ....31863, 32644
31 31219
Proposed Rules:
1 ....31892, 31893, 32687

29 CFR

Proposed Rules:
1910 32199
2550 31893

30 CFR

934 32645
944 32648
Proposed Rules:
7 31895
75 31895

33 CFR

100 ....32164, 32863
117 ....31865, 32864
165 ....31220, 31865, 31868, 32167, 32482, 32484, 32486, 32487, 32866, 32867, 32868, 32871
Proposed Rules:
100 32886
165 ....31895, 32889

34 CFR

Ch. III 32487, 33092
Ch. VI 31870, 32651, 33432
Proposed Rules:
Ch. III 31898, 33486

36 CFR

12 33434
294 33436

37 CFR

Proposed Rules:
370 33491

38 CFR

3 32653

39 CFR

111 32490
775 33095
3001 33390

40 CFR

Ch. I 31566
52 ....32873, 33097, 33101, 33107, 33116, 33438
62 33456
180 ....32169, 32662, 32666, 33458, 33465, 33469
300 ....32490, 32673
Proposed Rules:
49 32502
51 32892
52 ....32200, 33159
60 31901
190 32521
300 32689

41 CFR

102–117 33474
102–192 33477

43 CFR

10 33482

44 CFR

64 32876

45 CFR

18 32170

46 CFR

Proposed Rules:
356 33160

47 CFR

1 ....31873, 32366
2 32366
27 32366
63 31873
73 33118
Proposed Rules:
1 31247
2 31247
20 33163
90 31247
95 31247
96 31247

48 CFR

Proposed Rules:
2 33164
7 33164
12 33164
46 33164
52 33164
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, 32677, 33119
23 32677
217 32678
224 31222
622 ....32496, 32497, 32498, 32878
635 31227
648 32170
Proposed Rules:
17 ....31901, 32900, 33169
20 32418
29 32903
300 32903
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.