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Contents

Federal Register

Vol. 79, No. 114

Friday, June 13, 2014

Agriculture Department
See Food Safety and Inspection Service
PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 34004–34013
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 33892–33893

Architectural and Transportation Barriers Compliance Board

PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 34112–34113

Blind or Severely Disabled, Committee for Purchase From People Who Are
See Committee for Purchase From People Who Are Blind or Severely Disabled

Broadcasting Board of Governors
NOTICES
Meetings; Sunshine Act, 33902–33903

Bureau of Consumer Financial Protection
PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 34146–34148

Centers for Disease Control and Prevention
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 33924–33926

Centers for Medicare & Medicaid Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 33927–33929

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Evaluation of Tribal Health Profession Opportunity Grants, 33929–33930

Coast Guard
RULES
Double Hull Tanker Escorts on the Waters of Prince William Sound, AK, 33864–33867
Drawbridge Operations:
Lake Washington, Seattle, WA, 33863–33864
West Pearl River, Pearl River, LA, 33862–33863
NOTICES
Applications:
Recertification of Cook Inlet Regional Citizens' Advisory Council, 33930–33931

Commerce Department
See Foreign-Trade Zones Board
See Industry and Security Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration
PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 34016–34038
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 33903

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement List; Additions and Deletions, 33911–33912

Consumer Product Safety Commission
PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 34150–34152

Corporation for National and Community Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 33912–33913

Defense Acquisition Regulations System
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Contractor Use of Government Supply Sources, 33913

Defense Department
See Defense Acquisition Regulations System
PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 34040–34041, 34140–34144

Education Department
PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 34044–34045
NOTICES
Applications for New Awards:
Elementary and Secondary School Counseling Programs, 33913–33914

Employment and Training Administration
NOTICES
Worker Adjustment Assistance Eligibility; Amended Certifications:
Avery Products, Chicopee and Holliston, MA, and Brea, CA, 33953–33954
Worker Adjustment Assistance Eligibility; Investigations, 33954
Worker Adjustment Assistance Eligibility; Reconsiderations:
Fisher and Ludlow, Saegertown, PA, 33955
Salience Insight, Inc., Berlin, NH, 33955–33956
Sykes Enterprises, Inc., Wilton, ME, 33954–33955
Worker and Alternative Trade Adjustment Assistance Eligibility; Amended Certifications:
Cardinal Health 200, LLC, Woodbury, MN, 33956–33957
Worker and Alternative Trade Adjustment Assistance Eligibility; Determinations, 33957–33958

Energy Department
See Federal Energy Regulatory Commission
PROPOSED RULES
Appliance Standards and Rulemaking Federal Advisory Committee:
Regional Standards Enforcement Working Group, 33870–33873
Energy Efficiency Program:
Energy Conservation Standards for Automatic Commercial Ice Makers; Meeting, 33877–33878
Energy Efficiency Standards for Manufactured Housing:
Manufactured Housing Working Group; Establishment, 33873–33877
Regulatory Agenda:
Semiannual Regulatory Agenda, 34048–34050

Environmental Protection Agency
RULES
Manufacturing (Import) Exemptions:
Defense Logistics Agency: for Polychlorinated Biphenyls, 33867–33868
PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 34116–34123
NOTICES
Charter Renewals:
National Advisory Council for Environmental Policy and Technology, 33917
Environmental Impact Statements; Availability, etc., 33918

Federal Aviation Administration
RULES
Establishment of Class E Airspace:
Crandon, WI, 33850–33851
NOTICES
Petition for Exemption; Summaries, 33991

Federal Communications Commission
PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 34154–34190

Federal Deposit Insurance Corporation
PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 34192–34196

Federal Election Commission
NOTICES
Meetings; Sunshine Act, 33918

Federal Emergency Management Agency
RULES
Flood Elevation Determinations:
Colfax Country, NE; Withdrawal, 33868–33869
PROPOSED RULES
Flood Elevation Determinations:
McKean County, PA; All Jurisdictions; Withdrawal, 33878
Flood Elevation Determinations; Correction, 33878–33879
Proposed Flood Elevation Determinations; Withdrawals:
Warren County, PA; All Jurisdictions, 33879
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Crisis Counseling Assistance and Training Program, 33931–33932
Final Flood Hazard Determinations; Correction, 33932–33934
Flood Hazard Determinations; Changes, 33934–33941
Major Disaster Declarations:
Tennessee; Amendment No. 1, 33942
Major Disasters and Related Determinations:
Arkansas, 33941–33942
Indiana, 33943
Mississippi, 33942–33943

Federal Energy Regulatory Commission
NOTICES
Applications:
Pacific Gas and Electric Co., 33914–33915
Combined Filings, 33915–33916
Petitions for Declaratory Orders:
AES Shady Point, LLC, 33916–33917
Preliminary Permit Applications:
Green Energy Storage Corp., 33917

Federal Highway Administration
NOTICES
Final Federal Agency Actions on Proposed New Bridge and Roadway Improvements:
Perry and Leroy Townships, Lake County, OH, 33991–33992

Federal Labor Relations Authority
RULES
Addresses and Telephone Numbers for Regional Offices, 33849–33850

Federal Mine Safety and Health Review Commission
NOTICES
Meetings; Sunshine Act, 33918

Federal Reserve System
PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 34198–34201
NOTICES
Proposals to Engage in or to Acquire Companies Engaged in Permissible Nonbanking Activities, 33918

Federal Trade Commission
NOTICES
Proposed Consent Orders:
i-Health, Inc. and Martek Biosciences Corporation, 33919–33923

Federal Transit Administration
NOTICES
Safety Advisories:
Verification of Rail Vehicle Safe Stopping Distances in Terminal Stations, 33992–33993

Food Safety and Inspection Service
NOTICES
International Standard-Setting Activities, 33893–33902

Foreign-Trade Zones Board
NOTICES
Subzone Applications:
The Coleman Company, Inc., Foreign-Trade Zone 119, Minneapolis–St. Paul, MN, 33903–33904

General Services Administration
PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 34126–34127, 34140–34144

Health and Human Services Department
See Centers for Disease Control and Prevention
See Centers for Medicare & Medicaid Services
See Children and Families Administration
PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 34052–34065

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency
PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 34068–34076

Housing and Urban Development Department
NOTICES
Federal Properties Suitable as Facilities to Assist the Homeless, 33944–33947

Industry and Security Bureau
NOTICES
Orders Denying Export Privileges:
Jaime Ariel Amaya-Garcia, 33904–33905
Seyed Mojtaba Atarodi), 33905–33906

Interior Department
See Land Management Bureau
PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 34078–34080
NOTICES
Environmental Impact Assessments; Availability, etc.:
Increase in Operation, Maintenance and Replacement Activities Associated with the Wasatch County Water Efficiency Project, 33947–33948

International Trade Administration
NOTICES
Antidumping and Countervailing Duty Administrative Reviews; Results, Extensions, Amendments, etc.:
Polyester Staple Fiber from Taiwan, 33906–33907
Antidumping Duty Investigations; Results, Extensions, Amendments, etc.:
Monosodium Glutamate from the People's Republic of China, 33907–33909

International Trade Commission
NOTICES
Complaints:
Marine Sonar Imaging Devices, Including Downscan and Sidescan Devices, Products Containing the Same, and Components Thereof, 33949
Determinations:
53-Foot Domestic Dry Containers from China, 33950
Light-Walled Rectangular Pipe from China, Korea, Mexico, and Turkey, 33950
Issuance of Civil Penalties and Termination of Enforcement Proceedings:
Certain Two-Way Global Satellite Communication Devices, System and Components, 33950–33951

Justice Department
PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 34082

Labor Department
See Employment and Training Administration
PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 34084–34088
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Claim for Continuance of Compensation, 33952–33953
Respirator Program Records, 33951–33952

Land Management Bureau
NOTICES
Plats of Survey:
Eastern States, 33948–33949
Utah, 33948

Merit Systems Protection Board
NOTICES
Requests for Information:
Attorneys Interested in Representing Appellate Clients Pro Bono, 33958

Mine Safety and Health Federal Review Commission
See Federal Mine Safety and Health Review Commission

National Aeronautics and Space Administration
PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 34130, 34140–34144
NOTICES
Exclusive Licenses, 33958–33959

National Oceanic and Atmospheric Administration
RULES
Re-Establishing the Sanctuary Nomination Processes, 33851–33860
PROPOSED RULES
Fisheries of the Exclusive Economic Zone Off Alaska:
Bering Sea and Aleutian Islands Management Area; Amendment 105, 33889–33891
Fisheries of the Northeastern United States:
Atlantic Herring Fishery; Framework Adjustment 3, 33879–33889
NOTICES
Meetings:
Mid-Atlantic Fishery Management Council, 33910
Pacific Island Fisheries; Western Pacific Stock Assessment Review, 33909–33910
State Coastal Management Programs; Evaluations, 33910–33911

Nuclear Regulatory Commission
PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 34204–34205

Pension Benefit Guaranty Corporation
RULES
Allocation of Assets in Single-Employer Plans:
Benefits Payable in Terminated Plans; Interest Assumptions for Valuing and Paying Benefits, 33860–33862

Regulatory Information Service Center
PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 33998–34002

Securities and Exchange Commission
PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 34208–34211
NOTICES
Self-Regulatory Organizations; Proposed Rule Changes:
BATS Exchange, Inc., 33982–33989
BOX Options Exchange LLC, 33976–33977
NASDAQ OMX PHLX LLC, 33977–33981
NASDAQ Stock Market, LLC, 33959–33964
NYSE Arca, Inc., 33964–33976
Trading Suspension Orders:
LifeHealthCare, Inc., et al., 33989
The Bank Holdings, Community Valley Bancorp, Genemen, Inc., et al., 33990

Small Business Administration
PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 34132–34137

State Department
NOTICES
Culturally Significant Objects Imported for Exhibition:
Ancient Luxury and the Roman Silver Treasure from Berthouville, 33990
Monet and the Seine, Impressions of a River, 33990–33991
Mysticism and Music in Iran, The Art of Ostad Elahi (1895–1974), 33990

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Federal Transit Administration
PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 34090–34105

Treasury Department
PROPOSED RULES
Regulatory Agenda:
Semiannual Regulatory Agenda, 34108–34109

Utah Reclamation Mitigation and Conservation Commission

NOTICES
Environmental Impact Assessments; Availability, etc.:
Increase in Operation, Maintenance and Replacement Activities Associated with the Wasatch County Water Efficiency Project, 33947–33948

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Certification of School Attendance, 33994
Requirements for Interest Rate Reduction Refinancing Loans, 33993–33994
Statement of Marital Relationship, 33994
Veteran's Application for Increased Compensation Based on Unemployability, 33995
Environmental Impact Statements; Availability, etc.:
Black Hills Health Care System Proprosed Improvements and Reconfiguration, Hot Springs and Rapid City, SD, 33995

Separate Parts In This Issue

Part II
Regulatory Information Service Center, 33998–34002

Part III
Agriculture Department, 34004–34013

Part IV
Commerce Department, 34016–34038

Part V
Defense Department, 34040–34041

Part VI
Education Department, 34044–34045

Part VII
Energy Department, 34048–34050

Part VIII
Health and Human Services Department, 34052–34065

Part IX
Homeland Security Department, 34068–34076

Part X
Interior Department, 34078–34080

Part XI
Justice Department, 34082

Part XII
Labor Department, 34084–34088

Part XIII
Transportation Department, 34090–34105

Part XIV
Treasury Department, 34108–34109

Part XV
Architectural and Transportation Barriers Compliance Board, 34112–34113

Part XVI
Environmental Protection Agency, 34116–34123

Part XVII
General Services Administration, 34126–34127

Part XVIII
National Aeronautics and Space Administration, 34130

Part XIX
Small Business Administration, 34132–34137

Part XX
Defense Department, 34140–34144
General Services Administration, 34140–34144
National Aeronautics and Space Administration, 34140–34144

Part XXI
Bureau of Consumer Financial Protection, 34146–34148

Part XXII
Consumer Product Safety Commission, 34150–34152

Part XXIII
Federal Communications Commission, 34154–34190

Part XXIV
Federal Deposit Insurance Corporation, 34192–34196

Part XXV
Federal Reserve System, 34198–34201

Part XXVI
Nuclear Regulatory Commission, 34204–34205

Part XXVII
Securities and Exchange Commission, 34208–34211

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.

5 CFR
Ch. XIV 33849

10 CFR
Proposed Rules:
429 (2 documents) 33870, 33873
431.....33877

14 CFR
71.....33850

15 CFR
922.....33851

29 CFR
4022.....33860
4044.....33860

33 CFR
117 (2 documents) 33862, 33863
168.....33864

40 CFR
761.....33867

44 CFR
67.....33868
Proposed Rules:
67 (3 documents) 33878, 33879

50 CFR
Proposed Rules:
648.....33879
679.....33889

Rules and Regulations

Federal Register
Vol. 79, No. 114
Friday, June 13, 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.

FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Chapter XIV

New Addresses and Telephone Numbers for Regional Offices; Jurisdictional Changes

AGENCY: Federal Labor Relations Authority.

ACTION: Final rule.

SUMMARY: This document amends regulations of the Federal Labor Relations Authority and the General Counsel of the Federal Labor Relations Authority to reflect changes in the addresses and phone numbers of Regional Offices, and to provide for changes in the geographical jurisdictions of five of the seven Regional Directors concerning unfair labor practice charges and representation petitions.

DATES: Effective June 16, 2014.

FOR FURTHER INFORMATION CONTACT: Peter A. Sutton, Deputy General Counsel, Federal Labor Relations Authority, Washington DC 20424, (202) 218–7741.

SUPPLEMENTARY INFORMATION: Effective January 28, 1980, the Authority and the General Counsel published, at 45 FR 3482, January 17, 1980, final rules and regulations to govern the processing of cases by the Authority and the General Counsel under chapter 71 of title 5 of the United States Code. These rules and regulations are required by title VII of the Civil Service Reform Act of 1978 and are set forth in 5 CFR Part 2400 *et seq.* (2014).

Paragraph (d) of Appendix A to 5 CFR Chapter XIV sets forth the current addresses, telephone and fax numbers of the Regional Offices of the Authority. This paragraph has been updated to reflect changes in the addresses and/or phone numbers of the Atlanta, Chicago, Dallas, Denver and San Francisco Regional Offices and the phone numbers of the Chicago and Dallas Regional Offices.

Paragraph (f) of Appendix A to 5 CFR Chapter XIV sets forth the geographic jurisdictions of the Regional Directors of the Authority. In the interest of maximizing the resources of the Office of the General Counsel and efficient and effective case processing, the General Counsel is realigning the geographical jurisdictions of the Regional Directors to more evenly distribute case intake and optimize efficiency and economy. The Office of the General Counsel will continue to transfer cases between regions on a recurring basis, as necessary, based on case intake and staffing in order to maximize its resources.

This amendment merely updates the regulations to reflect the current organizational structure of the Federal Labor Relations Authority. As this rule pertains to agency organization, procedure, or practice, it is exempt from prior notice and public comment pursuant to 5 U.S.C. 553(b)(A). For this same reason, pursuant to 5 U.S.C. 553(d)(3), the agency finds that good cause exists for not providing a more delayed effective date. This type of action is also exempt from review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011).

List of Subjects in 5 CFR Chapter XIV

Administrative practice and procedure.

Chapter XIV—Federal Labor Relations Authority

For the reasons set forth in the preamble and under the authority of 5 U.S.C. 7134, Appendix A to 5 CFR Chapter XIV is amended by revising paragraphs (d)(3) through (7) and (f) to read as follows:

Appendix A to 5 CFR Chapter XIV—Current Addresses and Geographic Jurisdictions

* * * * *

(d) * * *

(3) Atlanta Regional Office—225 Peachtree Street, Suite 1950, Atlanta, Georgia 30303–1701; telephone: (404) 331–5300; fax: (404) 331–5280.

(4) Chicago Regional Office—224 S. Michigan Avenue, Suite 445, Chicago, Illinois 60604–2505; telephone: (312) 886–3465; fax: (312) 886–5977.

(5) Dallas Regional Office—525 S. Griffin Street, Suite 926, LB 107, Dallas, Texas 75202–1906; telephone: (214) 767–6266; fax (214) 767–0156.

(6) Denver Regional Office—1244 Speer Boulevard, Suite 446, Denver, Colorado 80204–3581; telephone: (303) 844–5224; fax: (303) 844–2774.

(7) San Francisco Regional Office—901 Market Street, Suite 470, San Francisco, California 94103–1735; telephone: (415) 356–5000; fax: (415) 356–5017.

* * * * *

(f) The geographic jurisdictions of the Regional Directors of the Federal Labor Relations Authority are as follows:

State or other locality	Regional office
Alabama	Atlanta.
Alaska	San Francisco.
Arizona	Denver.
Arkansas	Dallas.
California	San Francisco.
Colorado	Denver.
Connecticut	Boston.
Delaware	Boston.
District of Columbia	Washington, DC.
Florida	Atlanta.
Georgia	Atlanta.
Hawaii and all land and water areas west of the continents of North and South America (except coastal islands) to long. 90 degrees East.	San Francisco.
Idaho	San Francisco.

State or other locality	Regional office
Illinois	Chicago.
Indiana	Chicago.
Iowa	Chicago.
Kansas	Denver.
Kentucky	Chicago.
Louisiana	Dallas.
Maine	Boston.
Maryland	Washington, DC.
Massachusetts	Boston.
Michigan	Chicago.
Minnesota	Chicago.
Mississippi	Atlanta.
Missouri	Chicago.
Montana	Denver.
Nebraska	Denver.
Nevada	San Francisco.
New Hampshire	Boston.
New Jersey	Boston.
New Mexico	Dallas.
New York	Boston.
North Carolina	Atlanta.
North Dakota	Chicago.
Ohio	Chicago.
Oklahoma	Dallas.
Oregon	San Francisco.
Pennsylvania	Boston.
Puerto Rico	Boston.
Rhode Island	Boston.
South Carolina	Atlanta.
South Dakota	Denver.
Tennessee	Chicago.
Texas	Dallas.
Utah	Denver.
Vermont	Boston.
Virginia	Washington, DC.
Washington	San Francisco.
West Virginia	Washington, DC.
Wisconsin	Chicago.
Wyoming	Denver.
Virgin Islands	Atlanta.
Panama/l limited FLRA jurisdiction	Dallas.
All land and water areas east of the continents of North and South America to long. 90 degrees E., except the Virgin Islands, Panama (limited FLRA jurisdiction), Puerto Rico and coastal islands.	Washington, DC.

(5 U.S.C. 7134)

Dated: June 10, 2014.

Zachary R. Henige,

Deputy Solicitor.

[FR Doc. 2014–13914 Filed 6–12–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–0022; Airspace Docket No. 13–AGL–31]

Establishment of Class E Airspace; Crandon, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Crandon, WI. Controlled airspace is necessary to accommodate new Area Navigation (RNAV) Standard Instrument Approach Procedures at Crandon/Steve Conway Municipal Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at the airport.

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

FOR FURTHER INFORMATION CONTACT: Raul Garza, Jr., Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone 817–321–7654.

SUPPLEMENTARY INFORMATION:

History

On March 31, 2014, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace for the Crandon, WI, area, creating controlled airspace at Crandon/Steve Conway Municipal Airport (79 FR 17946) Docket No. FAA–2014–0022. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9X dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by

establishing Class E airspace extending upward from 700 feet above the surface within a 7-mile radius of Crandon/Steve Conway Municipal Airport, Crandon, WI, for new standard instrument approach procedures developed at the airport. Controlled airspace is needed for the safety and management of IFR operations at the airport.

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. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at Crandon/Steve Conway Municipal, Crandon, WI.

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

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

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

■ 1. The authority citation for 14 CFR Part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface.

* * * * *

AGL WI E5 Crandon, WI [New]

Crandon/Steve Conway Municipal Airport, WI
(lat. 45°31′22″ N., long. 88°55′42″ W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Crandon/Steve Conway Municipal Airport.

Issued in Fort Worth, Texas, on June 2, 2014.

Humberto Melendez,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2014–13777 Filed 6–12–14; 8:45 am]

BILLING CODE 4910–14–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 130405334–3717–02]

RIN 0648–BD20

Re-Establishing the Sanctuary Nomination Process

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Final rule and call for nominations.

SUMMARY: With this final rule, NOAA re-establishes the process by which communities may submit applications to have NOAA consider nominations of areas of the marine and Great Lakes environments as national marine sanctuaries. Communities, in this context, are defined as a collection of interested individuals or groups (e.g., a friends of group, a chamber of commerce); local, tribal, state, or national agencies; elected officials; or topic-based stakeholder groups, at the local, regional or national level (e.g., a local chapter of an environmental organization, a regionally-based fishing group, a national-level recreation or tourism organization, academia or science-based group, or an industry association). Through this nomination process, NOAA is seeking to give communities an opportunity to identify special marine and Great Lakes areas they believe would benefit from designation as a national marine sanctuary. There is no requirement for who may nominate an area for consideration; however, nominations should demonstrate broad support from a variety of stakeholders and interested parties. This rule contains the criteria and considerations NOAA will use to evaluate national marine sanctuary nominations, describes the process for submitting national marine sanctuary nominations, and promulgates the regulations necessary to implement this action. If NOAA determines a nomination adequately meets the final criteria and considerations, it may place that nomination into an inventory of areas for the NOAA Administrator, as delegated from the Secretary of Commerce, to consider for designation as a national marine sanctuary. As such, NOAA is not designating any new national marine sanctuaries with this action. In issuing this rule, NOAA replaces the currently inactive Site Evaluation List with a new process for communities and other interested parties to work collaboratively and innovatively in their submission of national marine sanctuary nominations. The re-opening of the sanctuary nomination process was supported by the majority of the nearly 18,000 comments NOAA received on its proposed rule issued June 28, 2013.

DATES: This final rule is effective on July 14, 2014.

ADDRESSES: You may submit nominations to NOAA by any one of the following methods:

- *Electronic Submissions:* Submit nomination packages to *sanctuary.nominations@noaa.gov.*
- *Mail:* Director, Office of National Marine Sanctuaries, 1305 East-West

Highway, 11th Floor, Silver Spring, MD 20910.

All nomination packages will be posted in full upon submission to NOAA at *www.nominate.noaa.gov.* Do not submit confidential business, personal, sensitive, or protected information in a nomination. Personal information within all nominations will be kept confidential consistent with 5 U.S.C. 552(b)(6).

FOR FURTHER INFORMATION CONTACT:

- For general questions regarding the sanctuary nomination process, please contact Matt Brookhart, Chief, Policy & Planning Division, NOAA Office of National Marine Sanctuaries, 1305 East-West Highway, 11th Floor, Silver Spring, MD 20910, *matt.brookhart@noaa.gov.*
- For specific interest in nominating areas off Maine to North Carolina, or the Great Lakes, contact Reed Bohne, Northeast and Great Lakes Regional Director, NOAA Office of National Marine Sanctuaries, 10 Ocean Science Circle, Savannah, GA 31411, *reed.bohne@noaa.gov.*
- For specific interest in nominating areas off South Carolina to Florida, the Gulf of Mexico, or the Caribbean, contact Billy Causey, Ph.D., Southeast Atlantic, Gulf of Mexico and Caribbean Regional Director, NOAA Office of National Marine Sanctuaries, 33 East Quay Road, Key West, FL 33040, *billy.causey@noaa.gov.*
- For specific interest in nominating areas off California to Alaska, contact William Douros, West Coast Regional Director, NOAA Office of National Marine Sanctuaries, 99 Pacific Street, Suite 100F, Monterey, CA 93940, *william.douros@noaa.gov.*
- For specific interest in nominating areas in the Pacific Islands, contact Allen Tom, Pacific Islands Regional Director, NOAA Office of National Marine Sanctuaries, 726 South Kihei Road, Kihei (Maui), HI 96753, *allen.tom@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access

This **Federal Register** document is also accessible via the Internet at *http://www.access.gpo.gov/su-docs/aces/aces140.html.*

I. Background

The National Marine Sanctuaries Act (NMSA or Act, 16 U.S.C. 1431 *et seq.*) authorizes the Secretary of Commerce to identify and designate as national marine sanctuaries areas of the marine environment, including the Great Lakes, which are of special national significance; to manage these areas as the National Marine Sanctuary System (System); and to provide for the comprehensive and coordinated conservation and management of these areas and the activities affecting them in a manner which complements existing regulatory authorities. Section 303 of the NMSA provides national marine sanctuary designation standards and factors required in determining whether an area qualifies for consideration as a potential national marine sanctuary, and section 304 establishes procedures for national marine sanctuary designation and implementation. Regulations implementing the NMSA and each national marine sanctuary are codified in Part 922 of Title 15 of the Code of Federal Regulations (CFR).

NOAA developed its first formal process for identifying and evaluating sites for consideration as national marine sanctuaries, known as the List of Recommended Areas (LRA), in the late 1970s (44 FR 44831). In 1983, NOAA replaced the LRA with the Site Evaluation List (SEL) (48 FR 24295). As defined in NOAA regulations at 15 CFR 922.3, the SEL was a list of natural and historical marine resource sites selected by the Secretary as qualifying for further evaluation for possible designation as national marine sanctuaries. The SEL was initially developed by regional review panels comprised of marine scientists associated with regionally-specific academic institutions or marine management authorities, and was intended to be reviewed and updated by NOAA every five years. When it was published in 1983, the SEL included 29 sites (48 FR 35568), four of which were subsequently designated as national marine sanctuaries: Flower Garden Banks (1991), Stellwagen Bank (1992), Western Washington Outer Coast (renamed Olympic Coast, 1994), and Thunder Bay (2000) national marine sanctuaries (NMS). The list of sites on the 1983 SEL can be found at *http://sanctuaries.noaa.gov/management/fr/48_fr_35569.pdf.*

When the Site Evaluation List was established, the criteria for nominating areas to the list focused primarily on the natural resource qualities that made an area eligible for national marine sanctuary designation (48 FR 35568). The Marine Sanctuaries Amendments Act of 1984 (Pub. L. 98–496) added historical, research and educational qualities to the list of designation criteria. In 1988, NOAA issued a final rule (53 FR 43801) reflecting these amendments and, in 1989, announced it would consider new sites for the SEL consistent with these revised criteria (54 FR 53432). Ultimately, no new sites were added to the 1983 SEL.

In 1995, the ONMS Director deactivated the SEL (60 FR 66875) to focus on management of the existing twelve national marine sanctuaries, including expanding community engagement (the designation process for Thunder Bay National Marine Sanctuary, which was completed in 2000, began before deactivation of the SEL). Since then, ONMS has focused primarily on maturing management at the existing national marine sanctuaries through comprehensive management plan review, characterization of site resources, partnership building, and operational growth. At the same time, public interest in the designation of new national marine sanctuaries has grown. A variety of individuals, local, state, tribal governments, Congressional representatives, academic institutions, citizen groups, and non-government organizations from around the country have requested NOAA, the Department of Commerce, and the President to consider designating specific areas as new national marine sanctuaries. These requests often reference the many and diverse benefits communities realize from a national marine sanctuary, including: Meaningful protection of nationally significant marine resources; significant social and economic benefits from expanded travel, tourism, and recreation, as well as ocean-related jobs; increased opportunity for, and access to, federal research focused on local marine resources; education programs to promote ocean literacy, sustainable uses, and stewardship; and community-driven problem solving for a myriad of ocean issues.

NOAA considered re-establishing the sanctuary nomination process in the context of both the active community interest and the overall maturing of the System over the past two decades, including lessons learned from previous nomination processes. On June 28, 2013, NOAA issued a proposed rule to re-establish the sanctuary nomination process (78 FR 38848) and requested public comment on: (1) The completeness and utility of twelve draft criteria for evaluating areas of the marine environment as possible new national marine sanctuaries; (2) NOAA's proposed process steps for receiving sanctuary nominations; and (3) proposed amendments to ONMS regulations. This final rule addresses the nearly 18,000 comments NOAA received on the proposed rule (see section VI), and finalizes the criteria, management considerations, and process to nominate areas of the marine and Great Lakes environments for potential addition to the inventory of

areas that may be considered for future designation as a national marine sanctuary. The final step of the sanctuary nomination process is addition to the inventory.

NOAA is not designating any new national marine sanctuaries with this action. Any designations resulting from the nomination process would be conducted by NOAA as a separate process, and within the public participation standards enacted by the NMSA and National Environmental Policy Act. NOAA will follow all standards and requirements identified in the NMSA when, in the future, it considers a nomination for designation.

II. Description of Action

The purpose of this final rulemaking is to:

(1) Provide public notice that NOAA has re-opened the public process to nominate areas of the marine and Great Lakes environments for consideration as national marine sanctuaries;

(2) Provide the final criteria and considerations NOAA will use to evaluate new national marine sanctuary nominations for inclusion in an inventory of areas that may be considered for future designation as national marine sanctuaries;

(3) Describe the process by which areas are nominated and evaluated by NOAA for potential inclusion in an inventory of areas that may be considered in the future as national marine sanctuaries; and

(4) Identify changes to various sections of the ONMS regulations at 15 CFR part 922.

The sanctuary nomination process will focus on nominations generated collaboratively by communities (as defined above) and coalitions of interested parties. It will replace the currently inactive Site Evaluation List, which tended towards an agency-driven, top-down approach, with a more grassroots, bottom-up approach to national marine sanctuary nominations. NOAA is not considering evaluation of sites from the deactivated Site Evaluation List. The public may re-nominate sites from the deactivated Site Evaluation List, per the final evaluation criteria, and resubmit these areas for NOAA's consideration.

NOAA will begin accepting new nominations following the effective date of this final rule, and in accordance with collection-of-information requirements under OMB control number 0648–0682 (see Section VIII, B below for a full discussion of Paperwork Reduction Act requirements).

III. Nomination Criteria and Considerations

In its June 2013 proposed rule, NOAA asked the public to comment on twelve criteria for nominating areas as possible national marine sanctuaries. The twelve proposed criteria were based on national marine sanctuary designation standards in section 303(b) of the NMSA. Many of the public comments included suggestions on how to further refine the criteria to be more useful or operational in the nomination phase. The comments included broad suggestions for more detail, suggestions specific to one or more of the proposed criteria, suggestions on which criteria to emphasize, and suggestions that some of the proposed criteria did not fit the definition of criteria and would be better described as ''considerations.'' NOAA also received comments asking for more information on whether there would be a minimum number of criteria that an area would need to meet to be accepted into the inventory.

Based on these comments, NOAA developed four final criteria to evaluate the national significance of a nomination, and seven considerations for management of the area as a national marine sanctuary. These national significance criteria and management considerations remain consistent with the designation standards in section 303(b) of the NMSA while providing more specificity and clarity for nominating communities. While NOAA is not establishing a minimum number of national significance criteria, nor giving greater significance to any particular criterion, the strongest nominations will provide a clear connection and focus on the criteria most relevant to the goal and intent for the nominated area, and provide as much information as possible for those criteria. Nominations should provide information addressing all seven management considerations, with special emphasis on consideration #7, describing community-based support. Nominations will not be judged against each other with regard to completeness or robustness of criteria and considerations. NOAA's final evaluation will be based on a qualitative analysis of a nomination's ability to demonstrate the relevant national significance criteria and management considerations; the agency will not apply a numerical value or score to any nomination.

A. National Significance Criteria

(1) The area's natural resources and ecological qualities are of special significance and contribute to: Biological productivity or diversity; maintenance or enhancement of ecosystem structure and function; maintenance of ecologically or commercially important species or species assemblages; maintenance or enhancement of critical habitat, representative biogeographic assemblages, or both; or maintenance or enhancement of connectivity to other ecologically significant resources.

(2) The area contains submerged maritime heritage resources of special historical, cultural, or archaeological significance, that: Individually or collectively are consistent with the criteria of eligibility for listing on the National Register of Historic Places; [1] have met or which would meet the criteria for designation as a National Historic Landmark; or have special or sacred meaning to the indigenous people of the region or nation.

(3) The area supports present and potential economic uses, such as: Tourism; commercial and recreational fishing; subsistence and traditional uses; diving; and other recreational uses that depend on conservation and management of the area's resources.

(4) The publicly-derived benefits of the area, such as aesthetic value, public recreation, and access to places depend on conservation and management of the area's resources.

B. Management Considerations

(1) The area provides or enhances opportunities for research in marine science, including marine archaeology.

(2) The area provides or enhances opportunities for education, including the understanding and appreciation of the marine and Great Lakes environments.

(3) Adverse impacts from current or future uses and activities threaten the area's significance, values, qualities, and resources.

(4) A national marine sanctuary would provide unique conservation and management value for this area or adjacent areas.

(5) The existing regulatory and management authorities for the area

[1] Source, 36 CFR Section 60.4: The National Register of Historic Places evaluation criteria are for resources:

(a) That are associated with events that have made a significant contribution to the broad patterns of our history; or

(b) that are associated with the lives of significant persons in our past; or

(c) the embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(d) that have yielded or may likely yield, information important in history or prehistory.

could be supplemented or complemented to meet the conservation and management goals for the area.

(6) There are commitments or possible commitments for partnership opportunities such as cost sharing, office space, exhibit space, vessel time, or other collaborations to aid conservation or management programs for the area.

(7) There is community-based support for the nomination expressed by a broad range of interests, such as: Individuals or locally-based groups (e.g., friends of group, chamber of commerce); local, tribal, state, or national agencies; elected officials; or topic-based stakeholder groups, at the local, regional or national level (e.g., a local chapter of an environmental organization, a regionally-based fishing group, a national-level recreation or tourism organization, academia or science-based group, or an industry association).

IV. Process for Submission and Evaluation of Nominations

In its June 2013 proposed rule, NOAA requested comments on the proposed process for submitting and evaluating nominations. In general, commenters requested NOAA provide more detail about the process, including how the agency would make decisions on nominated areas and timelines for review. NOAA has developed its final process based on how the agency currently anticipates implementation of the review process. If this process evolves over time, NOAA will notify the public of changes to the review process. NOAA anticipates its review process of a nomination will take between three to six months, although additional time may be required for review of more complex nominations. The final nomination process is summarized in the following six steps:

Step 1) Nomination Development. The nomination process begins with a community-based development of a nomination. There is no requirement for who may nominate an area for consideration; however, nominations should demonstrate broad support from variety of stakeholders and interested parties. The nomination should also identify the specific goal or intent for nominating a national marine sanctuary. Any nomination must provide the information necessary to adequately address the national significance criteria relevant to the nominator's goal for nominating (and ultimately designating) that area as a national marine sanctuary, as well as information for all of the management considerations.

Step 2) Nomination Submission. The formal request for national marine sanctuary consideration occurs when the nominator formally submits a nomination to NOAA. The nomination should include a specific point of contact. There is no required form for the nominations; however, to guide nominators, NOAA has posted a nomination guide on the ONMS Web site (*www.nominate.noaa.gov*). The maximum length for a nomination is not to exceed 25 pages, including attachments. All nominations will be made publicly available in their entirety on the ONMS Web site. Do not submit confidential business, personal, sensitive, or protected information in a nomination. Personal information within all nominations will be kept confidential consistent with 5 U.S.C. 552 and other federal laws. NOAA encourages nominators to contact NOAA if there are questions about what to include or what will be posted online. The nominator shall not deliver any copyrighted information without first acquiring for or granting to the Government a copyright license for the information. There are no deadlines for submission of nominations while the nomination process is open. NOAA encourages electronic submissions be sent to *Sanctuary.Nominations@noaa.gov*, but will accept paper applications by mail as well. All nominations should be addressed to: Director, NOAA Office of National Marine Sanctuaries. The mailing address is 1305 East West Highway, SSMC4 11th Floor, Silver Spring, MD 20910.

Step 3) Sufficiency Review. Once NOAA receives a nomination, the agency will review it for sufficiency against the national significance criteria and management considerations. This initial review will determine if the nomination has enough information for NOAA to adequately conduct a subsequent, more detailed review based on the significance criteria and management considerations. NOAA will strive to complete its sufficiency review within thirty (30) days of receiving a nomination. Once complete, NOAA will inform the nominator that either the nomination is moving to the next stage of review, or additional information is needed to complete the nomination. In some cases, NOAA may determine that a nomination is insufficient and will decline the nomination. In those cases, NOAA will provide the nominator with a letter of rationale in support of its decision to decline the nomination. The letter of rationale will also be posted on NOAA's nomination Web site. A nominator may resubmit a revised nomination for an area that has been declined by the agency.

Step 4) National Significance Review. Nominations NOAA determines to be sufficient will then be reviewed against the national significance criteria identified in Section III.A of this final rule. NOAA will strive to complete the national significance review within thirty (30) days of the nomination being determined to be sufficient. When necessary, NOAA may conduct an external peer review to provide additional expertise on a nomination's ability to meet the national significance criteria. Any external review is expected to add thirty (30) days to the review timeline. The composition of the external peer review group will be based on the expertise needed for that nomination. There will not be a standing review group and each reviewer will provide their own recommendation. NOAA will not seek a consensus recommendation from any peer review group. The outcomes of the external peer review, if needed, will be considered in NOAA's determination of the national significance of the nominated area. Once its review is complete, NOAA will notify the nominator of one of the three possible outcomes: (1) The nomination moves on to the next step of review; (2) NOAA requires additional information to determine the nominated area meets the national significance criteria; or (3) the nomination does not meet the national significance criteria and is declined with a letter of rationale.

Step 5) Management Review. Nominations NOAA determines to meet the national significance criteria will then be reviewed against the management considerations identified in Section III.B of this final rule. NOAA will strive to complete its management review after thirty (30) days of the nomination being determined to be nationally significant. NOAA will discuss the nomination with interested tribal or state governments during this review when the area is in proximity to tribal or state lands. Similarly, NOAA will discuss the nomination with Federal land managers in proximity to the nominated area. Any tribal, state, or Federal coordination is expected to add additional time to NOAA's review. NOAA encourages nominators to coordinate with relevant tribal and state governments, and relevant Federal land managers, before a nomination is submitted. Upon completion of the management review, NOAA will notify the nominator of one of three possible outcomes: (1) The nomination moves on to the next step; (2) NOAA requires additional information to determine the

nominated area meets the management considerations; or (3) the nomination does not meet the management considerations and is declined with a letter of rationale.

Step 6) Acceptance to Inventory. Nominations that the ONMS Director deems to have successfully completed the reviews for sufficiency, national significance, and management considerations will be added to a standing inventory of areas NOAA could consider for national marine sanctuary designation. NOAA will send a letter of notification to the nominator, and then publish a **Federal Register** notice when an area has been added to the inventory. The inventory and notification letters will also be posted on the ONMS Web site. If NOAA takes no designation action on a nomination in the inventory, the nomination will expire after five years from the time it is accepted to the inventory.

Addition to the inventory is the last step in the nomination process. NOAA is not designating any new national marine sanctuaries with this action. Any designations resulting from the nomination process would be conducted by NOAA as a separate process, and within the public participation standards enacted by the NMSA and National Environmental Policy Act. NOAA will follow all designation standards and requirements identified in the NMSA when, in the future, it considers a nomination for designation.

Nominations will be reviewed in the order they are received by NOAA. During the development of a nomination, ONMS staff may answer questions on the criteria, considerations, process, or other general questions about national marine sanctuaries. Although not mandatory, NOAA encourages nominators to contact their respective ONMS Regional Directors at the address or email above for clarification on any questions relative to a nomination proposal. While NOAA is able to provide clarity and guidance on the criteria and considerations, it is the nominator's responsibility to research, write, and develop nominations.

If NOAA needs additional information during the nomination process, a request will be sent to the nominator, either by email, phone, or letter. The nominator should provide the requested information, or an estimate of additional time required to prepare the information, to the NOAA point of contact within thirty (30) days. If a response has not been received from the nominator within thirty (30) days, the nomination will be deemed withdrawn, and no further action will be taken on the nomination by NOAA. In those cases, the nominator may resubmit a nomination to NOAA for reconsideration.

V. Regulatory Amendments

In this rulemaking, NOAA revises 15 CFR 922.10 to codify it is accepting nominations for potential national marine sanctuary designation, and providing the criteria and considerations it will use to evaluate nominations. NOAA is also:

- Replacing the definition of the Site Evaluation List with a definition of ''Inventory'' in 15 CFR sections 922.3; and
- replacing references to the Site Evaluation List with references to the Inventory in 15 CFR sections 922.3 and 922.21(a).

Note that, through a separate rulemaking dated January 28, 2013 (78 FR 5998), NOAA proposed to revise regulations regarding the Site Evaluation List as part of a comprehensive regulatory review pursuant to Executive Order 13563. In that rulemaking, NOAA proposed to delete paragraph 922.10(c). That proposal is no longer necessary due to this rulemaking and NOAA will remove these references when that rulemaking is made final.

VI. Response to Public Comments

1. Comment: The vast majority of the commenters supported the re-establishment of the sanctuary nomination process, stating it is an important first step toward filling gaps in ocean and Great Lakes protection. Many also commented that after 13 years with no new national marine sanctuary designations, a process to nominate new national marine sanctuaries is warranted. These commenters cited a number of reasons for support of new national marine sanctuaries, including general environmental protection, management of climate change, enhancing the value of coastal and ocean economies through recreation and tourism, and the community-based nature of the nomination process proposed by NOAA. Many of these commenters were also concerned about potential impact to the marine environment from oil and gas activities, and the role new national marine sanctuaries could play in helping to mitigate negative impacts.

Response: NOAA concurs, and believes it is appropriate to move forward with re-establishing the sanctuary nomination process.

2. Comment: Several commenters argued that the criteria lacked completeness and utility (e.g., were incomplete, too general, not appropriate, or not quantitative enough). Some commenters cautioned that the proposed criteria were too broad and would result in many underqualified nominations.

Response: NOAA has taken these comments into consideration to provide more clear and robust criteria that are a logical outgrowth of the twelve criteria put forward in the proposed rule. NOAA agrees that there were distinctions of use and applicability among the proposed twelve criteria, and with this final rule, has refined the language of the criteria and made their application more manageable by reorganizing related criteria into two categories—national significance criteria and management considerations. The refined criteria and considerations are consistent with, and do not change substantively, those listed in the proposed rule, but address public comments requesting that NOAA provide more clarity and specificity regarding the nomination standards. NOAA anticipates that the national significance and management categories will facilitate the submission of new national marine sanctuaries. The national significance criteria focus on whether an area is considered a special place worthy of Federal protection by addressing the ecological value, historical significance, economic uses, and publically-derived benefits of the area. The management considerations provide a more specific interpretation of the relevant NMSA Section 303(b) designation standards, such as explicit recognition of partnership opportunities and specific definition of groups that could be included in the community supporting the nomination. NOAA describes in Section IV how it will use these two categories in the review process for evaluating nominations.

3. Comment: One commenter suggested that NOAA should remove the criteria that measures economic impact.

Response: The NMSA requires NOAA consider the economic benefits and impacts of the present and potential uses of national marine sanctuaries (NMSA Section 303(b)(1)(I)). Sustaining local economies that rely on a healthy marine environment is an important goal at all national marine sanctuaries. NOAA cannot therefore remove this statutorily required criteria.

4. Comment: Commenters asked NOAA to include consideration and recognition of the importance of waterborne commerce in the designated area.

Response: NOAA believes the final rule includes the criteria necessary for

considering compatible uses of national marine sanctuaries, including waterborne commerce. NOAA recognizes the vital importance of waterborne commerce, not only to communities but to the Nation and a vibrant economy.

5. Comment: Commenters suggested that the core criteria should be protection of natural resources, ecological qualities, and areas of historical, cultural, archaeological, or paleontological significance.

Response: The final criteria focus first on the national significance of a nominated area's biological and cultural resources, and which includes the considerations mentioned by the commenters. National marine sanctuaries are designated with the primary purpose of resource protection, and the value added to both local communities and the Nation, and any new national marine sanctuary designation would be considered within this context.

6. Comment: Commenters asked NOAA to ensure a criterion includes maintenance of endangered species and their critical habitat.

Response: The final national significance criteria include a provision that takes into account the value of an area in maintaining endangered species and their habitat. Consideration of endangered species and their habitat is also required under the Endangered Species Act.

7. Comment: Several commenters asked NOAA to consider the balance between protecting the health of the proposed area while providing access to and use of that area.

Response: The final national significance criteria recognize the significance of an area's natural and cultural resources, as well as its economic, use, and aesthetic values. Furthermore, the management considerations provide nominators the opportunity to identify the existing or potential management values of an area, and how those values may support a national marine sanctuary.

8. Comment: Several commenters suggested that the proposed rule did not provide the public with a good sense for how the criteria would be applied in deciding which nominations will be moved toward national marine sanctuary designation. Some commenters asked if there was a threshold or standard for each criterion.

Response: Consistent with the criteria in the proposed rule, NOAA has based the final criteria on section 303(b) of the NMSA. However, NOAA has refined the final criteria to be more operational in determining national significance and manageability, and in doing so believes the national significance criteria and management considerations set clear standards for nominating and evaluating an area as a national marine sanctuary. When appropriate, NOAA will conduct a third party external peer review to further evaluate a nomination's ability to meet the final criteria and considerations. Nominations will not be judged against each other with regard to completeness or robustness of criteria. NOAA's final evaluation will be based on a qualitative analysis of a nomination's ability to demonstrate the relevant national significance criteria and management considerations; the agency will not apply a numerical value or score to any nomination.

9. Comment: Several commenters asked NOAA to define the number of criteria that need to be met in order to have a successful nomination, and how those criteria will be measured. Commenters also asked NOAA if there were mandatory and optional criteria, and how the criteria relate to each other.

Response: There is no minimum number of national significance criteria a nominator needs to meet for a successful nomination. NOAA encourages nominations to include information on all of the criteria relevant to the specific goals and intent a nominator has for an area. Nominations with high maritime heritage value, for example, may require less or no information on the natural resource criteria. Similarly, NOAA is not requiring nominations with high natural resource value to declare or define high maritime heritage value if that value does not exist. Nominations with both high natural resource and maritime heritage value should, however, include information on both qualities. The strongest nominations will have a clear sense of all the national significance criteria relevant to that area, and provide as much information as possible for those criteria. Nominations should provide information addressing all seven management considerations, with special emphasis on consideration #7 describing community-based support. NOAA encourages nominators to contact their respective ONMS Regional Directors at the address or email above for clarification on any questions relative to a nomination proposal.

10. Comment: Several commenters requested NOAA ensure the criteria consider the current management structure and level of protection for the area proposed.

Response: NOAA recognized this issue in the proposed rule and has also included it in the final rule under management consideration #5 (''The existing regulatory and management authorities for the area could be supplemented or complemented to meet the conservation and management goals for the area.'').

11. Comment: Several commenters believed that the proposed process for evaluating nominations was incomplete and did not provide the public with a clear indication of how NOAA would proceed once it received nominations. They believed that several questions remained unanswered by the proposed regulations, including: who will make a decision on the nomination; how will the process be transparent; and how other agencies and regional fishery management councils are to be involved.

Response: NOAA has provided significant detail on the process for submitting national marine sanctuary nominations in section IV of the final rule, including what actions will occur at each of the six steps, possible outcomes of the process, opportunities for nominators to discuss the process with NOAA, and that the ONMS Director will determine at the end of the review if a nomination is accepted into the inventory. NOAA will also include this and additional details on the ONMS Web site. Other federal agencies and the regional fishery management councils may choose to include themselves as part of the nomination of a new national marine sanctuary. If in the future NOAA decides to begin designation for a nomination in the inventory, the NMSA defines the specific coordination and consultation requirements ONMS must follow with other Federal agencies and the respective regional fishery management councils.

12. Comment: Some commenters indicated that certain interested parties may not have the capacity to develop a nomination or have access to the information necessary to clearly demonstrate the criteria or management considerations. They asked if NOAA could provide technical services, assistance, or financial support for nomination development.

Response: NOAA may engage in discussion with communities as they develop and revise their nominations to provide informational assistance or recommendations. In some instances, the agency may be able to provide some technical services, but does anticipate providing any financial support. It will be the responsibility of the nominators to acquire and synthesize the information necessary to develop their nomination.

13. Comment: Several commenters were concerned that if sites were

''weighted'' in value, that those focusing solely on historic and cultural resources would not score as high as those which also include ecological values, and that the process would be inherently biased against cultural resource nominations. These reviewers suggested constructing two separate review processes; one for nominating ecologically-focused national marine sanctuaries and the other for maritime heritage-focused national marine sanctuaries, so that these nominations are not weighed against each other.

Response: NOAA will not be scoring the nominations individually or against each other, and will be looking at the merits of each nomination relative to the nominators' specific intent for their respective nomination and the relevant criteria. Per the NMSA, the final criteria recognize both biological and cultural resources as under consideration for possible national marine sanctuary designation. See NOAA's response to comment #9 above for additional information on how a nominator should consider the resources of their nomination.

14. Comment: Several commenters indicated they would like more transparency in the evaluation process once a nomination is received. They also suggested that NOAA develop and provide a timeline.

Response: Based on these comments, NOAA has revised its final criteria, management considerations, and process to provide more transparency and clarity. With regard to a timeline, the final rule indicates that NOAA will strive to complete the review process in 90 to 180 days (see section IV). Furthermore, when NOAA adds an area to the inventory for areas to consider for national marine sanctuary designation, it will stay active in the inventory for up to five years.

15. Comment: Several commenters questioned moving forward with the sanctuary nomination process given recent trends of the Federal budget, as well as the provisions within section 304(f) of the NMSA, ''Limitation on Designation of New Sanctuaries.''

Response: NOAA's purpose with this final rule is to re-open the process by which the public submits nominations to NOAA for consideration as new national marine sanctuaries. NOAA will address any resource issues, as well as NMSA section 304(f), when, in the future, it considers a nomination for designation. Designations of new national marine sanctuaries are not addressed in this action.

16. Comment: Several commenters asked NOAA to clarify how the nomination process for new national marine sanctuaries coincides with other government policy initiatives, such as the National Ocean Policy.

Response: While NOAA is implementing the sanctuary nomination process under the authority of the NMSA, this action also meets the goals of the National Ocean Policy Implementation Plan. The Implementation Plan includes a specific action to reactivate the ONMS Site Evaluation List (SEL). For the reasons stated in this preamble, NOAA is replacing the SEL with the sanctuary nomination process, but considers this action consistent with the Implementation Plan's goal of SEL reactivation. NOAA contemplates collaboration with other Federal agencies in management consideration #5 (''The existing regulatory and management authorities for the area could be supplemented or complemented to meet the conservation and management goals for the area.''), as does section 301(b)(7) of the NMSA, which directs ONMS to develop and implement coordinated plans for the protection and management of national marine sanctuaries.

17. Comment: Several commenters asked NOAA to take into account the presence/absence of existing marine protected areas (MPAs) in the vicinity (e.g., who manages them, the extent they are currently working, etc.). Other commenters recommended or were concerned about the prospect of using the existing list of ''special places'' (e.g., MPAs) as a starting point as an existing inventory of worthy, nationally significant sites.

Response: A nominator may elect to include an existing protected area, such as marine reserve designated under state authority, as part of its nomination for a national marine sanctuary. However, nominators should consider that the final nomination criteria identified in this rule may be different from, or inconsistent with, the criteria applied to protected areas managed under other authorities. Nominators should consider the management scheme most appropriate for an area prior to submitting a nomination for a national marine sanctuary. While the NMSA is a robust and adaptive management tool that offers many alternatives for marine protection and conservation, as indicated by management consideration #4 (''A national marine sanctuary would provide unique conservation and management value for this area or adjacent areas.''), it may not be suitable for certain areas or certain types of resources.

18. Comment: Several commenters expressed concern over how tribal governments will be included in the process. Some commenters asked that NOAA include ''maintenance of native cultures'' in its final criteria, and recognize ''tribal governments'' in its list of existing authorities.

Response: Final management consideration #7 identifies the types of community support NOAA recommends for a nomination, and includes tribal governments. Further, as discussed in section IV of this final rule, if a nomination includes waters in proximity to tribal lands or areas with customary and usual use of treaty waters or stations, NOAA recommends the nominator discuss its nomination with the respective tribal government. If a nomination does not indicate tribal consultation for these types of areas, NOAA will request the nominator do so before continuing its review of the nomination. Should ONMS consider any nomination for national marine sanctuary designation, it would adhere to its consultation and coordination obligations under the NMSA and potential obligations under Section 106 of the National Historic Preservation Act with any tribal government included in, or in proximity to, the area. NOAA will also fulfill its obligations and responsibilities pursuant to Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.''

19. Comment: Some commenters suggested NOAA include the term ''traditional use'' in addition to subsistence use in its final criteria, noting that ''traditional/native uses may be broader than subsistence and this would be a helpful clarification.''

Response: NOAA has added ''subsistence and traditional uses'' to National Significance Criterion #3 (''The area supports present and potential economic uses, such as tourism, commercial and recreational fishing, subsistence and traditional uses, diving, and other recreational uses that depend on conservation and management of the area's resources.'')

20. Comment: One commenter asked NOAA to consider how a proposed area would maintain native cultures.

Response: If a proposed nomination includes or is in proximity to tribal lands, NOAA recommends the nominator consider the maintenance of tribal cultures in its proposal. In addition, NOAA has added ''subsistence and traditional uses'' to National Significance Criterion #3 (''The area supports present and potential economic uses, such as tourism, commercial and recreational fishing, subsistence and traditional uses, diving, and other recreational uses that depend

on conservation and management of the area's resources.'')

21. Comment: Some commenters suggested that the idea of making the process more ''bottom up'' and ''community-driven'' was unclear and may exclude the views of stakeholders outside of the immediate geography of a nominated area. Some of these commenters noted there are ocean areas where the resources are managed for the benefit of the Nation as a whole, not limited local user groups. These commenters wanted clarity on the role of ''local'' vs. ''national'' stakeholder groups, and more information on how NOAA defined ''broad community support.'' Commenters were also concerned about how NOAA would identify and evaluate support for the nomination to ensure that all voices with an interest are heard, not just the voices closest to the proposed area.

Response: NOAA provided a broad interpretation of 'communities' in the proposed rule, and acknowledges in this final rule that communities are not limited to a specific geography. To further emphasize this point, NOAA includes examples of what constitutes communities in its final management consideration #7 (''There is community-based support for the nomination expressed by a broad range of interests, such as: Individuals or locally-based groups (e.g., friends of group, chamber of commerce); local, tribal, state, or national agencies; elected officials; or topic-based stakeholder groups, at the local, regional or national level (e.g., a local chapter of an environmental organization, a regionally-based fishing group, a national-level recreation or tourism organization, academia or science-based group, or an industry association.'')). NOAA believes this revised description of ''communities'' provides for a variety of interested parties to organize and submit national marine sanctuary nominations.

22. Comment: Several commenters asked for a clarification about the differences between the Site Evaluation List and the new sanctuary nomination process.

Response: The primary difference between the Site Evaluation List (SEL) and the sanctuary nomination process is that the sanctuary nomination process necessitates nominations be developed by the public in a grass roots, bottom up model that promotes community-based stewardship of special marine and Great Lakes areas. In contrast, the SEL relied almost solely on input from regional review panels comprised of academic experts and ocean management practitioners. NOAA believes the final criteria, management considerations, and nomination process provide specific, well-defined parameters for communities across the Nation to have a voice and opportunity to effectively nominate areas that meet the high standard of national marine sanctuary designation.

A secondary difference is that the sanctuary nomination process allows nominators to submit areas they feel best represent the most current marine and Great Lakes areas of national significance. All sites on the SEL were 20 or more years old and have likely experienced changes in resources (both ecological and cultural) and management. NOAA believes it prudent, therefore, to remove these sites as candidates for national marine sanctuary designation and allow the public to consider new areas. Nominators can submit areas on the SEL as part of the new sanctuary nomination process, but should ensure these areas are consistent with the final national significance criteria and management considerations.

23. Comment: Several commenters asked about the sites listed on the deactivated Site Evaluation List and requested that NOAA reconsider removing these sites from consideration.

Response: While the Site Evaluation List (SEL) was last active in 1995, most of the sites on the SEL were originally put on the list in the 1980s, and there have not been any recent efforts by NOAA to update information about those sites. Therefore, NOAA has determined it appropriate to remove the existing SEL sites as pre-existing areas for consideration as national marine sanctuaries. However, nominators can re-propose areas from the SEL per the final national significance criteria, management considerations, and process identified in this final rule. Following the process described in this final rule, NOAA will evaluate all nominated areas, including any that may have previously been on the SEL.

24. Comment: One commenter asked NOAA to provide more information on how the sanctuary nomination process would deal with nominations to de-designate a national marine sanctuary. This commenter suggested that the goal of the ONMS should be to return the areas to the state's control.

Response: Designation and de-designation of national marine sanctuaries are beyond the scope of this action. There are other means by which NOAA evaluates the effectiveness of national marine sanctuary management, including a rigorous management plan review processes, that could consider changes in regulations and area of national marine sanctuary managed. This final rule does not contemplate the de-designation of any national marine sanctuary.

With regard to ''returning areas to state control,'' this is not a goal of the NMSA. Many of the current national marine sanctuaries have strong partnerships with the respective state government, and NOAA anticipates these will continue in any future designation of a national marine sanctuary adjacent to, or in proximity to, state lands.

25. Comment: Some commenters had suggestions for amending ONMS regulations to align the sanctuary nomination process proposed rule with a January 2012 proposed rule issued by NOAA designed to clarify and update several ONMS regulations. Commenters suggested that the two rules were conflicting, and that NOAA should withdraw both rules and begin the process again with an advanced notice of rulemaking.

Response: In January 2012 (78 FR 5998), NOAA issued a proposal to amend national marine sanctuary regulations as part of a comprehensive regulatory review pursuant to Executive Order 13563. That action proposed to modify the Site Evaluation List (SEL) regulations so that rather than NOAA solely selecting potential sites from a periodically updated list (the SEL), the public would also be able to petition the agency for new national marine sanctuaries in areas not contemplated by the SEL.

Upon further analysis and after considering public comments on the June 2013 proposed rule for the sanctuary nomination process, NOAA believes the sanctuary nomination process described in this final rule provides a more structured process for stakeholder involvement in the nomination of new national marine sanctuaries. When NOAA ultimately revises its final rule for the January 2012 proposal to amend sanctuary regulations, it will address changes to the SEL prompted by the sanctuary nomination process.

26. *Comment:* Most commenters supported the regulatory amendments that were proposed. Some commenters suggested that the proposed amendment to 15 CFR 922.10(b) be revised to include explicit steps for submitting a nomination. With regard to section 922.10(c), some commenters were concerned that NOAA simply stating ''any further guidance issued by NOAA'' could run afoul of the Administrative Procedures Act (APA). Another commenter suggested keeping section 922.21, but replacing references to SEL

with references to ''list of eligible candidates.''

Response: NOAA agrees regarding 15 CFR 922.21, and has replaced the reference to SEL with a definition of ''Inventory'' (section 922.3). NOAA has also revised section 922.10 based on comments requesting more detailed information on the criteria, management considerations, and review process for national marine sanctuary nominations. NOAA has removed from the final rule the language ''any further guidance issued by NOAA.''

VII. Summary of Changes From the Proposed Rule

With this final rule, NOAA has made several changes in response to comments and for purposes of clarity that are a logical outgrowth of the proposed rule. In the proposed rule, NOAA suggested using the twelve standards set forth in NMSA section 303(b) to evaluate nominations. Several public comments noted that these standards are too general for use as criteria and suggested that NOAA provide more clarity and specificity regarding their meaning and intent (see comments 2 through 6, and 10). In response to these comments, NOAA clarified the language of the proposed standards and grouped the standards into two categories, one addressing national significance and a second considers the management feasibility of a nomination. NOAA has revised the final rule to include four national significance criteria and seven management considerations, all of which are consistent with the standards of section 303(b) of the NMSA, as identified in the proposed rule. NOAA removed two proposed standards without substantively changing the proposed rule, as these standards were more appropriate for consideration during the national marine sanctuary designation process, rather than the nomination process. The removed standards focused on the manageability of an area as a national marine sanctuary and an area's value as an addition to the National Marine Sanctuary System.

NOAA added two additional measurements (as final management considerations) to this final rule that were a logical outgrowth of the proposed rule (management considerations #6 and #7). These considerations seek to determine the variety of community-based interest in a national marine sanctuary nomination, and the potential partnership opportunities associated with the specific area being nominated, both of which NOAA believes are essential to any future national marine sanctuary nomination. The public comments on the proposed rule and NOAA's experience with the current sanctuaries has shown that community engagement is critical to successful sanctuary management.

NOAA has also made revisions to the nomination review process based on the public comments on the proposed rule. The public requested additional clarity on the review steps that are described in six steps in this final rule.

Finally, NOAA has made changes to the regulatory amendments, by revising section 922.10, and adding a definition in section 922.3 to update the regulations with the new nomenclature for the sanctuary nomination process. NOAA has also revised section 922.21.

VIII. Classification

A. Regulatory Flexibility Act

At the proposed stage, the Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this rule would not have a significant economic impact on a substantial number of small entities. NOAA received no comments on this certification, the rationale for which is contained in the proposed rule. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

B. Paperwork Reduction Act

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq., unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number. Nominations for national marine sanctuaries discussed in this final rule involve a collection-of-information requirement subject to the requirements of the PRA. OMB has approved this collection of information requirement under OMB control number 0648–0682.

The collection-of-information requirement applies to persons seeking to submit nominations to designate new national marine sanctuaries and is necessary to determine whether the nominated areas are consistent with the purposes and policies of the NMSA. Public reporting burden for this collection of information is estimated to average 29 hours per response (nomination and supporting documents), including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

C. Executive Orders 12866 and 13563

This rule has been determined to not be significant within the meaning of Executive Order 12866.

D. National Environmental Policy Act

NOAA has concluded that this action will not have a significant effect, individually or cumulatively, on the human environment, because this action is not creating or designating any new national marine sanctuaries. Therefore, this action is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement in accordance with Section 6.03c.3(i) of NOAA Administrative Order 216–6. Specifically, this action is a notice of an administrative and legal nature. Should NOAA decide to designate a national marine sanctuary, each individual national marine sanctuary designation will be subject to case-by-case analysis, as required under NEPA and as outlined in section 304(a)(2)(A) of the NMSA.

E. Information Quality Act

Pursuant to Section 515 of Public Law 106–554 (IQA), this information product has undergone a pre-dissemination review by [insert Office], completed on [date]. The signed pre-dissemination review and documentation form is on file in that office.

List of Subjects in 15 CFR Part 922

Administrative practice and procedure, Amendments, Authorization, Commercial fishing, Cultural resources, Definitions, Designation, Ecology, Environmental protection, Habitat, Marine resources, Maritime heritage, Natural resources, Nomination, Recreational fishing, Resources, Research, Traditional uses, Tourism, Water resources.

Dated: June 9, 2014.

Holly A. Bamford,

Assistant Administrator for Ocean Services and Coastal Zone Management.

Accordingly, for the reasons set forth above, NOAA amends 15 CFR part 922 as follows:

PART 922—NATIONAL MARINE SANCTUARY PROGRAM REGULATIONS

■ 1. The authority citation for part 922 continues to read as follows:

Authority: 16 U.S.C. 1431 *et seq.*

■ 2. In § 922.3:
■ a. Remove the definition of ''Active Candidate'';
■ b. Add a definition of ''inventory''; and
■ c. Remove the definition of ''Site Evaluation List (SEL)''.

The addition reads as follows:

§ 922.3 Definitions.

* * * * *

Inventory means a list of nominated areas selected by the Director as qualifying for future consideration of designation as a national marine sanctuary.

* * * * *

■ 3. Revise subpart B to read as follows:

Subpart B—Sanctuary Nomination Process

Sec.
922.10 General.
922.11 Selection of nominated areas for national marine sanctuary designation.

§ 922.10 General.

(a) *Nomination process.* The sanctuary nomination process (see National Marine Sanctuaries Web site *www.sanctuaries.noaa.gov*) is the means by which the public can submit areas of the marine and Great Lakes environments for consideration by NOAA as a national marine sanctuary.

(b) *National significance criteria.* The Director will consider the following in determining if a nominated area is of special national significance:

(1) The area's natural resources and ecological qualities are of special significance and contribute to: Biological productivity or diversity; maintenance or enhancement of ecosystem structure and function; maintenance of ecologically or commercially important species or species assemblages; maintenance or enhancement of critical habitat, representative biogeographic assemblages, or both; or maintenance or enhancement of connectivity to other ecologically significant resources.

(2) The area contains submerged maritime heritage resources of special historical, cultural, or archaeological significance, that: Individually or collectively are consistent with the criteria of eligibility or listing on the National Register of Historic Places; have met or which would meet the criteria for designation as a National Historic Landmark; or have special or sacred meaning to the indigenous people of the region or nation.

(3) The area supports present and potential economic uses, such as: Tourism; commercial and recreational fishing; subsistence and traditional uses; diving; and other recreational uses that depend on conservation and management of the area's resources.

(4) The publicly-derived benefits of the area, such as aesthetic value, public recreation, and access to places depend on conservation and management of the area's resources.

(c) *Management considerations.* The Director will consider the following in determining the manageability of a nominated area:

(1) The area provides or enhances opportunities for research in marine science, including marine archaeology.

(2) The area provides or enhances opportunities for education, including the understanding and appreciation of the marine and Great Lakes environments.

(3) Adverse impacts from current or future uses and activities threaten the area's significance, values, qualities, and resources.

(4) A national marine sanctuary would provide unique conservation and management value for this area that also have beneficial values for adjacent areas.

(5) The existing regulatory and management authorities for the area could be supplemented or complemented to meet the conservation and management goals for the area.

(6) There are commitments or possible commitments for partnerships opportunities such as cost sharing, office space or exhibit space, vessel time, or other collaborations to aid conservation or management programs for the area.

(7) There is community-based support for the nomination expressed by a broad range of interests, such as: Individuals or locally-based groups (e.g., friends of group, chamber of commerce); local, tribal, state, or national agencies; elected officials; or topic-based stakeholder groups, at the local, regional or national level (e.g., a local chapter of an environmental organization, a regionally-based fishing group, a national-level recreation or tourism organization, academia or science-based group, or an industry association).

(d) Following evaluation of a nomination against the national significance criteria and management considerations, the Director may place nominated areas in a publicly available inventory for future consideration of designation as a national marine sanctuary.

(e) A determination that a site is eligible for national marine sanctuary designation, by itself shall not subject the site to any regulatory control under the Act. Such controls may only be imposed after designation.

§ 922.11 Selection of nominated areas for national marine sanctuary designation.

(a) The Director may select a nominated area from the inventory for future consideration as a national marine sanctuary.

(b) Selection of a nominated area from the inventory shall begin the formal sanctuary designation process. A notice of intent to prepare a draft environmental impact statement shall be published in the **Federal Register** and posted on the Office of National Marine Sanctuaries Web site. Any designation process will follow the procedures for designation and implementation set forth in section 304 of the Act.

§ 922.21 [Removed and Reserved]

■ 4. Remove and reserve § 922.21.

§ 922.23 [Removed and Reserved]

■ 5. Remove and reserve § 922.23.

[FR Doc. 2014–13807 Filed 6–12–14; 8:45 am]

BILLING CODE 3510–NK–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans to prescribe interest assumptions under the benefit payments regulation for valuation dates in July 2014 and interest assumptions under the asset allocation regulation for valuation dates in the third quarter of 2014. The interest assumptions are used for valuing and paying benefits under terminating single-employer plans covered by the pension insurance system administered by PBGC.

DATES: Effective July 1, 2014.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion (*Klion.Catherine@PBGC.gov*), Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, 1200 K Street

NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: PBGC's regulations on Allocation of Assets in Single-Employer Plans (29 CFR Part 4044) and Benefits Payable in Terminated Single-Employer Plans (29 CFR part 4022) prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits under terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions in the regulations are also published on PBGC's Web site (*http://www.pbgc.gov*).

The interest assumptions in Appendix B to Part 4044 are used to value benefits for allocation purposes under ERISA section 4044. PBGC uses the interest assumptions in Appendix B to Part 4022 to determine whether a benefit is payable as a lump sum and to determine the amount to pay. Appendix C to Part 4022 contains interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical methodology. Currently, the rates in Appendices B and C of the benefit payment regulation are the same.

The interest assumptions are intended to reflect current conditions in the financial and annuity markets. Assumptions under the asset allocation regulation are updated quarterly; assumptions under the benefit payments regulation are updated monthly. This final rule updates the benefit payments interest assumptions for July 2014 and updates the asset allocation interest assumptions for the third quarter (July through September) of 2014.

The third quarter 2014 interest assumptions under the allocation regulation will be 3.43 percent for the first 20 years following the valuation date and 3.66 percent thereafter. In comparison with the interest assumptions in effect for the second quarter of 2014, these interest assumptions represent no change in the select period (the period during which the select rate (the initial rate) applies), a decrease of 0.04 percent in the select rate, and an increase of 0.02 percent in the ultimate rate (the final rate).

The July 2014 interest assumptions under the benefit payments regulation will be 1.25 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. In comparison with the interest assumptions in effect for June 2014, these interest assumptions are unchanged.

PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect current market conditions as accurately as possible.

Because of the need to provide immediate guidance for the valuation and payment of benefits under plans with valuation dates during July 2014, PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE–EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, Rate Set 249 is added to the table to read as follows:

Appendix B to Part 4022—Lump Sum Interest Rates for PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*		*
249	7–1–14	8–1–14	1.25	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, Rate Set 249 is added to the table to read as follows:

Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*		*
249	7–1–14	8–1–14	1.25	4.00	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE–EMPLOYER PLANS

■ 4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 5. In appendix B to part 4044, an entry for July–September 2014 is added to the table to read as follows:

Appendix B to Part 4044—Interest Rates Used to Value Benefits

* * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
*	*	*	*	*	*	*
July–September 2014	0.0343	1–20	0.0366	>20	N/A	N/A

Issued in Washington, DC, on this 10th day of June 2014.

Judith Starr,

General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2014–13896 Filed 6–12–14; 8:45 am]

BILLING CODE 7709–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0197]

RIN 1625–AA09

Drawbridge Operation Regulation; West Pearl River, Pearl River, LA

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing the existing drawbridge operation regulation for the Norfolk Southern Railroad Bridge across the West Pearl River, mile 22.1 at Pearl River Station, St. Tammany Parish, Louisiana. The bridge was modified from a swing bridge to a fixed bridge and the current operating regulation is no longer necessary.

DATES: This rule is effective June 13, 2014.

ADDRESSES: The docket for this final rule, [USCG–2014–0197] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this final rule. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Donna Gagliano, Coast Guard; telephone 504–671–2128, email *Donna.Gagliano@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

A. Regulatory History and Information

The Coast Guard is issuing this final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the Norfolk Southern Railroad Bridge, that once required draw operations in 33 CFR 117.511(a), crossing the West Pearl River, was modified from a swing bridge to a fixed bridge in February 2014. Therefore, the regulation is no longer applicable and shall be removed from publication. It is unnecessary to publish an NPRM because this regulatory action does not purport to place any restrictions on mariners but rather removes a restriction that has no further use or value.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**. The bridge has been a fixed bridge on the West Pearl River since February and this rule merely requires an administrative change to the **Federal Register**, in order to omit a regulatory requirement that is no longer applicable or necessary. The modification has already taken place and the removal of the regulation will not affect mariners currently operating on this waterway. Therefore, a delayed effective date is unnecessary.

B. Basis and Purpose

The Norfolk Southern Railroad Bridge across the West Pearl River, mile 22.1, was modified into a fixed bridge in February of 2014. The modification of this bridge from a drawbridge to a fixed bridge necessitates the removal of the drawbridge operation regulation governing this bridge as published in 33 CFR 117.511.

The purpose of this rule is to remove the section of 33 CFR 117.511 that refers to the Norfolk Southern Railroad Bridge over West Pearl River at mile 22.1, which is paragraph (a), from the CFR since it governs a bridge that is no longer able to open.

C. Discussion of Final Rule

The Coast Guard is changing the regulation in 33 CFR 117.511 by removing restrictions and the regulatory burden related to the draw operations for the Norfolk Southern Railroad Bridge, which has been modified from a swing bridge to a fixed bridge. The bridge was modified based on the known needs of existing vessel traffic in the area and no requests to open for over 10 years. The change removes paragraph (a) from 33 CFR 117.511, which is the section of the regulation governing the Norfolk Southern Railroad Bridge since the bridge is no longer be a drawbridge.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory

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

The Coast Guard does not consider this rule to be ''significant'' under that Order because it is an administrative change and does not affect the way vessels operate on the waterway.

2. Impact on Small Entities

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

This rule will have no effect on small entities since this drawbridge has been modified to a fixed bridge and the regulation governing draw operations for this bridge is no longer applicable. There is no new restriction or regulation being imposed by this rule; therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

3. Collection of Information

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

4. Federalism

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

5. Protest Activities

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

6. Unfunded Mandates Reform Act

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

7. Taking of Private Property

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

8. Civil Justice Reform

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

9. Protection of Children

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

10. Indian Tribal Governments

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

11. Energy Effects

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

12. Technical Standards

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

13. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule simply removes the operating regulations or procedures for a moveable bridge. This rule is categorically excluded, under figure 2–1, paragraph (32) (e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 117.511 to read as follows:

§ 117.511 West Pearl River.

The draw of the US 90 bridge, mile 7.9 near Pearlington, shall open on signal if at least four hours notice is given.

Dated: May 19, 2014.

Kevin S. Cook,

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

[FR Doc. 2014–13280 Filed 6–12–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0447]

Drawbridge Operation Regulation; Lake Washington, Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Evergreen

Point Floating (State Route 520 (SR 520)) Bridge across Lake Washington at Seattle, WA. This deviation is necessary to accommodate University of Washington commencement ceremony traffic. This deviation allows the bridge to remain in the closed position to allow safe movement of event participants.

DATES: This deviation is effective from 9:30 a.m. on June 14, 2014 to 6 p.m. on June 14, 2014.

ADDRESSES: The docket for this deviation, [USCG–2014–0447] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email *Steven.M.Fischer3@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Washington State Department of Transportation has requested that the draw span of the Evergreen Point Floating (SR 520) Bridge remain closed to vessel traffic to accommodate University of Washington commencement ceremony traffic. This deviation allows the bridge to remain in the closed position to allow safe movement of event participants. The Evergreen Point Floating (SR 520) Bridge provides three navigational openings for vessel passage, the movable floating span, subject to this closure, and two fixed navigational openings; one on the east end of the bridge and one on the west end. The fixed navigational opening on the east end of the bridge provides a horizontal clearance of 207 feet and a vertical clearance of 57 feet. The opening on the west end of the bridge provides a horizontal clearance of 206 feet and a vertical clearance of 44 feet. Vessels that are able to safely pass through the fixed navigational openings are allowed to do so during this closure period. Under normal conditions, during this time frame, the bridge operates in accordance with 33 CFR § 117.1049(a) which states the bridge shall open on signal if at least two hours notice is given. This deviation is effective from 9:30 a.m. on June 14, 2014 to 6 p.m. on June 14, 2014. The deviation allows the floating draw span of the SR 520 Lake Washington Bridge to remain in the closed position and need not open for maritime traffic from 9:30 a.m. on June 14, 2014 to 6 p.m. on June 14, 2014. The bridge shall operate in accordance to 33 CFR 117.1049(a) at all other times. Waterway usage on the Lake Washington Ship ranges from commercial tug and barge to small pleasure craft. Vessels able to pass through the bridge in the closed positions may do so at anytime. The bridge will be able to open for emergencies and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: June 2, 2014.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2014–13904 Filed 6–12–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 168

[Docket No. USCG–2012–0975]

RIN 1625–AB96

Double Hull Tanker Escorts on the Waters of Prince William Sound, Alaska

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is finalizing the escort requirements for double hull tankers over 5,000 gross tons transporting oil in bulk on the waters of Prince William Sound, Alaska (PWS). This final rule mandates two tug escorts for these tankers. The Coast Guard previously published an interim rule on August 19, 2013. Section 711 of the Coast Guard Authorization Act of 2010 directed the Coast Guard to promulgate regulations as soon as practicable to ensure that tug escort requirements apply to these double hull tankers.

DATES: This final rule is effective July 14, 2014.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2012–0975 and are available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket online by going to *http://www.regulations.gov* and following the instructions on that Web site.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Kevin Tone, Office of Operating and Environmental Standards, Coast Guard; telephone 202–372–1441, email *Kevin.P.Tone@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Ms. Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Contents for Preamble

I. Abbreviations
II. Regulatory History
III. Basis and Purpose
IV. Background
V. Discussion of Comments
VI. Discussion of the Rule
VII. Regulatory Analyses
A. Regulatory Planning and Review
B. Small Entities
C. Assistance for Small Entities
D. Collection of Information
E. Federalism
F. Unfunded Mandates Reform Act
G. Taking of Private Property
H. Civil Justice Reform
I. Protection of Children
J. Indian Tribal Governments
K. Energy Effects
L. Technical Standards
M. Environment

I. Abbreviations

Act Coast Guard Authorization Act of 2010
CFR Code of Federal Regulations
DHS Department of Homeland Security
E.O. Executive Order
FR Federal Register
GT Gross tons
NPRM Notice of proposed rulemaking
OPA 90 Oil Pollution Act of 1990 (Pub. L. 101–380, 104 Stat. 484)
PWS Prince William Sound, Alaska

RFA Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612)
§ Section symbol
U.S.C. United States Code

II. Regulatory History

On August 19, 2013, we published an interim rule with request for comments entitled ''Double Hull Tanker Escorts on the Waters of Prince William Sound, Alaska'' in the **Federal Register** (78 FR 50335). We received one comment on the interim rule. No public meeting was requested, and none was held.

III. Basis and Purpose

The basis of this rulemaking is section 711 of the Coast Guard Authorization Act of 2010 (Pub. L. 111–281) (Act). In section 711, Congress directed the Coast Guard to revise its regulations to require all double hull tankers over 5,000 gross tons (GT) transporting oil in bulk in Prince William Sound, Alaska (PWS) be escorted by at least two towing vessels or other vessels considered to be appropriate by the Secretary. This requirement is intended to increase the protection of the environment and the safety of vessels transiting PWS by reducing the risk of groundings, allisions, or collisions because escort vessels are readily available to assist a tanker in distress.

IV. Background

Section 4116(c) of the Oil Pollution Act of 1990 (Pub. L. 101–380, 104 Stat. 484)(OPA 90) required the two-vessel escort system for single hull tank vessels over 5,000 GT transporting oil in bulk in PWS. These regulations are found in 33 CFR part 168. OPA 90 also mandated the phase-out of single hull tank vessels by January 1, 2015, and required that newly built tank vessels be double hulled.

With the phase-out of the single hull tank vessels, there would have been no requirement for any tank vessel to have an escort. Section 711 of the Act extended the escort system requirement to double hull tank vessels over 5,000 GT transporting oil in bulk in PWS.

A double hull provides a tank vessel with added protection from an oil spill as a result of a hull breach due to a grounding, allision, or collision. In the double hull tanker, there is the outer hull—the watertight body of the ship—and a second inner hull a few feet inboard, which creates a second layer of watertight protection, to secure the cargo if the outer hull is breached. While double hull tank vessels provide greater protection from oil spills compared to single hull tank vessels, with section 711 of the Act Congress further increased the protection of the environment and the safety of vessels transiting PWS.

V. Discussion of Comments

The interim rule which published on August 19, 2013, had a 90-day comment period. We received several comments from one commenter. One of the comments was generally supportive of the rule. The other comments were outside the scope of this rulemaking.

VI. Discussion of the Rule

The purpose of the regulations in 33 CFR part 168, Escort Requirements for Certain Tankers, is to reduce the risk of oil spills from certain tankers over 5,000 GT by requiring that these tankers be escorted by at least two suitable escort vessels in applicable waters. The applicable waters are defined in § 168.40 to include PWS.

The requirement for two escort vessels has contributed to a reduction in spill incidents because the escort vessels are immediately available to influence the tanker's speed and course in the event of a steering or propulsion equipment failure, thereby reducing the possibility of a grounding, allision, or collision. This rule finalizes the part 168 regulations now in effect, which extend the escort requirements to double hull tankers over 5,000 GT transporting oil in PWS. This rule codifies the established industry practice for escorting double hull tank vessels on transits in and out of PWS.

This rule finalizes, without change, revisions made by the interim rule to three sections of 33 CFR part 168. We finalize § 168.01 to make it clear that part 168 now addresses escort vessels for both double hull tankers and single hull tankers. We finalize a definition of the term *double hull tanker* in § 168.05. This rule also finalizes § 168.20, the applicability of part 168, to include double hull tankers over 5,000 GT transporting oil in bulk in PWS. All other sections of part 168, including the escort vessel performance and operational requirements in § 168.50, which includes prescribed transit speeds and other maneuvering parameters such as directional variances for escort vessels, remain unchanged. With this final rule, the Coast Guard is finalizing the escort vessel requirements of section 711 of the Act.

VII. Regulatory Analyses

We developed this final rule after considering numerous statutes and Executive Orders (E.O.s) related to this rulemaking. Below we summarize our analyses based on these statutes or E.O.s.

A. Regulatory Planning and Review

Executive Orders 12866 (''Regulatory Planning and Review'') and 13563 (''Improving Regulation and Regulatory Review'') direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This final rule is not a significant regulatory action under section 3(f) of E.O. 12866 as supplemented by E.O. 13563, and does not require an assessment of potential costs and benefits under section 6(a)(3) of E.O. 12866. The Office of Management and Budget has not reviewed it under E.O. 12866. Nonetheless, we developed an analysis of the costs and benefits of the rule to ascertain its probable impacts on industry. The final Regulatory Assessment follows:

We received no public comments, additional information, or data that would alter our assessment of the interim rule. Therefore, we adopt the Preliminary Regulatory Analysis for the interim rule as final. A summary of that analysis follows:

This rule finalizes the requirement for a two-vessel escort system for double hull tankers over 5,000 GT transporting oil in bulk in PWS, as mandated by section 711(b) of the Act.

Table 1 below summarizes the impacts of the final rule.

TABLE 1—SUMMARY OF FINAL RULE IMPACTS

Category	Summary
Population	—15 double hull tank vessels that transit PWS annually. —One company that owns the 12 escort vessels in PWS.
Costs	None—codification of existing practice.

TABLE 1—SUMMARY OF FINAL RULE IMPACTS—Continued

Category	Summary
Unquantified Benefits	—Elimination of confusion within industry by harmonizing CFR with U.S.C. —Codification of current industry practice ensures benefits of dual-vessel escort system in PWS remain, including reduction of the risk of an oil spill by influencing a vessel's speed and course in the event of equipment failure or loss of steering and/or propulsion.

Costs

OPA 90 requires the two-vessel escort system for single hull vessels over 5,000 GT transporting oil in bulk in PWS. However, single hull tankers are currently being phased out in favor of double hull tankers. Based on vessel traffic data from the Coast Guard Marine Safety Unit in Valdez, Alaska, no single hull vessels have called on PWS since 2009.

Based on communications with the Marine Safety Unit in Valdez, AK, as well as the Vessel Traffic Service and the Captain of the Port for that region, we determined that it has been an industry practice since 2008 that double hull tankers be escorted by a two-vessel escort system when in transit through PWS. Currently, 15 double hull tank vessels transit PWS annually and over the last 5 years, double hull tank vessels made an average of 250 port calls annually on PWS. One company operates the 12 tugs that participate in the two-tug escort system in PWS.

Because this final rule will codify an industry practice that has been in place for over 5 years, we do not anticipate that this final rule will impose additional costs on the public or industry, or alter industry behavior in any way. Finally, we do not anticipate that this final rule will impose new costs on the Coast Guard or require the Coast Guard to expend additional resources.

Description of Alternatives

We considered two alternatives (including the preferred alternative) in the development of this rule. The key factors that we evaluated in considering each alternative included: (1) The degree to which the alternative comported with the congressional mandate in section 711 of the Act; (2) what benefits, if any, would be derived, such as enhancement of personal and environmental safety and security; and (3) cost effectiveness. The alternatives considered are as follows:

Alternative 1: Revise 33 CFR part 168 to include double hull tankers over 5,000 GT transporting oil in bulk in PWS, but do not revise the existing performance-based escort requirements (preferred alternative). At present, the industry practice being employed on the waters of PWS is two tug escorts of both single and double hull tankers. Implementation of this final rule will codify current industry practice.

Alternative 2: Take no action.

Analysis of Alternatives

We chose Alternative 1, which codifies current industry practice and implements section 711 of the Act as described in Section VI of the preamble above. We chose to reject Alternative 2, the ''no action'' alternative, because it would not implement section 711 of the Act.

Benefits

This final rule codifies the current industry practice of a dual vessel escort system in PWS. The primary benefit of the final rule is eliminating confusion within industry by harmonizing Coast Guard regulations with the congressional mandate in section 711 of the Act. The practice of a dual vessel escort system also results in safety and environmental benefits, although these benefits exist under current practice. However, codification of the industry practice ensures the continuing benefits of the dual vessel escort system, which is to reduce the risk of an oil spill by ensuring the safe transit of tank vessels over 5,000 GT transporting oil in bulk in PWS. For PWS, we believe a two-vessel escort system is beneficial in the event of equipment failure such as the loss of steering or propulsion. If a tanker becomes disabled, the two escort vessels can influence the speed and course of the tanker, thereby reducing the likelihood of an allision, collision, or grounding. We reviewed allision, collision, and grounding casualty data for tank vessels in PWS over a 15-year period from 1998 through 2012 and found no casualty cases that involved a double hull tank vessel. All of these double hull vessels were escorted by a two-vessel escort.

B. Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. However, when an agency is not required to publish a notice of proposed rulemaking (NPRM) for a rule, the RFA does not require an agency to prepare a regulatory flexibility analysis. The Coast Guard was not required to publish an NPRM for this rule for the reasons stated in section III ''Regulatory History'' of the interim rule and therefore is not required to publish a regulatory flexibility analysis.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them. If the rule affects your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult Mr. Kevin Tone, CG–OES, Coast Guard; telephone 202–372–1441, email *Kevin.P.Tone@uscg.mil.* The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

D. Collection of Information

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

E. Federalism

A rule has implications for federalism under E.O. 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed

this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in E.O. 13132. Our analysis is explained below.

As noted earlier in the preamble, this rule implements section 711 of Public Law 111–281 for PWS. With respect to federalism, section 711(c) of Public Law 111–281 provides that nothing in the Act or any other provision of Federal law related to the regulation of maritime transportation of oil should be construed or interpreted as preempting the authority of the State, or a political subdivision thereof, from requiring escort vessels to accompany tankers transporting oil in bulk in PWS. This rule does not have any federalism implications as it has no effect on the laws or regulations of the State of Alaska. The rule has no preemptive effect because the rule implements the Congressional mandate. Furthermore, this statute preserves the authority of the State of Alaska to promulgate additional requirements in PWS beyond that required by this rule. Therefore, this rule is consistent with the fundamental federalism principles and preemption requirements described in E.O. 13132.

F. Unfunded Mandates Reform Act

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

G. Taking of Private Property

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

H. Civil Justice Reform

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

I. Protection of Children

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

J. Indian Tribal Governments

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

K. Energy Effects

We have analyzed this rule under E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under E.O. 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards

The National Technology Transfer and Advancement Act (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

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

M. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded under section 6(b) of the ''Appendix to National Environmental Policy Act: Coast Guard Procedures for Categorical Exclusions, Notice of Final Agency Policy,'' (67 FR 48244, July 23, 2002). This rule involves Congressionally-mandated regulations designed to protect the environment, specifically, regulations implementing the requirements of the Act. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 168

Cargo vessels, Navigation (water), Oil pollution, Water pollution control.

For the reasons discussed in the preamble, the interim rule amending 33 CFR part 168 that was published at 78 FR 50335 on August 19, 2013, is adopted as a final rule without change.

Dated: June 9, 2014.

J. G. Lantz,

Director of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. 2014–13809 Filed 6–12–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[EPA–HQ–RCRA–2013–0396; FRL–9912–25–OSWER]

RIN 2050–AG79

Polychlorinated Biphenyls (PCBs): Manufacturing (Import) Exemption for the Defense Logistics Agency (DLA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of Direct final rule and Notice of Informal Hearing.

SUMMARY: On April 2, 2014, the U.S. Environmental Protection Agency (EPA or the agency) took direct final action on a petition submitted by the U.S. Defense Logistics Agency (DLA) to allow DLA to import foreign-manufactured polychlorinated biphenyls (PCBs) from Japan effective on July 1, 2014, unless EPA received adverse written comments or a request to hold an informal hearing. Because EPA received an adverse comment, as well as a request for an informal hearing, we are withdrawing the direct final rule titled, ''*Polychlorinated Biphenyls (PCBs): Manufacturing (Import) Exemption for the Defense Logistics Agency (DLA).*'' This notice also announces the time and location of that hearing.

DATES: Effective June 13, 2014, EPA withdraws the direct final rule

published at 79 FR 18471 on April 2, 2014. The informal hearing will take place on Tuesday, July 8, 2014, from 9 a.m. to 1 p.m. All those wishing to provide oral comments at the hearing must send a written request to EPA. Requests must be received on or before July 1, 2014.

ADDRESSES: The hearing will be held at the EPA building at 2777 South Crystal Drive, Arlington, Virginia 22202. The hearing will be on the 4th floor in conference room North 4850/70.

Requests to Participate: A request to provide oral comments at the informal hearing must be received by the Hearing Clerk on or before July 1, 2014 by one of the following methods:

- *Email:* Requests may be sent by electronic mail to *noggle.william@epa.gov.*
- *Fax:* Requests may be faxed to (703) 308–0514, *Attention:* William Noggle; Docket ID No. EPA–HQ–RCRA–2013–0396.
- *Mail:* Requests may be sent to William Noggle, U.S. EPA, 1200 Pennsylvania Avenue NW., Washington, DC 20460, Mail Code 5304P, *Attention:* Docket ID No. EPA–HQ–RCRA–2013–0396. Note that mail sent to EPA is subject to significant delays due to security screening, so please plan for additional delivery time.
- *Hand Delivery:* Requests may be hand delivered to William Noggle, U.S. EPA, Office of Resource Conservation and Recovery, Two Potomac Yard, 2733 South Crystal Drive, 5th Floor, N5612, Arlington, VA 22202. Such deliveries are only accepted during the business hours from 9 a.m. to 5 p.m., Monday through Friday, excluding legal holidays. Please call William Noggle at 703–347–8769 prior to delivery.

Instructions: Please see *http://www.epa.gov/epawaste/hazard/tsd/pcbs/dlapcb.htm* for the type of information that must be included in the request to provide oral comments at the informal hearing, who may participate, as well as the procedures that EPA will follow in conducting the informal hearing. Please note that oral comments will be heard from those persons who have requested to participate in the hearing. Members of the public can attend without prior notification to the Hearing Clerk, but they will not be part of the hearing schedule to give presentations and/o or oral comments. However, attendees not on the hearing schedule may be permitted to speak if time allows. Also note that the advance participation requests will assist in planning for the hearing. Additionally, the time for individual presentations may be limited, depending on the number of requests received.

Individuals requiring special accommodation at this hearing, including wheelchair access or hearing impaired accommodations, should contact the Hearing Clerk by email, *noggle.william@epa.gov,* or telephone, (703) 347–8769, at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the RCRA Docket, EPA/DC, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the RCRA Docket is (202) 566–0270.

FOR FURTHER INFORMATION CONTACT: William Noggle, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460, Mail Code 5304P; at (703) 347–8769 or *noggle.william@epa.gov.*

SUPPLEMENTARY INFORMATION: On April 23, 2013, EPA received a petition from the U.S. Defense Logistics Agency (DLA), a component of the United States Department of Defense (DoD), to import foreign-manufactured PCBs that DoD currently owns in Japan for disposal in the United States. In response to that petition, on April 2, 2014, EPA issued a direct final rule (79 FR 18471) and parallel proposed rule (79 FR 18497), to grant the request and provided a 30-day public comment period. During the comment period, EPA received an adverse comment as well as a request to hold an informal hearing.

Withdrawal of Direct Final Rule: Because EPA received adverse comment, as well as a request to hold an informal hearing, we are withdrawing the direct final rule. We stated in the direct final rule that if we received adverse comment on the proposed rule by May 2, 2014, the direct final rule would not take effect and we would publish a timely withdrawal in the **Federal Register**. We subsequently received adverse comment on that direct final rule, which will be considered as part of the parallel proposed rule.

Notice of Informal Hearing: EPA is granting a request from a member of the public to hold an informal hearing to receive oral comments on the proposed regulation. The procedures for rulemaking under section 6 of the Toxic Substances Control Act (TSCA) are found at 40 CFR part 750. Specific procedures for manufacturing (import) exemptions are identified in 40 CFR part 750, subpart B, and the procedures for participation in and the conduct of informal hearings are found at 40 CFR 750.18–750.20. Please see EPA's Web site at *http://www.epa.gov/epawaste/hazard/tsd/pcbs/dlapcb.htm* for the specific procedures for the informal hearing and the most current information on the hearing timeline.

Please note that all dates for the hearing process are subject to change. Individuals interested in this hearing and rulemaking should check the Web site for the most current information.

List of Subjects in 40 CFR Part 761

Environmental protection, Hazardous substances, Polychlorinated biphenyls.

Dated: June 6, 2014.

Mathy Stanislaus,

Assistant Administrator, Office of Solid Waste and Emergency Response.

Accordingly, EPA withdraws the amendment to 40 CFR 761.80(j), published in the **Federal Register** on April 2, 2014 (79 FR 18471), as of June 13, 2014.

[FR Doc. 2014–13856 Filed 6–12–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2014–0002]

Final Flood Elevation Determinations; Withdrawal

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule; withdrawal.

SUMMARY: The Federal Emergency Management Agency (FEMA) is withdrawing its final rule concerning the flood elevation determinations for Colfax County, Nebraska, and Incorporated Areas.

DATE: Effective June 13, 2014.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering

Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: On Friday, January 24, 2014, FEMA published a final rulemaking at 79 FR 4095, finalizing flood elevation determinations along one or more flooding sources in Colfax County, Nebraska, and Incorporated Areas. FEMA recently determined that certain administrative errors occurred which affected the statutory appeal period for eligible communities in Colfax County and rescinded the Letter of Final Determination issued on October 16, 2013. Therefore, FEMA is withdrawing the final rulemaking at the above-referenced publication. FEMA will provide additional due process for affected communities and resolve any appeals or comments received during the appeal period prior to finalizing the flood elevation determinations for Colfax County, Nebraska and Incorporated Areas.

(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. 2014–13286 Filed 6–12–14; 8:45 am]

BILLING CODE 9110–12–P

Proposed Rules

Federal Register
Vol. 79, No. 114
Friday, June 13, 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 ENERGY

10 CFR Part 429

[Docket No. EERE–2011–BT–CE–0077]

Appliance Standards and Rulemaking Federal Advisory Committee: Notice of Intent To Establish the Regional Standards Enforcement Working Group To Negotiate a Notice of Proposed Rulemaking (NOPR) for Regional Standards Enforcement

AGENCY: Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy.

ACTION: Notice of intent.

SUMMARY: The U.S. Department of Energy (DOE or the Department) is giving notice that it intends to establish a negotiated rulemaking working group under the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) in accordance with the Federal Advisory Committee Act (FACA) and the Negotiated Rulemaking Act (NRA) to negotiate proposed Federal standards for the energy efficiency requirements of enforcement of regional standards. The purpose of the working group will be to discuss and, if possible, reach consensus on a proposed rule for the energy efficiency of requirements of enforcement of regional standards, as authorized by the Energy Policy and Conservation Act (EPCA) of 1975, as amended. The working group will consist of representatives of parties having a defined stake in the outcome of the proposed standards, and will consult as appropriate with a range of experts on technical issues.

DATES: Written comments and request to be appointed as members of the working group are welcome and should be submitted by June 27, 2014. The deadline for negotiating a proposed rule and submitting it to ASRAC is October 30, 2014.

ADDRESSES: Interested person may submit comments, identified by docket number EERE–2011–BT–CE–0077 by any of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov*. Follow the instructions for submitting comments.
2. *Email*: *ASRAC@ee.doe.gov*. Include docket number EERE–2011–BT–CE–0077 in the subject line of the message.
3. *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.
4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza, SW., Suite 600, Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted.

Docket: The docket is available for review at *www.regulations.gov*, including **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

FOR FURTHER INFORMATION CONTACT: John Cymbalsky, U.S. Department of Energy, Office of Building Technologies (EE–5B), 950 L'Enfant Plaza SW., Washington, DC 20024. Phone: 202–287–1692. Email: *asrac@ee.doe.gov*.

SUPPLEMENTARY INFORMATION:

Preamble

I. Authority
II. Background
III. Proposed Negotiating Procedures
IV. Comments Requested

I. Authority

This notice of intent, announcing DOE's intent to negotiate a proposed rule for the enforcement of regional energy conservation standards, was developed under the authority of sections 563 and 564 of the NRA (5 U.S.C. 561–570, Pub. L. 104–320). The regulation for regional standards enforcement of energy conservation standards that DOE is proposing to develop under a negotiated rulemaking will be developed under the authority of EPCA, as amended, 42 U.S.C. 6311(1)(A) and 42 U.S.C. 6291 *et seq.*

II. Background

As required by the NRA, DOE is giving notice that it is establishing a working group under ASRAC to develop proposed energy efficiency requirements for regional standards enforcement. EPCA, as amended, directs DOE to adopt energy conservation standards for regional standards enforcement for which standards would be technologically feasible and economically justified, and would result in significant energy savings. There currently are no energy conservation standards for regional standards enforcement.

A. Negotiated Rulemaking

DOE has decided to use the negotiated rulemaking process to develop proposed energy efficiency standards for regional standards enforcement. Under EPCA, Congress mandated that DOE develop regulations establishing energy efficiency standards for covered residential and commercial appliances that are designed to achieve the maximum improvement in energy efficiency that are technologically feasible and economically justified. 42 U.S.C. 6295(o)(2)(A). The primary reason for using the negotiated rulemaking process for developing a proposed Federal standard is that stakeholders strongly support a consensual rulemaking effort. DOE believes such a regulatory negotiation process will be less adversarial and better suited to resolving complex technical issues. An important virtue of negotiated rulemaking is that it allows expert dialog that is much better than traditional techniques at getting the facts and issues right and will result in a proposed rule that will effectively reflect Congressional intent.

A regulatory negotiation will enable DOE to engage in direct and sustained dialog with informed, interested, and affected parties when drafting the regulation, rather than obtaining input during a public comment period after developing and publishing a proposed rule. Gaining this early understanding of all parties' perspectives allows DOE to address key issues at an earlier stage of the process, thereby allowing more time for an iterative process to resolve issues. A rule drafted by negotiation with

informed and affected parties is expected to be potentially more pragmatic and more easily implemented than a rule arising from the traditional process. Such rulemaking improvement is likely to provide the public with the full benefits of the rule while minimizing the potential negative impact of a proposed regulation conceived or drafted without the full prior input of outside knowledgeable parties. Because a negotiating working group includes representatives from the major stakeholder groups affected by or interested in the rule, the number of public comments on the proposed rule may be decreased. DOE anticipates that there will be a need for fewer substantive changes to a proposed rule developed under a regulatory negotiation process prior to the publication of a final rule.

B. The Concept of Negotiated Rulemaking

Usually, DOE develops a proposed rulemaking using Department staff and consultant resources. Typically, a preliminary analysis is vetted for stakeholder comments after a Framework Document is published and comments taken thereon. After the notice of proposed rulemaking is published for comment, affected parties may submit arguments and data defining and supporting their positions with regard to the issues raised in the proposed rule. Congress noted in the NRA, however, that regulatory development may ''discourage the affected parties from meeting and communicating with each other, and may cause parties with different interests to assume conflicting and antagonistic positions. . . .'' 5 U.S.C. 561(2)(2). Congress also stated that ''adversarial rulemaking deprives the affected parties and the public of the benefits of face-to-face negotiations and cooperation in developing and reaching agreement on a rule. It also deprives them of the benefits of shared information, knowledge, expertise, and technical abilities possessed by the affected parties.'' 5 U.S.C. 561(2)(3).

Using negotiated rulemaking to develop a proposed rule differs fundamentally from the Department centered process. In negotiated rulemaking, a proposed rule is developed by an advisory committee or working group, chartered under FACA, 5 U.S.C. App. 2, composed of members chosen to represent the various interests that will be significantly affected by the rule. The goal of the advisory committee or working group is to reach consensus on the treatment of the major issues involved with the rule. The process starts with the Department's careful identification of all interests potentially affected by the rulemaking under consideration. To help with this identification, the Department publishes a notice of intent such as this one in the **Federal Register**, identifying a preliminary list of interested parties and requesting public comment on that list. Following receipt of comments, the Department establishes an advisory committee or working group representing the full range of stakeholders to negotiate a consensus on the terms of a proposed rule. Representation on the advisory committee or working group may be direct; that is, each member may represent a specific interest, or may be indirect, such as through trade associations and/or similarly-situated parties with common interests. The Department is a member of the advisory committee or working group and represents the Federal government's interests. The advisory committee or working group chair is assisted by a neutral mediator who facilitates the negotiation process. The role of the mediator, also called a facilitator, is to apply proven consensus-building techniques to the advisory committee or working group process.

After an advisory committee or working group reaches consensus on the provisions of a proposed rule, the Department, consistent with its legal obligations, uses such consensus as the basis of its proposed rule, which then is published in the **Federal Register**. This publication provides the required public notice and provides for a public comment period. Other participants and other interested parties retain their rights to comment, participate in an informal hearing (if requested), and request judicial review. DOE anticipates, however, that the pre-proposal consensus agreed upon by the advisory committee or working group will narrow any issues in the subsequent rulemaking.

C. Proposed Rulemaking for Enforcement of Regional Energy Conservation Standards

The NRA enables DOE to establish an advisory committee or working group if it is determined that the use of the negotiated rulemaking process is in the public interest. DOE intends to develop Federal regulations that build on the depth of experience accrued in both the public and private sectors in implementing standards and programs.

DOE has determined that the regulatory negotiation process will provide for obtaining a diverse array of in-depth input, as well as an opportunity for increased collaborative discussion from both private-sector stakeholders and government officials who are familiar with energy efficiency of regional standards enforcement.

D. Department Commitment

In initiating this regulatory negotiation process to develop a regulation to enforce regional energy conservation standards, DOE is making a commitment to provide adequate resources to facilitate timely and successful completion of the process. This commitment includes making the process a priority activity for all representatives, components, officials, and personnel of the Department who need to be involved in the rulemaking, from the time of initiation until such time as a final rule is issued or the process is expressly terminated. DOE will provide administrative support for the process and will take steps to ensure that the advisory committee or working group has the dedicated resources it requires to complete its work in a timely fashion. Specifically, DOE will make available the following support services: Properly equipped space adequate for public meetings and caucuses; logistical support; word processing and distribution of background information; the service of a facilitator; and such additional research and other technical assistance as may be necessary.

To the maximum extent possible consistent with the legal obligations of the Department, DOE will use the consensus of the advisory committee or working group as the basis for the rule the Department proposes for public notice and comment.

E. Negotiating Consensus

As discussed above, the negotiated rulemaking process differs fundamentally from the usual process for developing a proposed rule. Negotiation enables interested and affected parties to discuss various approaches to issues rather than asking them only to respond to a proposal developed by the Department. The negotiation process involves a mutual education of the various parties on the practical concerns about the impact of standards. Each advisory committee or working group member participates in resolving the interests and concerns of other members, rather than leaving it up to DOE to evaluate and incorporate different points of view.

A key principle of negotiated rulemaking is that agreement is by consensus of all the interests. Thus, no one interest or group of interests is able to control the process. The NRA defines consensus as the unanimous

concurrence among interests represented on a negotiated rulemaking committee or working group, unless the committee or working group itself unanimously agrees to use a different definition. 5 U.S.C. 562. In addition, experience has demonstrated that using a trained mediator to facilitate this process will assist all parties, including DOE, in identifying their real interests in the rule, and thus will enable parties to focus on and resolve the important issues.

III. Proposed Negotiating Procedures

A. Key Issues for Negotiation

The following issues and concerns will underlie the work of the Negotiated Rulemaking Committee on Enforcement of Regional Energy Conservation Standards for regional standards enforcement:

- DOE's key issues include assuring full compliance with statutory mandates.
- The committee must develop an effective enforcement framework for regional energy conservation standards.

To examine the underlying issues outlined above, and others not yet articulated, all parties in the negotiation will need DOE to provide data and an analytic framework complete and accurate enough to support their deliberations. DOE's analyses must be adequate to inform a prospective negotiation—for example, a preliminary Technical Support Document or equivalent must be available and timely.

B. Formation of Working Group

A working group will be formed and operated in full compliance with the requirements of FACA and in a manner consistent with the requirements of the NRA. DOE has determined that the working group not exceeds 25 members. The Department believes that more than 25 members would make it difficult to conduct effective negotiations. DOE is aware that there are many more potential participants than there are membership slots on the working group. The Department does not believe, nor does the NRA contemplate, that each potentially affected group must participate directly in the negotiations; nevertheless, each affected interest can be adequately represented. To have a successful negotiation, it is important for interested parties to identify and form coalitions that adequately represent significantly affected interests. To provide adequate representation, those coalitions must agree to support, both financially and technically, a member of the working group whom they choose to represent their interests.

DOE recognizes that when it establishes energy efficiency standards for residential products and commercial equipment, various segments of society may be affected in different ways, in some cases producing unique ''interests'' in a proposed rule based on income, gender, or other factors. The Department will pay attention to providing that any unique interests that have been identified, and that may be significantly affected by the proposed rule, are represented.

FACA also requires that members of the public have the opportunity to attend meetings of the full committee and speak or otherwise address the committee during the public comment period. In addition, any member of the public is permitted to file a written statement with the advisory committee. DOE plans to follow these same procedures in conducting meetings of the working group.

C. Interests Involved/Working Group Membership

DOE anticipates that the working group will comprise no more than 25 members who represent affected and interested stakeholder groups, at least one of whom must be a member of the ASRAC. As required by FACA, the Department will conduct the negotiated rulemaking with particular attention to ensuring full and balanced representation of those interests that may be significantly affected by the proposed rule governing rules for the enforcement of regional energy conservation standards. Section 562 of the NRA defines the term interest as ''with respect to an issue or matter, multiple parties which have a similar point of view or which are likely to be affected in a similar manner.'' Listed below are parties the Department to date has identified as being ''significantly affected'' by a proposed rule regarding the energy efficiency of regional standards enforcement.

- The Department of Energy
- Trade Associations representing installers and distributors of HVAC equipment
- Component manufacturers and related suppliers
- Utilities
- Energy efficiency/environmental advocacy groups
- Consumers

One purpose of this notice of intent is to determine whether Federal regulations regarding the enforcement of regional energy conservation standards will significantly affect interests that are not listed above. DOE invites comment and suggestions on its initial list of significantly affected interests.

Members may be individuals or organizations. If the effort is to be fruitful, participants on the working group should be able to fully and adequately represent the viewpoints of their respective interests. This document gives notice of DOE's process to other potential participants and affords them the opportunity to request representation in the negotiations. Those who wish to be appointed as members of the working group, should submit a request to DOE, in accordance with the public participation procedures outlined in the **DATES** and **ADDRESSES** sections of this notice of intent. Membership of the working group is likely to involve:

- Attendance at approximately five (5), one (1) to two (2) day meetings;
- Travel costs to those meetings; and
- Preparation time for those meetings.

Members serving on the working group will not receive compensation for their services. Interested parties who are not selected for membership on the working group may make valuable contributions to this negotiated rulemaking effort in any of the following ways:

- The person may request to be placed on the working group mailing list and submit written comments as appropriate.
- The person may attend working group meetings, which are open to the public; caucus with his or her interest's member on the working group; or even address the working group during the public comment portion of the working group meeting.
- The person could assist the efforts of a workgroup that the working group might establish.

A working group may establish informal workgroups, which usually are asked to facilitate committee deliberations by assisting with various technical matters (e.g., researching or preparing summaries of the technical literature or comments on specific matters such as economic issues). Workgroups also might assist in estimating costs or drafting regulatory text on issues associated with the analysis of the costs and benefits addressed, or formulating drafts of the various provisions and their justifications as previously developed by the working group. Given their support function, workgroups usually consist of participants who have expertise or particular interest in the technical matter(s) being studied. Because it recognizes the importance of this support work for the working group, DOE will provide appropriate technical expertise for such workgroups.

D. Good Faith Negotiation

Every working group member must be willing to negotiate in good faith and have the authority, granted by his or her constituency, to do so. The first step is to ensure that each member has good communications with his or her constituencies. An intra-interest network of communication should be established to bring information from the support organization to the member at the table, and to take information from the table back to the support organization. Second, each organization or coalition therefore should designate as its representative a person having the credibility and authority to ensure that needed information is provided and decisions are made in a timely fashion. Negotiated rulemaking can require the appointed members to give a significant sustained for as long as the duration of the negotiated rulemaking. Other qualities of members that can be helpful are negotiating experience and skills, and sufficient technical knowledge to participate in substantive negotiations.

Certain concepts are central to negotiating in good faith. One is the willingness to bring all issues to the bargaining table in an attempt to reach a consensus, as opposed to keeping key issues in reserve. The second is a willingness to keep the issues at the table and not take them to other forums. Finally, good faith includes a willingness to move away from some of the positions often taken in a more traditional rulemaking process, and instead explore openly with other parties all ideas that may emerge from the working group's discussions.

E. Facilitator

The facilitator will act as a neutral in the substantive development of the proposed standard. Rather, the facilitator's role generally includes:

- Impartially assisting the members of the working group in conducting discussions and negotiations; and
- Impartially assisting in performing the duties of the Designated Federal Official under FACA.

F. Department Representative

The DOE representative will be a full and active participant in the consensus building negotiations. The Department's representative will meet regularly with senior Department officials, briefing them on the negotiations and receiving their suggestions and advice so that he or she can effectively represent the Department's views regarding the issues before the working group. DOE's representative also will ensure that the entire spectrum of governmental interests affected by the standards rulemaking, including the Office of Management and Budget, the Attorney General, and other Departmental offices, are kept informed of the negotiations and encouraged to make their concerns known in a timely fashion.

G. Working Group and Schedule

After evaluating the comments submitted in response to this notice of intent and the requests for nominations, DOE will either inform the members of the working group that they have been selected or determine that conducting a negotiated rulemaking is inappropriate.

DOE will advise working group members of administrative matters related to the functions of the working group before beginning. DOE will establish a meeting schedule based on the settlement agreement and produce the necessary documents so as to adhere to that schedule. While the negotiated rulemaking process is underway, DOE is committed to performing much of the same analysis as it would during a normal standards rulemaking process and to providing information and technical support to the working group.

IV. Comments Requested

DOE requests comments on which parties should be included in a negotiated rulemaking to develop draft language pertaining to the energy efficiency of regional standards enforcement and suggestions of additional interests and/or stakeholders that should be represented on the working group. All who wish to participate as members of the working group should submit a request for nomination to DOE.

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of today's notice of proposed rulemaking.

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

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency and Renewable Energy.

[FR Doc. 2014–13847 Filed 6–12–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

10 CFR Part 429

[Docket No. EERE–2009–BT–BC–0021]

Appliance Standards and Rulemaking Federal Advisory Committee: Notice of Intent To Establish the Manufactured Housing Working Group To Negotiate a Notice of Proposed Rulemaking (NOPR) for Energy Efficiency Standards for Manufactured Housing

AGENCY: Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy.

ACTION: Notice of intent.

SUMMARY: The U.S. Department of Energy (DOE or the Department) is giving notice that it intends to establish a negotiated rulemaking working group under the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) in accordance with the Federal Advisory Committee Act (FACA) and the Negotiated Rulemaking Act (NRA) to negotiate proposed Federal standards for the energy efficiency of manufactured homes. The purpose of the working group will be to discuss and, if possible, reach consensus on a proposed rule for the energy efficiency of manufactured homes, as authorized by section 413 of the Energy Independence and Security Act of 2007 (EISA). The working group will consist of representatives of parties having a defined stake in the outcome of the proposed standards, and will consult as appropriate with a range of experts on technical issues.

DATES: Written comments and request to be appointed as members of the working group are welcome and should be submitted by June 27, 2014.

The deadline for negotiating a proposed rule and submitting it to ASRAC is September 30, 2014.

ADDRESSES: Interested person may submit comments, identified by docket number EERE–2009–BT–BC–0021, by any of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
2. *Email: ASRAC@ee.doe.gov.* Include docket number EERE–2009–BT–BC–0021 in the subject line of the message.
3. *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.
4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy,

Building Technologies Office, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted.

Docket: The docket is available for review at *www.regulations.gov,* including **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

FOR FURTHER INFORMATION CONTACT: Joseph Hagerman, U.S. Department of Energy, Office of Building Technologies (EE–5B), 950 L'Enfant Plaza SW., Washington, DC 20024. Phone: 202–586–4549. Email: *asrac@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Preamble

I. Authority
II. Background
III. Proposed Negotiating Procedures
IV. Comments Requested

I. Authority

This notice of intent, announcing DOE's intent to negotiate a proposed regulation setting energy efficiency standards for manufactured housing, was developed under the authority of sections 563 and 564 of the NRA (5 U.S.C. 561–570, Pub. L. 104–320). The regulation setting energy efficiency standards for manufactured housing that DOE is proposing to develop under a negotiated rulemaking will be developed under the authority of EISA (42 U.S.C. 17071).

II. Background

As required by the NRA, DOE is giving notice that it is establishing a working group under ASRAC to develop proposed energy efficiency standards for manufactured housing. EISA directs DOE to establish standards for energy efficiency in manufactured housing based on the most recent version of the International Energy Conservation Code (IECC) while taking into consideration the costs and benefits of the proposed standards, factory design and construction techniques unique to manufactured housing, and the current construction and safety standards set forth by U.S. Department of Housing and Urban Development (HUD).

A. Negotiated Rulemaking

DOE has decided to use the negotiated rulemaking process to develop proposed energy efficiency standards for manufactured housing. EISA directs DOE to establish standards for energy efficiency in manufactured housing. Specifically, EISA directs DOE to base the standards on the most recent version of the International Energy Conservation Code (IECC) and any supplements to that document, except where DOE finds that the IECC is not cost-effective or where a more stringent standard would be more cost-effective, based on the impact of the IECC on the purchase price of manufactured housing and on total life-cycle construction and operating costs (42 U.S.C. 17071). The primary reason for using the negotiated rulemaking process for developing a proposed Federal standard is that stakeholders strongly support a consensual rulemaking effort. DOE believes such a regulatory negotiation process will be less adversarial and better suited to resolving complex technical issues. An important virtue of negotiated rulemaking is that it allows expert dialog that is much better than traditional techniques at getting the facts and issues right and will result in a proposed rule that will effectively reflect Congressional intent.

A regulatory negotiation will enable DOE to engage in direct and sustained dialog with informed, interested, and affected parties when drafting the regulation, rather than obtaining input during a public comment period after developing and publishing a proposed rule. Gaining this early understanding of all parties' perspectives allows DOE to address key issues at an earlier stage of the process, thereby allowing more time for an iterative process to resolve issues. A rule drafted by negotiation with informed and affected parties is expected to be potentially more pragmatic and more easily implemented than a rule arising from the traditional process. Such rulemaking improvement is likely to provide the public with the full benefits of the rule while minimizing the potential negative impact of a proposed regulation conceived or drafted without the full prior input of outside knowledgeable parties. Because a negotiating working group includes representatives from the major stakeholder groups affected by or interested in the rule, the number of public comments on the proposed rule may be decreased. DOE anticipates that there will be a need for fewer substantive changes to a proposed rule developed under a regulatory negotiation process prior to the publication of a final rule.

B. The Concept of Negotiated Rulemaking

Usually, DOE develops a proposed rulemaking using Department staff and consultant resources. Typically, a preliminary analysis is vetted for stakeholder comments after a Framework Document is published and comments taken thereon. After the notice of proposed rulemaking is published for comment, affected parties may submit arguments and data defining and supporting their positions with regard to the issues raised in the proposed rule. Congress noted in the NRA, however, that regulatory development may ''discourage the affected parties from meeting and communicating with each other, and may cause parties with different interests to assume conflicting and antagonistic positions * * *.'' 5 U.S.C. 561(2)(2). Congress also stated that ''adversarial rulemaking deprives the affected parties and the public of the benefits of face-to-face negotiations and cooperation in developing and reaching agreement on a rule. It also deprives them of the benefits of shared information, knowledge, expertise, and technical abilities possessed by the affected parties.'' 5 U.S.C. 561(2)(3).

Using negotiated rulemaking to develop a proposed rule differs fundamentally from the Department-centered process. In negotiated rulemaking, a proposed rule is developed by an advisory committee or working group, chartered under FACA, 5 U.S.C. App. 2, composed of members chosen to represent the various interests that will be significantly affected by the rule. The goal of the advisory committee or working group is to reach consensus on the treatment of the major issues involved with the rule. The process starts with the Department's careful identification of all interests potentially affected by the rulemaking under consideration. To help with this identification, the Department publishes a notice of intent such as this one in the **Federal Register**, identifying a preliminary list of interested parties and requesting public comment on that list. Following receipt of comments, the Department establishes an advisory committee or working group representing the full range of stakeholders to negotiate a consensus on the terms of a proposed rule. Representation on the advisory committee or working group may be direct; that is, each member may represent a specific interest, or may be indirect, such as through trade

associations and/or similarly-situated parties with common interests. The Department is a member of the advisory committee or working group and represents the Federal government's interests. The advisory committee or working group chair is assisted by a neutral mediator who facilitates the negotiation process. The role of the mediator, also called a facilitator, is to apply proven consensus-building techniques to the advisory committee or working group process.

After an advisory committee or working group reaches consensus on the provisions of a proposed rule, the Department, consistent with its legal obligations, uses such consensus as the basis of its proposed rule, which then is published in the **Federal Register**. This publication provides the required public notice and provides for a public comment period. Other participants and other interested parties retain their rights to comment, participate in an informal hearing (if requested), and request judicial review. DOE anticipates, however, that the pre-proposal consensus agreed upon by the advisory committee or working group will narrow any issues in the subsequent rulemaking.

C. Proposed Rulemaking for Energy Efficiency Standards for Manufactured Housing

The NRA enables DOE to establish an advisory committee or working group if it is determined that the use of the negotiated rulemaking process is in the public interest. DOE intends to develop Federal regulations that build on the depth of experience accrued in both the public and private sectors in implementing standards and programs.

DOE has determined that the regulatory negotiation process will provide for obtaining a diverse array of in-depth input, as well as an opportunity for increased collaborative discussion from both private-sector stakeholders and government officials who are familiar with energy efficiency of manufactured housing.

D. Department Commitment

In initiating this regulatory negotiation process to develop energy efficiency standards for manufactured housing, DOE is making a commitment to provide adequate resources to facilitate timely and successful completion of the process. This commitment includes making the process a priority activity for all representatives, components, officials, and personnel of the Department who need to be involved in the rulemaking, from the time of initiation until such time as a final rule is issued or the process is expressly terminated. DOE will provide administrative support for the process and will take steps to ensure that the advisory committee or working group has the dedicated resources it requires to complete its work in a timely fashion. Specifically, DOE will make available the following support services: properly equipped space adequate for public meetings and caucuses; logistical support; word processing and distribution of background information; the service of a facilitator; and such additional research and other technical assistance as may be necessary.

To the maximum extent possible consistent with the legal obligations of the Department, DOE will use the consensus of the advisory committee or working group as the basis for the rule the Department proposes for public notice and comment.

E. Negotiating Consensus

As discussed above, the negotiated rulemaking process differs fundamentally from the usual process for developing a proposed rule. Negotiation enables interested and affected parties to discuss various approaches to issues rather than asking them only to respond to a proposal developed by the Department. The negotiation process involves a mutual education of the various parties on the practical concerns about the impact of standards. Each advisory committee or working group member participates in resolving the interests and concerns of other members, rather than leaving it up to DOE to evaluate and incorporate different points of view.

A key principle of negotiated rulemaking is that agreement is by consensus of all the interests. Thus, no one interest or group of interests is able to control the process. The NRA defines consensus as the unanimous concurrence among interests represented on a negotiated rulemaking committee or working group, unless the committee or working group itself unanimously agrees to use a different definition. 5 U.S.C. 562. In addition, experience has demonstrated that using a trained mediator to facilitate this process will assist all parties, including DOE, in identifying their real interests in the rule, and thus will enable parties to focus on and resolve the important issues.

III. Proposed Negotiating Procedures

A. Key Issues for Negotiation

The following issues and concerns will underlie the work of the Negotiated Rulemaking Committee on Energy Efficiency Standards for manufactured housing:

- DOE's key issues include assuring full compliance with statutory mandates. Congress has mandated that DOE base the standards on the most recent version of the International Energy Conservation Code, except in cases in which the Secretary finds that the code is not cost-effective, or a more stringent standard would be more cost-effective based on the impact of the code on the purchase price of manufactured housing and on total life-cycle construction and operating costs.
- The energy efficiency standards established under this section may take into consideration the design and factory construction techniques of manufactured homes; be based on the climate zones established by HUD rather than the climate zones under the IECC; and provide for alternative practices that result in net estimated energy consumption equal to or less than the specified standards.

To examine the underlying issues outlined above, and others not yet articulated, all parties in the negotiation will need DOE to provide data and an analytic framework complete and accurate enough to support their deliberations. DOE's analyses must be adequate to inform a prospective negotiation—for example, a preliminary Technical Support Document or equivalent must be available and timely.

B. Formation of Working Group

A working group will be formed and operated in full compliance with the requirements of FACA and in a manner consistent with the requirements of the NRA. DOE has determined that the working group not exceeds 25 members. The Department believes that more than 25 members would make it difficult to conduct effective negotiations. DOE is aware that there are many more potential participants than there are membership slots on the working group. The Department does not believe, nor does the NRA contemplate, that each potentially affected group must participate directly in the negotiations; nevertheless, each affected interest can be adequately represented. To have a successful negotiation, it is important for interested parties to identify and form coalitions that adequately represent significantly affected interests. To provide adequate representation, those coalitions must agree to support, both financially and technically, a member of the working group whom they choose to represent their interests.

DOE recognizes that when it establishes energy efficiency standards for manufactured homes, various

segments of society may be affected in different ways, in some cases producing unique ''interests'' in a proposed rule based on income, gender, or other factors. The Department will pay attention to providing that any unique interests that have been identified, and that may be significantly affected by the proposed rule, are represented.

FACA also requires that members of the public have the opportunity to attend meetings of the full committee and speak or otherwise address the committee during the public comment period. In addition, any member of the public is permitted to file a written statement with the advisory committee. DOE plans to follow these same procedures in conducting meetings of the working group.

C. Interests Involved/Working Group Membership

DOE anticipates that the working group will comprise no more than 25 members who represent affected and interested stakeholder groups, at least one of whom must be a member of the ASRAC. As required by FACA, the Department will conduct the negotiated rulemaking with particular attention to ensuring full and balanced representation of those interests that may be significantly affected by the proposed rule governing standards for the energy efficiency of manufactured housing. Section 562 of the NRA defines the term interest as ''with respect to an issue or matter, multiple parties which have a similar point of view or which are likely to be affected in a similar manner.'' Listed below are parties the Department to date has identified as being ''significantly affected'' by a proposed rule regarding the energy efficiency of manufactured housing.

- The Department of Energy
- Manufactured housing manufacturers and trade associations representing manufacturers
- Component manufacturers and related suppliers
- Utilities
- Energy efficiency/environmental advocacy groups
- Consumers

One purpose of this notice of intent is to determine whether Federal standards regarding the energy efficiency of manufactured housing will significantly affect interests that are not listed above. DOE invites comment and suggestions on its initial list of significantly affected interests.

Members may be individuals or organizations. If the effort is to be fruitful, participants on the working group should be able to fully and adequately represent the viewpoints of their respective interests. This document gives notice of DOE's process to other potential participants and affords them the opportunity to request representation in the negotiations. Those who wish to be appointed as members of the working group, should submit a request to DOE, in accordance with the public participation procedures outlined in the **DATES** and **ADDRESSES** sections of this notice of intent. Membership of the working group is likely to involve:

- Attendance at approximately five (5), one- (1) to two- (2) day meetings;
- Travel costs to those meetings; and
- Preparation time for those meetings.

Members serving on the working group will not receive compensation for their services. Interested parties who are not selected for membership on the working group may make valuable contributions to this negotiated rulemaking effort in any of the following ways:

- The person may request to be placed on the working group mailing list and submit written comments as appropriate.
- The person may attend working group meetings, which are open to the public; caucus with his or her interest's member on the working group; or even address the working group during the public comment portion of the working group meeting.
- The person could assist the efforts of a workgroup that the working group might establish.

A working group may establish informal workgroups, which usually are asked to facilitate committee deliberations by assisting with various technical matters (e.g., researching or preparing summaries of the technical literature or comments on specific matters such as economic issues). Workgroups also might assist in estimating costs or drafting regulatory text on issues associated with the analysis of the costs and benefits addressed, or formulating drafts of the various provisions and their justifications as previously developed by the working group. Given their support function, workgroups usually consist of participants who have expertise or particular interest in the technical matter(s) being studied. Because it recognizes the importance of this support work for the working group, DOE will provide appropriate technical expertise for such workgroups.

D. Good Faith Negotiation

Every working group member must be willing to negotiate in good faith and have the authority, granted by his or her constituency, to do so. The first step is to ensure that each member has good communications with his or her constituencies. An intra-interest network of communication should be established to bring information from the support organization to the member at the table, and to take information from the table back to the support organization. Second, each organization or coalition therefore should designate as its representative a person having the credibility and authority to ensure that needed information is provided and decisions are made in a timely fashion. Negotiated rulemaking can require the appointed members to give a significant sustained effort for as long as the duration of the negotiated rulemaking. Other qualities of members that can be helpful are negotiating experience and skills, and sufficient technical knowledge to participate in substantive negotiations.

Certain concepts are central to negotiating in good faith. One is the willingness to bring all issues to the bargaining table in an attempt to reach a consensus, as opposed to keeping key issues in reserve. The second is a willingness to keep the issues at the table and not take them to other forums. Finally, good faith includes a willingness to move away from some of the positions often taken in a more traditional rulemaking process, and instead explore openly with other parties all ideas that may emerge from the working group's discussions.

E. Facilitator

The facilitator will act as a neutral in the substantive development of the proposed standard. Rather, the facilitator's role generally includes:

- Impartially assisting the members of the working group in conducting discussions and negotiations; and
- Impartially assisting in performing the duties of the Designated Federal Official under FACA.

F. Department Representative

The DOE representative will be a full and active participant in the consensus building negotiations. The Department's representative will meet regularly with senior Department officials, briefing them on the negotiations and receiving their suggestions and advice so that he or she can effectively represent the Department's views regarding the issues before the working group. DOE's representative also will ensure that the entire spectrum of governmental interests affected by the standards rulemaking, including the Office of Management and Budget, the Attorney General, and other Departmental offices,

are kept informed of the negotiations and encouraged to make their concerns known in a timely fashion.

G. Working Group and Schedule

After evaluating the comments submitted in response to this notice of intent and the requests for nominations, DOE will either inform the members of the working group of their selection or determine that conducting a negotiated rulemaking is inappropriate.

DOE will advise working group members of administrative matters related to the functions of the working group before beginning. DOE will establish a meeting schedule based on the settlement agreement and produce the necessary documents so as to adhere to that schedule. While the negotiated rulemaking process is underway, DOE is committed to performing much of the same analysis as it would during a normal rulemaking process and to providing information and technical support to the working group.

IV. Comments Requested

DOE requests comments on which parties should be included in a negotiated rulemaking to develop draft language pertaining to the energy efficiency of manufactured housing and suggestions of additional interests and/or stakeholders that should be represented on the working group. All who wish to participate as members of the working group should submit a request for nomination to DOE.

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of today's notice of proposed rulemaking.

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

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency and Renewable Energy.

[FR Doc. 2014–13846 Filed 6–12–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

10 CFR Part 431

[Docket No. EERE–2010–BT–STD–0037]

RIN 1904–AC39

Energy Efficiency Program: Energy Conservation Standards for Automatic Commercial Ice Makers

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of public meeting.

SUMMARY: The U.S. Department of Energy (DOE) will hold a public meeting to discuss the energy model used in the engineering analysis supporting its energy conservation standard rulemaking for automatic commercial ice makers. During the meeting, DOE will provide detailed description of the Energy Model and demonstrate its use.

DATES: *Meeting:* DOE will hold a public meeting on June 19, 2014, from 9:00 a.m. to 4:00 p.m. in Washington, DC. Additionally, DOE plans to conduct the public meeting via webinar. You may attend the public meeting via webinar.

ADDRESSES: The public meeting will be held at the U.S. Department of Energy, Forrestal Building, Room GH–019, 1000 Independence Avenue SW., Washington, DC 20585–0121.

Webinar: Registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's Web site at: *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/29*. Participants are responsible for ensuring their systems are compatible with the webinar software.

Docket: The docket is available for review at *http://www.regulations.gov,* and will include **Federal Register** notices, framework document, notice of proposed rulemaking, public meeting attendee lists and transcripts, comments, and other supporting documents/materials throughout the rulemaking process. The regulations.gov Web page contains simple instructions on how to access all documents, including public comments, in the docket. The docket can be accessed by searching for docket number EERE–2010–BT–STD–0037 on the regulations.gov Web site. All documents in the docket are listed in the *www.regulations.gov index*. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

For information on how to review the docket or participate in the public meeting, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov*.

FOR FURTHER INFORMATION CONTACT: Mr. John Cymbalsky, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone (202) 287–1692. Email: *automatic_commercial_ice_makers@ee.doe.gov*.

Ms. Sarah Butler, U.S. Department of Energy, Office of the General Counsel, GC–71, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–1777. Email: *Sarah.Butler@hq.doe.gov*.

For information on how to submit or review public comments and on how to participate in the public meeting, contact Ms. Brenda Edwards, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone (202) 586–2945. Email: *Brenda.Edwards@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: Title III, Part B [a] of the Energy Policy and Conservation Act of 1975 (EPCA or the Act), Public Law 94–163, (42 U.S.C. 6291–6309, as codified) sets forth a variety of provisions designed to improve energy efficiency and established the Energy Conservation Program for Consumer Products Other Than Automobiles, a program covering major household appliances (collectively referred to as ''covered products'').[b] Part C of title III (42 U.S.C. 6311–6317) establishes an energy conservation program for certain industrial and commercial equipment. EPCA authorizes DOE to establish technologically feasible, economically justified energy conservation standards for covered products or equipment that would be likely to result in significant national energy savings. (42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII))

Section 136(d) of the Energy Policy Act of 2005 (EPACT 2005), Public Law 109–58, amended EPCA to prescribe energy conservation standards for some automatic commercial ice-makers. (42 U.S.C. 6313(d)(1)) The EPACT 2005 amendments (42 U.S.C. 6313(d)(2)) also authorize DOE to issue standards for types of automatic commercial ice makers that are not covered by 42 U.S.C. 6313(d)(1). In addition, not later than January 1, 2015, with respect to the standards at 42 U.S.C. 6313(d)(1), and not later than 5 years after the effective date of any standards issued by DOE under 42 U.S.C. 6313(d)(2), DOE is to issue a final rule to determine whether amending the applicable standards is technologically feasible and economically justified. (42 U.S.C. 6313(d)(3)(A)) To this end, DOE initiated an energy conservation

[a] For editorial reasons, upon codification in the U.S. Code, Part B was re-designated Part A.

[b] All references to EPCA in this document refer to the statute as amended through the American Energy Manufacturing Technical Corrections Act (AEMTCA), Public Law 112–210 (Dec. 18, 2012).

standard rulemaking for automatic commercial ice makers by publishing a notice of proposed meeting and availability of the framework document on November 19, 2010. 75 FR 70852. DOE published a notice of proposed rulemaking proposing energy conservation standards for automatic commercial ice makers on March 17, 2014 (here after referred to as the March 2014 NOPR). 79 FR 14846.

In response to the publication of the March 2014 NOPR, stakeholders continue to submit questions regarding the energy model that DOE used to assess the energy efficiency and performance of automatic commercial ice makers as part of the engineering analysis. (See, for example, Air-Conditioning, Heating, and Refrigeration Institute, No. 93 at p. 5) In order to facilitate an additional review of the model, gather additional feedback and data on the energy model, and to allow for a more thorough explanation of DOE's use of the model in the engineering analysis, DOE is holding this public meeting. During the meeting, DOE expects to explain the details of the model, go through example simulations, describe how the model was used and calibrated as part of the engineering analysis conducted for the March 2014 model, and answer questions about the model from interested parties. At the public meeting, DOE will make presentations and invite discussion on the energy model. All of the feedback and data gathered during the public meeting will be used in consideration of any reanalysis conducted as part of the rulemaking.

The public meeting will be conducted in an informal, facilitated, conference style. There shall be no discussion of proprietary information, costs or prices, market shares, or other commercial matters regulated by U.S. antitrust laws. A court reporter will record the proceedings of the public meeting, after which a transcript will be available for purchase from the court reporter and placed on the DOE Web site at: *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/29.*

Any person wishing to bring a laptop computer into the Forrestal Building will be required to obtain a property pass. Visitors should avoid bringing laptops, or allow an extra 45 minutes. Please note that foreign nationals planning to participate in the public meeting are subject to advance security screening procedures. If a foreign national wishes to participate in the public meeting, please inform DOE of this fact as soon as possible by contacting Ms. Brenda Edwards at (202) 586–2945 so that the necessary procedures can be completed.

DOE considers public participation to be a very important part of the process for determining whether to amend energy conservation standards and, if so, in setting those amended standards. DOE actively encourages the participation and interaction of the public during the rulemaking process. Interactions with and among members of the public provide a balanced discussion of the issues to assist DOE in the standards rulemaking process. Accordingly, anyone who wishes to participate in the public meeting or be added to the DOE mailing list to receive future notices and information about this rulemaking should contact Ms. Brenda Edwards at (202) 586–2945, or via email at *Brenda.Edwards@ee.doe.gov.*

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

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2014–13848 Filed 6–12–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2014–0002; Internal Agency Docket No. FEMA–B–1137]

Proposed Flood Elevation Determinations for McKean County, Pennsylvania (All Jurisdictions)

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Federal Emergency Management Agency (FEMA) is withdrawing its proposed rule concerning proposed flood elevation determinations for McKean County, Pennsylvania (All Jurisdictions).

DATES: This withdrawal is effective on June 13, 2014.

ADDRESSES: You may submit comments, identified by Docket No. FEMA–B–1137, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: On September 27, 2010, FEMA published a proposed rulemaking at 75 FR 59184, proposing flood elevation determinations along one or more flooding sources in McKean County, Pennsylvania. Because FEMA has or will be issuing a Revised Preliminary Flood Insurance Rate Map, and if necessary a Flood Insurance Study report, featuring updated flood hazard information, the proposed rulemaking is being withdrawn. A Notice of Proposed Flood Hazard Determinations will be published in the **Federal Register** and in the affected community's local newspaper.

Authority: 42 U.S.C. 4104; 44 CFR 67.4.

Dated: May 9, 2014.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2014–13924 Filed 6–12–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2014–0002; Internal Agency Docket No. FEMA–B–1145]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule; correction.

SUMMARY: On October 7, 2010, the Federal Emergency Management Agency (FEMA) published in the **Federal Register** a proposed rule that included modified Base (1% annual-chance) Flood Elevations (BFEs) for the locations along Cypress Creek Ditch and Victory Lake in Clay County, Arkansas. FEMA is no longer proposing these flood elevation determination changes along Cypress Creek Ditch and Victory Lake as identified in the above-referenced rulemaking publication.

DATES: Comments are to be submitted on or before July 14, 2014.

ADDRESSES: You may submit comments, identified by Docket No. FEMA–B–1145, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064 or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064 or (email) *Luis.Rodriguez3@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: FEMA publishes proposed determinations of BFEs and modified BFEs for communities participating in the National Flood Insurance Program (NFIP), in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are minimum requirements. 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. These proposed elevations 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 built after these elevations are made final, and for the contents in those buildings.

Correction

In the proposed rule published at 75 FR 62062–62063, in the October 7, 2010, issue of the **Federal Register**, FEMA published a table under the authority of 44 CFR 67.4. The table, entitled ''Clay County, Arkansas, and Incorporated Areas'', addressed several flooding sources including Cypress Creek Ditch and Victory Lake. The proposed rule listed modified BFEs for Cypress Creek Ditch and Victory Lake between specific upstream and downstream locations listed in the table. FEMA is no longer proposing these flood elevation determination changes along Cypress Creek Ditch and Victory Lake as identified in the above-referenced rulemaking publication.

(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. 2014–13894 Filed 6–12–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2014–0002; Internal Agency Docket No. FEMA–B–1147]

Proposed Flood Elevation Determinations for Warren County, Pennsylvania (All Jurisdictions)

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Federal Emergency Management Agency (FEMA) is withdrawing its proposed rule concerning proposed flood elevation determinations for Warren County, Pennsylvania (All Jurisdictions).

DATES: This withdrawal is effective on June 13, 2014.

ADDRESSES: You may submit comments, identified by Docket No. FEMA–B–1147, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: On October 5, 2010, FEMA published a proposed rulemaking at 75 FR 61384–61385, proposing flood elevation determinations along one or more flooding sources in Warren County, Pennsylvania. Because FEMA has or will be issuing a Revised Preliminary Flood Insurance Rate Map, and if necessary a Flood Insurance Study report, featuring updated flood hazard information, the proposed rulemaking is being withdrawn. A Notice of Proposed Flood Hazard Determinations will be published in the **Federal Register** and in the affected community's local newspaper.

Authority: 42 U.S.C. 4104; 44 CFR 67.4.

Dated: May 9, 2014.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2014–13925 Filed 6–12–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 140221166–4166–01]

RIN 0648–BE01

Fisheries of the Northeastern United States; Atlantic Herring Fishery; Framework Adjustment 3

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

ACTION: Proposed rule, request for comments.

SUMMARY: Framework Adjustment 3 to the Atlantic Herring Fishery Management Plan would establish a process for setting river herring (alewife and blueback) and shad (American and hickory) catch caps for the herring fishery. In addition, this action would set these catch caps for the 2014 and 2015 fishing years. This action is consistent with Herring Amendment 5, which addresses river herring catch and allows for river herring and shad catch caps to be implemented through a framework. This action would allow the Council to set river herring and shad catch caps and associated measures in future years through specifications or frameworks, whichever is appropriate. Catch of river herring and shad includes both bycatch (discards) and incidental catch that is retained.

DATES: Public comments must be received by July 14, 2014.

ADDRESSES: The New England Fishery Management Council developed an environmental assessment (EA) for this action that describes the proposed action and other considered alternatives and provides a thorough analysis of the impacts of the proposed measures and alternatives. Copies of the framework,

the EA, and the Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA), are available upon request from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950. The EA/RIR/IRFA is accessible via the Internet at *http://www.nero.noaa.gov.*

You may submit comments, identified by NOAA–NMFS–2014–0033, by any one of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0033*, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments. Mail: Submit written comments to NOAA Fisheries, Greater Atlantic Regional Fisheries Office, 55 Great Republic Dr, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on Herring Framework 3.''

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Carrie Nordeen, Fishery Policy Analyst, 978–281–9272, fax 978–281–9135.

SUPPLEMENTARY INFORMATION:

Background

The New England Fishery Management Council adopted Framework Adjustment 3 at its September 24, 2013, meeting. The Council submitted Framework 3 to NOAA Fisheries Service (NMFS) for review on January 3, 2014, and resubmitted to NMFS on March 26, 2014.

Framework 3 proposes to establish a process for setting and modifying catch caps for river herring (alewife and blueback) and shad (American and hickory) catch caps in the Atlantic (sea) herring fishery, and would set specific river herring and shad catch caps for the 2014 and 2015 fishing years. Catch of river herring and shad for 2014 would count against the cap in 2014 only after the effective date of a final rule implementing these caps.

River herring and shad are anadromous species that may co-occur seasonally with Atlantic herring and are harvested as a non-target species in the fishery. When river herring are encountered in the herring fishery, they are either discarded at sea (bycatch) or, because they closely resemble herring, they are retained and sold as part of the herring catch (incidental catch). According to the most recent river herring stock assessment (May 2012) conducted by the Atlantic States Marine Fisheries Commission, river herring populations have declined from historic levels and many factors will need to be addressed to allow their recovery, including: Fishing in both state and Federal waters; improvement of river passageways and water quality; reduced predation; and understanding the effects of climate change. The Council has been working on addressing river herring and shad catch issues in the herring fishery, most recently in Herring Amendment 5 (79 FR 8786; February 13, 2014). Framework 3 is consistent with Amendment 5, which allowed for river herring and shad catch caps to be implemented through a framework adjustment. Framework 3 would allow the Council to set river herring and shad catch caps and associated measures in future years through specifications or frameworks, whichever is appropriate.

Framework 3 outlines a process for setting and modifying the river herring and shad catch caps that includes: Identification of gears, areas, and trips that would be subject to the catch caps; changes to reporting requirements for vessels issued limited access and Herring Management Areas 2/3 open access herring permits; criteria that would trigger the closure of an area to directed herring fishing for a particular gear type; and a list of management measures related to setting catch caps that can be modified through the herring specifications process and/or framework adjustment process. This rule uses that process and sets the applicable caps.

Area and Gear Provisions of the River Herring and Shad Catch Caps

Framework 3 proposes four distinct Catch Cap Areas that could have associated catch caps: Gulf of Maine (GOM); Cape Cod (CC); Southern New England/Mid-Atlantic (SNE/MA); and Georges Bank (GB) (Table 1). During a given fishing year, catch of river herring and shad from all herring trips landing more than 6,600 lb (3 mt) of herring would apply against the catch caps for specific fishing gears in one or more of these areas. The Council considered alternatives for catch caps for all gear types used in the herring fishery, but ultimately decided to adopt catch caps for midwater trawl gear in the GOM, CC, and SNE/MA, as well as for bottom trawl gear in SNE/MA. The selection of these gear types in these areas is based on recent fishery data that indicate where river herring and shad interactions are occurring, and to what extent they may be occurring by each gear type used in the herring fishery. Because river herring and shad are not caught by the herring fishery in GB, the Council is not proposing catch caps for GB during 2014–2015. The Council may consider adjustments to the selected gears and areas that have associated catch caps in a future management action.

TABLE 1—RIVER HERRING AND SHAD CATCH CAP AREAS

Catch cap areas	Statistical areas
GOM	511–515.
CC	521.
GB	522, 525–526, 541–543, 561–562, and 640.
SNE/MA	533–534, 537–539, 611–616, 621–629, and 631–639.

Reporting Requirements and Monitoring the River Herring and Shad Catch Caps

This action proposes adjustments to current Vessel Monitoring System (VMS) trip notification requirements in order for NMFS to monitor the catch caps. Vessel operators would have to report kept catch of all species by statistical area daily via VMS catch reports. The Council may consider adjustments to trip notification requirements in the future as necessary to ensure the effectiveness of the catch caps.

In terms of monitoring the catch cap, the Greater Atlantic Regional Fisheries Office would estimate the total river herring and shad catch in the herring fishery using data from observed hauls on herring trips to extrapolate to unobserved herring trips. The rate of river herring and shad catch would be estimated as the ratio of observed river herring and shad catch (including discards) to the kept catch of all species on observed trips that land greater than 6,600 lb (3 mt) of herring. Total river herring and shad catch (in weight) would then be derived by multiplying the catch rate by total pounds of all kept species on all trips that land greater

than 6,600 lb (3 mt) of herring. This methodology is identical to that used for catch cap accounting in the mackerel fishery. More information about our monitoring methodology for the mackerel fishery's river herring and shad catch can be found at *http://www.nero.noaa.gov/sustainable/species/msb/.*

River Herring and Shad Catch Triggers and Closure Areas

This action proposes that when 95 percent of the river herring and shad catch for a gear-specific catch cap is projected to be reached in a Catch Cap Area, all vessels fishing with that gear type in the respective closure area would be subject to a reduced herring possession limit of 2,000 lb (0.9 mt) in or from that area for the remainder of the fishing year. Vessels using other gear types in the closure area would not be affected (i.e., those vessels would not be subject to the 2,000-lb (0.9 mt) possession limit and could continue directed fishing for herring in those areas with other gear types). Vessels participating in the herring fishery outside of the catch cap closure area(s) would be able to use any gear type (consistent with other regulations) until the applicable herring annual catch limits/sub-annual catch limits are harvested. This 95-percent catch trigger is consistent with the trigger implemented for the river herring and shad catch cap in the mackerel fishery (79 FR 18834; April 4, 2014).

The Catch Cap Closure Areas are identical to the Catch Cap Areas for GB, GOM, and CC. For SNE/MA, the catch cap closure area is the inshore portion of the SNE/MA Catch Cap Area (Table 2).

TABLE 2—RIVER HERRING AND SHAD CATCH CAP CLOSURE AREAS

Catch cap closure areas	Statistical areas
GOM	Identical to GOM Cap Catch Area.
CC	Identical to CC Cap Catch Area.
GB	Identical to GB Cap Catch Area.
SNE/MA	533–534, 537–539, 611–616, 621–629, and 631–639.

Modifying Future River Herring and Shad Catch Cap Management Measures

This action proposes the mechanisms to modify measures related to the catch caps. Measures related to the catch cap process that would be established in this framework may be modified in the future through the specifications or framework adjustment process, depending on whether the modification is suitable for either specifications or framework adjustment. New or additional measures (e.g., new accountability measures to become effective when a catch cap is reached), or measures outside the scope already analyzed, would be implemented through another framework action or an amendment.

River Herring and Shad Catch Caps for Fishing Years 2014–2015

This action proposes river herring and shad catch caps for the 2014–2015 fishing years (Table 3). Catch of river herring and shad for 2014 would only be counted after the effective date of a final rule implementing a 2014 catch cap. All the proposed catch caps in the GOM, CC, and SNE/MA Catch Cap Areas are based on the median value of estimated river herring and shad catch from 2008–2012. Current data are not sufficient to definitively determine the potential effects of such a cap on river herring and shad stocks. Using the median values are expected to provide an incentive for the industry to continue to avoid river herring and shad and help to minimize overall river herring and shad catch to the extent practicable, while still providing the opportunity to fully utilize the herring annual catch limit if the fleet can avoid river herring and shad.

TABLE 3—PROPOSED RIVER HERRING AND SHAD CATCH CAPS BY AREA AND GEAR TYPE FOR 2014 AND 2015

Catch cap area	Gear type	Catch cap (metric tons)
GOM	Midwater Trawl	86
CC	Midwater Trawl	13
SNE/MA	Midwater Trawl	124
	Bottom Trawl	89
GB	N/A	N/A

Due to very low observed river herring and shad catch in GB, the Council did not recommend a catch cap in the GB Catch Cap Area for the 2014–2015 fishing years. If the catch of river herring and shad increases in this area, the Council could consider setting a cap for this area in a future herring specifications.

Corrections

This proposed rule also contains minor corrections to existing regulations. NMFS proposes these adjustments under the authority of section 305(d) to the Magnuson-Stevens Act, which provides that the Secretary of Commerce may promulgate regulations necessary to ensure that amendments to a fishery management plan (FMP) are carried out in accordance with the FMP and the Magnuson-Stevens Act. These adjustments, which are identified and described below, are necessary to clarify current regulations or the intent of the FMP, and would not change the intent of any regulations.

NMFS proposes to clarify many the coordinates for the herring management areas, modified haddock stock areas, and river herring monitoring/avoidance areas at § 648.200(f) to more accurately define various areas. For example, some areas are based on groups of defined statistical areas, but the previous coordinates were unintentionally misaligned with those statistical areas. This action updates those coordinates to correctly coincide with the statistical areas upon which they were based. In addition, some area boundaries are being revised to correctly incorporate coastal bodies of water, as well as the legally defined U.S. Canada Maritime boundary. This action also proposes to move the coordinates for the GOM and GB modified haddock stock areas in the regulations from § 648.10 to § 648.200(f) so that all the herring-related management areas are in a single location for easy reference. Finally, this action also proposes to add a possession limit regulation to § 648.204(a) to describe the possession limit requirements of the Areas 2/3 Open Access Permit. This regulation was overlooked during rulemaking for Herring Amendment 5 and is consistent with the intent of that action.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Atlantic Herring FMP; other provisions of the Magnuson-Stevens Act; and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Council prepared an IRFA, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A summary of the analysis follows. A copy of this analysis is available from the Council or NMFS (see **ADDRESSES**) or via the Internet at *http://www.nero.noaa.gov.*

Statement of Objective and Need

This action proposes a process for establishing river herring and shad catch caps in the herring fishery, as well as specific catch caps for the 2014–2015 fishing years. A complete description of the reasons why this action is being considered, and the objectives of and legal basis for this action, are contained in the preamble to this proposed rule and are not repeated here.

Description and Estimate of Number of Small Entities to Which the Rule Will Apply

On June 20, 2013, the Small Business Administration (SBA) issued a final rule revising the small business size standards for several industries effective July 22, 2013 (78 FR 37398). The rule increased the size standard for finfish fishing from $4.0 to $19.0 million, shellfish fishing from $4.0 to $5.0 million, and other marine fishing from $4.0 to $7.0 million.

The proposed action would affect all limited access herring vessels (i.e., category A, B, or C permit). In 2012, there were 94 fishing vessels that had a limited access herring permit. Vessels and/or permits may be owned by entities affiliated by stock ownership, common management, identity of interest, contractual relationships, or economic dependency. For the purpose of this analysis, affiliated ownership entities are determined by those entities with common ownership personnel as listed on permit application documentation. Only permits with identical ownership personnel are categorized as an ownership entity. For example, if five permits have the same seven personnel listed as co-owners on their application paperwork, those seven personnel form one ownership entity, covering those five permits. If one or several of the seven owners also own additional vessels, with different co-owners (i.e., either sub-sets of the original seven personnel or new co-owners), those ownership arrangements are deemed to be separate ownership entities for the purpose of this analysis.

Based on this ownership criterion, NMFS dealer-reported landings data for the last 3 years, and the size standards for finfish and shellfish firms, there are 72 directly regulated small entities and 6 large entities, as defined in section 601 of the RFA. Not all of these permitted firms are active: Only 25 directly regulated small entities and 4 large entities were actively fishing for herring during the last 3 years.

The Office of Advocacy at the SBA suggests considering disproportionality and profitability criteria when determining the significance of regulatory impacts. The disproportionality criterion compares the effects of the regulatory action on small versus large entities (using the SBA-approved size definition of ''small entity''), not the difference between segments of small entities. The impacts of this rule on profits are discussed in greater detail below. However, the changes in profits, costs, and net revenues due to Framework 3 are not expected to be disproportional for small versus large entities as the proposed action will affect all entities, large and small, in a similar manner. As a result, this action would have proportionally similar impacts on revenues and profits of each vessel and each multi-vessel owner compared both to status quo (i.e., FY 2013) and no action levels. Therefore, this action is not expected to have disproportionate impacts or place a substantial number of small entities at a competitive disadvantage relative to large entities. Profitability is described below.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

This action does not contain any new collection-of-information, reporting, recordkeeping, or other compliance requirements. This action does not duplicate, overlap, or conflict with any other Federal rules.

Minimizing Significant Economic Impacts on Small Entities

Proposed Actions

Framework 3 establishes a process for specifying and adjusting annual river herring and shad catch caps, and sets those caps for the 2014 and 2015 fishing years. This action is consistent with the measures adopted in Amendment 5 and may result in positive impacts on fishery participants by reducing bycatch through industry-based initiatives.

Under the proposed river herring and shad catch caps, small entities are expected to experience slight declines in both gross revenues and herring revenues if the catch cap(s) is exceeded. The catch cap can impose costs by triggering a 2,000-lb (0.9 mt) herring possession limit for certain gear types in the four monitoring areas. These are evaluated relative to the status quo in which catch of river herring and shad does not result in any directed fishery closures. Under the status quo, average net operating revenues are predicted to be $21.9 million per year. Under the proposed action, net operating revenues are projected to fall to $20.1 million per year. Therefore, because of the potential closure of portions of the directed herring fishery due to the river herring and shad catch cap, the proposed action may reduce net operating revenue across the fishery by $1.8 million. The reduction in revenue per entity ranges from less than $10,000, to $50,000, depending on the entity's reliance on herring revenue. More specifically, the average reduction in revenue for vessels is estimated to be as follows: $1,600 for vessels earning less than $0.5 million, $6,600 for vessels earning $0.5 million–$1 million, $4,700 for vessels earning $1 million–$2 million, and $18,600 for vessels earning $2 million–$5 million.

To minimize the economic impacts of directed fishery closures, catch caps are divided across various areas. If a catch cap in a given area for a specific gear is reached, the proposed action would close only that area to that gear type. Thus, the proposed catch cap measures avoid closing the directed herring fishery in all areas due to a single catch cap overage. This measure seeks to minimize negative impacts on fishing businesses reliant on gear types subject to directed fishery closures in terms of forgone profits. The extent of these impacts would depend on when an area is closed to directed fishing relative to nearby areas available for directed herring fishing. Further, the catch caps are not likely to preclude herring fishing in all areas and would provide midwater trawl vessels an opportunity to fish in Area 3 (Georges Bank) without a catch cap, thereby potentially mitigating some of the negative impacts.

Limiting catches of river herring and shad has the potential to benefit those species, although the extent of this benefit is unknown because overall abundance information for these species is not available. A benefit to these species is not expected to have an economic effect on the herring fishery, however.

Alternatives to the Proposed Rule

Aside from the proposed action, the Council considered a No Action (status quo) alternative, which would not have implemented a river herring and shad catch cap in the fishery because there is currently no cap in place. This alternative would not have resulted in additional economic or social impacts on the participants of the herring fishery. However, selecting the No Action alternative could affect participants negatively in the future if the catch of river herring and shad is not managed proactively (i.e., more management measures may be necessary in the herring fishery if the stocks of river herring and shad continue to decline).

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: June 6, 2014.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.2, add in alphabetical order the definitions for ''River herring'' and ''Shad'' to read as follows:

§ 648.2 Definitions.

* * * * *

River herring means alewife (*Alosa pseudoharengus*) and blueback herring (*Alosa aestivalis*).

* * * * *

Shad means American shad (*Alosa sapidissima*) and hickory shad (*Alosa mediocris*)

* * * * *

■ 3. In § 648.7, revise introductory paragraph (b)(3)(i) to read as follows:

§ 648.7 Recordkeeping and reporting requirements.

* * * * *

(b) * * *

(3) * * *—(i) *Atlantic herring owners or operators issued a limited access permit or Areas 2/3 open access permit.* The owner or operator of a vessel issued a limited access permit or Areas 2/3 open access permit to fish for herring must report catch (retained and discarded) of herring daily via VMS, unless exempted by the Regional Administrator. The report shall include at least the following information, and any other information required by the Regional Administrator: Fishing Vessel Trip Report serial number; month and day herring was caught; pounds retained for each herring management area; and pounds discarded for each herring management area. Additionally, the estimated total amount of all species retained (in pounds, landed weight) must be reported by statistical area for use in tracking catch against catch caps (haddock, river herring and shad) in the herring fishery. Daily Atlantic herring VMS catch reports must be submitted in 24-hr intervals for each day and must be submitted by 0900 hr (9:00 a.m.) of the following day. Reports are required even if herring caught that day has not yet been landed. This report does not exempt the owner or operator from other applicable reporting requirements of this section.

* * * * *

§ 648.10 [Amended]

■ 4. In § 648.10, paragraph (l) is removed and reserved.

■ 5. In § 648.14, revise paragraph (r)(1)(ii)(B) to read as follows:

§ 648.14 Prohibitions.

* * * * *

(r) * * *

(1) * * *

(ii) * * *

(B) Fish for, possess, transfer, receive, or sell; or attempt to fish for, possess, transfer, receive, or sell; more than 2,000 lb (907.2 kg) of herring per trip; or land, or attempt to land more than 2,000 lb (907.2 kg) of herring per day in or from a management area closed pursuant to § 648.201(a), or with a specific gear type in or from a river herring and shad catch cap closure area closed pursuant to § 648.201(a)(4)(ii) if the vessel has been issued and holds a valid herring permit.

* * * * *

■ 6. In § 648.200, revise introductory paragraph (a), paragraph (f), add paragraphs (b)(6), and (g) to read as follows:

§ 648.200 Specifications.

(a) The Atlantic Herring Plan Development Team (PDT) shall meet at least every 3 years, but no later than July of the year before new specifications are implemented, with the Atlantic States Marine Fisheries Commission's (Commission) Atlantic Herring Plan Review Team (PRT) to develop and recommend the following specifications for a period of 3 years for consideration by the New England Fishery Management Council's Atlantic Herring Oversight Committee: Overfishing Limit (OFL), Acceptable Biological Catch (ABC), Annual Catch Limit (ACL), Optimum yield (OY), domestic annual harvest (DAH), domestic annual processing (DAP), U.S. at-sea processing (USAP), border transfer (BT), the sub-ACL for each management area, including seasonal periods as specified at § 648.201(d) and modifications to sub-ACLs as specified at § 648.201(f), the amount to be set aside for the RSA (from 0 to 3 percent of the sub-ACL from any management area), and river herring and shad catch caps, as specified in § 648.201(a)(4). Recommended specifications shall be presented to the New England Fishery Management Council (Council).

* * * * *

(b) * * *

(6) River herring and shad catch caps may be allocated to the herring fishery by the following: Species, as defined in § 648.2, either separately or combined, area as specified in paragraph (f)(7) of this section, vessel permit, gear type or any combination of these.

* * * * *

(f) *Management areas.* The specifications process establishes sub-ACLs and other management measures for the three management areas, which may have different management measures. Management Area 1 is subdivided into inshore and offshore sub-areas. The management areas are defined as follows:

(1) *Management Area 1 (Gulf of Maine):* All U.S. waters of the Gulf of Maine (GOM) north of a line extending from a point at 41°39′ N. lat, 70°00′ W. long. to 42°53′14.32125″ N. lat., 67°44′33.01613″ W. long., thence northerly along the U.S.-Canada Maritime Boundary to the U.S.-Canadian border, to include state and Federal waters adjacent to the states of Maine, New Hampshire, and Massachusetts. Management Area 1 is divided into Area 1A (inshore) and Area 1B (offshore). The line dividing these areas is described by the following coordinates:

Point	N. latitude	W. longitude	Note
1	41°58′	70°00′	
2	42°38′	70°00′	
3	42°53′	69°40′	
4	43°12′	69°00′	
5	43°40′	68°00′	
6	43°58′16.0314″	67°21′26.157″	(1)

[1] Point 6 falls on the U.S.-Canada Maritime Boundary.

(2) *Management Area 2 (South Coastal Area):* All state and Federal waters inclusive of sounds and bays, bounded on the east by 70°00′ W. long. and the outer limit of the U.S. Exclusive Economic Zone; bounded on the north and west by the southern coastline of Cape Cod, Massachusetts, and the coastlines of Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina; and bounded on the south by a line following the lateral seaward boundary between North Carolina and South Carolina from the coast to the Submerged Lands Act line, approximately 33°48′46.37″ N. lat, 78°29′46.46″ W. long., and then heading due east along 38°48′46.37″ N. lat. to the outer limit of the U.S. Exclusive Economic Zone.

(3) *Management Area 3 (Georges Bank):* All U.S. waters east of 70°00′ W. long. and southeast of the line that runs from a point at 41°39′ N. lat. and 70°00′ W. long., northeasterly to U.S.-Canada Maritime Boundary at 42°53′14.32125″ N. lat., 67°44′33.01613″ W. long.

(4) *River Herring Monitoring/Avoidance Areas*—(i) *January–February River Herring Monitoring/Avoidance Areas.* The January–February River Herring Monitoring/Avoidance Areas include four sub-areas. Each sub-area includes the waters bounded by the coordinates below, connected in the order listed by straight lines unless otherwise noted.

(A) January–February River Herring Monitoring/Avoidance Sub-Area 1.

Point	N. latitude	W. longitude
JF1A	43°00′ N.	71°00′ W.
JF1B	43°00′ N.	70°30′ W.
JF1C	42°30′ N.	70°30′ W.
JF1D	42°30′ N.	71°00′ W.
JF1A	43°00′ N.	71°00′ W.

(B) January–February River Herring Monitoring/Avoidance Sub-Area 2.

Point	N. latitude	W. longitude
JF2A	42°00′ N.	70°00′ W.
JF2B	42°00′ N.	69°30′ W.
JF2C	41°30′ N.	69°30′ W.
JF2D	41°30′ N.	70°00′ W.
JF2A	42°00′ N.	70°00′ W.

(C) January–February River Herring Monitoring/Avoidance Sub-Area 3.

Point	N. latitude	W. longitude	Note
JF3A	41°30′ N.	72°00′ W.	
JF3B	41°30′ N.	71°00′ W.	
JF3C	40°30′ N.	71°00′ W.	
JF3D	40°30′ N.	72°30′ W.	
JF3E	(1)	72°30′ W.	(3)
JF3F	(2)	72°00′ W.	(3)
JF3A	41°30′ N.	72°00′ W.	

1 The southernmost shoreline of Long Island, New York.
2 The north-facing shoreline of Long Island, New York.
3 Points JF3E and JF3F are connected following the coastline of the south fork of eastern Long Island, New York.

(D) January–February River Herring Monitoring/Avoidance Sub-Area 4.

Point	N. latitude	W. longitude	Note
JF4A	40°30′ N.	74°00′ W.	
JF4B	40°30′ N.	72°30′ W.	
JF4C	40°00′ N.	72°30′ W.	
JF4D	40°00′ N.	72°00′ W.	
JF4E	39°30′ N.	72°00′ W.	
JF4F	39°30′ N.	73°30′ W.	
JF4G	40°00′ N.	73°30′ W.	
JF4H	40°00′ N.	74°00′ W.	(4)
JF4A	40°30′ N.	74°00′ W.	(4)

4 Points JF4H and JF4A are connected following 74° W. longitude and the easternmost shoreline of New Jersey, whichever is furthest east.

(ii) *March–April River Herring Monitoring/Avoidance Areas.* The March–April River Herring Monitoring/Avoidance Areas include five sub-areas. Each sub-area includes the waters bounded by the coordinates below, connected in the order listed by straight lines unless otherwise noted.

(A) March–April River Herring Monitoring/Avoidance Sub-Area 1.

Point	N. latitude	W. longitude
MA1A	43°00′ N.	71°00′ W.
MA1B	43°00′ N.	70°30′ W.
MA1C	42°30′ N.	70°30′ W.
MA1D	42°30′ N.	71°00′ W.
MA1A	43°00′ N.	71°00′ W.

(B) March–April River Herring Monitoring/Avoidance Sub-Area 2.

Point	N. latitude	W. longitude
MA2A	42°00′ N.	70°00′ W.
MA2B	42°00′ N.	69°30′ W.
MA2C	41°30′ N.	69°30′ W.
MA2D	41°30′ N.	70°00′ W.
MA2A	42°00′ N.	70°00′ W.

(C) March–April River Herring Monitoring/Avoidance Sub-Area 3.

Point	N. latitude	W. longitude	Note
MA3A	41°00′ N.	(1)	
MA3B	41°00′ N.	71°00′ W.	
MA3C	40°30′ N.	71°00′ W.	
MA3D	40°30′ N.	71°30′ W.	
MA3E	40°00′ N.	71°30′ W.	
MA3F	40°00′ N.	72°30′ W.	
MA3G	(2)	72°30′ W.	(3)

Point	N. latitude	W. longitude	Note
MA3A	41°00′ N.	(1)	(3)

1 The easternmost shoreline of Long Island, New York.
2 The southernmost shoreline of Long Island, New York.
3 Points MA3G and MA3A are connected following the southern shoreline of Long Island, New York.

(D) March–April River Herring Monitoring/Avoidance Sub-Area 4.

Point	N. latitude	W. longitude
MA4A	40°00′ N.	73°30′ W.
MA4B	40°00′ N.	72°30′ W.
MA4C	39°00′ N.	72°30′ W.
MA4D	39°00′ N.	73°30′ W.

Point	N. latitude	W. longitude
MA4A	40°00′ N.	73°30′ W.

(E) March–April River Herring Monitoring/Avoidance Sub-Area 5.

Point	N. latitude	W. longitude	Note
MA5A	40°30′ N.	74°00′ W.	
MA5B	40°30′ N.	73°30′ W.	
MA5C	40°00′ N.	73°30′ W.	
MA5D	40°00′ N.	74°00′ W.	(4)
MA5A	40°30′ N.	74°00′ W.	(4)

4 Points MA5D and MA5A are connected following 74° W. longitude and the easternmost shoreline of New Jersey, whichever is furthest east.

(iii) *May–June River Herring Monitoring/Avoidance Areas.* The May–June River Herring Monitoring/Avoidance Areas include two sub-areas. Each sub-area includes the waters bounded by the coordinates below, connected in the order listed by straight lines unless otherwise noted.

(A) May–June River Herring Monitoring/Avoidance Sub-Area 1.

Point	N. latitude	W. longitude
MJ1A	44°00′ N.	69°30′ W.
MJ1B	44°00′ N.	69°00′ W.
MJ1C	43°30′ N.	69°00′ W.
MJ1D	43°30′ N.	69°30′ W.
MJ1A	44°00′ N.	69°30′ W.

(B) May–June River Herring Monitoring/Avoidance Sub-Area 2.

Point	N. latitude	W. longitude
MJ2A	42°00′ N.	70°00′ W.
MJ2B.	42°00′ N.	69°30′ W.
MJ2C	41°30′ N.	69°30′ W.
MJ2D	41°30′ N.	70°00′ W.
MJ2A	42°00′ N.	70°00′ W.

(iv) *July–August River Herring Monitoring/Avoidance Areas.* The July–August River Herring Monitoring/Avoidance Areas include two sub-areas. Each sub-area includes the waters bounded by the coordinates below, connected in the order listed by straight lines unless otherwise noted.

(A) July–August River Herring Monitoring/Avoidance Sub-Area 1.

Point	N. latitude	W. longitude	Note
JA1A	44°00′ N.	70°00′ W.	
JA1B	44°00′ N.	69°30′ W.	
JA1C	43°00′ N.	69°30′ W.	
JA1D	43°00′ N.	70°00′ W.	(1)
JA1A	44°00′ N.	70°00′ W.	(1)

1 The boundary from Points JA1D to JA1A excludes the portions Maquoit Bay and Middle Bay (Brunswick, ME) east of 70°00′ W.

(B) July–August River Herring Monitoring/Avoidance Sub-Area 2.

Point	N. latitude	W. longitude
JA2A	44°00′ N.	69°00′ W.
JA2B	44°00′ N.	68°30′ W.
JA2C	43°30′ N.	68°30′ W.
JA2D	43°30′ N.	69°00′ W.
JA2A	44°00′ N.	69°00′ W.

(v) *September–October River Herring Monitoring/Avoidance Areas.* The September–October River Herring Monitoring/Avoidance Areas include two sub-areas. Each sub-area includes the waters bounded by the coordinates below, connected in the order listed by straight lines unless otherwise noted.

(A) September–October River Herring Monitoring/Avoidance Sub-Area 1.

Point	N. latitude	W. longitude	Note
SO1A	44°30′ N.	68°00′ W.	
SO1B	44°30′ N.	(1)	(2)
SO1C	44°00′ N.	(3)	(2)
SO1D	44°00′ N.	68°00′ W.	
SO1A	44°30′ N.	68°00′ W.	

1 The intersection of 44°30′ N. and the U.S.-Canada Maritime Boundary.
2 Point SO1B and Point SO1C are connected along the U.S.-Canada Maritime Boundary.
3 The intersection of 44°00′ N. and the U.S.-Canada Maritime Boundary.

(B) September–October River Herring Monitoring/Avoidance Sub-Area 2.

Point	N. latitude	W. longitude
SO2A	43°00′ N.	71°00′ W.
SO2B	43°00′ N.	70°30′ W.
SO2C	42°30′ N.	70°30′ W.
SO2D	42°30′ N.	71°00′ W.
SO2A	43°00′ N.	71°00′ W.

(vi) *November–December River Herring Monitoring/Avoidance Areas.* The November–December River Herring Monitoring/Avoidance Areas include two sub-areas. Each sub-area includes the waters bounded by the coordinates below, connected in the order listed by straight lines unless otherwise noted.

(A) November–December River Herring Monitoring/Avoidance Sub-Area 1.

Point	N. latitude	W. longitude	Note
ND1A	43°00′ N.	71°00′ W.	
ND1B	43°00′ N.	70°00′ W.	
ND1C	42°00′ N.	70°00′ W.	
ND1D	42°00′ N.	69°30′ W.	
ND1E	41°30′ N.	69°30′ W.	
ND1F	41°30′ N.	70°00′ W.	
ND1G	(1)	70°00′ W.	(3)
ND1H	42°00′ N.	(2)	(3)
ND1I	42°00′ N.	70°30′ W.	
ND1J	42°30′ N.	70°30′ W.	
ND1K	42°30′ N.	71°00′ W.	
ND1A	43°00′ N.	71°00′ W.	

1 The south-facing shoreline of Cape Cod, Massachusetts.
2 The west-facing shoreline of Cape Cod, Massachusetts.
3 Point ND1G and ND1H are connected following the coastline of Cape Cod, Massachusetts.

(B) November–December River Herring Monitoring/Avoidance Sub-Area 2.

Point	N. latitude	W. longitude
ND2A	41°30′ N.	72°00′ W.
ND2B	41°30′ N.	70°00′ W.
ND2C	40°30′ N.	70°00′ W.
ND2D	40°30′ N.	70°30′ W.
ND2E	41°00′ N.	70°30′ W.
ND2F	41°00′ N.	72°00′ W.
ND2A	41°30′ N.	72°00′ W.

(5) *Gulf of Maine Modified Haddock Stock Area.* The Gulf of Maine Modified Haddock Stock Area is composed of the portions of Greater Atlantic Region Statistical Areas #464, #465, #511, #512, #513, #514, and #515 in U.S. waters, and is defined by the following points connected in the order listed by straight lines unless otherwise noted:

Point	N. latitude	W. longitude	Note
A	(1)	67°00′ W.	
B	(2)	67°00′ W.	(3)
C	42°20′ N.	(4)	(3)
D	42°20′ N.	70°00′ W.	
E	(5)	70°00′ W.	(6)
A	(1)	67°00′ W.	(6)

1 The intersection of 67°00′ W. longitude and the southern coast of Maine.
2 The intersection of 67°00′ W. longitude and the U.S.-Canada Maritime Boundary.
3 From POINT B to POINT C along the U.S.-Canada Maritime Boundary.
4 The intersection of 42°20′ N latitude and the U.S.-Canada Maritime Boundary.
5 The intersection of 70°00′ W. longitude and the northeast-facing shoreline of Cape Cod, Massachusetts.
6 From POINT E back to POINT A along the coastline of the United States.

(6) *Georges Bank Modified Haddock Stock Area.* The Georges Bank Modified Haddock Stock Area is composed of Greater Atlantic Region Statistical Areas #521, #522, #525, #526, #561, and #562, and is defined by bounded by the following points connected in the order listed by straight lines unless otherwise noted:

Point	N. latitude	W. longitude	Note
A	42°20′ N.	70°00′ W.	
B	42°20′ N.	(1)	(2)
C	40°30′ N.	(3)	(2)
D	40°30′ N.	66°40′ W.	
E	39°50′ N.	66°40′ W.	
F	39°50′ N.	70°00′ W.	(4)
A	42°20′ N.	70°00′ W.	(4)

1 The intersection of 42°20′ N. latitude and the U.S.-Canada Maritime Boundary.
2 From POINT B to POINT C following the U.S.-Canada Maritime Boundary.
3 The intersection of 40°30′ N. latitude and the U.S.-Canada Maritime Boundary.
4 From POINT F back to POINT A along 70°00′ W. longitude and the coastlines of Nantucket Island and mainland Cape Cod, Massachusetts, whichever is further east.

(7) *River herring and shad catch cap areas*—(i) *Gulf of Maine Catch Cap Area.* The Gulf of Maine Catch Cap Area is composed of the portions of Greater Atlantic Region Statistical Areas #464, #465, #467, #511, #512, #513, #514, and #515 in U.S. waters. The Gulf of Maine Catch Cap Area is bounded on the west by the coastline of the United States, bounded on the east by the U.S.-Canada Maritime Boundary, and bounded on the south by the following coordinates connected by straight lines in the order listed:

Point	N. latitude	W. longitude
A	(1)	70°00′ W.
B	42°20′ N.	70°00′ W.
C	42°20′ N.	(2)

[1] The intersection of 70°00′ W. longitude and the northwest facing shoreline of Cape Cod, Massachusetts.

[2] The intersection of 42°00′ N. latitude and the U.S.-Canada Maritime Boundary.

(ii) *Cape Cod Catch Cap Area.* The Cape Cod Catch Cap Area is composed of Greater Atlantic Region Statistical Area #521, and is defined by bounded by the following points connected in the order listed by straight lines unless otherwise noted:

Point	N. latitude	W. longitude	Note
A	(1)	70°00′ W.	
B	42°20′ N.	70°00′ W.	
C	42°20′ N.	68°50′ W.	
D	41°00′ N.	68°50′ W.	
E	41°00′ N.	69°30′ W.	
F	41°10′ N.	69°30′ W.	
G	41°10′ N.	69°50′ W.	
H	41°20′ N.	69°50′ W.	
I	41°20′ N.	(2)	(3)
J	(4)	70°00′ W.	(3)
K	(5)	70°00′ W.	(6)
A	(1)	70°00′ W.	(6)

[1] The intersection of 70°00′ W. longitude and the northeast-facing shoreline of Cape Cod, Massachusetts.
[2] The intersection of 41°20′ N. latitude and the northeast-facing shoreline of Nantucket Island.
[3] From Point I to Point J along the northeast-facing shoreline of Nantucket Island.
[4] The intersection of 70°00′ W. longitude and the northeast-facing shoreline of Nantucket Island.
[5] The intersection of 70°00′ W. longitude and the south-facing shoreline of mainland Cape Cod, Massachusetts.
[6] From Point K to Point A along the east-facing shoreline of Cape Cod, Massachusetts.

(iii) *Georges Bank Catch Cap Area.* The Georges Bank Catch Cap Area is composed of the portions of Greater Atlantic Region Statistical Areas #522, #525, #526, #541, #542, #543, #561, #562, and #640 in US waters, and is defined by the following points, connected in the order listed by straight lines unless otherwise noted:

Point	N. latitude	W. longitude	Note
A	(1)	70°00′ W.	
B	(2)	70°00′ W.	(3)
C	41°20′ N.	(4)	(3)
D	41°20′ N.	69°50′ W.	
E	41°10′ N.	69°50′ W.	
F	41°10′ N.	69°30′ W.	
G	41°00′ N.	69°30′ W.	
H	41°00′ N.	68°50′ W.	
I	42°20′ N.	68°50′ W.	
J	42°20′ N.	(5)	(6)
A	(1)	70°00′ W.	(6)

[1] The intersection of 70°00′ W. longitude and the outer limit of the U.S. Exclusive Economic Zone.
[2] The intersection of 70°00′ W. longitude and the south-facing shoreline of Nantucket Island.
[3] From Point B to Point C along the south- and east-facing shorelines of Nantucket Island.
[4] The intersection of 41°20′ N. latitude and the northeast-facing shoreline of Nantucket Island.
[5] The intersection of 42°20′ N. latitude and the U.S.-Canada Maritime Boundary.
[6] From Point J back to Point A along the U.S.-Canada Maritime Boundary and the outer limit of the U.S. Exclusive Economic Zone.

(iv) *Southern New England/Mid-Atlantic Catch Cap Area.* The coordinates of this area are the same as Management Area 2 (South Coastal Area), as specified in paragraph (f)(2) of this section.

(8) *River herring and shad catch cap closure areas—(i) Gulf of Maine Catch Cap Closure Area.* The coordinates of this area are the same as the Gulf of Maine Catch Cap Area, as specified in paragraph (f)(7)(i) of this section.

(ii) *Cape Cod Catch Cap Closure Area.* The coordinates of this area are the same as the Cape Cod Catch Cap Area, as specified in paragraph (f)(7)(ii) of this section.

(iii) *Georges Bank Catch Cap Closure Area.* The coordinates of this area are the same as the Georges Bank Catch Cap Area, as specified in paragraph (f)(7)(iii) of this section.

(iv) *Southern New England/Mid-Atlantic Catch Cap Closure Area.* The Southern New England/Mid-Atlantic Catch Cap Closure Area is composed of the portions of Greater Atlantic Region Statistical Areas #537, #538, #539, #611, #612, #613, #614, #615, #616, #621, #622, #623, #625, #626, #627, #631, #632, #635, and #636 in US waters, and is defined by the following coordinates, connected by straight lines in the order listed unless otherwise noted:

Point	N. latitude	W. longitude	Note
A	35°00′ N.	(1)	
B	35°00′ N.	74°00′ W.	
C	37°00′ N.	74°00′ W.	
D	37°00′ N.	73°00′ W.	
E	38°00′ N.	73°00′ W.	
F	38°00′ N.	72°00′ W.	
G	39°00′ N.	72°00′ W.	
H	39°00′ N.	71°40′ W.	
I	39°50′ N.	71°40′ W.	
J	39°50′ N.	70°00′ W.	
K	(2)	70°00′ W.	(3)
A	35°00′ N.	(1)	(3)

[1] The intersection of 35°00′ N. latitude and the mainland shoreline of North Carolina.
[2] The intersection of 70°00′ W. longitude and the south-facing shoreline of mainland Cape Cod, Massachusetts.
[3] From Point K back to Point A along the mainland shoreline of the United States.

(g) All aspects of the following measures can be modified through the specifications process:

(1) AMs;

(2) Possession limits;

(3) River Herring Monitoring/Avoidance Areas; and

(4) River herring and shad catch caps, including a joint catch cap with the Mid-Atlantic Fishery Management Council.

■ 7. In § 648.201 revise paragraphs (a)(2) and (e) and add paragraph (a)(4) to read as follows:

§ 648.201 AMs and harvest controls.

(a) * * *

(2) When the Regional Administrator has determined that the GOM and/or GB incidental catch cap for haddock in § 648.85(d) has been caught, no vessel issued a Federal Atlantic herring permit and fishing with midwater trawl gear in the applicable Accountability Measure (AM) Area, i.e., the Herring GOM Haddock AM Area or Herring GB Haddock AM Area, as defined in § 648.86(a)(3)(ii)(A)(*2*) and (*3*) of this part, may fish for, possess, or land herring in excess of 2,000 lb (907.2 kg) per trip in or from the applicable AM Area, and from landing herring more than once per calendar day, unless all herring possessed and landed by a vessel were caught outside the applicable AM Area and the vessel complies with the gear stowage provisions specified in § 648.23(b) while transiting the applicable AM Area. Upon this determination, the haddock possession limit is reduced to 0 lb (0 kg) in the applicable AM area, for a vessel issued a Federal Atlantic herring permit and fishing with midwater trawl gear or for a vessel issued an All Areas Limited Access Herring Permit and/or an Areas 2 and 3 Limited Access Herring Permit fishing on a declared herring trip, regardless of area fished or gear used, in the applicable AM area, unless the vessel also possesses a Northeast multispecies permit and is operating on a declared (consistent with § 648.10(g)) Northeast multispecies trip.

* * * * *

(4) *River herring and shad catch cap.* (i) The river herring and shad catch cap on the herring fishery applies to all trips that land more than 6,600 lb (3 mt) of herring. Caps by gear and by area shall be established through the specifications process described in § 648.201.

(ii) If NMFS projects that catch will reach 95 percent of a specific catch cap for specified gear applicable to an area specified in § 648.200(f)(7), NMFS shall prohibit vessels, beginning on the date the catch is projected to reach 95 percent of the catch cap, from fishing for, possessing, catching, transferring, or landing more than 2,000 lb (907.2 kg) of Atlantic herring per trip using the applicable gear in the applicable catch cap closure area, specified in § 648.200(f)(8), and from landing herring more than once per calendar day, except as provided in paragraphs (b) and (c) of this section, for the remainder of the fishing year. NMFS shall implement these restrictions in accordance with the APA.

* * * * *

(e) Up to 500 mt of the Area 1A sub-ACL shall be allocated for the fixed gear fisheries in Area 1A (weirs and stop seines) that occur west of 67°16.8′ W. long (Cutler, Maine). This set-aside shall be available for harvest by fixed gear within the specified area until November 1 of each fishing year. Any portion of this allocation that has not been utilized by November 1 shall be restored to the sub-ACL allocation for Area 1A.

* * * * *

■ 8. In § 648.204, revise paragraph (a) to read as follows:

§ 648.204 Possession restrictions.

(a) A vessel must be issued and possess a valid limited access herring permit to fish for, possess, or land more than 6,600 lb (3 mt) of Atlantic herring from any herring management area in the EEZ, provided none of the harvest controls specified in § 648.201 have been triggered.

(1) A vessel issued an All Areas Limited Access Herring Permit may fish for, possess, or land Atlantic herring with no possession restriction from any of the herring management areas defined in § 648.200(f), provided none of the accountability measure or harvest controls specified in § 648.201 have been triggered.

(2) A vessel issued only an Areas 2 and 3 Limited Access Herring Permit may fish for, possess, or land Atlantic herring with no possession restriction only from Area 2 or Area 3, as defined in § 648.200(f), provided none of the accountability measure or harvest controls specified in § 648.201 have been triggered. Such a vessel may fish in Area 1 only if issued an open access herring permit or a Limited Access Incidental Catch Herring Permit, and only as authorized by the respective permit.

(3) A vessel issued a Limited Access Incidental Catch Herring Permit may fish for, possess, or land up to 55,000 lb (25 mt) of Atlantic herring in any calendar day, and is limited to one landing of herring per calendar day, from any management area defined in § 648.200(f), provided none of the accountability measure or harvest controls specified in § 648.201 have been triggered.

(4) A vessel issued an All Areas Open Access Permit may fish for, possess, or land up to 6,600 lb (3 mt) of Atlantic herring from any herring management area per trip, and is limited to one landing of herring per calendar day, provided none of the accountability measure or harvest controls specified in § 648.201 have been triggered.

(5) A vessel issued an Areas 2/3 Open Access Permit may fish for, possess, or

land up to 20,000 lb (9 mt) of Atlantic herring from only Area 2 or Area 3, as defined in § 648.200(f), per trip, and is limited to one landing of herring per calendar day, provided none of the accountability measure or harvest controls specified in § 648.201 have been triggered.

(6) A vessel issued a herring permit may possess herring roe provided that the carcasses of the herring from which it came are not discarded at sea.

* * * * *

■ 9. In § 648.206, revise paragraphs (b)(36) and (b)(37) and add paragraph (b)(38) i to read as follows:

§ 648.206 Framework provisions.

* * * * *

(b) * * *

(36) River herring and shad catch caps, including species-specific caps, and vessels, permits, trips, gears, and areas to which caps apply;

(37) River herring and shad Catch Cap Areas and Catch Cap Closure Areas; and

(38) Any other measure currently included in the FMP.

* * * * *

[FR Doc. 2014–13611 Filed 6–12–14; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

RIN 0648–BD23

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Management Area; Amendment 105

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

ACTION: Notification of availability of fishery management plan amendment; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) submitted Amendment 105 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP) to the Secretary of Commerce (Secretary) for review. If approved, Amendment 105 would establish a process for Western Alaska Community Development Quota (CDQ) groups and cooperatives established under the Amendment 80 Program (Amendment 80 cooperatives) to exchange harvest quota from one of three flatfish species (flathead sole, rock sole, and yellowfin sole) for an equal amount of another of these three flatfish species, while maintaining total catch below acceptable biological catch (ABC) limits for each species and below the sum of the total allowable catches (TACs) for all three species. This action would modify the annual harvest specification process to allow the Council to establish the maximum amount of flathead sole, rock sole, and yellowfin sole that may be exchanged based on social, economic, or biological considerations. This action is necessary to mitigate the operational variability, environmental conditions, and economic factors that may constrain the CDQ groups and Amendment 80 cooperatives from achieving, on a continuing basis, the optimum yield (OY) in the Bering Sea and Aleutian Islands Management Area (BSAI) groundfish fisheries. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, BSAI FMP, and other applicable laws.

DATES: Comments on the amendment must be received on or before August 12, 2014.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2013–0074, by any of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docket Detail;D=NOAA-NMFS-2013-0074,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments
- Mail: Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All Personal Identifying Information (for example, name, address) confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Electronic copies of Amendment 105 to the BSAI FMP, the Regulatory Impact Review (RIR), Initial Regulatory Flexibility Analysis (IRFA), and the Categorical Exclusion prepared for this action (collectively the ''Analysis''), the supplemental information report prepared for the final 2014 and 2015 harvest specifications (Harvest Specifications Supplemental Information Report (SIR)), and the Alaska Groundfish Harvest Specifications Final Environmental Impact Statement (Harvest Specifications EIS) may be obtained from *http://www.regulations.gov* or from the NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Seanbob Kelly, 907–586–7228.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) in section 304(a) requires that each regional fishery management council submit an amendment to a fishery management plan to NMFS for review and approval, disapproval, or partial approval by the Secretary. The Magnuson-Stevens Act in section 304(a) also requires that the Secretary, upon receiving an amendment to a fishery management plan, immediately publish a notice in the **Federal Register** announcing that the amendment is available for public review and comment. The Council has submitted Amendment 105 to the FMP to the Secretary for review. This document announces that proposed Amendment 105 to the BSAI FMP is available for public review and comment.

The groundfish fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands Management Area (BSAI) are managed under the BSAI FMP. The BSAI FMP was prepared by the Council under the Magnuson-Stevens Act. The RIR prepared for this action contains a complete description of the alternatives and a comparative analysis of the potential impacts of the alternatives (see **ADDRESSES**).

Amendment 105 is intended to provide additional harvest opportunities to CDQ groups and Amendment 80 cooperatives participating in the BSAI flatfish fisheries. As proposed, Amendment 105 would maximize catch, retention, and utilization of flathead sole, rock sole, and yellowfin sole while maintaining catch at, or below, the ABC. Amendment 105 is intended to result in higher retention and utilization of

groundfish without increasing overall bycatch of groundfish or non-groundfish species beyond existing limitations. Amendment 105 would amend the BSAI FMP to incorporate changes in the annual harvest specifications process used by the Council and NMFS to set annual catch limits described in greater detail in the following paragraphs.

Annually at the December Council meeting, the Council adopts the overfishing levels (OFLs) and ABC limits for BSAI flatfish as part of the harvest specifications process. The Council also recommends TACs at this meeting. The TAC is the annual catch target for a species or species group, derived from the ABC by considering social and economic factors and management uncertainty. The BSAI FMP requires that the TAC must be set lower than or equal to the ABC. The BSAI FMP requires the sum of the TACs in all BSAI groundfish fisheries to be set within a range from 1.4 to 2 million metric tons (mt). Pursuant to the BSAI FMP, the Council may recommend TACs that are lower than the ABCs if setting TACs equal to ABCs would cause TACs to exceed 2 million mt. In addition, a statutory provision requires that ''[t]he optimum yield for groundfish in the Bering Sea and Aleutian Islands Management Area shall not exceed 2 million metric tons'' (See section 803(c) of Pub. L. No. 108–199). NMFS complies with this law by limiting the sum of the TACs for all BSAI groundfish to 2 million mt.

Flathead sole, rock sole, and yellowfin sole are valuable flatfish species that are not fully harvested due to a variety of statutory and regulatory constraints on the setting of TAC limits and operational, economic, and environmental limitations described in more detail in the Analysis prepared for this action (See **ADDRESSES**). Typically, flatfish TACs are set below the ABC to ensure that the sum of the TACs do not exceed the statutory 2 million mt OY for the BSAI groundfish fisheries and to provide harvest opportunity for other valuable groundfish fisheries.

NMFS assigns CDQ groups and Amendment 80 cooperatives exclusive harvest privileges for flathead sole, rock sole, and yellowfin sole on an annual basis. The CDQ groups are assigned CDQ allocations, and the Amendment 80 cooperatives are assigned cooperative quota (CQ). CDQ groups are assigned CDQ allocations for flathead sole, rock sole, and yellowfin sole based on provisions in section 305(i) of the Magnuson-Stevens Act. Amendment 80 cooperatives are assigned CQ for flathead sole, rock sole, and yellowfin sole in proportion to the total amount of Amendment 80 QS assigned to that Amendment 80 cooperative for that species. Regulations prohibit CDQ groups and Amendment 80 cooperatives from exceeding a CDQ or CQ allocation.

In this mixed species fishery, operators target certain species of flatfish but also take a variety of species incidentally. The composition of groundfish species taken in the BSAI flatfish fisheries varies by season and by fishing year. Both Amendment 80 cooperatives and vessels fishing CDQ allocations are affected by the same uncertain operational conditions (e.g., difficult to predict harvest rates of flatfish in target and non-target fisheries), unpredictable environmental conditions, and uncertain market conditions that can limit harvest.

Although a broad range of non-regulatory arrangements and regulatory measures have been implemented to aid in the more complete harvesting of flathead sole, rock sole, and yellowfin sole CDQ and CQ, these measures have limited utility to address the range of conditions that can constrain harvest. The fact that harvests of flathead sole, rock sole, and yellowfin sole are substantially below the available CDQ or CQ allocations indicates that existing management measures may not provide the flexibility needed to allow more complete harvest.

The objective of proposed Amendment 105 is to provide CDQ groups and Amendment 80 cooperatives with additional opportunities to fully harvest flathead sole, rock sole, or yellowfin sole allocations, while ensuring that biological limits are not exceeded. As proposed, Amendment 105 would allow CDQ groups and Amendment 80 cooperatives to apply to NMFS to exchange a portion of their unused annual allocations of one or two flatfish species for an equal amount of another flatfish species (i.e. a Flatfish Exchange).

As proposed, Amendment 105 would amend the BSAI FMP to define an ABC surplus for flathead sole, rock sole, and yellowfin sole as the difference between each species' annual ABC and TAC. The ABC surplus would represent the maximum additional amount of flathead sole, rock sole or yellowfin sole that could be harvested above the TAC. Amendment 105 would also amend the BSAI FMP to define an ABC reserve for flathead sole, rock sole, and yellowfin sole as the ABC surplus that may be reduced for social, economic, or ecological considerations during the determination of the annual harvest specifications. Amendment 105 would amend the BSAI FMP to clarify that the Council would specify the ABC surplus, and determine the ABC reserve for flathead sole, rock sole, and yellowfin sole each year in the annual specifications process. Amendment 105 would amend the BSAI FMP to specify that the ABC reserve would be apportioned to CDQ groups and Amendment 80 cooperatives. Amendment 105 would amend the BSAI FMP to specify that the CDQ groups would receive 10.7 percent of the ABC reserve for each species of flathead sole, rock sole, and yellowfin sole, and that each species would be allocated among the six CDQ groups based on current allocation schedules established in sections 305(i)(1)(B) and (C) of the Magnuson-Stevens Act. Amendment 105 would amend the BSAI FMP to specify that each Amendment 80 cooperative would be allocated an amount of the ABC reserve for flathead sole, rock sole, and yellowfin sole remaining after allocation to the CDQ groups, and that each species would be allocated in proportion to each Amendment 80 cooperative's share of flathead sole, rock sole, and yellowfin sole Amendment 80 QS.

Amendment 105 would amend the BSAI FMP to require a CDQ group or an Amendment 80 cooperative to submit an application for NMFS' approval in order to exchange unused CDQ or CQ for a portion of its CDQ ABC reserve or Amendment 80 ABC reserve. Amendment 105 would amend the BSAI FMP to limit each CDQ groups or Amendment 80 cooperative to no more than three exchanges of CDQ or CQ for a portion of its CDQ ABC reserve or Amendment 80 ABC reserve.

Amendment 105 is not intended to completely resolve the complex issues that have constrained the CDQ groups and Amendment 80 cooperatives from fully harvesting their flatfish allocations. As proposed, Amendment 105 is intended to provide the flexible management necessary to mitigate a diverse range of conditions that may limit harvest of flathead sole, rock sole, and yellowfin sole. Amendment 105 would provide participants with additional tools to address the regulatory, economic, and environmental challenges to fully harvest the exclusive harvest allocations in these multi-species fisheries.

The proposed modifications to the BSAI FMP under Amendment 105 are appropriate given the fact that CDQ groups and Amendment 80 cooperatives are participating in catch share fisheries that are capable of limiting their overall harvests within specific catch limits. CDQ groups and Amendment 80 cooperatives are subject to strict management controls that would

maintain total catch below ABC limits for flathead sole, rock sole, and yellowfin sole and below the sum of the TACs for all three species.

Public comments are being solicited on proposed Amendment 105 to the BSAI FMP through the end of the comment period (see **DATES**). NMFS intends to publish this action in the **Federal Register** and seek public comment on a proposed rule that would implement Amendment 105, following NMFS' evaluation of the proposed rule under the Magnuson-Stevens Act. Public comments on the proposed rule must be received by the end of the comment period for Amendment 105 to be considered in the approval/disapproval decision on Amendment 105. All comments received by the end of the comment period on Amendment 105, whether specifically directed to the BSAI FMP amendment or the proposed rule will be considered in the FMP approval/disapproval decision. Comments received after that date will not be considered in the approval/disapproval decision on the amendment. To be considered, comments must be received, not just postmarked or otherwise transmitted, by the close of business on the last day of the comment period.

Authority: 16 U.S.C. 773 et seq., 1801 et seq., 3631 et seq.; and Pub. L. 108–447.

Dated: June 10, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–13855 Filed 6–12–14; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 79, No. 114
Friday, June 13, 2014

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 10, 2014.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC; New Executive Office Building, 725 17th Street NW., Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602.

Comments regarding these information collections are best assured of having their full effect if received by July 14, 2014. Copies of the submission(s) may be obtained by calling (202) 720–8681.

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

Agricultural Marketing Service

Title: Christmas Tree Promotion, Research, and Information Order.

OMB Control Number: 0581–0268.

Action: Reinstatement without Change of a Previously Approved Collection for which approval has expired.

Summary of Collection: A Christmas Tree Promotion, Research and Information Order created under the Commodity Promotion, Research, and Information Act of 1996 (Pub. L. 104–127, 110 Stat. 1032, April 4, 1996, 7 U.S.C. 744–7425) requires collection of information to carry out the program. The program includes projects relating to research, information, advertising, sales promotion, market development and production research to assist, improve, or promote the marketing, distribution, competitive position and stimulate sales of Christmas trees.

Need and Use of the Information: The Christmas tree program will be administered by the Christmas Tree Promotion Board appointed by the Secretary of Agriculture and financed by a mandatory assessment on producers and importers of fresh cut Christmas trees. The program will provide for an exemption for producers and importers that cut and sell or import fewer than 500 Christmas trees annually. The forms covered under this collection require the minimum information necessary to effectively carry out the requirements of the program, and their use is essential to carry out the intent of the Order.

Description of Respondents: Producers and Importers.

Number of Respondents: 12,455.

Frequency of Responses: Reporting: Annually; recordkeeping.

Total Burden Hours: 10,701.

Agricultural Marketing Service

Title: Generic Information Collection and Clearance of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 0581–0269.

Summary of Collection: Executive Order 12862 directs Federal agencies to provide service to the public that matches or exceeds the best service available in the private sector. Improving Agricultural Marketing Service (AMS) programs requires ongoing assessment of service delivery, by which we mean systematic review of the operation of a program compared to a set of explicit or implicit standards, as a means of contributing to the continuous improvement of the program.

Need and Use of the Information: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between AMS and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures

that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

Description of Respondents: Farms; business or other for-profit; not-for-profit institutions and State, Local or Tribal Government.

Number of Respondents: 120,000.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 60,000.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–13849 Filed 6–12–14; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2014–0003]

International Standard-Setting Activities

AGENCY: Office of Food Safety, USDA.

ACTION: Notice.

SUMMARY: This notice informs the public of the sanitary and phytosanitary standard-setting activities of the Codex Alimentarius Commission (Codex), in accordance with section 491 of the Trade Agreements Act of 1979, as amended, and the Uruguay Round Agreements Act. This notice also provides a list of other standard-setting activities of Codex, including commodity standards, guidelines, codes of practice, and revised texts. This notice, which covers the time periods from June 1, 2013, to May 31, 2014, and June 1, 2014, to May 31, 2015, seeks comments on standards under consideration and recommendations for new standards.

ADDRESSES: FSIS invites interested persons to submit comments on this notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, Docket Clerk, Patriots Plaza 3, 1400 Independence Avenue SW., Mailstop 3782, Room 8–163A, Washington, DC 20250–3700.
- *Hand- or courier-delivered submittals:* Deliver to Patriots Plaza 3, 355 E Street SW., Room 8–163A, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2014–0003. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, go to the FSIS Docket Room at Patriots Plaza 3, 355 E Street SW., Room 8–163A, Washington, DC 20250–3700, between 8:00 a.m. and 4:30 p.m., Monday through Friday.

Please state that your comments refer to Codex and, if your comments relate to specific Codex committees, please identify those committees in your comments and submit a copy of your comments to the delegate from that particular committee.

FOR FURTHER INFORMATION CONTACT: Mary Frances Lowe, United States Manager for Codex, U.S. Department of Agriculture, Office of Food Safety, Room 4861, South Agriculture Building, 1400 Independence Avenue SW., Washington, DC 20250–3700; telephone: (202) 205–7760; fax: (202) 720–3157; email: *USCodex@fsis.usda.gov.*

For information pertaining to particular committees, the delegate of that committee may be contacted. (A complete list of U.S. delegates and alternate delegates can be found in Attachment 2 of this notice.) Documents pertaining to Codex and specific committee agendas are accessible via the Internet at *http://www.codexalimentarius.org/meetings-reports/en/.* The U.S. Codex Office also maintains a Web site at *http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/us-codex-alimentarius.*

SUPPLEMENTARY INFORMATION:

Background

The World Trade Organization (WTO) was established on January 1, 1995, as the common international institutional framework for the conduct of trade relations among its members in matters related to the Uruguay Round Trade Agreements. The WTO is the successor organization to the General Agreement on Tariffs and Trade (GATT). U.S. membership in the WTO was approved and the Uruguay Round Agreements Act was signed into law by the President on December 8, 1994. The Uruguay Round Agreements became effective, with respect to the United States, on January 1, 1995. Pursuant to section 491 of the Trade Agreements Act of 1979, as amended, the President is required to designate an agency to be ''responsible for informing the public of the sanitary and phytosanitary (SPS) standard-setting activities of each international standard-setting organization.'' The main organizations are Codex, the World Organisation for Animal Health, and the International Plant Protection Convention. The President, pursuant to Proclamation No. 6780 of March 23, 1995 (60 FR 15845), designated the U.S. Department of Agriculture as the agency responsible for informing the public of the SPS standard-setting activities of each international standard-setting organization. The Secretary of Agriculture has delegated to the Office of Food Safety the responsibility to inform the public of the SPS standard-setting activities of Codex. The Office of Food Safety has, in turn, assigned the responsibility for informing the public of the SPS standard-setting activities of Codex to the U.S. Codex Office.

Codex was created in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Codex is the principal international organization for establishing standards for food. Through adoption of food standards, codes of practice, and other guidelines developed by its committees and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers, ensure fair practices in the food trade, and promote coordination of food standards work undertaken by international governmental and nongovernmental organizations. In the United States, U.S. Codex activities are managed and carried out by the United States Department of Agriculture (USDA); the Food and Drug Administration (FDA), Department of Health and Human Services (HHS); the National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC); and the Environmental Protection Agency (EPA).

As the agency responsible for informing the public of the SPS standard-setting activities of Codex, the Office of Food Safety publishes this notice in the **Federal Register** annually. Attachment 1 (Sanitary and Phytosanitary Activities of Codex) sets forth the following information:

1. The SPS standards under consideration or planned for consideration; and

2. For each SPS standard specified:

a. A description of the consideration or planned consideration of the standard;

b. Whether the United States is participating or plans to participate in the consideration of the standard;

c. The agenda for United States participation, if any; and

d. The agency responsible for representing the United States with respect to the standard.

To Obtain Copies of the Standards Listed in Attachment 1, Please Contact the Codex Delegate or the U.S. Codex Office.

This notice also solicits public comment on standards that are currently under consideration or planned for consideration and recommendations for new standards. The delegate, in conjunction with the responsible agency, will take the comments received into account in participating in the consideration of the standards and in proposing matters to be considered by Codex.

The United States delegate will facilitate public participation in the United States Government's activities relating to Codex Alimentarius. The United States delegate will maintain a list of individuals, groups, and organizations that have expressed an interest in the activities of the Codex committees and will disseminate information regarding United States delegation activities to interested parties. This information will include the status of each agenda item; the United States Government's position or preliminary position on the agenda items; and the time and place of planning meetings and debriefing meetings following Codex committee sessions. In addition, the U.S. Codex Office makes much of the same information available through its Web page, *http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/us-codex-alimentarius*. If you would like to access or receive information about specific committees, please visit the Web page or notify the appropriate U.S. delegate or the U.S. Codex Office, Room 4861, South Agriculture Building, 1400 Independence Avenue SW., Washington, DC 20250–3700 (*uscodex@fsis.usda.gov*).

The information provided in Attachment 1 describes the status of Codex standard-setting activities by the Codex Committees for the time periods from June 1, 2013, to May 31, 2014, and June 1, 2014, to May 31, 2015. Attachment 2 provides a list of U.S. Codex Officials (including U.S. delegates and alternate delegates). A list of forthcoming Codex sessions may be found at: *http://www.codexalimentarius.org/meetings-reports/en/.*

Additional Public Notification

FSIS will announce this notice online through the FSIS Web page located at: *http://www.fsis.usda.gov/wps/portal/fsis/topics/regulations/fsis-notices*.

FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/wps/portal/fsis/programs-and-services/email-subscription-service.* Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done at Washington, DC, on June 9, 2014.

Paulo Almeida,

Associate U.S. Manager for Codex Alimentarius.

Attachment 1

Sanitary and Phytosanitary Activities of Codex

Codex Alimentarius Commission and Executive Committee

The Codex Alimentarius Commission will hold its Thirty Seventh Session July 14–18, 2014, in Geneva, Switzerland. At that time, it will consider standards, codes of practice, and related matters forwarded to the Commission by the general subject committees, commodity committees, and *ad hoc* Task Forces for adoption as Codex standards and guidance. The Commission will also consider the implementation status of the Codex Strategic Plan, the management of the Trust Fund for the Participation of Developing Countries and Countries in transition in the work of the Codex Alimentarius, as well as financial and budgetary issues.

Prior to the Commission meeting, the Executive Committee will meet at its Sixty-ninth session, July 8–11, 2014. It is composed of the chairperson; vice-chairpersons; seven members elected from the Commission from each of the following geographic regions: Africa, Asia, Europe, Latin America and the Caribbean, Near East, North America, and South-West Pacific; and regional coordinators from the six regional committees. The United States is the elected representative from North America. The Executive Committee will conduct a critical review of the elaboration of Codex standards; consider applications from international non-governmental organizations for observer status in Codex; consider the Codex Strategic Plan and the capacity of the Secretariat; review matters arising from reports of Codex Committees and proposals for new work; and review the Food and Agriculture Organization and the World Health Organisation (FAO/WHO) Trust Fund for Enhanced Participation in Codex.

Responsible Agency: USDA/FSIS.

U.S. Participation: Yes.

Codex Committee on Residues of Veterinary Drugs in Foods

The Codex Committee on Residues of Veterinary Drugs in Foods (CCRVDF) determines priorities for the consideration of residues of veterinary drugs in foods and recommends Maximum Residue Limits (MRLs) for veterinary drugs. The Committee also develops codes of practice, as may be required, and considers methods of sampling and analysis for the determination of veterinary drug residues in food. A veterinary drug is defined as any substance applied or administered to any food producing animal, such as meat or milk producing animals, poultry, fish or bees, whether used for therapeutic, prophylactic or diagnostic purposes, or for modification of physiological functions or behavior.

A Codex Maximum Residue Limit (MRL) for Residues of Veterinary Drugs is the maximum concentration of residue resulting from the use of a veterinary drug (expressed in mg/kg or ug/kg on a fresh weight basis) that is recommended by the Codex Alimentarius Commission to be permitted or recognized as acceptable in or on a food. Residues of a veterinary drug include the parent compounds or their metabolites in any edible portion of the animal product, and include residues of associated impurities of the veterinary drug concerned. An MRL is based on the type and amount of residue considered to be without any toxicological hazard for human health

as expressed by the Acceptable Daily Intake (ADI) or on the basis of a temporary ADI that utilizes an additional safety factor. The MRL also takes into account other relative public health risks as well as food technological aspects.

When establishing an MRL, consideration is also given to residues that occur in food of plant origin or the environment. Furthermore, the MRL may be reduced to be consistent with official recommended or authorized usage, approved by national authorities, of the veterinary drugs under practical conditions.

An Acceptable Daily Intake (ADI) is an estimate made by the Joint FAO/WHO Expert Committee on Food Additives (JECFA) of the amount of a veterinary drug, expressed on a body weight basis, which can be ingested daily in food over a lifetime without appreciable health risk.

The Committee held its 21st session in Minneapolis, Minnesota, August 26–30, 2013. The following items are to be considered for adoption by the 37th session of the Commission in July 2014:

To be considered for adoption:

- Draft provisions on Extrapolation of Maximum Residue Limits of Veterinary Drugs to Additional Species
- Draft provisions of the Use of the Concern Form for the CCRVDF

To be considered at Step 5/8:

- Proposed draft Risk Management Recommendations (RMRs) for chloramphenicol, malachite green, carbadox, furazolidone, nitrofural, chlorpromazine, stilbenes and olaquindox
- Proposed draft Performance Characteristics for Multi-Residue Methods (MRMs) for Veterinary Drugs

The Committee will continue working on:

- Draft Maximum Residue Limits for monepantel
- Proposed draft Maximum Residues Limits for derquantel
- Proposed draft Risk Management Recommendations for dimitridazole, ipronidazole, metronidazole, and ronidazole
- Priority List of Veterinary Drugs Requiring Evaluation or Re-Evaluation by JECFA
- Draft provisions on establishment of MRLs for honey
- Discussion paper regarding the issues and concerns that impact the ability of the CCRVDF to efficiently perform its work
- Database on countries needs for MRLs
- Alternative approach to move compounds from the database on countries needs for MRLs to the JECFA Priority List

Responsible Agencies: HHS/FDA/CVM; USDA/FSIS.

U.S. Participation: Yes.

Codex Committee on Contaminants in Foods

The Codex Committee on Contaminants in Foods (CCCF) establishes or endorses permitted maximum levels (ML) and, where necessary, revises existing guidelines levels for contaminants and naturally occurring toxicants in food and feed; prepares priority lists of contaminants and naturally occurring toxicants for risk assessment by the Joint FAO/WHO Expert Committee on Food Additives; considers and elaborates methods of analysis and sampling for the determination of contaminants and naturally occurring toxicants in food and feed; considers and elaborates standards or codes of practice for related subjects; and considers other matters assigned to it by the Commission in relation to contaminants and naturally occurring toxicants in food and feed.

The Committee held its Eighth Session in The Hague, The Netherlands, March 31–April 4, 2014. The relevant document is REP14/CF. The following items are to be considered for adoption by the 37th Session of the Commission in July 2014:

- Editorial amendments to the *General Standard for Contaminants and Toxins in Food & Feed* (Codex Stan 193–1995)

To be considered at Step 5/8:

- Proposed draft maximum levels for lead in infant formula and formula for special medical purposes intended for infants and for follow up formula
- Proposed draft maximum levels for inorganic arsenic in polished rice
- Proposed draft maximum levels for fumonisins in maize and maize products and associated sampling plans
- Proposed draft annex for the prevention and reduction of aflatoxins and ochratoxin A contamination in sorghum (*Code of Practice for the Prevention and Reduction of Mycotoxin Contamination in Cereals* (CAC/RCP 51–2003)
- Proposed draft *Code of Practice for Weed Control To Prevent and Reduce Pyrollizidine Alkaloid Contamination in Food and Feed*

The Committee will continue working on:

- Proposed draft maximum levels for DON in raw cereal grains (wheat, maize and barley) including sampling plans and in flour, meal, semolina and flakes derived from wheat, maize or barley
- Maximum levels for lead in fruit juices and nectars (ready to drink), canned fruits and canned vegetables
- Maximum levels for lead in selected fruits and vegetables
- Proposed draft maximum levels for inorganic arsenic in husked rice
- Proposed draft *Code of Practice for the Prevention and Reduction or Arsenic Contamination in Rice*
- Proposed draft revision of the *Code of Practice for the Prevention and Reduction of Mycotoxin Contamination in Cereals* (CAC/RCP 51–2003)
- Proposed draft maximum level for total aflatoxins in ready to eat peanuts
- Proposed draft maximum levels for cadmium in chocolate and cocoa-derived products
- Proposed draft maximum levels for acetylated derivatives (DON) in cereals and cereal-based products

The Committee will work on the following discussion papers:

- Submission and use of data from GEMS/Food
- Radionuclides
- Approaches for phasing in of lower MLs
- Maximum levels for methylmecury in fish
- Mycotoxin contamination in spices (prioritization for potential work on MLs in spices)
- Feasibility of developing a code of practice for mycotoxins in spices
- Priority list of contaminants and naturally occurring toxicants proposed for evaluation by JECFA

Responsible Agencies: HHS/FDA; USDA/FSIS.

U.S. Participation: Yes.

Codex Committee on Food Additives

The Codex Committee on Food Additives (CCFA) establishes or endorses acceptable maximum levels (MLs) for individual food additives; prepares a priority list of food additives for risk assessment by the Joint FAO/WHO Expert Committee on Food Additives (JECFA); assigns functional classes to individual food additives; recommends specifications of identity and purity for food additives for adoption by the Codex Alimentarius Commission; considers methods of analysis for the determination of additives in food; and considers and elaborates standards or codes of practice for related subjects such as the labeling of food additives when sold as such. The 46th Session of the Committee met in Hong Kong, China, March 17–21, 2014. The relevant document is REP14/

FA. Immediately prior to the Plenary Session, there was a 2-day physical Working Group on the General Standard for Food Additives (GSFA) chaired by the United States.

The following items will be considered by the 37th Session of the Commission in July 2014.

To be considered for adoption:

- Amendments to the Notes of the GSFA
- Revised provisions for aluminum-containing food additives in selected standards
- Revised food additive sections of standards for meat products
- Revised food additive provisions of food category 08.0 (Meat and Meat products, including poultry) and its sub-categories of GSFA

To be considered for adoption at Step 8 & 5/8:

- Draft and proposed draft food additive provisions of the GSFA

To be considered for adoption at Step 5/8:

- Proposed draft *Guidelines for the Simple Evaluation of Dietary Exposure to Food Additives* (revision of CAC/GL 3–1989)
- Proposed draft amendments to the *International Numbering System (INS) for Food Additives* (CAC/GL 36–1989)
- Proposed draft specifications for the identity and purity of food additives

The Committee will continue working on:

- Proposed draft food additive provisions of the GSFA (electronic Working Group (eWG) led by the United States)
  - Food additive provisions in Tables 1 and 2 of the GSFA for Table 3 food additives with ''emulsifier, stabilizer, or thickener'' function, for their use for technological function other than as emulsifiers, stabilizers, or thickeners
  - Food additive provisions in Table 1 and 2 of the GSFA in food categories 01.2 through 08.4, with the exclusion of food categories 04.1.2.4, 04.2.2.4, 04.2.2.5, 04.2.2.6, 05.1.1, 05.1.3 and 05.1.4
- Alignment of the food additive provisions of commodity standards and relevant provisions of the GSFA (eWG led by Australia)
- Food additive provisions for food category 14.2.3 (Grape wines) and its sub-categories of the GSFA (eWG led by France)
- Food category descriptors and GSFA food additive provisions for food category 01.1 (Milk and dairy-based drinks) and its sub-categories of the GSFA (eWG led by New Zealand)
- The effect of replacing GSFA Note 161 (''Subject to national legislation of the importing country aimed, in particular, at consistency with Section 3.2 of the Preamble.'') with an alternative note (or notes) to provisions for selected sweeteners (eWG led by the United Kingdom, with the assistance of the United States)
- Discussion paper on secondary additives (European Union)
- Discussion paper on the inconsistent terminology related to flavorings in the *Guidelines for the Use of Flavourings* (CAC/GL 66–2008) and other Codex texts
- Amendments to the INS for food additives
- *Specifications for the Identity and Purity of Food Additives* (79th JECFA)
- Proposal for additions and changes to the *Priority List of Substances Proposed for Evaluation* by JECFA
- Information on the availability of data for the re-evaluation of six priority colors by JECFA
- Information document on the GSFA
- Information document on food additive provisions in commodity standards

The Committee also agreed to hold a physical Working Group on the GSFA immediately preceding the 47th session of CCFA to be chaired by the United States. That group will discuss:

- The recommendations of the eWGs on: (i) The GSFA, (ii) the food additive provisions in food category 14.2.3 (Grape wines), (iii) the revision of food category 01.1 (Milk and dairy-based drinks) and its sub-categories, and (iv) Note 161 of the GSFA
- Proposed draft provisions for nisin (INS 234) in certain meat categories
- New proposals and proposed revisions of food additive provisions in the GSFA

Responsible Agency: HHS/FDA.

U.S. Participation: Yes.

Codex Committee on Pesticide Residues

The Codex Committee on Pesticide Residues (CCPR) is responsible for establishing maximum limits for pesticide residues in specific food items or in groups of food; establishing maximum limits for pesticide residues in certain animal feeding stuffs moving in international trade where this is justified for reasons of protection of human health; preparing priority lists of pesticides for evaluation by the Joint FAO/WHO Meeting on Pesticide Residues (JMPR); considering methods of sampling and analysis for the determination of pesticide residues in food and feed; considering other matters in relation to the safety of food and feed containing pesticide residues and; establishing maximum limits for environmental and industrial contaminants showing chemical or other similarity to pesticides in specific food items or groups of food.

The 46th Session of the Committee met in Nanjing, China, May 5–10, 2014. The relevant document is REP14/PR. The following items will be considered at the 37th Session of the Codex Alimentarius Commission in July 2014.

For adoption:

- Proposed revision of the Risk Analysis Principles applied by the Codex Committee on Pesticide Residues for inclusion in the Procedural Manual

To be considered at Steps 8 and 5/8:

- Draft and proposed draft Maximum Residue Limits for Pesticides in Foods and Feeds

The Committee will continue working on:

- Draft revision of the Classification of Food and Feed: selected Vegetable Commodity Groups
- Proposed draft *Principles and Guidelines for the Selection of Representative Commodities for the Extrapolation of Maximum Residue Limits for Commodity Groups*—Table 2
- Draft *Guidelines on Performance Criteria Specific for Methods of Analysis for the Determination of Pesticide Residues*
- Discussion paper on *Guidance to Facilitate the Establishment of Maximum Residue Limits for Pesticides for Minor Use/Specialty Crops*

Responsible Agencies: EPA; USDA/FSIS.

U.S. Participation: Yes.

Codex Committee on Methods of Analysis and Sampling

The Codex Committee on Methods of Analysis and Sampling (CCMAS) defines the criteria appropriate to Codex Methods of Analysis and Sampling; serves as a coordinating body for Codex with other international groups working on methods of analysis and sampling and quality assurance systems for laboratories; specifies, on the basis of final recommendations submitted to it by the bodies referred to above, reference methods of analysis and sampling appropriate to Codex standards which are generally applicable to a number of foods; considers, amends if necessary, and endorses as appropriate, methods of analysis and sampling proposed by

Codex commodity committees, except for methods of analysis and sampling for residues of pesticides or veterinary drugs in food, the assessment of microbiological quality and safety in food, and the assessment of specifications for food additives; elaborates sampling plans and procedures, as may be required; considers specific sampling and analysis problems submitted to it by the Commission or any of its Committees; and defines procedures, protocols, guidelines or related texts for the assessment of food laboratory proficiency, as well as quality assurance systems for laboratories.

The 35th Session of the Committee met in Budapest, Hungary, March 3–7, 2014. The relevant document is REP14/MAS. The following items will be considered by the Commission at its 37th Session in July 2014.

To be considered for adoption:

- *Methods of Analysis and Sampling in Codex Standards* at different steps

The Committee will continue working on:

- Explanatory notes to the *Principles for the Use of Sampling and Testing in International Food Trade* (CAC/GL 83–2013)
- Discussion paper on the development of procedures/guidelines for determining equivalency to Type I methods
- Discussion paper on the development of a criteria approach for methods which use a ''sum of components''
- Compilation of a single list of methods in CODEX STAN 234–1999 and commodity standards to conduct a validation exercise
- Follow-up on proposals for amendments to methods of analysis and proposals for sampling plans

Responsible Agencies: HHS/FDA; USDA/GIPSA.

Codex Committee on Food Import and Export Inspection and Certification Systems

The Codex Committee on Food Import and Export Inspection and Certification Systems is responsible for developing principles and guidelines for food import and export inspection and certification systems, with a view to harmonizing methods and procedures that protect the health of consumers, ensure fair trading practices, and facilitate international trade in foodstuffs; developing principles and guidelines for the application of measures by the competent authorities of exporting and importing countries to provide assurance, where necessary, that foodstuffs comply with requirements, especially statutory health requirements; developing guidelines for the utilization, as and when appropriate, of quality assurance systems to ensure that foodstuffs conform with requirements and promote the recognition of these systems in facilitating trade in food products under bilateral/multilateral arrangements by countries; developing guidelines and criteria with respect to format, declarations, and language of such official certificates as countries may require with a view towards international harmonization; making recommendations for information exchange in relation to food import/export control; consulting as necessary with other international groups working on matters related to food inspection and certification systems; and considering other matters assigned to it by the Commission in relation to food inspection and certification systems.

The next session of the Committee will meet in Brisbane, Australia, October 13–17, 2014. The following agenda items will be discussed:

- Discussion paper on *Principles and Guidelines for Monitoring Regulatory Performance of National Food Control Systems*
- Discussion paper on the revision of the *Principles and Guidelines for the Exchange of Information in Food Safety Emergency Situations*
- Draft amendments to the *Guidelines for the Exchange of Information between Countries on Rejections of Imported Food*

Responsible Agencies: HHS/FDA; USDA/FSIS.

U.S. Participation: Yes.

Codex Committee on Food Labelling

The Codex Committee on Food Labelling drafts provisions on labeling applicable to all foods; considers, amends, and endorses draft specific provisions on labeling prepared by the Codex Committees drafting standards, codes of practice, and guidelines; and studies specific labeling problems assigned by the Codex Alimentarius Commission. The Committee also studies problems associated with the advertisement of food with particular reference to claims and misleading descriptions.

The Committee will hold its 42nd Session in Canada, October 21–24, 2014. The Committee plans to continue work on the following items:

- *Guidelines for the Production, Processing, Labeling and Marketing of Organically Produced Foods: Organic Aquaculture*
- Review of the *General Standard for the Labeling of Prepackaged Foods* to address the issue on date marking
- Discussion paper on the labeling of non-retail containers
- Discussion paper on issues related to internet sales of food

Responsible Agencies: HHS/FDA; USDA/FSIS.

U.S. Participation: Yes.

Codex Committee on Food Hygiene

The Codex Committee on Food Hygiene (CCFH):

- Develops basic provisions on food hygiene applicable to all food or to specific food types;
- Considers and amends or endorses provisions on food hygiene contained in Codex commodity standards and codes of practice developed by other Codex commodity committees;
- Considers specific food hygiene problems assigned to it by the Commission;
- Suggests and prioritizes areas where there is a need for microbiological risk assessment at the international level and develops questions to be addressed by the risk assessors; and
- Considers microbiological risk management matters in relation to food hygiene and in relation to FAO/WHO risk assessments.

The Committee held its 45th session in Hanoi, Viet Nam, November 11–15, 2013. The reference document is REP 14/FH. The following items will be considered by the Commission at its 37th Session in July 2014.

To be considered for adoption:

- Proposed amendments to the definitions for hazard characterization, risk communication, risk estimate and risk management in the *Principles and Guidelines for the Conduct of Microbiological Risk Assessment* (CAC/GL 30–1999)

To be considered for adoption at Step 5/8:

- Proposed draft *Guidelines for the Control of Trichinella spp. in Meat of Suidae*
- Proposed draft *Guidelines for the Control of Taenia saginata in Meat of Domestic Cattle*
- Proposed draft revision of the *Code of Hygienic Practice for Spices and Dried Aromatic Herbs* (CAC/RCP 42–1995)

The Committee agreed to request the Commission to approve new work on:

- *Guidelines for the Control of Nontyphoidal Salmonella spp. in Beef and Pork Meat*
- *Guidelines on the Application of General Principles of Food Hygiene to the Control of Foodborne Parasites*

The Committee will continue working on:

- Annex on statistical and mathematical considerations to the *Principles and Guidelines for the Establishment and Application of Microbiological Criteria Related to Foods* (CAC/GL 21–1997)
- Proposed draft *Code of Hygienic Practice for Low-Moisture Foods*
- Review of a consolidated revision of the *Code of Hygienic Practice for Fresh Fruits and Vegetables* (CAC/RCP 53–2003)
- Applicability of draft criteria for evaluating and prioritizing new work and considerations for new work

Responsible Agencies: HHS/FDA; USDA/FSIS.

U.S. Participation: Yes.

Codex Committee on Fresh Fruits and Vegetables

The Codex Committee on Fresh Fruits and Vegetables (CCFFV) is responsible for elaborating worldwide standards and codes of practice as may be appropriate for fresh fruits and vegetables; for consulting with the UNECE Working Party on Agricultural Quality Standards in the elaboration of worldwide standards and codes of practice, with particular regard to ensuring that there is no duplication of standards or codes of practice and that they follow the same broad format; and for consulting, as necessary, with other international organizations which are active in the area of standardization of fresh fruits and vegetables.

The 18th Session of the Committee met in Phuket, Thailand, February 24–28, 2014. The relevant document is REP14/FFV. The following items will be considered by the 37th Session of the Commission in July 2014.

To be considered for adoption at Step 8:

- Draft *Standard for Passion Fruit*

To be considered at Step 5/8:

- Proposed draft *Standard for Durian*
- Proposed draft *Standard for Okra*

The Committee will continue working on:

- Proposed draft *Standard for Ware Potato*
- Proposed draft *Standard for Garlic*
- Proposed draft *Standard for Aubergines*
- Proposed draft *Standard for Kiwifruit*
- Minimum maturity requirements for table grapes (*Standard for Table Grapes* CODEX STAN 255–2007)
- Proposals for new work for Codex standards for fresh fruits and vegetables
- Review of the terms of reference of the Committee on Fresh Fruits and Vegetables
- Proposed layout for Codex standards for fresh fruits and vegetables

Responsible Agencies: USDA/AMS; HHS/FDA.

U.S. Participation: Yes.

Codex Committee on Nutrition and Foods for Special Dietary Uses

The Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) is responsible for studying nutrition issues referred to it by the Codex Alimentarius Commission. The Committee also drafts general provisions, as appropriate, on nutritional aspects of all foods and develops standards, guidelines, or related texts for foods for special dietary uses in cooperation with other committees where necessary; considers, amends if necessary, and endorses provisions on nutritional aspects proposed for inclusion in Codex standards, guidelines, and related texts.

The Committee held its 35th Session in Bad Soden am Taunus, Germany, November 4–8, 2013. The reference document is REP 14/NSFDU. The following items will be considered by the Commission at its 37th Session in July 2014.

To be considered for adoption:

- Proposed draft Additional or Revised Nutrient Reference Values for Labeling Purposes in the *Codex Guidelines on Nutrition Labeling (Protein)*

To be considered at Step 5:

- Proposed draft revision of the *Codex General Principles for the Addition of Essential Nutrients to Foods* (CAC/GL 9–1987)

The Committee will continue working on:

- Proposal to review the *Codex Standard for Follow-up Formula* (CODEX STAN 156–1987)
- Proposed draft Additional or Revised Nutrient Reference Values for Labeling Purposes in the *Codex Guidelines on Nutrition Labeling (other values than protein)*
- Proposed draft Amendment to the *Standard for Processed Cereal-Based Foods for Infants and Young Children* to include a New Part B for Underweight Older infants and Young Children
- Potential NRV for Potassium in relation to the risk of NCD
- Proposed draft revision of the *List of Food Additives*
- Discussion paper on biofortification

Responsible Agencies: HHS/FDA; USDA/ARS.

U.S. Participation: Yes.

Codex Committee on Fish and Fishery Products

The Fish and Fishery Products Committee (CCFFP) is responsible for elaborating standards for fresh, frozen and otherwise processed fish, crustaceans, and mollusks. The Committee held its 33rd Session in Bergen, Norway, February 17–21, 2014. The relevant document is REP14/FFP. The following items are to be considered for adoption by the 37th Session of the Commission in July 2014.

To be considered for adoption:

- Food additive provisions in *Standards for Fish and Fishery Products*

To be considered at Step 8:

- Draft *Performance Criteria for Methods for the Determination of Marine Biotoxins* (Section I–8.6) in the *Standard for Live and Raw Bivalve Molluscs*
- Draft *Standard for Fresh and Quick Frozen Raw Scallop Products*

To be considered at Step 5:

- Proposed draft *Code of Practice of Processing of Fish Sauce*

The Committee will continue working on:

- Proposed draft *Code of Practice on the Processing of Fresh and Quick Frozen Raw Scallop Products*
- Proposed draft *Code of Practice for Fish and Fishery Products* (section on Sturgeon Caviar)
- Food additive provisions in *Standards for Fish and Fishery Products*
- Discussion paper on histamine
- Discussion paper on nitrogen factors (amendments to section 7.4 of the *Standard for Quick Frozen Fish Sticks (Fish Fingers), Fish portions and Fish fillets-Breaded or in Batter* (CODEX STAN 166–1989))
- Proposed draft *Code of Practice for Fish and Fishery Products* (optional final product requirements for commodities/appendix on MAP)
- New work proposal on a *Standard for Fresh Chilled Pirarucu Fillet of Whole Fish*

Responsible Agencies: HHS/FDA; USDC/NOAA/NMFS.

U.S. Participation: Yes.

Codex Committee on Fats and Oils

The Codex Committee on Fats and Oils (CCFO) is responsible for elaborating worldwide standards for fats and oils of animal, vegetable, and marine origin, including margarine and olive oil.

The Committee will hold its 24th session in Malaysia, February 9–13, 2015, and will continue working on the following items:

- Proposed draft *Standard for Fish Oils*
- Amendments to the lists of acceptable previous cargoes in the *Code of Practice for the Storage and Transport of Edible Fats and Oils in Bulk* (CAC/RCP 36–1987)
- Discussion paper on cold pressed oils
- Discussion paper on the amendment of the *Standard for Named Vegetable Oils: High Oleic Soybean Oil*

Responsible Agencies: HHS/FDA; USDA/ARS.
U.S. Participation: Yes.

Codex Committee on Processed Fruits and Vegetables

The Codex Committee on Processed Fruits and Vegetables (CCPFV) is responsible for elaborating worldwide standards and related text for all types of processed fruits and vegetables including but not limited to canned, dried, and frozen products, as well as fruit and vegetable juices and nectars.

The 27th session of the CCPFV will meet in Philadelphia, Pennsylvania, September 7–12, 2014. The Committee plans to discuss the following items:

- Proposed draft Sampling Plan including Metrological Provisions for Controlling the Minimum Drained Weight in Canned Fruits and Vegetables in Packing Media
- Proposed draft annexes on pears and pineapples (proposed draft *Standard for Certain Canned Fruits*)
- Proposed draft annexes on several quick frozen vegetables (proposed draft *Standard for Certain Quick Frozen Vegetables*)
- Proposal for the extension of the territorial application of the *Regional Standard for Ginseng Products*
- Food additive provisions in the *Standards for Pickled Fruits and Vegetables* (CODEX STAN 260–2007), *Canned Bamboo Shoots* (CODEX STAN 241–2003) and the Annex on Mushrooms of the *Standard for Certain Canned Vegetables* (CODEX STAN 297–2009)
- Packing media provisions for pickled vegetables in the *Standard for Pickled Fruits and Vegetables* (CODEX STAN 260–2007)
- Status of work on the revision of *Codex Standards for Processed Fruits and Vegetables*

Responsible Agencies: USDA/AMS; HHS/FDA.
U.S. Participation: Yes.

Certain Codex Commodity Committees

Several Codex Alimentarius Commodity Committees have adjourned *sine die.* The following Committees fall into this category:

- Cereals, Pulses and Legumes

Responsible Agency: HHS/FDA.
U.S. Participation: Yes.

- Cocoa Products and Chocolate

Responsible Agency: HHS/FDA.
U.S. Participation: Yes.

- Meat Hygiene

Responsible Agency: USDA/FSIS.
U.S. Participation: Yes.

- Milk and Milk Products

Responsible Agencies: USDA/AMS; HHS/FDA.
U.S. Participation: Yes.

- Natural Mineral Waters

Responsible Agency: HHS/FDA.
U.S. Participation: Yes.

- Sugars

Responsible Agency: HHS/FDA
U.S. Participation: Yes.

- Vegetable Proteins

Responsible Agency: USDA/ARS.
U.S. Participation: Yes.

FAO/WHO Regional Coordinating Committees

The FAO/WHO Regional Coordinating Committees define the problems and needs of the regions concerning food standards and food control; promote within the Committee contacts for the mutual exchange of information on proposed regulatory initiatives and problems arising from food control and stimulate the strengthening of food control infrastructures; recommend to the Commission the development of worldwide standards for products of interest to the region, including products considered by the Committees to have an international market potential in the future; develop regional standards for food products moving exclusively or almost exclusively in intra-regional trade; draw the attention of the Commission to any aspects of the Commission's work of particular significance to the region; promote coordination of all regional food standards work undertaken by international governmental and non-governmental organizations within each region; exercise a general coordinating role for the region and such other functions as may be entrusted to it by the Commission; and promote the use of Codex standards and related texts by members.

There are six regional coordinating committees:

Coordinating Committee for Africa
Coordinating Committee for Asia
Coordinating Committee for Europe
Coordinating Committee for Latin America and the Caribbean
Coordinating Committee for the Near East
Coordinating Committee for North America and the South West Pacific

Coordinating Committee for Africa

The Committee (CCAfrica) will hold its 21st session in Cameroon, January 27–30, 2015.

The Committee will continue working on:

- Developing a new strategic plan for CCAFRICA
- Identifying and ranking products suitable for a Codex standard (regional or international)

Responsible Agency: USDA/FSIS.
U.S. Participation: Yes (as observer).

Coordinating Committee for Asia

The Committee (CCAsia) will hold its 19th session in Japan, November 3–7, 2014. The Committee will continue working on:

- Proposed draft *Standard for Laver Products*
- Proposed draft *Code of Hygienic Practice for Street-Vended Food*
- Discussion paper on new work on a regional standard for edible crickets and their products

Responsible Agency: USDA/FSIS.
U.S. Participation: Yes (as observer).

Coordinating Committee for Europe

The Committee (CCEurope) will hold its 29th session in The Netherlands, September 30–October 03, 2014. The Committee will continue working on:

- Proposed draft *Regional Standard for Ayran*

Responsible Agency: USDA/FSIS.
U.S. Participation: Yes (as observer).

Coordinating Committee for Latin America and the Caribbean

The Coordinating Committee for Latin America and the Caribbean (CCLAC) will hold its 19th session in Costa Rica, November 10–14, 2014.

The Committee will continue working on:

- Proposed framework for monitoring the work of subsidiary bodies of the Codex Alimentarius Commission
- Proposal for new work on a Codex regional standard for yacón

Responsible Agency: USDA/FSIS.
U.S. Participation: Yes (as observer).

Coordinating Committee for the Near East

The Committee (CCNEA) will hold its 8th session in Lebanon, March 9–13, 2015. The Committee will continue working on:

- Regional *Standard for Doogh*
- *Standard for Halal Food*
- *Regional Standard for Labneh*

- *Regional Standard for Mixed Zaatar*
- *Standard for Refrigerated and Frozen Meat*
- Preparation of the Strategic Plan for CCNEA 2015–2020

Responsible Agency: USDA/FSIS.

U.S. Participation: Yes (as observer).

Coordinating Committee for North America and the South West Pacific (CCNASWP)

The Committee (CCNASWP) will hold its 13th Session in Kokopo, Papua New Guinea, September 23–26, 2014.

The committee will continue working on:

- Draft Strategic Plan for the CCNASWP 2014–2019
- Discussion paper on the development of a standard for fermented noni juice
- Discussion paper on the development of a regional standard for kava
- Discussion paper on products of the region that can be addressed by regional standards and mechanism for their prioritization

Responsible Agency: USDA/FSIS.

U.S. Participation: Yes.

Contact: U.S. Codex Office, United States Department of Agriculture, Room 4861, South Agriculture Building, 1400 Independence Avenue SW., Washington, DC 20250–3700, Phone: (202) 205–7760, Fax: (202) 720–3157, Email: *uscodex@fsis.usda.gov*.

Attachment 2

U.S. Codex Alimentarius Officials

Codex Chairpersons From the United States

Codex Committee on Food Hygiene

Emilio Esteban, DVM, MBA, MPVM, Ph.D., Executive Associate for Laboratory Services, Office of Public Health Science, Food Safety and Inspection Service, U.S. Department of Agriculture, 950 College Station Road, Athens, GA 30605, Phone: (706) 546–3429, Fax: (706) 546–3428, Email: *emilio.esteban@fsis.usda.gov*.

Codex Committee on Processed Fruits and Vegetables

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Codex Committee on Residues of Veterinary Drugs in Foods

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U.S. Delegates and Alternate Delegates

General Subject Committees
Commodity Committees (Active and Adjourned)
ad hoc Task Forces
Regional Coordinating Committees

Worldwide General Codex Subject Committees

Contaminants in Foods (Host Government—The Netherlands)

U.S. Delegate

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Alternate Delegate

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Food Additives (Host Government—China)

U.S. Delegate

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Alternate Delegate

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Food Hygiene (Host Government—United States)

U.S. Delegate

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Food Import and Export Certification and Inspection Systems (Host Government—Australia)

U.S. Delegate

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Alternate Delegate

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Food Labelling (Host Government—Canada)

U.S. Delegate

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Alternate Delegate

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General Principles (Host Government—France)

Delegate Note: A member of the Steering Committee heads the delegation to meetings of the General Principles Committee.

Methods of Analysis and Sampling (Host Government—Hungary)

U.S. Delegate

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Alternate Delegate

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Nutrition and Foods for Special Dietary Uses (Host Government—Germany)

U.S. Delegate

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Alternate Delegate

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Pesticide Residues (Host Government—China)

U.S. Delegate

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Alternate Delegate

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Residues of Veterinary Drugs in Foods (Host Government—United States)

U.S. Delegate

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Alternate Delegate

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Worldwide Commodity Codex Committees (Active)

Fats and Oils (Host Government—Malaysia)

U.S. Delegate

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Alternate Delegate

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Fish and Fishery Products (Host Government—Norway)

U.S. Delegates

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Fresh Fruits and Vegetables (Host Government—Mexico)

U.S. Delegate

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Alternate Delegate

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Processed Fruits and Vegetables (Host Government—United States)

U.S. Delegate

Dorian LaFond, International Standards Coordinator, Fruit and Vegetables Program, Specialty Crop Inspection Division, Agricultural Marketing Service, U.S. Department of Agriculture, Stop 0247, South Agriculture Building, 1400 Independence Avenue SW., Washington, DC 20250–0247, Phone: +1 (202) 690–4944, Fax: +1 (202) 690–1527, *Dorian.Lafond@usda.gov.*

Alternate Delegate

Yinqing Ma, Ph.D., Consumer Safety Officer, Office of Food Safety (HFS–317), Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5100 Paint Branch Parkway, College Park, MD 20740, Phone: +1 (240) 402–2479, Fax: +1 (301) 436–2632, *Yinqing.Ma@fda.hhs.gov*.

Spices and Culinary Herbs (Host Government—India)

U.S. Delegate

Dorian LaFond International Standards Coordinator, Fruit and Vegetables Program, Specialty Crop Inspection Division, Agricultural Marketing Service, U.S. Department of Agriculture, Stop 0247, South Agriculture Building, 1400 Independence Avenue SW., Washington, DC 20250–0247, Phone: +1 (202) 690–4944, Fax: +1 (202) 690–1527, *Dorian.Lafond@usda.gov.*

Alternate Delegate

George C. Ziobro, Ph.D., Dairy and Egg Branch, HFS–316, Division of Plant and Diary Food Safety, Office of Food Safety, Center for Food Safety and Applied Nutrition, 5100 Paint Branch Parkway, College Park, MD 20740, Phone: +1 (240) 402–1965, *George.Ziobro@fda.hhs.gov.*

Worldwide Commodity Codex Committees (Adjourned) Cereals, Pulses and Legumes (Adjourned sine die) (Host Government—United States)

U.S. Delegate

Henry Kim, Ph.D., Supervisory Chemist, Division of Plant and Dairy Food Safety, Office of Food Safety, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5100 Paint Branch Parkway, College Park, MD 20740, Phone: +1 (240) 402–2023, Fax: +1 (301) 436–2651, *henry.kim@fda.hhs.gov.*

Cocoa Products and Chocolate (adjourned sine die) (Host Government—Switzerland)

U.S. Delegate

Michelle Smith, Ph.D., Food Technologist, Office of Plant and Dairy Foods and Beverages, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration (HFS–306), Harvey W. Wiley Federal Building, 5100 Paint Branch Parkway, College Park, MD 20740–3835, Phone: +1 (240) 402–2024, Fax: +1 (301) 436–2651, *michelle.smith@fda.hhs.gov.*

Meat Hygiene (Adjourned sine die) (Host Government—New Zealand)

U.S. Delegate

Vacant.

Milk and Milk Products (Adjourned sine die) (Host Government—New Zealand)

U.S. Delegate

Diane D. Lewis, Director, Grading and Standards Division, Dairy Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Ave. SW., Washington, DC 20250, Phone: +1 (202) 690–0530, Fax: +1 (202) 720–2643, *Diane.Lewis@ams.usda.gov.*

Alternate Delegate

John F. Sheehan, Director, Division of Plant and Dairy Food Safety, Office of Food Safety, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration (HFS–3 15), Harvey W. Wiley Federal Building, 5100 Paint Branch Parkway, College Park, MD 20740, Phone: +1 (240) 402–1488, Fax: +1 (301) 436–2632, *john.sheehan@fda.hhs.gov*.

Natural Mineral Waters (Adjourned sine die) (Host Government—Switzerland)

U.S. Delegate

Lauren Posnick Robin, Sc.D., Review Chemist, Office of Food Safety, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, Harvey W. Wiley Federal Building, 5100 Paint Branch Parkway, College Park, MD 20740–3835, Phone: +1 (240) 402–1639, Fax: +1 (301) 436–2632, *Lauren.Robin@fda.hhs.gov.*

Sugars (Adjourned sine die) (Host Government—United Kingdom)

U.S. Delegate

Martin J. Stutsman, J.D., Office of Food Safety (HFS–317), Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration, 5100 Paint Branch Parkway, College Park, MD 20740–3835, Phone: +1 (240) 402–1642, Fax: +1 (301) 436–2651, *Martin.Stutsman@fda.hhs.gov.*

Vegetable Proteins (Adjourned sine die)

U.S. Delegate

Vacant.

Ad Hoc Intergovernmental Task Forces

Animal Feeding (Host Government—Switzerland)

U.S. Delegate

Daniel G. McChesney, Ph.D., Director, Office of Surveillance & Compliance, Center for Veterinary Medicine, U.S. Food and Drug Administration, 7529 Standish Place, Rockville, MD 20855, Phone: +1 (240) 453–6830, Fax: +1 (240) 453–6880, *Daniel.McChesney@fda.hhs.gov.*

Alternate Delegate

Dr. Patty Bennett, Branch Chief, Risk Assessment Division, Office of Public Health Science, Food Safety and Inspection Service, U.S. Department of Agriculture, 901 Aerospace Center, Washington, DC 20250, Phone: +1 (202) 690–6189, *patty.bennett@fsis.usda.gov.*

Antimicrobial Resistance (Host Government—Republic of Korea)

U.S. Delegate

David G. White, M.S., Ph.D., Director, Office of Research, U.S. Food and Drug Administration, Center for Veterinary Medicine, 8401 Muirkirk Road, Laurel, MD 20708, Phone: +1 (301) 210–4187, Fax: +1 (301) 210–4685, *David.White@fda.hhs.gov.*

Alternate Delegate

Neena Anandaraman, DVM, MPH, Veterinary Medical Officer, Applied Epidemiology Division, Office of Public Health Science, Food Safety and Inspection Service, U.S. Department of Agriculture, Stop 3777, PP3, 9–241B, 1400 Independence Ave. SW., Washington, DC 20250, Phone: +1 (202) 690–6429, Fax: +1 (202) 690–6364, *neena.anandaraman@fsis.usda.gov.*

[FR Doc. 2014–13790 Filed 6–12–14; 8:45 am]

BILLING CODE 3410–DM–P

BROADCASTING BOARD OF GOVERNORS

Sunshine Act Meeting

DATE AND TIME: Friday, June 20, 2014, 9:00 a.m.–1:00 p.m. e.d.t.

PLACE: Office of Cuba Broadcasting, 4201 NW. 77th Ave., Miami, FL 33166.

SUBJECT: Notice of Meeting of the Broadcasting Board of Governors.

SUMMARY: The Broadcasting Board of Governors (BBG) will be meeting at the time and location listed above. The Board will vote on a consent agenda consisting of the minutes of the April 11, 2014 meeting and a resolution honoring a former member for her service on the Board. The Board will also discuss and consider a resolution on Radio Free Europe/Radio Liberty's Balkan Service. The BBG will receive a presentation providing an overview of the Office of Cuba Broadcasting and

convene a panel to discuss the challenges and road to a Latin America democracy.

This meeting will be available for public observation via streamed webcast, both live and on-demand, on the BBG's public Web site at *www.bbg.gov.* Information regarding this meeting, including any updates or adjustments to its starting time, can also be found on the Agency's public Web site.

The public may also attend this meeting in person at the address listed above as seating capacity permits. Member of the public seeking to attend the meeting in person must register at *http://bbgboardmeetingjune2014.eventbrite.com* by 12:00 p.m. (e.s.t.) on June 19. For more information regarding viewing the meeting online or attending it in person, please contact BBG Public Affairs at (202) 203–4400 or by email at *pubaff@bbg.gov.*

CONTACT PERSON FOR MORE INFORMATION: Persons interested in obtaining more information should contact Oanh Tran at (202) 203–4545.

Oanh Tran,

Director of Board Operations.

[FR Doc. 2014–14067 Filed 6–11–14; 4:15 pm]

BILLING CODE 8610–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Current Population Survey—Housing Vacancy Survey.

OMB Control Number: 0607–0179.

Form Number(s): HVS–600, BC–1428, CPS–263(L).

Type of Request: Extension of a currently approved collection.

Burden Hours: 4,318.

Number of Respondents: 7,000.

Average Hours per Response: 3 minutes.

Needs and Uses: The Census Bureau requests clearance for the collection of demographic information in the Housing Vacancy Survey (HVS) beginning in July 2014. The current clearance expires June 30, 2014. The HVS has been conducted since 1956 and serves a broad array of data users.

The U.S. Census Bureau collects the HVS data for a sample of vacant housing units identified in the monthly Current Population Survey (CPS) sample. These data provide the only quarterly statistics on rental vacancy rates and home ownership rates for the United States, the four census regions, inside vs. outside metropolitan areas (MSAs), the 50 States, the District of Columbia, and the 75 largest MSAs. Private and public sector organizations use these rates extensively to gauge and analyze the housing market.

In addition, the rental vacancy rate is a component of the index of leading economic indicators published by the Department of Commerce. It is used by the Department of Housing and Urban Development (HUD), Bureau of Economic Analysis (BEA), National Association of Home Builders, Federal Reserve Board (FRB), OMB, Department of the Treasury, and the White House Council of Economic Advisers.

Policy analysts, program managers, budget analysts, and Congressional staff use data obtained from the remaining questions that do not deal specifically with the vacancy rate to advise the executive and legislative branches of government with respect to number and characteristics of units available for occupancy and the suitability of housing initiatives

The Census Bureau produces a press release, ''Census Bureau Reports on Residential Vacancies and Home Ownership,'' on a quarterly basis. In addition, we place the HVS data on the Internet for users to access. The Internet address for the HVS data is *http://www.census.gov/housing/hvs.* Several other government agencies use these data on a continuing basis. For example, the BEA uses the HVS data in calculating consumer expenditures for housing as a component of the gross domestic product; the HUD relies on the HVS data to measure the adequacy of the supply of rental and homeowner units and works with the White House in measuring homeownership for minorities. The National Association of Home Builders, the National Association of Realtors, the Federal National Mortgage Association, the FRB, the Home Loan Mortgage Corporation, and the American Federation of Labor-Congress of Industrial Organizations are among the many users in the private sector who routinely use the HVS data in making policy decisions relating to the housing market. In addition, investment firms use the HVS data to analyze market trends and for economic forecasting.

The continuation of the HVS ensures the historical continuity of a data series that began in 1956. If eliminated, both public and private organizations would not have the data to evaluate housing markets with regard to housing vacancies, the level of home ownership, and housing inventory estimates by tenure and vacancy status.

Affected Public: Individuals or households.

Frequency: Monthly.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, USC, Section 182, and Title 29, USC Section 1.

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

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.OIRA Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: June 9, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–13805 Filed 6–12–14; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–72–2014]

Foreign-Trade Zone 119—Minneapolis-St. Paul, Minnesota; Application for Subzone; The Coleman Company, Inc.; Sauk Rapids, Minnesota

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Metropolitan Area Foreign Trade Zone Commission, grantee of FTZ 119, requesting subzone status for the facility of The Coleman Company, Inc., located in Sauk Rapids, Minnesota. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on June 9, 2014.

The proposed subzone (24.66 acres) is located at 1100 Stearns Drive in Sauk Rapids (Benton County). A notification of proposed production activity has been docketed (B–31–2014). The proposed subzone would be subject to the existing activation limit of FTZ 119.

In accordance with the Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 23, 2014. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to August 7, 2014.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: June 9, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–13897 Filed 6–12–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Denying Export Privileges

In the Matter of: Jaime Ariel Amaya-Garcia, Inmate #—11245–379, CI Willacy County Correctional Institution, 1800 Industrial Drive, Raymondville, TX 78580.

On March 16, 2013, in the U.S. District Court, Southern District of Texas, Jaime Ariel Amaya-Gacia (''Amaya-Garcia''), was convicted of violating Section 38 of the Arms Export Control Act (22 U.S.C. 2778 (2012)) (''AECA''). Specifically, Amaya-Garcia knowingly and willfully aiding and abetting the export, attempting to export and causing to be exported into the United Mexican States from the United States of America a defense article, to wit: Approximately fifty (50) 308 type, twenty (20) round assault rifle magazines, which were designated as defense articles on the United States Munitions List, without having first obtained from the Department of State a license for such export or written authorization for such export. Amaya-Garcia was sentenced to 46 months of imprisonment and two years of supervised release, and fined a $100 assessment. Amaya-Garcia is also listed on the U.S. Department of State Debarred List.

Section 766.25 of the Export Administration Regulations (''EAR'' or ''Regulations'')[1] provides, in pertinent part, that ''[t]he Director of the Office of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny the export privileges of any person who has been convicted of a violation of the Export Administration Act (''EAA''), the EAR, or any order, license or authorization issued thereunder; any regulation, license, or order issued under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706); 18 U.S.C. 793, 794 or 798; section 4(b) of the Internal Security Act of 1950 (50 U.S.C. 783(b)), or section 38 of the Arms Export Control Act (22 U.S.C. 2778).'' 15 CFR 766.25(a); *see also* Section 11(h) of the EAA, 50 U.S.C. app. § 2410(h). The denial of export privileges under this provision may be for a period of up to 10 years from the date of the conviction. 15 CFR 766.25(d); *see also* 50 U.S.C. app. § 2410(h). In addition, Section 750.8 of the Regulations states that the Bureau of Industry and Security's Office of Exporter Services may revoke any Bureau of Industry and Security (''BIS'') licenses previously issued in which the person had an interest in at the time of his conviction.

I have received notice of Amaya-Garcia's conviction for violating the AECA, and have provided notice and an opportunity for Amaya-Garcia to make a written submission to BIS, as provided in Section 766.25 of the Regulations. I have not received a submission from Amaya-Garcia.

Based upon my review and consultations with BIS's Office of Export Enforcement, including its Director, and the facts available to BIS, I have decided to deny Amaya-Garcia's export privileges under the Regulations for a period of 10 years from the date of Amaya-Garcia's conviction. I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which Amaya-Garcia had an interest at the time of his conviction.

Accordingly, it is hereby

Ordered

I. Until March 16, 2023, Jaime Ariel Amaya-Garcia, with a last known address at: Inmate # 11245–379, CI Willacy County Correctional Institution, 1800 Industrial Drive, Raymondville, TX 78580, and when acting for or on behalf of Amaya-Garcia, his representatives, assigns, agents or employees (the ''Denied Person''), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

II. No person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or

[1] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2013). The Regulations issued pursuant to the Export Administration Act (50 U.S.C. app. §§ 2401–2420 (2000)) (''EAA''). Since August 21, 2001, the EAA has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 8, 2013 (78 FR 49107 (August 12, 2013)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2006 & Supp. IV 2010)).

controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

III. After notice and opportunity for comment as provided in Section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Amaya-Garcia by affiliation, ownership, control or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order if necessary to prevent evasion of the Order.

IV. This Order is effective immediately and shall remain in effect until March 16, 2023.

V. In accordance with Part 756 of the Regulations, Amaya-Garcia may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

VI. A copy of this Order shall be delivered to the Amaya-Garcia. This Order shall be published in the **Federal Register**.

Issued this 6th day of June 2014.

Eileen M. Albanese,

Acting Director, Office of Exporter Services.

[FR Doc. 2014–13831 Filed 6–12–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Denying Export Privileges

In the Matter of: Seyed Mojtaba Atarodi), a/k/a Professor Mojtaba Atarodi, Electrical Engineering Department, Sharif University, Azadi Avenue, Tehran, Iran, and with an address at: 12955 Jollete Avenue, Granada Hills, CA 91344

On April 18, 2013, in the U.S. District Court, Northern District of California, Seyed Mojtaba Atarodi, a/k/a Professor Mojtaba Atarodi (''Atarodi''), was convicted of violating the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2006 & Supp. IV 2010)) (''IEEPA''). Specifically, Atarodi knowingly and willfully combine, conspired, confederated, and agreed with others known and unknown to the Grand Jury, to commit offenses against the United States, that is, to export and cause the exportation of goods from the United States to Iran in violation of the embargo imposed upon that country by the United States, without having first obtained the required licenses and authorizations from the Office of Foreign Assets Control, United States Department of Treasury. Atarodi was sentenced to time served, three years of supervised release, and $1,700 assessment.

Section 766.25 of the Export Administration Regulations (''EAR'' or ''Regulations'') [1] provides, in pertinent part, that ''[t]he Director of the Office of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny the export privileges of any person who has been convicted of a violation of the Export Administration Act (''EAA''), the EAR, or any order, license or authorization issued thereunder; any regulation, license, or order issued under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706); 18 U.S.C. 793, 794 or 798; section 4(b) of the Internal Security Act of 1950 (50 U.S.C. 783(b)), or section 38 of the Arms Export Control Act (22 U.S.C. 2778).'' 15 CFR 766.25(a); *see also* Section 11(h) of the EAA, 50 U.S.C. app. § 2410(h). The denial of export privileges under this provision may be for a period of up to 10 years from the date of the conviction. 15 CFR 766.25(d); *see also* 50 U.S.C. app. § 2410(h). In addition, Section 750.8 of the Regulations states that the Bureau of Industry and Security's Office of Exporter Services may revoke any Bureau of Industry and Security (''BIS'') licenses previously issued in which the person had an interest in at the time of his conviction.

I have received notice of Atarodi's conviction for violating the IEEPA, and have provided notice and an opportunity for Atarodi to make a written submission to BIS, as provided in Section 766.25 of the Regulations. I have not received a submission from Atarodi.

Based upon my review and consultations with BIS's Office of Export Enforcement, including its Director, and the facts available to BIS, I have decided to deny Atarodi's export privileges under the Regulations for a period of 10 years from the date of Atarodi's conviction. I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which Atarodi had an interest at the time of his conviction.

Accordingly, it is hereby

Ordered

I. Until April 18, 2023, Seyed Mojtaba Atarodi, a/k/a Professor Seyed Mojtaba Atarodi, with last known addresses at: Electrical Engineering Department, Shariff University, Azadi Avenue, Tehran, Iran; and 12955 Jollete Avenue, Granada Hills, CA 91344, and when acting for or on behalf of Atarodi, his representatives, assigns, agents or employees (the ''Denied Person''), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

II. No person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

[1] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2013). The Regulations issued pursuant to the Export Administration Act (50 U.S.C. app. §§ 2401–2420 (2000)) (''EAA''). Since August 21, 2001, the EAA has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 8, 2013 (78 FR 49107 (August 12, 2013)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2006 & Supp. IV 2010)).

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

III. After notice and opportunity for comment as provided in Section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Atarodi by affiliation, ownership, control or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order if necessary to prevent evasion of the Order.

IV. This Order is effective immediately and shall remain in effect until April 18, 2023.

V. In accordance with Part 756 of the Regulations, Atarodi may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

VI. A copy of this Order shall be delivered to the Atarodi. This Order shall be published in the **Federal Register**.

Issued this 6th day of June 2014.

Eileen M. Albanese,

Acting Director, Office of Exporter Services.

[FR Doc. 2014–13834 Filed 6–12–14; 8:45 am]

BILLING CODE

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–833]

Polyester Staple Fiber From Taiwan: 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 polyester staple fiber (PSF) from Taiwan. The period of review (POR) is May 1, 2012, through April 30, 2013. The review covers two producers/exporters of the subject merchandise, Far Eastern New Century Corporation (FENC) and Nan Ya Plastics Corporation (Nan Ya). We preliminarily find that FENC has not sold subject merchandise at less than normal value and that Nan Ya had no shipments during the POR. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* June 13, 2013.

FOR FURTHER INFORMATION CONTACT: Jerrold Freeman 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) 482–0180, and (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the order is PSF. The PSF subject to the order is currently classifiable under subheadings 5503.20.00.40, 5503.20.00.45, 5503.20.00.60, and 5503.20.00.65 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes.[1] 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*. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Determination of No Shipments

Nan Ya reported that it did not sell or export subject merchandise to the United States during the POR.[2] Based on record evidence, we preliminarily find that Nan Ya had no shipments during the POR.

Methodology

The Department conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum.

Preliminary Results of Review

As a result of this review, we preliminarily determine that a weighted-average dumping margin of 0.00 percent exists for FENC for the period May 1, 2012, through April 30, 2013.

Disclosure and Public Comment

We intend to disclose the calculations performed to parties in this proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Pursuant to 19 CFR 351.309(c), interested parties may submit cases 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.[3] 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.[4]

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 by

[1] A full description of the scope of the order is contained in the 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 Antidumping Duty Administrative Review: Polyester Staple Fiber from Taiwan'' dated concurrently with this notice (Preliminary Decision Memorandum), which is hereby adopted by this notice.

[2] *See* letter from Nan Ya to the Department, ''Antidumping Duty Administrative Review on Polyester Staple Fiber from Taiwan for the period from May 1, 2012 to April 30, 2013'' (August 8, 2013).

[3] *See* 19 CFR 351.309(d).

[4] *Id.,* and 19 CFR 351.303 (for general filing requirements).

the Department's electronic records system, IA ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.[5] 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 discussed. 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 completion of the administrative review, the Department shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries. If FENC's weighted-average dumping margin is not zero or *de minimis* in the final results of this review, we will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for an importer's examined sales and the total entered value of such sales in accordance with 19 CFR 351.212(b)(1). If FENC's weighted-average dumping margin is zero or *de minimis* in the final results of review, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties in accordance with the *Final Modification for Reviews, i.e.,* ''{w}here the weighted-average margin of dumping for the exporter is determined to be zero or *de minimis,* no antidumping duties will be assessed.''[6] If an importer-specific assessment rate is zero or *de minimis,* then the Department will instruct CBP to liquidate the appropriate entries without regard to antidumping duties in accordance with 19 CFR 351.106(c)(2).

The Department clarified its ''automatic assessment'' regulation on May 6, 2003.[7] This clarification will apply to entries of subject merchandise during the POR produced by FENC for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

Consistent with the *Assessment Policy Notice,* if we continue to find that Nan Ya had no shipments of subject merchandise to the United States in the final results of this review, we intend to instruct CBP to liquidate any existing entries of merchandise produced by Nan Ya and exported by other parties at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of PSF from Taiwan 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 rate for FENC will be equal to the weighted-average dumping margin established in the final results of this administrative 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 recent period for which there is a completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for which there is a completed segment for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 7.31 percent.[8] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification 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 double 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.

Dated: June 9, 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. Preliminary Determination of No Shipments
E. Discussion of the Methodology
  1. Fair Value Comparisons
  2. Product Comparisons
  3. Determination of Comparison Method
  4. Results of the Differential Pricing Analysis
  5. Date of Sale
  6. Export Price
  7. Normal Value
  a. Home Market Viability as Comparison Market
  b. Level of Trade
  c. Cost of Production
  (1) Calculation of Cost of Production
  (2) Test of Comparison Market Sales Prices
  (3) Results of the Cost of Production Test
  d. Calculation of Normal Value Based on Comparison Market Prices
  8. Currency Conversion
F. Recommendation

[FR Doc. 2014–13892 Filed 6–12–14; 8:45 am]

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[5] *See* 19 CFR 351.310(c).

[6] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101, 8102 (February 14, 2012) (*Final Modification for Reviews*).

[7] For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003) (*Assessment Policy Notice*).

[8] The all-others rate established in the *Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Polyester Staple Fiber From the Republic of Korea and Antidumping Duty Orders: Certain Polyester Staple Fiber From the Republic of Korea and Taiwan,* 65 FR 33807 (May 25, 2000).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–992]

Monosodium Glutamate From the People's Republic of China: Amended Preliminary Determination of Sales at Less Than Fair Value of the Antidumping Duty Investigation

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

SUMMARY: The Department of Commerce (''the Department'') is amending the preliminary determination of the less-than-fair-value investigation of monosodium glutamate (''MSG'') from the People's Republic of China (''PRC'')

to correct certain ministerial errors.[1] The period of investigation (''POI'') is January 1, 2013, through June 30, 2013.

DATES: *Effective Date:* June 13, 2014.

FOR FURTHER INFORMATION CONTACT: Milton Koch, or Jun Jack Zhao, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2584, or (202) 482–1396, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 7, 2014, the Department disclosed to interested parties its calculations for the *Preliminary Determination.* On May 13, 2014, we received ministerial error comments from Ajinomoto North America Inc. (''Petitioner''); and Langfang Meihua Bio-Technology Co., Ltd., Meihua Holdings Group Co., Ltd., and Tongliao Meihua Biological SCI–TECH Co., Ltd. (collectively, the Meihua Group), alleging that the Department made ministerial errors in the calculation of the Meihua Group's weighted-average dumping margin.[2]

Scope of the Investigation

The scope of this investigation covers MSG, whether or not blended or in solution with other products. Specifically, MSG that has been blended or is in solution with other product(s) is included in this scope when the resulting mix contains 15 percent or more of MSG by dry weight. For a full description of the products covered by the less-than-fair-value investigation, see the Memorandum to Paul Piquado, Assistant Secretary, Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary, ''Preliminary Determination of the Less-Than-Fair-Value Investigation of Monosodium Glutamate from the People's Republic of China: Ministerial Error Allegations Memorandum,'' dated concurrently with and hereby adopted by this notice (''Ministerial Error Memo''). The Ministerial Error Memo 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 is available to all parties in the Central Records Unit, which is in room 7046 of the main Department of Commerce building. A list of the issues discussed in the Ministerial Error Memo is attached to this notice an appendix.

Ministerial Errors

Ministerial errors are defined in 19 CFR 351.224(f) as an error ''in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any similar type of unintentional error which the Secretary considers ministerial.'' 19 CFR 351.224(e) provides that the Department ''will analyze any comments received and, if appropriate, correct any significant ministerial error by amending the preliminary determination.'' A significant ministerial error is defined as a ministerial error, the correction of which, singly or in combination with other errors, would result in: (1) A change of at least five absolute percentage points in, but not less than 25 percent of, the weighted-average dumping margin calculated in the original (erroneous) preliminary determination; or (2) a difference between a weighted-average dumping margin of zero or *de minimis* and a weighted-average dumping margin of greater than *de minimis* or vice versa.[3]

After analyzing the ministerial error comments, we determine, in accordance with 19 CFR 351.224(e), that we made the following ministerial errors in our calculations for the *Preliminary Determination:* We inadvertently miscalculated the Meihua Group's organic bacteria protein by-product, high protein scrap by-product, foreign inland freight distance, home country distances and freight charges, 20-foot container weight for brokerage and handling expenses, and certain inputs for the production of MSG. Moreover, we determine that these errors in combination constitute a ''significant ministerial error'' as defined in 19 CFR 351.224(g)(1). Accordingly, we corrected these errors. As a result of correcting these errors in the calculation of the Meihua Group's weighted-average dumping margin, the weighted-average dumping margin for the companies granted separate-rate status must also be revised because the rate for those companies was derived from the Meihua Group's rate.[4] The weighted-average dumping margin for the PRC-wide entity also must be revised because it was based on the Meihua Group's highest transaction-specific dumping margin.[5] For a detailed discussion of these ministerial errors, as well as the Department's analysis, *see* the Ministerial Error Memo.

In accordance with 19 CFR 351.224(e), we are amending the *Preliminary Determination* of the less-than-fair-value investigation of MSG from the PRC. The revised weighted-average dumping margins are detailed below.

Amended Preliminary Determination

As a result of the correction of the ministerial error, the amended weighted-average dumping margins for the preliminary determination are as follows:

Exporter	Producer	Weighted-average dumping margin (percent)
Langfang Meihua Bio-Technology Co., Ltd./Meihua Group International Trading (Hong Kong) Limited.	Tongliao Meihua Biological SCI–TECH Co., Ltd./Meihua Holdings Group Co., Ltd., Bazhou Branch.	157.55
Fujian Province Jianyang Wuyi MSG Co., Ltd	Fujian Province Jianyang Wuyi MSG Co., Ltd	157.55
Neimenggu Fufeng Biotechnologies Co., Ltd	Neimenggu Fufeng Biotechnologies Co., Ltd	157.55

[1] *Monosodium Glutamate from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, and Postponement of Final Determination,* 79 FR 26408 (May 8, 2014) (''*Preliminary Determination*'').

[2] *See* Letter from Petitioner, ''Antidumping Duty Investigation on Monosodium Glutamate from China: Ministerial Error Comments,'' dated May 13, 2014; and letter from the Meihua Group: ''Monosodium Glutamate from the People's Republic of China: Ministerial Error Comments,'' dated May 13, 2014.

[3] *See* 19 CFR 351.224(g).

[4] *See* Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for the Preliminary Determination of Sales at Less Than Fair Value, Affirmative Preliminary Determination of Critical Circumstances, and Postponement of Final Determination of the Antidumping Duty Investigation of Monosodium Glutamate from the People's Republic of China (May 1, 2014), at 12.

[5] *Id.* at 14.

Exporter	Producer	Weighted-average dumping margin (percent)
Baoji Fufeng Biotechnologies Co., Ltd	Baoji Fufeng Biotechnologies Co., Ltd	157.55
PRC-wide Entity*		157.59

*The PRC-wide entity includes Shandong Linghua Monosodium Glutamate Incorporated Company, a mandatory respondent in this investigation.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we will instruct CBP to require a cash deposit for all suspended entries, on or after the date of the publication of this notice in the **Federal Register**, at an *ad valorem* rate equal to the weighted-average dumping margins, as indicated in the chart above. These suspension of liquidation instructions will remain in effect until further notice.

International Trade Commission (ITC) Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our amended preliminary affirmative determination of sales at LTFV. Section 735(b)(2) of the Act requires the ITC to make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of MSG, or sales (or the likelihood of sales) for importation, of the merchandise under consideration within 45 days of our final determination.

Notification to Interested Parties

The Department will disclose calculations performed in connection with this amended preliminary determination within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

This amended preliminary determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.224(e).

Dated: June 9, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Ministerial Error Memorandum

1. Summary
2. Scope of the Investigation
3. Legal Authority
4. Analysis of Alleged Ministerial Errors
   a. Foreign Inland Freight Distance from Factory to Port of Exportation
   b. Sulfur Dioxide
   c. Labor and Energy Costs Allocated to Corn Co-Products
   d. Brokerage and Handling, Inland Freight Surrogate Value
   e. Sodium Hydroxide in Aqueous Solution
   f. Distances and Freight Charges for Certain Meihua Factors of Production
   g. Organic Bacterial Protein By-Product
   h. High Protein Scrap By-Product
5. Recommendation

[FR Doc. 2014–13893 Filed 6–12–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RIN 0648–XD332]

Pacific Island Fisheries; Western Pacific Stock Assessment Review; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Western Pacific Fishery Management Council (Council) and NMFS will convene a Western Pacific Stock Assessment Review (WPSAR) meeting for Pacific Island coral reef ecosystem fisheries.

DATES: The meeting will be held on June 30 through July 3, 2014, starting at 9 a.m. each day. The meeting will conclude each day at 5 p.m., or when business for the day has been completed. See **SUPPLEMENTARY INFORMATION** for the daily meeting agenda.

ADDRESSES: The meeting will be held at the NMFS Honolulu Service Center at Pier 38, 1129 North Nimitz Hwy., Suite 220, Honolulu, HI 96817.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to review a Bayesian modeling approach that generates maximum sustainable yield (MSY) estimates for Pacific coral reef ecosystem resources using available catch time series, a measure of population growth, carrying capacity, and biomass from NMFS underwater fish census surveys. At this meeting, a team of reviewers provided by the Center for Independent Experts (*www.ciereviews.org*) will review the model methods, input data and parameters, including the adequacy of the model and model outputs, and suggest research priorities to improve understanding of essential population and fishery dynamics necessary to formulate best management practices. The MSY estimates generated by the model will be the foundation upon which the Council and NMFS will base management decisions for Pacific Island coral reef fisheries, including establishment of annual catch limits (ACL) starting in 2015.

The Council and NMFS established the WPSAR process pursuant to Section 302(g)(1)(E), which provides that the Secretary of Commerce and each regional fishery management council may establish a peer review process for scientific information used to advise the Council about fisheries conservation and management. The Council and NMFS emphasize constituent and stakeholder participation in the WPSAR process and ensuring rigorous and independent review of information.

Meeting Agenda for WPSAR Review

Monday, June 30, 2014

1. Opening remarks and introductions
2. Overview of the Review Process
   a. Review of Scope of Work
   b. Review process mechanics
3. Background presentations
   a. MSRA requirements for Annual Catch Limits
   b. Initial ACL specification and the need to improve
4. Presentation on the data preparation for the model-based approach
5. Presentation on the Biomass Augmented Catch-MSY model
6. Questions to presenters Review Panel
7. Public Comment

Tuesday, July 1, 2014

8. Presentation on the P* Analysis
9. Discussion and questions for presenters
10. Review panel deliberations and report writing (closed)

Wednesday, July 2, 2014

11. Review panel deliberations and report writing (closed)

Thursday, July 3, 2014

12. Review panel reports on findings and recommendations
13. Adjourn

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: June 10, 2014.

William D. Chappell,

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

[FR Doc. 2014–13845 Filed 6–12–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RIN 0648–XD327]

Mid-Atlantic Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (MAFMC) Summer Flounder, Scup, and Black Sea Bass Advisory Panel (AP) will hold a public meeting.

DATES: The meeting will be held on Tuesday, July 1, 2014, from 10 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Double Tree by Hilton Baltimore—BWI Airport, 890 Elkridge Landing Road, Linthicum, MD 21090; telephone: (410)–859–8400.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The MAFMC's Summer Flounder, Scup, and Black Sea Bass Advisory Panel will meet jointly with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Advisory Panels. This meeting has two primary purposes, as described below:

1. The AP will review fishery performance and create AP Fishery Performance Reports for Summer Flounder, Scup, and Black Sea Bass. Specifications for the 2015 fishing year, including catch and landings limits and commercial management measures, have already been implemented as part of previously set multi-year specifications. Specifications for 2015 will be reviewed by the MAFMC and Atlantic States Marine Fisheries Commission (ASFMC) to determine whether any changes are warranted. The Advisory Panel's Fishery Performance Reports for each species will be provided to the MAFMC and the ASMFC prior to their review of 2015 specifications.

2. The AP will be asked to provide input on the range of issues to be considered in a recently-initiated amendment to the MAFMC's Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan. This amendment will relate to summer flounder management goals and strategies. More information can be found at: *http://www.mafmc.org/actions/summer-flounder-amendment/*.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the MAFMC's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Saunders at the Mid-Atlantic Council Office, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: June 10, 2014.

William D. Chappell,

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

[FR Doc. 2014–13844 Filed 6–12–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of State Coastal Management Programs

AGENCY: National Ocean Service, Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of intent to evaluate.

SUMMARY: The NOAA Office of Ocean and Coastal Resource Management (OCRM) announces its intent to evaluate the performance of the Maryland and Commonwealth of the Northern Mariana Islands Coastal Management Programs.

The Coastal Zone Management Program evaluations will be conducted pursuant to section 312 of the Coastal Zone Management Act of 1972, as amended (CZMA) and regulations at 15 CFR part 923, Subpart L. The CZMA requires continuing review of the performance of states with respect to coastal management program implementation. Evaluation of a Coastal Management Program requires findings concerning the extent to which a state has met the national objectives, adhered to its Coastal Management Program document approved by the Secretary of Commerce, and adhered to the terms of financial assistance awards funded under the CZMA.

The evaluations will include a public meeting, consideration of written public comments and consultations with interested Federal, state, and local agencies and members of the public. When the evaluation is completed, OCRM will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings. Notice is hereby given of the date, local time, and location of the public meeting.

Date and Time: The Maryland Coastal Management Program public meeting will be held on Tuesday, August 5 at 5:30 p.m. local time at the Ocean Pines Library at 11107 Cathell Road, Berlin, Maryland 21811.

The Commonwealth of the Northern Mariana Islands Coastal Management

Program public meeting will be held on Tuesday, August 5th, at 5:00 p.m. local time at Governor Pedro P. Tenorio Multi-Purpose, Beach Road, Susupe, Saipan, MP 96950.

ADDRESSES: Copies of each state's most recent performance report, as well as OCRM's evaluation notification letter to the state, are available upon request from OCRM. Written comments from interested parties regarding these programs are encouraged and will be accepted until August 15, 2014 for the Maryland and Commonwealth of the Northern Mariana Islands Coastal Management Programs. Please direct written comments to Carrie Hall, Evaluator, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, N/ORM7, Silver Spring, Maryland 20910, or *Carrie.Hall@noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Carrie Hall, Evaluator, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, N/ORM7, Silver Spring, Maryland 20910, (301) 563–1135, or *Carrie.Hall@noaa.gov*.

Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration

Dated: June 6, 2014.

Christopher C. Cartwright,

Associate Assistant Administrator for Management and CFO/CAO, Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration.

[FR Doc. 2014–13837 Filed 6–12–14; 8:45 am]

BILLING CODE 3510–08–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds products to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Effective Date: 7/14/2014.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov*.

SUPPLEMENTARY INFORMATION:

Additions

On 3/28/2014 (79 FR 17509–17510) and 4/11/2014 (79 FR 20190–20191), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and impact of the additions on the current or most recent contractors, the Committee has determined that the products listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products to the Government.

2. The action will result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products are added to the Procurement List:

Products

NSN: 4510–00–NIB–0049—Bag, Disposable, Polyethylene, Feminine Hygiene, Pink
NSN: 4510–00–NIB–0050—Dispenser, Stainless Steel, Feminine Hygiene Disposal Bags
NPA: Envision, Inc., Wichita, KS
Contracting Activity: Defense Logistics Agency Troop Support, Philadelphia, PA
Coverage: C-List for 100% of the requirement of the Department of Defense, as aggregated by the Defense Logistics Agency Troop Support, Philadelphia, PA.

NSN: 7510–00–272–9662—Staples, Standard, Full Strip
NPA: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: General Services Administration, New York, NY
Coverage: A-List for the Total Government Requirement as aggregated by the General Services Administration, New York, NY.

Jacket, Tanker, USMC, Pewter Gray

NSN: 8415–00–NIB–1053—Size 38R
NSN: 8415–00–NIB–1054—Size 38L
NSN: 8415–00–NIB–1055—Size 38XL
NSN: 8415–00–NIB–1056—Size 40S
NSN: 8415–00–NIB–1057—Size 40R
NSN: 8415–00–NIB–1058—Size 40L
NSN: 8415–00–NIB–1059—Size 40XL
NSN: 8415–00–NIB–1092—Size 42S
NSN: 8415–00–NIB–1093—Size 42R
NSN: 8415–00–NIB–1094—Size 42L
NSN: 8415–00–NIB–1095—Size 42XL
NSN: 8415–00–NIB–1096—Size 44S
NSN: 8415–00–NIB–1097—Size 44R
NSN: 8415–00–NIB–1098—Size 44L
NSN: 8415–00–NIB–1099—Size 44XL
NSN: 8415–00–NIB–1100—Size 46S
NSN: 8415–00–NIB–1101—Size 46R
NSN: 8415–00–NIB–1102—Size 46L
NSN: 8415–00–NIB–1103—Size 46XL
NSN: 8415–00–NIB–1104—Size 48R
NSN: 8415–00–NIB–1105—Size 48L
NSN: 8415–00–NIB–1106—Size 48XL
NSN: 8415–00–NIB–1108—Size 50L
NSN: 8415–00–NIB–1109—Size 50XL
NSN: 8415–00–NIB–1110—Size 52R
NSN: 8415–00–NIB–1111—Size 52L
NSN: 8415–00–NIB–1112—Size 54R
NSN: 8415–00–NIB–1113—Size 54L
NSN: 8415–00–NIB–1107—Size 50R
NPA: Lions Services, Inc., Charlotte, NC
Contracting Activity: Marine Corps Systems Command, Quantico, VA
Coverage: C-List for 100% of the U.S. Marine Corps Junior ROTC Program requirement, as aggregated by the Marine Corps Systems Command (MARCORSYSCOM), Quantico, VA.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2014–13850 Filed 6–12–14; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletion

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to and Deletion from the Procurement List.

SUMMARY: The Committee is proposing to add products and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes a product previously provided by such agency.

DATES: *Comments Must Be Received On Or Before:* 7/14/2014.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely

Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia, 22202–4149.

For Further Information Or To Submit Comments Contact: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov*.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products and services are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Products

Toner Cartridge, Remanufactured, Lexmark

NSN: 7510–00–NSH–0211—Optra T620/T622 Series Compatible
NSN: 7510–00–NSH–0212—Optra T630/T632/T634 Series Compatible
NSN: 7510–00–NSH–1010—Optra T644/X644/X646 Series Compatible
NSN: 7510–00–NSH–1013—E350/E352 Series Compatible
NSN: 7510–00–NSH–1014—E450 Series Compatible
NSN: 7510–00–NSH–1051—E230/E232/E234/E330/E332/E340/E342 Series Compatible
NSN: 7510–00–NSH–1060—E260/E360/E460/E462 Series Compatible
NSN: 7510–00–NSH–1061—E360/E460/E462 Series Compatible
NSN: 7510–00–NSH–1062—E460 Series Compatible
NSN: 7510–00–NSH–1063—Multiple T and X Compatible, 25,000 page
NSN: 7510–00–NSH–1064—Multiple T and X Series Compatible, 36,000 page
NSN: 7510–00–NSH–1208—Kit, Maintenance, T620/620N Series Compatible
NPA: TRI Industries NFP, Chicago, IL
Contracting Activity: General Services Administration, New York, NY
Coverage: A-List for the Total Government Requirement as aggregated by the General Services Administration, New York, NY.

Calcium, Lime, and Rust Remover

NSN: 6850–00–NIB–2165—12/28 oz. Bottles
NSN: 6850–00–NIB–2166—4/1 Gallon Bottles
NPA: The Lighthouse for the Blind, St. Louis, MO
Contracting Activity: Defense Logistics Agency Aviation, Richmond, VA
Coverage: A-List for the Total Government Requirement as aggregated by the Defense Logistics Agency Aviation, Richmond, VA.

Services

Service Type/Location: Warehouse & Supply Support Service, Space and Naval Warfare Systems Center Atlantic One Innovation Dr., Building 3147, North Charleston, SC
NPA: Goodwill Services, Inc., Richmond, VA
Contracting Activity: Dept of the Navy, SPAWAR Systems Center Atlantic, North Charleston, SC

Service Type/Location: Grounds Maintenance Service, Mission and Installation Contracting Command, 1792 12th Street, Fort Riley, KS
NPA: Skookum Educational Programs, Bremerton, WA
Contracting Activity: Dept of the Army, W6QM MICC–FT RILEY, Fort Riley, KS

Service Type/Location: Assembly, Kitting, Warehousing, Distribution, and Fulfillment Service, National Park Service, Interpretation and Education Division, 1849 C Street NW., Washington, DC
NPA: Industries for the Blind, Inc., West Allis, WI
Contracting Activity: Dept of the Interior, National Park Service, NCR Regional Contracting, Washington, DC

Deletion

The following product is proposed for deletion from the Procurement List:

Product

Winter Blue Dress Uniform Shirt

NSN: PGC496—USCG, Unisex, Long Sleeve
NPA: Oswego Industries, Inc., Fulton, NY
Contracting Activity: HQ Contract Operations (CG–912), Washington, DC

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2014–13851 Filed 6–12–14; 8:45 am]

BILLING CODE 6353–01–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 AmeriCorps National Civilian Community Corps' Team Leader Application 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, Doug Hale, at 202–606–7530 or email to *dhale@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 28 March 2014. This comment period ended May 27, 2014. No public comments were received from this Notice.

Description: CNCS is seeking approval of NCCC Team Leader Application, which was developed to collect applicant information for the hiring of NCCC Team Leaders at each of the five NCCC campuses. The application will be completed by prospective NCCC Team Leaders, during each campus hire cycle. Completion of this information collection is required to be selected as an NCCC Team Leader.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: NCCC Team Leader Application.

OMB Number: 3045–0005.

Agency Number: None.

Affected Public: AmeriCorps NCCC Team Leader applicants.

Total Respondents: 800.

Frequency: Bi-annual application.

Average Time per Response: Averages 2 hours.

Estimated Total Burden Hours: 1,600 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Dated: June 9, 2014.

Gina Cross,

Acting Director, AmeriCorps National Civilian Community Corps.

[FR Doc. 2014–13842 Filed 6–12–14; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2014–0034]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement (DFARS); Part 251, Contractor Use of Government Supply Sources

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. *DoD invites comments on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the 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 the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use through October 31, 2014. DoD proposes that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD will consider all comments received by August 12, 2014.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0252, using any of the following methods:

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

Email: osd.dfars@mail.mil. Include OMB Control Number 0704–0252 in the subject line of the message.

Fax: 571–372–6094.

Mail: Defense Acquisition Regulations System, Attn: Ms. Janetta Brewer, OUSD(AT&L)DPAP(DARS), 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Janetta Brewer, 571–372–6104. The information collection requirements addressed in this notice are available on the World Wide Web at: *http://www.acq.osd.mil/dpap/dars/dfarspgi/current/index.html.* Paper copies are available from Ms. Janetta Brewer, OUSD(AT&L)DPAP(DARS), 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060.

SUPPLEMENTARY INFORMATION:

Title, Associated Form, and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS), Part 251, Contractor Use of Government Supply Sources, and an associated clause at DFARS 252.251–7000, Ordering from Government Supply Sources; OMB Control Number 0704–0252.

Needs and Uses: This information collection permits contractors to place orders from Government supply sources, including Federal Supply Schedules, requirements contracts, and Government stock. The information submitted enables DoD to evaluate whether a contractor is authorized to place such orders.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 5,250.

Number of Respondents: 3,500.

Responses per Respondent: 3.

Annual Responses: 10,500.

Average Burden per Response: Approximately 30 minutes.

Frequency: On occasion.

Summary of Information Collection

This information collection includes requirements relating to DFARS part 251, Contractor Use of Government Supply Sources. The clause at DFARS 252.251–7000, Ordering from Government Supply Sources, requires a contractor to provide a copy of an authorization when placing an order under a Federal Supply Schedule, a Personal Property Rehabilitation Price Schedule, or an Enterprise Software Agreement.

Amy G. Williams,

Deputy, Defense Acquisition Regulations System.

[FR Doc. 2014–13841 Filed 6–12–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Elementary and Secondary School Counseling Programs

Catalog of Federal Domestic Assistance (CFDA) Number: 84.215E.

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice reopening the Elementary and Secondary School Counseling Programs application deadline for certain applicants.

SUMMARY: For certain applicants, the Department reopens the Elementary and Secondary School Counseling Programs grant competition to extend the deadline for submitting applications and the deadline for intergovernmental review. On April 27 and 28, 2014, certain prospective applicants were adversely affected by severe weather in Alabama, Arkansas, Florida, and Mississippi, which prevented them from submitting applications by the original deadline date of April 28, 2014.

DATES: *Deadline for Transmittal of Applications:* June 16, 2014.

Deadline for Intergovernmental Review: August 15, 2014.

FOR FURTHER INFORMATION CONTACT: Lisa Harrison, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E255, Washington, DC 20202–6450. Telephone: (202) 453–6730 or by email: *lisa.harrison@ed.gov* or Loretta McDaniel, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E242, Washington, DC 20202–6450. Telephone: (202) 453–6720 or by email: *loretta.mcdaniel@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: On March 12, 2014, we published in the **Federal Register** (79 FR 14012) a notice inviting applications for the Elementary and Secondary School Counseling Programs grant competition. That notice established an April 28, 2014, deadline for submitting an application. For prospective applicants who were adversely affected by severe weather in Alabama, Arkansas, Florida, and Mississippi on April 27, 2014, we are extending the deadline so that they have sufficient time to submit an application. The extension of the application deadline date in this notice applies to eligible applicants under the Elementary and Secondary School Counseling Programs grant competition that are located in a designated area covered by a Presidential Federal Disaster Declaration, and which had an incident period that included April 27–28, 2014, as determined by the Federal Emergency Management Agency (FEMA) (see *www.fema.gov/news/disasters.fema*). Information on the designated areas in each of four affected States can be found at the following links: Alabama (*http://www.fema.gov/disaster/4176*); Arkansas (*http://www.fema.gov/disaster/4174*); Florida (*http://www.fema.gov/disaster/4177*); and, Mississippi (*http://www.fema.gov/disaster/4175*). We will not accept applications from applicants who were not located in this federally declared disaster area during April 27–28, 2014.

Applicants under this competition are required to use Grants.gov to submit their application. The Department extends the deadline date for this competition to June 16, 2014 so that prospective applicants affected by severe weather will have additional time to submit an application. As a result of the change in the deadline date, we are also extending the deadline date for intergovernmental review only for these prospective applicants to August 15, 2014.

All information in the March 12, 2014, notice for this competition remains the same, except for the change in the deadline for submitting applications and the deadline for intergovernmental review.

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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.

Program Authority: 20 U.S.C. 7245.

Dated: June 10, 2014.

Deborah S. Delisle,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2014–13895 Filed 6–12–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2678–006]

Pacific Gas and Electric Company; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, and Preliminary Terms and Conditions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent License—Transmission Line Only.

b. *Project No.:* P–2678–006.

c. *Date filed:* April 24, 2014.

d. *Applicant:* Pacific Gas and Electric Company.

e. *Name of Project:* Narrows No. 2 Transmission Line Project.

f. *Location:* The Narrows No. 2 Transmission Line Project is located within the Yuba River watershed, in Yuba and Nevada counties, California. The project originates on public land administered by the United States Army Corps of Engineers.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Mark Stewart, Pacific Gas and Electric Company, 4636 Missouri Flat Road, Placerville, CA, 95667. Tel: (530) 621–7243 or by email at *m9s5@pge.com.*

i. *FERC Contact:* Jim Fargo, (202) 502–6095 or *james.fargo@ferc.gov.*

j. Deadline for filing motions to intervene and protests, comments, recommendations, preliminary terms and conditions: 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2678–006.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now is ready for environmental analysis.

l. The project includes about 1,638 feet (0.31 mile) of three-phase, 60-kilovolt transmission line from the Yuba County Water Authority's (YCWA) Narrows No. 2 Powerhouse (a component of FERC Project No. 2246), in Yuba County, to PG&E's Narrows No. 2 substation.

PG&E is not proposing to modify the existing project and does not plan any changes to the operation or maintenance of the transmission line.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at

http://www.ferc.gov using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title ''PROTEST'', ''MOTION TO INTERVENE'', ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' or ''PRELIMINARY TERMS AND CONDITIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, or terms and conditions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

o. *Procedural Schedule:*

The application will be processed according to the following revised Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Date
Filing of recommendations, and preliminary terms and conditions.	August 2014.
Commission issues EA	September 2014.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

q. A license applicant must file no later than 60 days following the date of issuance of the notice of acceptance and ready for environmental analysis provided for in 5.22: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Dated: June 9, 2014.

Kimberly D. Bose,

Secretary .

[FR Doc. 2014–13866 Filed 6–12–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–1923–001; ER10–2334–002; ER12–1924–001; ER11–3406–002; ER11–3407–002; ER10–2897–004; ER12–1865–003; ER12–1925–001.

Applicants: Big Savage, LLC, Big Sky Wind, LLC, EverPower Commercial Services LLC, Highland North LLC, Howard Wind LLC, Krayn Wind LLC, Mustang Hills, LLC, Patton Wind Farm, LLC.

Description: Triennial Market Power Update for the EverPower Companies.

Filed Date: 6/5/14.

Accession Number: 20140605–5157.

Comments Due: 5 p.m. ET 8/4/14.

Docket Numbers: ER12–1923–002; ER10–2334–003; ER12–1924–002; ER11–3406–003; ER11–3407–003; ER10–2897–005; ER12–1865–004; ER12–1925–002.

Applicants: Big Savage, LLC, Big Sky Wind, LLC, EverPower Commercial Services LLC, Highland North LLC, Howard Wind LLC, Krayn Wind LLC, Mustang Hills, LLC, Patton Wind Farm, LLC.

Description: Notification of Change in Status by the EverPower Companies.

Filed Date: 6/5/14.

Accession Number: 20140605–5162.

Comments Due: 5 p.m. ET 6/26/14.

Docket Numbers: ER14–2105–001.

Applicants: CPV Shore, LLC.

Description: Resubmission of June 2, 2014 Section 205 Filing to be effective 8/2/2014.

Filed Date: 6/6/14.

Accession Number: 20140606–5023.

Comments Due: 5 p.m. ET 6/27/14.

Docket Numbers: ER14–2106–001.

Applicants: CPV Maryland, LLC.

Description: Resubmission of June 2, 2014 Section 205 Filing to be effective 8/2/2014.

Filed Date: 6/6/14.

Accession Number: 20140606–5020.

Comments Due: 5 p.m. ET 6/27/14.

Docket Numbers: ER14–2136–000.

Applicants: Southwestern Electric Power Company.

Description: SWEPCO-Prescott PSA Amendment—Depreciation Rate Change to be effective 7/1/2014.

Filed Date: 6/5/14.

Accession Number: 20140605–5136.

Comments Due: 5 p.m. ET 6/26/14.

Docket Numbers: ER14–2137–000.

Applicants: Southwestern Electric Power Company.

Description: SWEPCO-Minden PSA Amendment—Depreciation Rate Change to be effective 7/1/2014.

Filed Date: 6/5/14.

Accession Number: 20140605–5137.

Comments Due: 5 p.m. ET 6/26/14.

Docket Numbers: ER14–2138–000.

Applicants: Limon Wind III, LLC.

Description: Limon Wind III, LLC Application for Market-Based Rate Authority to be effective 7/15/2014.

Filed Date: 6/5/14.

Accession Number: 20140605–5149.

Comments Due: 5 p.m. ET 6/26/14.

Docket Numbers: ER14–2139–000.

Applicants: San Diego Gas & Electric Company.

Description: ER14–2077 SDGE Annual Filing of Revised Costs and Accruals for PBOPs to be effective 1/1/2015.

Filed Date: 6/6/14.

Accession Number: 20140606–5001.

Comments Due: 5 p.m. ET 6/27/14.

Docket Numbers: ER14–2140–000.

Applicants: Mulberry Farm, LLC.

Description: Baseline Filing—MBR Application and Tariff Filing to be effective 6/6/2014.

Filed Date: 6/6/14.

Accession Number: 20140606–5002.

Comments Due: 5 p.m. ET 6/27/14.

Docket Numbers: ER14–2141–000.

Applicants: Selmer Farm, LLC.

Description: Baseline Filing—Initial MBR Application and MBR Tariff to be effective 6/6/2014.

Filed Date: 6/6/14.

Accession Number: 20140606–5004.
Comments Due: 5 p.m. ET 6/27/14.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES14–43–000.
Applicants: Indianapolis Power & Light Company.
Description: Application of Indianapolis Power & Light Company under FPA Section 204 for an Order Authorizing the Issuance of Short-Term Debt Instruments.
Filed Date: 6/5/14.
Accession Number: 20140605–5161.
Comments Due: 5 p.m. ET 6/26/14.

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 6, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–13867 Filed 6–12–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG14–63–000.
Applicants: Limon Wind III, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Limon Wind III, LLC.
Filed Date: 6/6/14.
Accession Number: 20140606–5042.
Comments Due: 5 p.m. ET 6/27/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–2142–000.
Applicants: New York Independent System Operator, Inc.
Description: Notification of Tariff Implementation Error and Request for Limited Tariff Waiver of New York Independent System Operator, Inc.
Filed Date: 6/5/14.
Accession Number: 20140605–5160.
Comments Due: 5 p.m. ET 6/26/14.

Docket Numbers: ER14–2143–000.
Applicants: Southern Company Services, Inc. (as Agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company).
Description: Attachment S (GPCO) 2014 Updated Depreciation Rates Filing to be effective 1/1/2014.
Filed Date: 6/6/14.
Accession Number: 20140606–5051.
Comments Due: 5 p.m. ET 6/27/14.

Docket Numbers: ER14–2144–000.
Applicants: Beebe 1B Renewable Energy, LLC.
Description: Application for FERC Electric MBR Tariff to be effective 8/7/2014.
Filed Date: 6/6/14.
Accession Number: 20140606–5052.
Comments Due: 5 p.m. ET 6/27/14.

Docket Numbers: ER14–2145–000.
Applicants: Fourmile Wind Energy, LLC.
Description: Application for FERC Electric MBR Tariff to be effective 8/7/2014.
Filed Date: 6/6/14.
Accession Number: 20140606–5053.
Comments Due: 5 p.m. ET 6/27/14.

Docket Numbers: ER14–2146–000.
Applicants: Avista Corporation.
Description: Avista Corp FERC Electric Tariff Vol. No. 9 Revision to be effective 8/5/2014.
Filed Date: 6/6/14.
Accession Number: 20140606–5056.
Comments Due: 5 p.m. ET 6/27/14.

Docket Numbers: ER14–2147–000.
Applicants: Public Service Company of New Mexico.
Description: Supplemental MBR Triennial to be effective 6/7/2014.
Filed Date: 6/6/14.
Accession Number: 20140606–5059.
Comments Due: 5 p.m. ET 6/27/14.

Docket Numbers: ER14–2148–000.
Applicants: PJM Interconnection, L.L.C.
Description: Queue Position Z1–057, First Revised Service Agreement No. 3665 to be effective 5/6/2014.
Filed Date: 6/6/14.
Accession Number: 20140606–5075.
Comments Due: 5 p.m. ET 6/27/14.

Docket Numbers: ER14–2149–000.
Applicants: Georgia Power Company.
Description: FP&L Scherer Unit 4 TSA Amendment Filing (GPCo Updated Depreciation Rates) to be effective 1/1/2014.
Filed Date: 6/6/14.
Accession Number: 20140606–5094.
Comments Due: 5 p.m. ET 6/27/14.

Docket Numbers: ER14–2150–000.
Applicants: Georgia Power Company.
Description: JEA Scherer Unit 4 TSA Amendment Filing (GPCO Updated Depreciation Rates) to be effective 1/1/2014.
Filed Date: 6/6/14.
Accession Number: 20140606–5096.
Comments Due: 5 p.m. ET 6/27/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 6, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–13868 Filed 6–12–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[AES Shady Point, LLC; Docket No. EL14–65–000]

Notice of Petition for Declaratory Order

Take notice that on June 9, 2014, pursuant to Rule 207of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2), AES Shady Point, LLC (Shady Point) filed a petition for declaratory order requesting that the Commission declare that the open access transmission tariff of Southwest Power Pool, Inc. (SPP) prohibits SPP from recovering damages in the form of lost revenues from Shady Point, as described more fully in the petition.

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 Petitioner.

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 9, 2014.

Dated: June 9, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–13869 Filed 6–12–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Green Energy Storage Corp; Project No. 14613–000]

Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On April 2, 2014, Green Energy Storage Corp filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Weed Heights Pumped Storage Project to be located off-stream near Yerington, Nevada. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed 150-megawatt closed loop pumped storage project would use the 775 feet of available head between a new upper reservoir and an existing open pit mine. The project would consist of the following: (1) A new 35-foot-high upper dam with a total crest length of 8,000 feet, impounding an upper reservoir with a maximum storage of 2,600 acre-feet; (2) an existing open pit mine lower reservoir, with a maximum storage of 3,000 acre-feet; (3) a tunnel connecting the two reservoirs consisting of a 800-foot-long, 16-foot-diameter shaft; (4) two 75-megawatt pump/turbines; (5) a 2,700-foot-long, 16-foot-diameter draft tube, extending from the turbines to the lower reservoir; (6) a new 120-kilovolt (kV) transmission line extending about 7 miles from a new substation to the existing 120-kV transmission line owned by Sierra Pacific Power; and (7) appurtenant facilities. The estimated average annual energy production would be 400 gigawatt hours.

Applicant Contact: Charles Gresham, Green Energy Storage Company, 14747 N 87th Ln., Peoria, AZ 85381, Telephone (602) 478–9161.

FERC Contact: Jim Fargo; phone: (202) 502–6095.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov*, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14613–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14613) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 9, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–13870 Filed 6–12–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9912–27–OARM]

National Advisory Council for Environmental Policy and Technology: Notice of Charter Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Charter Renewal.

Notice is hereby given that the Environmental Protection Agency (EPA) has determined that, in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, the National Advisory Council for Environmental Policy and Technology (NACEPT) is a necessary committee which is in the public interest. Accordingly, NACEPT will be renewed for an additional two-year period. The purpose of NACEPT is to provide advice and recommendations to the Administrator of EPA on a broad range of environmental policy, technology and management issues. Inquiries may be directed to Mark Joyce, U.S. EPA, (Mail Code 1601M), 1200 Pennsylvania Avenue NW., Washington, DC 20460, telephone (202) 564–2130, or *joyce.mark@epa.gov.*

Dated: May 22, 2014.

Craig E. Hooks,

Assistant Administrator, Office of Administration and Resources Management.

[FR Doc. 2014–13857 Filed 6–12–14; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9015–4]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/*

Weekly receipt of Environmental Impact Statements

Filed 06/02/2014 Through 06/06/2014

Pursuant to 40 CFR 1506.9.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html*

EIS No. 20140167, Final EIS, USACE, HI, Honolulu Seawater Air Conditioning Project, Review Period Ends: 07/14/2014, Contact: Ryan Winn 808–835–4309

EIS No. 20140168, Final EIS, NPS, FL, Fort Matanzas National Monument Final General Management Plan, Review Period Ends: 07/14/2014, Contact: Gordon Wilson 904–829–6506 Ext. 221

EIS No. 20140169, Final EIS, FHWA, DC, Virginia Avenue Tunnel Reconstruction, Review Period Ends: 07/14/2014, Contact: Michael Hicks 202–219–3513

EIS No. 20140170, Final EIS, USFS, NM, Gila National Forest Travel Management Rule Implementation, Review Period Ends: 07/28/2014, Contact: Lisa Mizuno 575–388–8267

Amended Notices

EIS No. 20140164, Final Supplement, FHWA, NCDOT, NC, Monroe Connector/Bypass, Contact: George Hoops 919–747–7022

Revision to the FR Notice Published 06/06/2014; Correction to Contact Phone Number should be 919–747–7022.

Under MAP–21 section 1319, FHWA has issued a single FSEIS and ROD. Therefore, the 30-day wait/review period under NEPA does not apply to this action.

Dated: June 10, 2014.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2014–13899 Filed 6–12–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE AND TIME: Tuesday, June 10, 2014 (Closed executive session held at the conclusion of the regular executive session).

PLACE: 999 E. Street NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Internal personnel rules and internal rules and practices.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer Telephone: (202) 694–1220.

Shelley E. Garr,

Acting Secretary and Clerk of the Commission.

[FR Doc. 2014–13883 Filed 6–11–14; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting

June 10, 2014

TIME AND DATE: 10 a.m., Wednesday, June 18, 2014.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (entry from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *Jim Walter Resources, Inc.,* Docket Nos. SE 2008–881, et al. (Issues include whether the Administrative Law Judge erred by assessing a civil penalty that was substantially lower than the proposed penalty.) The public meeting originally scheduled at this time for *Secretary of Labor* v. *Emerald Coal Resources,* Docket No. PENN 2009–697, and consolidated cases has been postponed.

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 434–9950/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Emogene Johnson,

Administrative Assistant.

[FR Doc. 2014–13968 Filed 6–11–14; 11:15 am]

BILLING CODE 6735–01–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 July 10, 2014.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Southside Bancshares, Inc.,* Tyler, Texas; to acquire 100 percent of the voting shares of OmniAmerican Bancorp, Inc., and indirectly acquire OmniAmerican Bank, both in Fort Worth, Texas, and thereby engage in operating a savings and loan association, pursuant to section 225.28(b)(4)(ii).

Board of Governors of the Federal Reserve System, June 10, 2014.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2014–13827 Filed 6–12–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[File No. 122 3067]

i-Health, Inc. and Martek Biosciences Corporation; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before July 9, 2014.

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/ihealthconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''I-Health, Inc. and Martek Biosciences Corporation—Consent Agreement; File No. 122 3067'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/ihealthconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Keith Fentonmiller, Bureau of Consumer Protection, (202–326–2775), 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for June 9, 2014), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before July 9, 2014. Write ''I-Health, Inc. and Martek Biosciences Corporation—Consent Agreement; File No. 122 3067'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. § 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/ihealthconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''I-Health, Inc. and Martek Biosciences Corporation—Consent Agreement; File No. 122 3067'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before July 9, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, an agreement containing a consent order from against i-Health, Inc. and Martek Biosciences Corporation (hereafter ''the companies'').

The proposed consent order (''proposed order'') has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter involves the companies' advertising for the BrainStrong Adult

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

dietary supplement containing algal docosahexaenoic acid (''DHA''), an omega-3 fatty acid. The Commission's complaint alleges that, based primarily on a randomized, controlled trial called the ''Memory Improvement with Docosahexaenoic Acid (DHA) Study'' (the ''MIDAS study''), the companies advertised that BrainStrong Adult improves memory and prevents cognitive decline in adults, and is clinically proven to improve memory in adults. Human cognitive function consists of at least five different types of memory, as well as non-memory abilities such as executive function, attention, processing speed, and reasoning. The MIDAS study objectively tested only two types of memory (episodic and working memory) and the cognitive ability of executive function, and was not designed to test DHA's effect on cognitive decline in aging adults.

The complaint alleges that the companies violated Sections 5(a) and 12 of the Federal Trade Commission Act by making the unsubstantiated representation that BrainStrong Adult improves memory in adults. According to the complaint, the MIDAS study did not show that BrainStrong Adult improves working memory or the cognitive ability of executive function. In addition, results from the tests of episodic memory did not yield a pattern of statistically and clinically significant improvement in the DHA group relative to the placebo group. For the same reasons, the complaint also alleges that the companies violated Sections 5(a) and 12 by making the false or misleading representation that BrainStrong Adult is clinically proven to improve memory in adults.

Finally, the complaint alleges that the companies violated Sections 5(a) and 12 by making the unsubstantiated representation that BrainStrong Adult prevents cognitive decline in adults. According to the complaint, a subject's performance on laboratory tasks that measure only one type of memory (*i.e.,* episodic) does not fully capture the overall state of his or her cognitive function, which includes other types of memory and non-memory cognitive abilities. In the MIDAS study, subjects treated with DHA for twenty-four weeks performed worse than placebo on a task of executive function, a non-memory cognitive ability. Moreover, a twenty-four-week study is an insufficient duration to test the impact of DHA on cognitive decline. Because the placebo group in the MIDAS study showed no evidence of cognitive decline, the study could reach no conclusion about DHA's ability to prevent or slow that condition.

The proposed order includes injunctive relief that prohibits these alleged violations and fences in similar and related violations. For purposes of the order, ''Covered Product'' means any dietary supplement, food, or drug promoted to prevent cognitive decline or improve memory, or containing DHA, including, but not limited to, BrainStrong Adult, except for infant formula or ingredients when sold specifically for use in infant formula. As additional fencing-in relief, the order requires the companies to follow appropriate recordkeeping and compliance reporting requirements, as well as document preservation requirements for human clinical studies that they conduct or sponsor on the Covered Product.

Part I of the proposed order prohibits any representation that the Covered Product improves memory or prevents cognitive decline in adults, unless it is non-misleading and supported by competent and reliable scientific evidence. Such evidence must consist of human clinical testing that is sufficient in quality and quantity, based on standards generally accepted by experts in cognitive science, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true. The testing must have been conducted by qualified researchers, and have been randomized, double-blind, and placebo-controlled. In addition, the companies must maintain all underlying or supporting data that cognitive science experts generally would accept as relevant to an assessment of such testing.

Part II of the proposed order prohibits any representation about the health benefits, performance, safety, or efficacy of the Covered Product, unless it is non-misleading and supported by competent and reliable scientific evidence that is sufficient in quality and quantity based on standards generally accepted in the relevant scientific fields, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true. For purposes of this Part, competent and reliable scientific evidence means tests, analyses, research, or studies that have been conducted by a qualified person in an objective manner and are generally accepted in the profession to yield accurate and reliable results. When that evidence consists of a human clinical trial, the companies must maintain all underlying or supporting data and documents that experts in the field generally would accept as relevant to an assessment of such testing.

Part III of the proposed order prohibits the companies from misrepresenting, including through the use of a product name, word or phrase such as ''clinically shown'' or ''clinically proven,'' endorsement, depiction, illustration, trademark, or trade name, the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research, including misrepresenting that the benefits of the product are clinically proven or that the product is clinically proven to improve memory in adults.

Part IV of the proposed order provides a safe harbor for representations permitted under any tentative or final standard promulgated by the Food and Drug Administration (''FDA''), any new drug application approved by the FDA, or FDA regulations pursuant to the Nutrition Labeling and Education Act of 1990 or the FDA Modernization Act of 1997.

Part V contains recordkeeping requirements for advertisements and substantiation relevant to representations covered by Parts I through III of the order.

Triggered when the human clinical testing requirement in either Part I or II applies, Part VI of the proposed order requires the companies to secure and preserve all underlying or supporting data and documents generally accepted by experts in the field as relevant to an assessment of the test, such as protocols, instructions, participant-specific data, statistical analyses, and contracts with the test's researchers. There is an exception for a ''Reliably Reported'' test defined as a test published in a peer-reviewed journal that was not conducted, controlled, or sponsored by any proposed respondent or supplier. Also, the published report must provide sufficient information about the test for experts in the relevant field to assess the reliability of the results.

Parts VII through IX of the proposed order require the companies to: deliver a copy of the order to officers, employees, and representatives having managerial responsibilities with respect to the subject matter of the order; notify the Commission of changes in corporate structure that might affect compliance obligations under the order; and file compliance reports with the Commission.

Part X provides that the order will terminate after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the complaint or proposed order, or to

modify the proposed order's terms in any way.

By direction of the Commission, Commissioner Ohlhausen dissenting and Commissioner McSweeny not participating.

Donald S. Clark,

Secretary.

Statement of Chairwoman Edith Ramirez and Commissioner Julie Brill

We write to explain our support for the complaint and order imposed against respondents i-Health, Inc. and Martek Biosciences Corporation (collectively, ''i-Health'') with respect to advertising claims that their BrainStrong Adult dietary supplement improves adult memory and is clinically proven to do so. Section 5 of the FTC Act requires that advertisers have a reasonable basis for the claims they make to ensure that their claims are truthful and non-deceptive.[1] We have reason to believe that i-Health fell short of this standard.

i-Health advertises a dietary supplement, BrainStrong Adult, containing docosahexaenoic acid (''DHA''), with broad and prominent claims that the product is ''[c]linically shown to improve memory.'' Its advertising also makes the general efficacy claim that BrainStrong improves memory. Consumers would likely have reasonably interpreted these claims broadly to include a wide variety of promises of real-life improvements in memory, such as the ability to remember the location of one's sunglasses or why one entered a room—which is the precise scenario depicted in i-Health's television ad.[2] We do not believe that i-Health possessed the evidence necessary to back up such reasonable interpretations by consumers. Accordingly, we allege that i-Health's efficacy claim was unsubstantiated and that its establishment claim was false and misleading.[3]

i-Health's establishment claim that BrainStrong Adult is clinically proven to improve adult memory requires, by its own terms, a well-controlled human clinical study.[4] Its efficacy claim about its dietary supplement must be supported by competent and reliable scientific evidence.[5] In support of these claims, i-Health relies primarily on a double-blind, placebo-controlled clinical study published in a peer-reviewed journal—the Memory Improvement with Docosahexaenoic Acid Study (''MIDAS study''). The study purports to show that DHA ''improves episodic memory'' and ''memory function.'' The MIDAS study's principal investigator and author was an employee of respondent Martek.[6]

As an initial matter, regardless of the methodology and purported findings of the MIDAS study, the first question we ask is what the study was designed to measure and demonstrate. Stated differently, and more directly for our purposes, does the study, assuming it was well-conducted, substantiate i-Health's broad claims that BrainStrong improves memory and that it was ''clinically shown'' to do so? Contrary to the view of Commissioner Ohlhausen, we do not think it does.

As detailed in the complaint, there are several types of human memory, including episodic memory, sensory memory, working memory, semantic memory, and procedural memory. Importantly, the MIDAS study tested tasks associated with only two types of memory: episodic memory, the recollection of specific personal events linked to a time and place, such as where someone left her car keys; and working memory, the short-term mental manipulation of information, such as the ability to follow a story or discussion. Notably, the study reports only a very small improvement from BrainStrong in relation to episodic memory—the positive result was essentially limited to performance on a single test of one of three types of episodic memory that were measured (visuospatial). The study did not reveal any improvement in working memory. In light of the narrow scope of the study and its limited results, we have reason to believe that i-Health's marketing claims that BrainStrong improves ''memory'' broadly speaking would likely mislead consumers, as there is no basis to conclude that it has any impact whatsoever on other important facets of memory, such as the ability to remember the meaning of words (semantic memory) or to follow an exchange of dialogue (working memory). This alone would be reason enough for us to conclude that the MIDAS study does not adequately substantiate i-Health's general memory improvement claims.

But our concerns extend even further. As we have also alleged in the complaint, the MIDAS study did not show a pattern of statistically and clinically significant improvements on the episodic memory tasks among subjects who took BrainStrong's DHA, relative to the placebo group. Specifically, it failed to show meaningful, statistically significant improvements on two of the three episodic memory tasks measured. Further, it failed to demonstrate that the very small, statistically significant improvement on one of those tasks that it did report correlates with improvements in memory tasks outside of the laboratory.[7] We believe that reasonable consumers would likely be misled that BrainStrong will result in the kinds of real-life improvements depicted in i-Health's advertising.

It is correct, as Commissioner Ohlhausen notes in her dissent, that some of the statements made by the study's authors in the ''Results'' and ''Discussion'' sections of the MIDAS study use language similar to that in i-Health's memory improvement claims. However, we disagree that the Commission must accept at face value these statements as supportive of the claims in i-Health's advertising. Doing so would be inconsistent with the Commission's obligation to assess the quality and reliability of the scientific evidence underlying challenged advertising claims.[8] Our conclusions are

[1] *FTC Policy Statement Regarding Advertising Substantiation,* 104 F.T.C. 839 (1984) (appended to *Thompson Med. Co.,* 104 F.T.C. 648 (1984)) (''*Substantiation Statement*'') (''[W]e reaffirm our commitment to the underlying legal requirement of advertising substantiation—that advertisers and ad agencies have a reasonable basis for advertising claims before they are disseminated.''), *aff'd,* 791 F.2d 189, 193 & 196 (D.C. Cir. 1986), *cert. denied,* 479 U.S. 1086 (1987).

[2] *See* FTC, *Dietary Supplements: An Advertising Guide for Industry* 3–4 (Apr. 2001) (''*Dietary Supplements Guide*''), *available at http://business.ftc.gov/documents/bus09-dietary-supplements-advertising-guide-industry* (''When an ad lends itself to more than one reasonable interpretation, the advertiser is responsible for substantiating each interpretation.''); *see also id.* at 12.

[3] The Commission also alleges that i-Health made the unsubstantiated claim that BrainStrong prevents cognitive decline in adults. Because the Commission has unanimously voted in favor of this allegation, we do not address it here.

[4] *Substantiation Statement* at 839 (''When the substantiation claim is express (e.g., 'tests prove,' 'doctors recommend,' and 'studies show'), the Commission expects the firm to have at least the advertised level of substantiation.''); *Removatron Int'l Corp.,* 111 F.T.C. 206, 297–99 (1988) (''If an advertisement represents that a particular claim has been scientifically established, the advertiser must possess a level of proof sufficient to satisfy the relevant scientific community of the claim's truth.''), *aff'd,* 884 F.2d 1489 (1st Cir. 1989).

[5] *Dietary Supplements Guide* at 9.

[6] Karin Yurko-Mauro et al., *Beneficial Effects of Docosahexaenoic Acid on Cognition in Age-Related Cognitive Decline,* 6 Alzheimer's & Dementia 456 (2010).

[7] *See Dietary Supplements Guide* at 12 (''Some results that are statistically significant may still be so small that they would mean only a trivial effect on consumer health.'').

[8] Commissioner Ohlhausen also observes that the complaint does not take issue with how i-Health conducted the clinical testing component of the trial, *i.e.,* that it was a large, multi-center trial that was randomized, placebo-controlled, and double-blinded. However, sometimes such studies

Continued

based on extensive consultations with experts in the cognitive science and biostatistics fields. Consistent with the requirements of Section 5 and our past practice,[9] we undertook an evaluation of the results of the MIDAS study to assess whether they substantiated i-Health's advertising claims and did not simply defer to the authors' interpretations of their results.[10]

For all of the foregoing reasons, we have reason to believe that i-Health lacked adequate substantiation for the broad marketing claims that BrainStrong Adult improves adult memory, that i-Health's clinical-proof claims are false and misleading, and that the relief set forth in the proposed order is appropriate.

Statement of Commissioner Maureen K. Ohlhausen, Dissenting in Part

The Commission has long interpreted Section 5 of the FTC Act[1] to require an advertiser to have a reasonable basis for making an objective claim about its product.[2] As we execute this mandate, we must be mindful of what we are trying to accomplish, however. As former FTC Chairman Robert Pitofsky stated, the overall goal of evaluating advertising claims is not ''a broad, theoretical effort to achieve Truth, but rather a practical enterprise to ensure the existence of reliable data which in turn will facilitate an efficient and reliable competitive market process.''[3]

I dissent in part from today's action because it imposes an unduly high standard of substantiation on a safe product. This unduly high standard not only risks denying consumers useful information in the present but may also, in the long term, diminish incentives to conduct research on the health effects of foods and dietary supplements and reduce the incentives of manufacturers to introduce such products.[4] The majority's approach may ultimately undermine an efficient and reliable competitive market process and make consumers worse off. [5]

The complaint in this matter challenges the efficacy claim that BrainStrong Adult (a DHA supplement) improves memory in adults and the establishment claim that BrainStrong Adult is clinically proven to improve memory in adults.[6] Advertisers must support claims of efficacy of dietary supplements with ''competent and reliable scientific evidence.''[7] For establishment claims, where advertisements refer to a certain level of support, advertisers ''must be able to demonstrate that the assertion is accurate [and] have the level of support that they claim, expressly or by implication, to have.''[8]

In this matter, the defendant offers as the primary substantiation for its claims the MIDAS study, a placebo-controlled, randomized, double-blind, parallel, multi-center, six-month, peer-reviewed, journal-published study of 485 subjects with statistically significant results.[9] Specifically, the MIDAS study concluded:

- ''This clinical study demonstrated that 900 mg/d of DHA supplementation improved episodic memory and learning in healthy, older adults with mild memory complaints. . . . The DHA effects are significant in that they represent an objective demonstration of improved memory in [age-related cognitive decline].''[10]
- ''Our results are the first to clinically confirm that DHA significantly improves episodic memory and learning functions in healthy adults with [age-related cognitive decline].''[11]
- ''Our study results demonstrate that DHA is well tolerated and may have significant positive effect on gradual memory loss. . . .''[12]

These conclusions match up well with the ''improves memory'' efficacy claim and the ''clinically proven to improve memory'' establishment claim.[13] Thus, I believe this study, in the context of other supporting studies involving DHA and memory,[14] provides a reasonable basis for the ''improves memory'' claims.[15]

The complaint offers two reasons why the MIDAS study, despite being well-conducted and having statistically significant results, does not substantiate

ultimately yield inconclusive or weak findings, as was the case with the MIDAS study.

[9] *See, e.g., Schering Corp.,* 118 F.T.C. 1030, 1084, 1095 (1994). *See also Unither Pharma, Inc.,* 136 F.T.C. 145, 161 (2003).

[10] In addition to the MIDAS study, our experts in the cognitive science and biostatistics fields also reviewed the totality of other evidence that i-Health proffered on DHA and memory, finding those results to be inadequate to back i-Health's claims as well.

[1] 15 U.S.C. 45(a).

[2] FTC Policy Statement Regarding Advertising Substantiation (appended to *Thompson Med. Co., Inc.,* 104 F.T.C. 648, 840 (1984)).

[3] Robert Pitofsky, *Beyond Nader: Consumer Protection and the Regulation of Advertising,* 90 Harv. L. Rev. 661, 671 (1977).

[4] *See* Statement of Commissioner Maureen K. Ohlhausen, Dissenting in Part and Concurring in Part, *In the Matter of GeneLink, Inc., et al.,* FTC Docket No. C4456, at 2 (Jan. 7, 2014) (''Although raising the requirement for both the number and the rigor of studies required for substantiation for all health- or disease-related claims may increase confidence in those claims, the correspondingly increased burdens in time and money in conducting such studies may suppress information that would, on balance, benefit consumers.'').

[5] *See id.* (''If we demand too high a level of substantiation in pursuit of certainty, we risk losing the benefits to consumers of having access to information about emerging areas of science and the corresponding pressure on firms to compete on the health features of their products.''); FTC Staff Comment Before the Food and Drug Administration In the Matter of Assessing Consumer Perceptions of Health Claims, Docket No. 2005N–0413, at 5–6 (2006) (noting the FTC's advertising enforcement seeks to avoid ''unduly burdensome restrictions that might chill information useful to consumers in making purchasing decisions.'') *available at http://www.ftc.gov/be/V060005.pdf.*

[6] The complaint also challenges the efficacy claim that BrainStrong Adult prevents cognitive decline. I agree with the majority that the proffered study does not support this claim.

[7] The FTC's *Dietary Supplements: An Advertising Guide for Industry* defines competent and reliable scientific evidence as ''tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that have been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.'' It further states that well-controlled human clinical trials are the ''most reliable form of evidence.'' *See Dietary Supplements: An Advertising Guide for Industry* at 9 (''*Dietary Supplements Guide*''), *available at http://business.ftc.gov/sites/default/files/pdf/bus09-dietary-supplements-advertising-guide-industry.pdf.*

[8] *Id.*

[9] *See* Karin Yurko-Mauro *et al., Beneficial Effects of Docosahexaenoic Acid on Cognition in Age-Related Cognitive Decline,* 6 Alzheimer's & Dementia 456 (2010) (''MIDAS study'').

[10] *Id.* at 461.

[11] *Id.* at 463.

[12] *Id.*

[13] BrainHealth Adult product packaging also included language stating, ''A recent clinical study showed that adults over 55 with a mild memory complaint who took 900mg/day of life's DHA for 6 months improved their short-term memory.''

[14] Martek cited many studies, including: a wide body of animal and cell culture studies that are consistent with the importance of DHA in cognitive function and suggest a potential mechanism for DHA's ability to support memory; numerous epidemiological studies identifying a correlation between DHA consumption and cognitive function; multiple clinical trials with generally supportive (although not wholly consistent) results; and seven reviews by independent expert bodies confirming the importance of DHA in supporting cognitive function. Not all of these studies are squarely on point, and some of them contain methodological weaknesses or inconclusive results. As such, their probity varies, but taken together they are supportive of DHA's positive role in brain function. The FTC must evaluate the well-conducted, statistically significant MIDAS study within the totality of this supportive evidence. *See Dietary Supplements Guide* at 14 (''Studies cannot be evaluated in isolation. The surrounding context of scientific evidence is just as important as the internal validity of individual studies.'').

[15] Because the claims at issue here closely parallel the conclusions of the MIDAS study, this case differs from others where companies possessed well-conducted clinical trials yielding statistically significant results but made claims beyond the trials' ability to support. *Cf. Nestle HealthCare Nutrition, Inc.,* 151 F.T.C. 1 (2011) (defendant claimed its product reduced the duration of acute diarrhea in children up to the age of thirteen; studies only applied to infants and could not be extrapolated to older children); *Kellogg Co.,* FTC Docket No. C–4262 (2009) (defendant claimed that children who ate Frosted MiniWheats for breakfast were ''nearly 20%'' or ''up to 18%'' more attentive three hours later than children who ate nothing; study calculated average increased attention as ~10% and over half of children showed no benefit from eating the cereal).

Martek's claims for BrainStrong Adult. First, the complaint argues that the ''improves memory'' claim is unsubstantiated because the MIDAS study did not show that BrainStrong Adult improved performance for all types of memory. However, the MIDAS study did demonstrate a statistically significant improvement in performance on episodic memory tasks. An improvement in episodic memory is indeed an improvement in memory, and the claim accurately conveys the study's findings in consumer vernacular.

Second, instead of criticizing the study's methodology, the complaint criticizes its conclusions. The complaint asserts that the MIDAS study ''did not yield a pattern of statistically and clinically significant improvement'' in memory.[16] This conclusion is based on the opinion of experts retained by FTC staff. The eight MIDAS study co-authors clearly disagree with this conclusion, as demonstrated by their own conclusions in the study.

The fact that some experts may disagree with the conclusions of a well-conducted study does not render that study unreliable or incompetent, nor make claims based on the study unsubstantiated. Specifically, Martek's reliance upon the MIDAS study, which was both well-conducted and consistent with other research, is not rendered unreasonable by the existence of some disagreement among experts. Indeed, ''some disagreement'' is the usual state of science.[17]

Concurring Statement of Commissioner Joshua D. Wright

As set forth in the Commission's complaint, i-Health, Inc. and Martek Biosciences Corporation (i-Health) marketed a dietary supplement branded as BrainStrong Adult, which contains docosahexaenoic acid (DHA). In its advertising and marketing, i-Health represented, among other things, that BrainStrong Adult improves memory in adults.[1]

As articulated in the complaint, these representations included a general memory improvement claim as well as a specific ''episodic'' memory improvement claim. I write separately to explain why, in my view, the Memory Improvement with Docosahexaenoic Acid Study (the MIDAS study) does not provide evidence sufficient to substantiate either of those claims.

First, the MIDAS study was not designed to evaluate all the types of memory that would be encompassed within a general memory claim.[2] As set forth in the complaint, there are several types of human memory, including episodic, sensory, working, semantic, and procedural. Although the MIDAS study included one test of working memory, which found no benefit from supplementation, the study's focus was episodic memory. Therefore, to the extent that consumers took away an understanding that BrainStrong Adult would improve general memory, rather than a single dimension of human memory, that claim was unsubstantiated.

Second, the MIDAS study does not adequately substantiate even a narrower claim of improving episodic memory—for example, that BrainStrong Adult would help consumers recall where they had just left their keys or the reason they left one room to walk into another room. It is correct the MIDAS study was a well-designed attempt to evaluate improvement in episodic memory.[3] The shortcoming of the MIDAS study as it relates to substantiation is not study design or methodology but rather that, put simply, its results were inconsistent and insufficiently robust to support claims about noticeable improvement in everyday memory along the lines of the television ad.

Episodic memory is a cognitive construct that encompasses the ability to recall specific autobiographical or personal events or ''episodes,'' as well as the time and place those events occurred. Episodic memories have one or more components (e.g., visual, visuospatial, verbal, auditory, and temporal) and are formed in the brain's hippocampus after it interacts with one or more other brain regions. Identifying and isolating episodic memory can be especially difficult because of the potential influence of interactions with other brain regions, which may make it difficult to know whether and to what extent an improvement in test performance was due to changes to hippocampal function.

Consequently, in order to assess changes in episodic memory, cognitive experts generally conduct studies employing multiple measures of episodic memory. Laboratory tests of episodic memory probe hippocampal function via different modalities (e.g., visual, auditory, verbal, and tactile) and cognitive tasks (pattern recognition, visuospatial memory, verbal recall). Cognitive experts then consider the results of the different tests together, which reduces the impact of the various confounding influences that are associated with each individual test. This standard approach reduces the likelihood that idiosyncrasies in the design or administration of any one test will lead to an erroneous conclusion.[4]

Importantly, cognitive experts would generally accept that the observed effects from the intervention under study reflect changes to episodic memory rather than the influence of other neural pathways or a spurious correlation, when the multiple measures show a consistent trend in favor of treatment. By contrast, cognitive experts evaluating an intervention that generates a small but statistically significant effect for one task but not the other two would generally conclude the collective results are insufficient to demonstrate improved episodic memory.

The MIDAS study properly employed three types of laboratory tasks to test different, but interrelated, aspects of episodic memory—visuospatial memory, visual pattern recognition memory, and visual-verbal memory.[5] However, because the results of the three laboratory tasks, when evaluated together, did not consistently trend in support of improved episodic memory, the MIDAS study is not sufficient to substantiate i-Health's improved episodic memory claim.

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BILLING CODE 6750–01–P

[16] It is undisputed that the MIDAS study's primary endpoint (the CANTAB Paired Associate Learning, or ''PAL,'' test) yielded statistically significant results, with a p-value of 0.032. As the Commission has stated, ''significance with a p-value that is less than or equal to 0.05 is the recognized standard to show that a study's hypothesis has been proven.'' *POM Wonderful LLC,* Opinion of the Commission, 2013 FTC Lexis 6 at *77 (2013). Furthermore, the MIDAS study demonstrated that the difference in PAL scores between the test group and the placebo group was equivalent to a net 3.4-year improvement in performance, offering evidence of a clinically significant result.

[17] ''The game of science is, in principle, without end. He who decides one day that scientific statements do not call for any further test, and that they can be regarded as finally verified, retires from the game.'' Karl Popper, The Logic of Scientific Discovery 32 (Taylor & Francis Group, 2005).

[1] Complaint at ¶ 10.

[2] Complaint at ¶¶ 7 and 11.

[3] The study was well designed in the sense that it was a randomized, double-blinded, placebo-controlled evaluation of multiple measures of episodic memory.

[4] Michael S. Humphreys et al., *Measuring Episodic Memory: A Novel Approach with an Indefinite Number of Alternative Forms,* 24 Appl. Cognit. Psychol. 1080, 1081 (2010) (''[t]he use of multiple tasks provides some insurance against the possibility that different neurological substrates are involved in at least some tasks commonly considered episodic.'') (citing Norman & O'Reilly, 2003).

[5] Complaint at ¶ 11.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day–14–14AHH]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to Leroy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

Assessing Education Agency Staff Perceptions of School Climate and Youth Access to Services—New—Division of Adolescent and School Health (DASH), National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

HIV infections remain high among young men who have sex with men (YMSM). The estimated number of new HIV infections increased between 2008 and 2010 both overall and among MSM ages 13 to 24. Furthermore, sexual risk behaviors associated with HIV, other sexually transmitted disease (STD), and pregnancy often emerge in adolescence. For example, 2011 Youth Risk Behavior Surveillance System (YRBSS) data revealed 47.4% of U.S. high school students reported having had sex, and among those who had sex in the previous three months, 39.8% reported having not used a condom during last sexual intercourse. In addition, 2001–2009 YRBSS data revealed high school students identifying as gay, lesbian, and bisexual and those reporting sexual contact with both males and females were more likely to engage in sexual risk-taking behaviors than heterosexual students.

Given the disproportionate risk for HIV among YMSM ages 13–24, it is important to find ways to reach the younger youth (i.e., ages 13–19) in this range to decrease sexual risk behaviors and increase health-promoting behaviors such as routine HIV testing. Schools provide one opportunity for this. Because schools enroll more than 22 million teens (ages 14–19) and often have existing health and social services infrastructure, schools and their staff members are well-positioned to connect youth to a wide range of needed services, including housing assistance, support groups, and sexual health services such as HIV testing. As a result, CDC's DASH has focused a number of HIV and STD prevention efforts on strategies that can be implemented in or centered around schools.

However, conducting HIV and STD prevention work (particularly work that is designed to specifically meet the needs of YMSM), can be challenging. According to research, school is not always a welcoming environment for lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth. Harassment, bullying, and verbal and physical assault are often reported, and such unsupportive environments and victimization among LGBT youth are associated with a variety of negative outcomes, including truancy, substance use, poor mental health, HIV and STD risk, and even suicide.

The Centers for Disease Control and Prevention (CDC) requests a three-year OMB approval to conduct a new information collection entitled, ''Assessing Education Agency Staff Perceptions of School Climate and Youth Access to Services.'' The information collection uses two separate, but complementary, information collections to conduct assessment of HIV and STD prevention efforts that are taking place in three local education agencies (LEA) funded by the Centers for Disease Control and Prevention (CDC), Division of Adolescent and School Health (DASH) under strategy 4 (School-Centered HIV/STD Prevention for Young Men Who Have Sex with Men (YMSM) of PS13–1308: *Promoting Adolescent Health through School-Based HIV/STD Prevention and School-Based Surveillance.* This data collection will provide data and reports for the funded LEAs, and will allow the LEAs to identify areas of the program that are working well and other areas that will need additional improvement. In addition, the findings will allow CDC to determine the potential impact of currently recommended strategies and make changes to those recommendations if necessary.

The first information collection will involve collecting information from a total of up to 735 LEA employees in 3 LEAs through a Web-based instrument tailored to each LEA. The instrument will include items that ask education agency staff about professional development, referral practices, community linkages/partners, school climate for LGBTQ youth, school policies and practices, and staff comfort levels in helping address the health needs of YMSM.

The second information collection will be conducted in only 1 LEA (Broward County Public Schools) and is designed to provide an in-depth assessment of one LEA as a way to supplement the Web-based data collection with more detailed information. This information collection will involve in-person interviews with up to 44 LEA employees (2 district level employees, and up to 6 school level employees in each of 7 schools) to learn about six domains that can impact school climate: Policy, practice, programs, professional development, place, and pedagogy.

Both the Web-based instrument and in-person interviews will be administered in 2014 and 2016. These data collection points coincide with the initiation of project activities and the mid-way points of the PS13–1308 cooperative agreement. Although some staff may participate in the data collection in multiple years, this is not a longitudinal design and individual staff member responses will not be tracked across the years. No personally identifiable information will be collected.

All school staff members will receive informed consent forms prior to participation in the information collection. The consent form explains the study and also explains participants may choose not to complete the Web-based instrument or participate in the interviews with no penalty and no impact on their job or relationship with the LEA. Participation is completely voluntary.

For the Web-based instrument, the estimated burden per response ranges from 20–25 minutes. This variation in burden is due to the slight variability in skip patterns that may occur with certain responses and variations in the reading speed of respondents. The burden estimates presented here are based on the assumption of a 25-minute response time per response. The estimated annualized burden of this data collection is 306 hours for respondents.

For the Web-based instrument, the estimated burden per response ranges from 60–90 minutes, depending on whether the respondent is a district-level administrator, a school-level administrator, or another school staff member. The burden estimates presented here are based on the assumption of a 1-hour response time per district-level and school-level administrator response and a 1.5-hour response time per school staff member response. The estimated annualized burden of this data collection is 58 hours for respondents.

There are no costs to respondents other than their time.

The two information collections combine for a total estimated annualized burden of 367 hours for respondents.

ESTIMATED ANNUALIZE BURDEN HOURS

Respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
School staff	Web-based instrument for Broward County Public Schools.	245	1	25/60	102
School staff	Web-based instrument for Los Angeles Unified School District.	245	1	25/60	102
School staff	Web-based instrument for San Francisco Unified School District.	245	1	25/60	102
District-level Administrators.	School Climate Index Interview Guide for District-level Administrators.	2	1	1	2
School-level Administrators.	School Climate Index Interview Guide for School-level Administrators.	14	1	1	14
School Staff	School Climate Index Interview Guide for School Staff.	28	1	1.5	42
Total					364

Leroy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–13825 Filed 6–12–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30-Day–14–0263]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Requirements for the Importation of Nonhuman Primates into the United States—Revision—(expiration date: 4/30/2016)—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Division of Global Migration and Quarantine (DGMQ),

Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC is submitting this revision to obtain authority to collect electronic information from importers/filers on nonhuman primate and nonhuman primate products over which CDC has authority, notably those found in 42 CFR part 71. This request is consistent with requirements of the Security and Accountability for Every (SAFE) Port Act that states that all agencies that require documentation for clearing or licensing the importation and exportation of cargo participate in the International Trade Data System (ITDS), and is also consistent with CDC authorities under Section 361 of the Public Health Service Act (PHSA) (42 U.S.C. 264).

This electronic data is specified by CDC using Partner Government Agency (PGA) Message Sets and is collected by Customs and Border Protection (CBP) from importers/filers when they submit the information needed through International Trade Data System (ITDS) and the Automated Commercial Environment (ITDS/ACE) to clear an import. CDC has developed a PGA message set for each regulated import specified in 42 CFR part 71, and each PGA Message Set includes only those data requirements necessary in order to determine whether or not a CDC-regulated import poses a risk to public health and that the importer has met CDC's regulatory requirements for entry. CDC including the PGA Message Sets for review because there is no set form or format for the electronic submission of import related data to CBP and CDC. CDC is permitted access to the Automated Commercial Environment (ACE) data pursuant to 6 CFR 29.8(b) and 49 CFR 1520.11(b), which permit federal employees with a need to know to have access to this data.

CDC is maintaining its authority to collect hard copies of required documentation, as currently authorized by the Office of Management and Budget, because the use of ITDS/ACE will not be required for imports entering the United States until a later date. CDC will accept both hard copy and electronic filing of import-related documentation until the use of ACE is required for cargo entering the United States.

Through this revision, CDC is requesting a net increase in the estimated number of burden hours in the amount of 798 hours. Of these additional hours, 608 hours pertain to requests for CDC Message Set data via ITDS/ACE, and 190 hours pertain to required statements/documentation of products being rendered non-infectious.

Because the use of ITDS/ACE will not be required for imports entering the United States until a later date, CDC is maintaining its authority to collect hard copies of required documentation, as currently authorized by the Office of Management and Budget. CDC will accept both hard copy and electronic filing of import-related documentation until the use of ACE is required for cargo entering the United States.

Respondents to this data collection have not changed and remain new and registered importers of live nonhuman primates and importers of nonhuman primate products. The number of additional hours requested for this information collection total 798 hours. The total burden for this information collection request is 944 hours. There are no costs to respondents except for their time to complete the forms, and complete and submit data and documentation.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name/CFR reference	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Nonhuman Primate Importer ..	CDC 75.10A Application for Registration as an Importer of Nonhuman Primates (New Importer).	1	1	10/60
Nonhuman Primate Importer ..	CDC 75.10A Application for Registration as an Importer of Nonhuman Primates (Re-Registration).	12	1	10/60
Nonhuman Primate Importer ..	71.53(g)(1)(iii) and (h) Documentation and Standard Operating Procedures (no form) (New Importer).	1	1	10
Nonhuman Primate Importer ..	71.53(g)(1)(iii) and (h) Documentation and Standard Operating Procedures (no form) (Registered Importer).	12	1	30/60
Nonhuman Primate Importer ..	Recordkeeping and reporting requirements for importing NHPs: Notification of shipment arrival 71.53(n) (no form).	25	6	15/60
Nonhuman Primate Importer ..	Quarantine release 71.53(l) (No form)	25	6	15/60
Nonhuman Primate Importer ..	71.53(v) Form: Filovirus Diagnostic Specimen Submission Form for Non-human Primate Materials.	10	15	20/60
Importer/Filer	CDC Partner Government Agency Message Set for Importing Live Nonhuman Primates.	150	1	15/60
Importer/Filer	CDC Partner Government Agency Message Set for Importing Nonhuman Primate Products.	2280	1	15/60
Importer/Filer	Documentation of Non-infectiousness 71.53(t)	2280	1	5/60

Leroy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers CMS–10123 and 10124, CMS–10147, CMS–10252, CMS–10305 and CMS–R–268]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by August 12, 2014.

ADDRESSES: When commenting, please reference the document identifier or OMB control number (OCN). To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov*. Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995*.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*.

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10123 and 10124 Fast Track Appeals Notices: NOMNC/DENC
CMS–10147 Medicare Prescription Drug Coverage and Your Rights
CMS–10252 Data Use Agreement (DUA) Certificate of Disposition (COD) for Data Acquired from the Centers for Medicare & Medicaid Services
CMS–10305 Medicare Part C and Part D Data Validation
CMS–R–268 Survey Tool for *www.medicare.gov* and *www.cms.hhs.gov*

Under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''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 requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Fast Track Appeals Notices: NOMNC/DENC; *Use:* Providers shall deliver a Notice of Medicare (Provider) Non-Coverage (NOMNC) to beneficiaries/enrollees no later than two days prior to the end of Medicare-covered services in skilled nursing facilities, home health agencies, comprehensive outpatient rehabilitation facilities, and hospices. Beneficiaries, enrollees or both beneficiaries and enrollees will use this information to determine whether they want to appeal the service termination to their Quality Improvement Organization (QIO). If the beneficiaries, enrollees or both beneficiaries decide to appeal, the Medicare provider or health plan will send the QIO and appellant a Detailed Explanation of Non-Coverage (DENC) detailing the rationale for the termination decision.

Form Number: CMS–10123 and 10124 (OMB control number: 0938–0910); *Frequency:* Occasionally; *Affected Public:* Private sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 24,915; *Total Annual Responses:* 5,347,980; *Total Annual Hours:* 927,901. (For policy questions regarding this collection contact Janet Miller at 404–562–1799.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare Prescription Drug Coverage and Your Rights; *Use:* Through the delivery of this standardized notice, Part D plan sponsors' network pharmacies are in the best position to inform enrollees (at the point of sale) about how to contact their Part D plan if their prescription cannot be filled and how to request an exception to the Part D plan's formulary. The notice restates certain rights and protections related to the enrollees Medicare prescription drug benefits, including the right to receive a written explanation from the drug plan about why a prescription drug is not covered.

Form Number: CMS–10147 (OMB control number: 0938–0975); *Frequency:* Occasionally; *Affected Public:* Private sector—Business or other for-profits; *Number of Respondents:* 56,000; *Total Annual Responses:* 37,620,000; *Total Annual Hours:* 626,749. (For policy questions regarding this collection contact Kathryn M. Smith at 410–786–7623.)

3. *Type of Information Collection Request:* Extension of a currently

approved collection; *Title of Information Collection:* Data Use Agreement (DUA) Certificate of Disposition (COD) for Data Acquired from the Centers for Medicare & Medicaid Services; *Use:* The Data Use Agreement (DUA) Certificate of Disposition (COD) is required to close out the release of the data under the DUA and to ensure the data are destroyed and not used for another purpose without written authorization from CMS. The Health Insurance Portability and Accountability Act (HIPAA) of 1996, § 1173(d) (Security Standards for Health Information) requires CMS to protect Personally Identifiable Information (PII). Additionally, the Federal Information Security Management Act (FISMA) of 2002, § 3544(b) (Federal Agency Responsibilities—Agency Program) also requires CMS to develop policies and procedures for the protection and destruction of sensitive data to include PII.

Form Number: CMS–10252 (OMB control number: 0938–1046); *Frequency:* Biennial; *Affected Public:* Private Sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 500; *Total Annual Responses:* 1,000; *Total Annual Hours:* 84. (For policy questions regarding this collection contact Sharon Kavanagh at 410–786–5441.)

4. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Part C and Part D Data Validation; *Use:* Organizations contracted to offer Medicare Part C and Part D benefits are required to report data to us on a variety of measures. For the data to be useful for monitoring and performance measurement, the data must be reliable, valid, complete, and comparable among sponsoring organizations. To meet this goal, we have developed reporting standards and data validation specifications with respect to the Part C and Part D reporting requirements. These standards provide a review process for Medicare Advantage Organizations, Cost Plans, and Part D sponsors to use to conduct data validation checks on their reported Part C and Part D data. The currently approved information collection is being revised to reflect decreases in the number of reporting sections being validated and an increase in the average number of data elements per reporting section for 2015–2017.

Form Number: CMS–10305 (OMB control number: 0938–1115); *Frequency:* Yearly; *Affected Public:* Private sector—Business or other for-profits; *Number of Respondents:* 706; *Total Annual Responses:* 706; *Total Annual Hours:* 202,578. (For policy questions regarding this collection contact Terry Lied at 410–786–8973.)

5. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Survey Tool for *www.medicare.gov* and *www.cms.hhs.gov*; *Use:* The Balanced Budget Act of 1997 states that the Secretary of Health and Human Services shall maintain a Web site to provide information about CMS activities, programs and topics related to its services. The present request is for OMB authorization to collect data on the reactions of users of the Web sites through the survey tool. We will use the data to improve the Web sites so that they can best serve the needs of their users. Information collected from the survey will be used to make improvements to the sites to make them more user friendly.

Form Number: CMS–R–268 (OMB control number: 0938–0756); *Frequency:* Annual; *Affected Public:* Individuals or households; *Number of Respondents:* 7,000; *Total Annual Responses:* 4,900; *Total Annual Hours:* 817. (For policy questions regarding this collection contact Kymeiria Ingram at 410–786–8431.)

Dated: June 10, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–13863 Filed 6–12–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–10332]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by July 14, 2014.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 or Email: *OIRA_submission@omb.eop.gov*.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995*.
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*.
3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''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 publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or

reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Disclosure for the In-Office Ancillary Services Exception; *Use:* Physicians who provide certain imaging services (magnetic resonance imaging, computed tomography, and positron emission tomography) under the in-office ancillary services exception to the physician self-referral prohibition are required to create the disclosure notice as well as the list of other imaging suppliers to be provided to the patient. The patient can use the disclosure notice and list of suppliers in making an informed-decision about his or her course of care for the imaging service. The physician must maintain a record of the disclosure in the patient's medical record. If we were investigating the referrals of a physician providing advanced imaging services under the in-office ancillary services exception, we would review the written disclosure to determine whether the physician satisfied the requirement.

Form Number: CMS–10332 (OMB control number: 0938–1133); *Frequency:* Occasionally; *Affected Public:* Private sector—Business or other for-profits; *Number of Respondents:* 71,000; *Total Annual Responses:* 71,106; *Total Annual Hours:* 125,383. (For policy questions regarding this collection contact Jacqueline Proctor at 410–786–8852.)

Dated: June 10, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–13858 Filed 6–12–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Title: Evaluation of Tribal Health Profession Opportunity Grants (HPOG).

OMB No.: 0970–0395.

Description: The Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is proposing to continue information collection activities as part of the Evaluation of the Tribal Health Profession Opportunity Grants (HPOG). These information collection activities were approved by OMB in October 2011 for a three-year period (OMB clearance number 0970–0395). ACF is requesting a one-year extension of these activities. Through the extension of the information collection, ACF seeks to continue a comprehensive process and outcome evaluation to provide documentation and lessons learned about diverse programmatic approaches to health professions trainings for Tribal populations.

The goals of the Tribal HPOG evaluation are to: (1) Provide an in-depth, systematic analysis of program structure, implementation, and outcomes of the sites served by the five Tribal HPOG grantees funded in FY 2010, and (2) compare these data within and across grantees to generate hypotheses about the effectiveness of different program approaches for Tribal populations. These goals require collecting information from Tribal HPOG grantees and other program stakeholders on an annual basis. The information collection activities include in-person and telephone interviews and focus groups. A one-year extension of these activities will allow the evaluation to gather data from the grantees through the end of their grant period. Program operations data related to this effort will continue to be collected through a web-based performance management system under a separate information collection (OMB clearance number 0970–0394).

This **Federal Register** Notice provides the opportunity to comment on a proposed information collection activity for the evaluation of Tribal HPOG. All instruments included in this request have been previously approved. The burden represents continuing data collection into this period.

Respondents: Grantee and Partner Administrative Staff interview: Administrators of the Tribal HPOG program, workforce development, and TANF agencies; public and private university-based partners; and not-for profit organizations.

Program Implementation Staff interview: Instructors, trainers, and providers of program or supportive services.

Program Participant focus groups: Current program participants.

Employers interview: Local or regional employers at public or private companies or organizations that are partnering with the Tribal HPOG program or have employed program participants.

Program Completers interview: Program completers.

Program Non-completers interview: Individuals who did not complete the programs.

Annual Burden Estimates

The current information collection request is for a one-year period.

Instrument	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
New Burden for Previously Approved Instruments				
Grantee and partner administrative staff interview	35	1	1	35
Program implementation staff interview	120	1	1.5	180
Program participant focus groups	108	1	1.5	162
Employer interview	60	1	.75	45
Program completers interview	67	1	1	67
Program non-completers interview	20	1	.30	6

Estimated Total Annual Burden Hours: 495.

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. 2014–13871 Filed 6–12–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2014–0414]

Application for Recertification of Cook Inlet Regional Citizens' Advisory Council

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability; request for comments.

SUMMARY: The Coast Guard announces the availability of, and seeks comments on, the application for recertification submitted by the Cook Inlet Regional Citizen's Advisory Council (CIRCAC) for September 1, 2014, through August 31, 2015. Under the Oil Terminal and Tanker Environmental Oversight Act of 1990, the Coast Guard may certify on an annual basis, an alternative voluntary advisory group in lieu of a Regional Citizens' Advisory Council for Cook Inlet, Alaska. This advisory group monitors the activities of terminal facilities and crude oil tankers under the Cook Inlet program established by the statute. The current certification for CIRCAC will expire August 31, 2014.

DATES: Public comments on CIRCAC's recertification application must reach the Seventeenth Coast Guard District on or before July 16, 2014.

ADDRESSES: You may submit comments identified by docket number USCG–2014–0414 using any one of the following methods:

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

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this recertification, call or email LT Tom Pauser, Seventeenth Coast Guard District (dpi); telephone (907) 463–2812; email *thomas.e.pauser@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Request for Comments

Public Participation and Request for Comments

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

Submitting Comments

If you submit a comment, please include the docket number for this notice of availability (USCG–2014–0414), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online 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 Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* click on the ''submit a comment'' box, which will then become highlighted in blue. In the ''Document Type'' drop down menu select ''Proposed Rule'' and insert ''USCG–2014–0414'' in the ''Keyword'' box. Click ''Search'' then click on the balloon shape in the ''Actions'' column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8.5 by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may withhold recertification or grant a conditional recertification based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Keyword'' box insert ''USCG–2014–0414'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy

Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Public Meeting

The Coast Guard does not plan to hold a public meeting. But you may submit a request for one on or before July 16th, 2014 using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid the process of thoroughly considering the application for recertification, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The Coast Guard published guidelines on December 31, 1992 (57 FR 62600), to assist groups seeking recertification under the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990 (33 U.S.C. 2732) (the Act). The Coast Guard issued a policy statement on July 7, 1993 (58 FR 36504), to clarify the factors that the Coast Guard would be considering in making its determination as to whether advisory groups should be certified in accordance with the Act; and the procedures which the Coast Guard would follow in meeting its certification responsibilities under the Act. Most recently, on September 16, 2002 (67 FR 58440), the Coast Guard changed its policy on recertification procedures for regional citizen's advisory council by requiring applicants to provide comprehensive information every three years. For the two years in between, applicants only submit information describing substantive changes to the information provided at the last triennial recertification. This is the year in this triennial cycle that CIRCAC must provide comprehensive information.

At the conclusion of the comment period, July 16, 2014, the Coast Guard will review all application materials and comments received and will take one of the following actions:

(a) Recertify the advisory group under 33 U.S.C. 2732(o).

(b) Issue a conditional recertification for a period of 90 days, with a statement of any discrepancies, which must be corrected to qualify for recertification for the remainder of the year.

(c) Deny recertification of the advisory group if the Coast Guard finds that the group is not broadly representative of the interests and communities in the area or is not adequately fostering the goals and purposes of 33 U.S.C. 2732.

The Coast Guard will notify CIRCAC by letter of the action taken on their respective applications. A notice will be published in the **Federal Register** to advise the public of the Coast Guard's determination.

Dated: May 23, 2014.

T.P. Ostebo,

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

[FR Doc. 2014–13928 Filed 6–12–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2014–0017; OMB No. 1660–0085]

Agency Information Collection Activities: Proposed Collection; Comment Request; Crisis Counseling Assistance and Training Program

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a revision of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the Crisis Counseling Assistance and Training Program which provides funding in response to a State's request for crisis counseling services for a presidentially declared major disaster.

DATES: Comments must be submitted on or before August 12, 2014.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2014–0017. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., Room 8NE, Washington, DC 20472–3100.

(3) *Facsimile.* Submit comments to (703) 483–2999.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Tanya Stevenson, Program Specialist, FEMA, Individual Assistance Division, Community Services and Volunteer Agency Coordination Branch, (202) 212–5719, for additional information. You may contact the Records Management Division for copies of the proposed collection of information at facsimile number (202) 212–4701 or email address: *FEMA-Information-Collections-Management@dhs.gov.*

SUPPLEMENTARY INFORMATION: Section 416 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, (Pub. L. 93–288, as amended) (''Stafford Act''), authorizes the President to provide financial assistance to States, U.S. Territories, and Federally recognized Indian Tribal governments for professional counseling services to survivors of major disasters to relieve mental health problems caused or aggravated by a major disaster or its aftermath. FEMA has codified Section 416 of the Stafford Act at section 44 CFR 206.171 entitled Crisis Counseling Assistance and Training. Under Section 416 of the Stafford Act and 44 CFR 206.171, the President has designated the Department of Health and Human Services-Center for Mental Health Services (HHS–CMHS) to coordinate with FEMA in administering the Crisis Counseling Assistance and Training Program (CCP). FEMA and HHS–CMHS signed an interagency agreement under which HHS–CMHS provides program oversight, technical assistance and training to States applying for CCP funding.

Collection of Information

Title: Crisis Counseling Assistance and Training Program.

Type of Information Collection: Revision of a currently approved information collection.

OMB Number: 1660–0085.

FEMA Forms: FEMA Form 003–0–1, Crisis Counseling Assistance and Training Program, Immediate Services Program Application; FEMA Form 003–0–2, Crisis Counseling Assistance and Training Program, Regular Services Program Application; SF–424, Application for Federal Assistance; SF–424A, Budget Information for Non-Construction Programs; SF–425, Federal Financial Report; HHS Checklist/08–

2007; HHS Project Performance Site Location Form.

Abstract: The CCP consists of two grant programs, the Immediate Services Program (ISP) and the Regular Services Program (RSP). The ISP and the RSP provide supplemental funding to States, U.S. Territories, and Federally recognized Tribes following a Presidentially-declared disaster. The grant programs provide funding for Training and Services, including community outreach, public education, and counseling techniques. States are required to submit an application that provides information on Needs Assessment, Plan of Service, Program Management, and an accompanying Budget.

Number of Respondents: 150.

Number of Responses: 165.

Estimated Total Annual Burden Hours: 1,515 hours.

Type of respondent	Form name/form No.	Number of respondents	Number of responses per respondent	Total number of responses	Average burden per response (in hours)	Total annual burden (in hours)	Avergage hourly wage rate	Total annual respondent cost
State, local or Tribal Government.	CCP/ISP Crisis Counseling Assistance and Training Program, Immediate Services Program Application/ FEMA Form 003–0–1.	15	1	15	8	120	$55.76	$6,691
State, local or Tribal Government.	CCP/ISP Final Report Narrative, (Immediate Services Program)/No Form #.	15	1	15	8	120	55.76	6,691
State, local or Tribal Government.	CCP/RSP Crisis Counseling Assistance and Training Program, Regular Services Program Application/FEMA Form 003–0–2.	15	1	15	20	300	55.76	16,728
State, local or Tribal Government.	CCP/RSP Quarterly Report Narrative, (Regular Services Program)/No Form #.	15	2	30	15	450	55.76	25,092
State, local or Tribal Government.	CCP/RSP Final Report Narrative, (Regular Services Program)/No Form #.	15	1	15	30	450	55.76	25,092
State, local or Tribal Government.	Standard Form 424	15	1	15	1	15	55.76	836.40
State, local or Tribal Government.	Standard Form 424A	15	1	15	1	15	55.76	836.40
State, local or Tribal Government.	Standard Form 425	15	1	15	1	15	55.76	836.40
State, local or Tribal Government.	Project Performance Site Location Form.	15	1	15	1	15	55.76	836.40
State, local or Tribal Government.	Standard HHS Checklist Form.	15	1	15	1	15	55.76	836.40
Total	.....	150	.....	165	.....	1515	.....	84,476.40

• Note: The ''Avg. Hourly Wage Rate'' for each respondent includes a 1.4 multiplier to reflect a fully-loaded wage rate.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $84,476.40. There are no annual costs to respondents operations and maintenance costs for technical services. There is no annual start-up or capital costs. The cost to the Federal Government is $107,717.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Dated: June 9, 2014.

Charlene D. Myrthil,

Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2014–13864 Filed 6–12–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket No. FEMA–2014–0002]

Final Flood Hazard Determinations; Correction

AGENCY: Federal Emergency Management Agency; DHS.

ACTION: Final notice; correction.

SUMMARY: On March 20, 2014, FEMA published in the **Federal Register** a final flood hazard determination notice that contained an erroneous table. This notice provides corrections to that table, to be used in lieu of the information published at 79 FR 15598. The table provided here represents the final flood hazard determinations and communities affected for Poweshiek County, Iowa,

and Incorporated Areas, and Douglas County, Nebraska, and Incorporated Areas.

Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a 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 Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date is May 19, 2014, which has been established for the FIRM, and, where applicable, the supporting FIS report, showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM and, if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the table below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

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 determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes 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.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

Correction

In the final flood hazard determination notice published at 79 FR 15598 in the March 20, 2014, issue of the **Federal Register**, FEMA published tables titled ''Poweshiek County, Iowa, and Incorporated Areas'' and ''Douglas County, Nebraska, and Incorporated Areas''. These tables contained inaccurate information as to the communities affected by the final flood hazard determinations for communities in Poweshiek County, Iowa, as well as Douglas County, Nebraska. Additionally, inaccurate community map repository address was published for the City of Montezuma, Iowa featured in the ''Poweshiek County, Iowa, and Incorporated Areas'' table. In this document, FEMA is publishing revised tables containing the accurate information. The information provided in the tables below should be used in lieu of that previously published.

Community	Community map repository address
Poweshiek County, Iowa, and Incorporated Areas Docket No.: FEMA–B–1299 and FEMA B–1311	
City of Brooklyn	City Hall, 138 Jackson Street, Brooklyn, IA 52211.
City of Deep River	City Hall, 701 Main Street, Deep River, IA 52222.
City of Grinnell	City Hall, 927 Fourth Avenue, Grinnell, IA 50112.
City of Guernsey	City Hall, 601 Cleveland Street, Guernsey, IA 52221.
City of Malcom	City Hall, 305 Third Street, Malcom, IA 50157.
City of Montezuma	City Hall, 501 East Main Street, Montezuma, IA 50171.
City of Searsboro	City Hall, 526 Main Street, Searsboro, IA 50242.
City of Victor	City Hall, 707 Second Street, Victor, IA 52347.
Unincorporated Areas of Poweshiek County	Poweshiek County Courthouse, 302 East Main Street, Montezuma, IA 50171.
Douglas County, Nebraska, and Incorporated Areas Docket No.: FEMA–B–1299	
City of Omaha	Omaha-Douglas Civic Center, 1819 Famam Street, Omaha, NE 68183.
City of Valley	City Hall, 203 North Spruce Street, Valley, NE 68064.
Unincorporated Areas of Douglas County	Douglas County Environmental Services, 3015 Menke Circle, Omaha, NE 68134.
Village of Waterloo	Village Hall, 509 South Front Street, Waterloo, NE 68069.

(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. 2014–13891 Filed 6–12–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0002]

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.
Arizona:					
Maricopa (FEMA Docket No.: B–1407).	City of Phoenix (13–09–2437P).	The Honorable Greg Stanton, Mayor, City of Phoenix, 200 West Washington Street, 11th Floor, Phoenix, AZ 85003.	Street Transportation Department, 200 West Washington Street, 5th Floor, Phoenix, AZ 85003.	April 11, 2014	040051
Maricopa (FEMA Docket No.: B–1407).	Town of Queen Creek (13–09–2145P).	The Honorable Gail Barney, Mayor, Town of Queen Creek, 22350 South Ellsworth Road, Queen Creek, AZ 85142.	Town Hall, 22350 South Ellsworth Road, Queen Creek, AZ 85142.	April 18, 2014	040132
Maricopa (FEMA Docket No.: B–1407).	Unincorporated areas of Maricopa County (13–09–2145P).	The Honorable Andy Kunasek, Chairman, Maricopa County Board of Supervisors, 301 West Jefferson, 10th Floor, Phoenix, AZ 85003.	Maricopa County Flood Control District, 2801 West Durango Street, Phoenix, AZ 85009.	April 18, 2014	040037
Pinal (FEMA Docket No.: B–1403).	City of Apache Junction (13–09–1704P).	The Honorable John Insalaco, Mayor, City of Apache Junction, 300 East Superstition Boulevard, Apache Junction, AZ 85119.	City Hall, 1001 North Idaho Road, Apache Junction, AZ 85219.	March 25, 2014	040120
Santa Cruz (FEMA Docket No.: B–1407).	Town of Patagonia (13–09–2232P).	The Honorable Ike Isakson, Mayor, Town of Patagonia, P.O. Box 767, Patagonia, AZ 85624.	Town Clerk's Office, 310 West McKeown Avenue, Patagonia, AZ 85624.	April 9, 2014	040092

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Santa Cruz (FEMA Docket No.: B–1407).	Unincorporated areas of Santa Cruz County (13–09–2232P).	The Honorable Manuel Ruiz, Chairman, Santa Cruz County Board of Supervisors, 2150 North Congress Drive, Nogales, AZ 85621.	Santa Cruz County Flood Control District, 2150 North Congress Drive, Nogales, AZ 85621.	April 9, 2014	040090
California:					
Orange (FEMA Docket No.: B–1403).	City of Irvine (13–09–3195P).	The Honorable Steven S. Choi, Ph.D., Mayor, City of Irvine, 1 Civic Center Plaza, Irvine, CA 92606.	Public Works Department, Development Engineering, 1 Civic Center Plaza, 2nd Floor, Irvine, CA 92606.	March 21, 2014	060222
Riverside (FEMA Docket No.: B–1407).	City of Murrieta (12–09–2519P).	The Honorable Rick Gibbs, Mayor, City of Murrieta, 1 Town Square, Murrieta, CA 92562.	Department of Public Works and Engineering, 1 Town Square, Murrieta, CA 92562.	April 7, 2014	060751
Solano (FEMA Docket No.: B–1407).	City of Vacaville (13–09–3024P).	The Honorable Steve Hardy, Mayor, City of Vacaville, 650 Merchant Street, Vacaville, CA 95688.	Public Works and Engineering Department, 650 Merchant Street, Vacaville, CA 95688.	March 28, 2014	060373
Colorado:					
Denver (FEMA Docket No.: B–1403).	City and County of Denver (13–08–1197P).	The Honorable Michael B. Hancock, Mayor, City and County of Denver, 1437 Bannock Street, Suite 350, Denver, CO 80202.	Department of Public Works, 201 West Colfax Avenue, Denver, CO 80202.	March 21, 2014	080046
El Paso (FEMA Docket No.: B–1407).	City of Colorado Springs (13–08–0960P).	The Honorable Steve Bach, Mayor, City of Colorado Springs, 30 South Nevada Avenue, Colorado Springs, CO 80903.	Floodplain Administrator, 2880 International Circle, Colorado Springs, CO 80910.	April 11, 2014	080060
El Paso (FEMA Docket No.: B–1407).	Unincorporated areas of El Paso County (13–08–0960P).	The Honorable Dennis Hisey, Chairman, El Paso County Board of Commissioners, 200 South Cascade Avenue, Suite 100, Colorado Springs, CO 80903.	El Paso County Floodplain Administrator, 2880 International Circle, Colorado Springs, CO 80910.	April 11, 2014	080059
Florida:					
Brevard (FEMA Docket No.: B–1407).	Unincorporated areas of Brevard County (13–04–4473P).	The Honorable Andy Anderson, Brevard County Commissioner, 2725 Judge Fran Jamieson Way, Viera, FL 32940.	Brevard County Public Works Department, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, FL 32940.	May 5, 2014	125092
Charlotte (FEMA Docket No.: B–1407).	Unincorporated areas of Charlotte County (13–04–5518P).	The Honorable Christopher Constance, Chairman, Charlotte County Board of Commissioners, 18500 Murdock Circle, Suite 536, Port Charlotte, FL 33948.	Charlotte County Community Development Department, 18500 Murdock Circle, Suite 536, Port Charlotte, FL 33948.	April 18, 2014	120061
Charlotte (FEMA Docket No.: B–1407).	Unincorporated areas of Charlotte County (13–04–7424P).	The Honorable Christopher Constance, Chairman, Charlotte County Board of Commissioners, 18500 Murdock Circle, Suite 536, Port Charlotte, FL 33948.	Charlotte County Community Development Department, 18500 Murdock Circle, Suite 536, Port Charlotte, FL 33948.	March 28, 2014	120061
Escambia (FEMA Docket No.: B–1403).	Unincorporated areas of Escambia County (13–04–7319P).	The Honorable Gene M. Valentino, Chairman, Escambia County Board of Commissioners, 221 Palafox Place, Suite 400, Pensacola, FL 32502.	Escambia County Development Services Department, 3363 West Park Place, Pensacola, FL 32505.	March 26, 2014	120080
Escambia (FEMA Docket No.: B–1403).	Unincorporated areas of Escambia County (13–04–7654P).	The Honorable Gene M. Valentino, Chairman, Escambia County Board of Commissioners, 221 Palafox Place, Suite 400, Pensacola, FL 32502.	Escambia County Development Services Department, 3363 West Park Place, Pensacola, FL 32505.	March 26, 2014	120080
Miami-Dade (FEMA Docket No.: B–1407).	City of Sunny Isles Beach (13–04–6621P).	The Honorable Norman S. Edelcup, Mayor, City of Sunny Isles Beach, 18070 Collins Avenue, Suite 250, Sunny Isles Beach, FL 33160.	City Hall, 18070 Collins Avenue, Suite 250, Sunny Isles Beach, FL 33160.	March 28, 2014	120688
Monroe (FEMA Docket No.: B–1407).	Unincorporated areas of Monroe County (13–04–5320P).	The Honorable George Neugent, Mayor, Monroe County, 1100 Simonton Street, Key West, FL 33040.	Monroe County Building Department, 2798 Overseas Highway, Marathon, FL 33050.	March 14, 2014	125129
Pinellas (FEMA Docket No.: B–1403).	City of Dunedin (13–04–5166P).	The Honorable Dave Eggers, Mayor, City of Dunedin, 542 Main Street, Dunedin, FL 34698.	Engineering Department, 542 Main Street, Dunedin, FL 34698.	March 20, 2014	125103

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Pinellas (FEMA Docket No.: B–1407).	City of Treasure Island (13–04–6622P).	The Honorable Robert Minning, Mayor, City of Treasure Island, 120 108th Avenue, Treasure Island, FL 33706.	Building Department, 120 108th Avenue, Treasure Island, FL 33706.	April 3, 2014	125153
Sarasota (FEMA Docket No.: B–1403).	Unincorporated areas of Sarasota County (13–04–5170P).	The Honorable Carolyn J. Mason, Chair, Sarasota County Commission, 1660 Ringling Boulevard, Sarasota, FL 34236.	Sarasota County Stormwater Management Department, 1001 Sarasota Center Boulevard, Sarasota, FL 34240.	March 21, 2014	125144
Sumter (FEMA Docket No.: B–1407).	Unincorporated areas of Sumter County (13–04–4550P).	The Honorable Doug Gilpin, Chairman, Sumter County Board of Commissioners, 7375 Powell Road, Wildwood, FL 34785.	Sumter County Planning Department, 7375 Powell Road, Wildwood, FL 34785.	April 11, 2014	120296
Georgia:					
Fannin (FEMA Docket No.: B–1407).	Unincorporated areas of Fannin County (13–04–3830P).	The Honorable Bill Simonds, Chairman, Fannin County Board of Commissioners, 400 West Main Street, Suite 100, Blue Ridge, GA 30513.	Fannin County Government Center, 400 West Main Street, Suite 100, Blue Ridge, GA 30513.	March 27, 2014	130249
Fulton (FEMA Docket No.: B–1407).	City of Roswell (13–04–3682P).	The Honorable Jere Wood, Mayor, City of Roswell, 38 Hill Street, Suite 235, Roswell, GA 30075.	Public Works and Environmental Department, 38 Hill Street, Suite 235 Roswell, GA 30075.	April 18, 2014	130088
North Carolina:					
Alamance (FEMA Docket No.: B–1403).	City of Burlington (14–04–0924P).	The Honorable Ronnie K. Wall, Mayor, City of Burlington, 425 South Lexington Avenue, Burlington, NC 27216.	Inspection Division, 425 South Lexington Avenue, Burlington, NC 27216.	March 31, 2014	370002
Alamance (FEMA Docket No.: B–1403).	City of Burlington (14–04–0926P).	The Honorable Ronnie K. Wall, Mayor, City of Burlington, 425 South Lexington Avenue, Burlington, NC 27216.	Inspection Division, 425 South Lexington Avenue, Burlington, NC 27216.	March 31, 2014	370002
Gaston (FEMA Docket No.: B–1403).	City of Gastonia (14–04–0932P).	The Honorable John Bridgeman, Mayor, City of Gastonia, P.O. Box 1748, Gastonia, NC 28053.	Garland Municipal Business Center, 150 South York Street, Gastonia, NC 28052.	April 5, 2014	370100
Guilford (FEMA Docket No.: B–1403).	City of Greensboro (14–04–0935P).	The Honorable Robbie Perkins, Mayor, City of Greensboro, P.O. Box 3136, Greensboro, NC 27402.	Central Library, 219 North Church Street, Greensboro, NC 27401.	April 5, 2014	375351
Guilford (FEMA Docket No.: B–1403).	Unincorporated areas of Guilford County (14–04–0935P).	The Honorable Linda O. Shaw, Chair, Guilford County Board of Commissioners, P.O. Box 3427, Greensboro, NC 27402.	Independent Center, 400 West Market Street, Greensboro, NC 27402.	April 5, 2014	370111
Lee (FEMA Docket No.: B–1407).	Unincorporated areas of Lee County (14–04–0349P).	Mr. John Crumpton, Lee County Manager, 408 Summit Drive, Sanford, NC 27330.	Lee County GIS, Strategic Services Office, 408 Summit Drive, Sanford, NC 27330.	April 21, 2014	370331
South Carolina: Charleston (FEMA Docket No.: B–1407).	City of Charleston (13–04–6316P).	The Honorable Joseph P. Riley, Jr., Mayor, City of Charleston, P.O. Box 652, Charleston, SC 29402.	Department of Public Services, 75 Calhoun Street, 3rd Floor, Charleston, SC 29401.	May 5, 2014	455412
South Dakota: Lawrence (FEMA Docket No.: B–1407).	City of Deadwood (13–08–1250P).	The Honorable Charles Turbiville, Mayor, City of Deadwood, 102 Sherman Street, Deadwood, SD 57732.	Planning and Zoning Department, 108 Sherman Street, Deadwood, SD 57732.	April 7, 2014	460045
Tennessee: Sevier (FEMA Docket No.: B–1403).	City of Sevierville (13–04–7165P).	The Honorable Bryan C. Atchley, Mayor, City of Sevierville, 120 Gary Wade Boulevard, Sevierville, TN 37862.	City Hall, 120 Gary Wade Boulevard, Sevierville, TN 37862.	March 28, 2014	475444
Utah:					
Utah (FEMA Docket No.: B–1403).	City of Lehi (13–08–0558P).	The Honorable Bert Wilson, Mayor, City of Lehi, 153 North 100 East, Lehi, UT 84043.	Building and Planning Department, 99 West Main Street, Suite 100, Lehi, UT 84043.	March 20, 2014	490209
Utah (FEMA Docket No.: B–1403).	City of Saratoga Springs (13–08–0558P).	The Honorable Mia Love, Mayor, City of Saratoga Springs, 1307 North Commerce Drive, Suite 200, Saratoga Springs, UT 84045.	Planning and Zoning Department, 1307 North Commerce Drive, Suite 200, Saratoga Springs, UT 84045.	March 20, 2014	490250

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Utah (FEMA Docket No.: B–1403).	Unincorporated areas of Utah County (13–08–0558P).	The Honorable Doug Whitney, Chairman, Utah County Board of Commissioners, 100 East Center Street, Suite 2300, Provo, UT 84606.	Utah County Public Works Department, 2855 South State Street, Provo, UT 84606.	March 20, 2014	495517

(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. 2014–13888 Filed 6–12–14; 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–1416]

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.
Oklahoma:						
Pottawatomie	City of Shawnee (13–06–0976P).	Mr. Brian McDougal, Manager, City of Shawnee, 16 West 9th Street, Shawnee, OK 74801.	City Hall, 16 West 9th Street, Shawnee, OK 74801.	*http://www.msc.fema.gov/lomc.*	August 14, 2014	400178
New Mexico:						

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.
Bernalillo	City of Albuquerque (13–06–2113P).	The Honorable Richard J. Berry, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, NM 87103.	Development and Review Services Division, 600 2nd Street Northwest, Room 201, Albuquerque, NM 87102.	*http://www.msc.fema.gov/lomc.*	July 10, 2014	350002
Texas:						
Bexar	Unincorporated areas of Bexar County (14–06–0021P).	The Honorable Nelson W. Wolff, Bexar County Judge, Paul Elizondo Tower, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 233 North Pecos-La Trinidad Street, Suite 420, San Antonio, TX 78207.	*http://www.msc.fema.gov/lomc.*	August 7, 2014	480035
Bexar	Unincorporated areas of Bexar County (14–06–0228P).	The Honorable Nelson W. Wolff, Bexar County Judge, Paul Elizondo Tower, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 233 North Pecos-La Trinidad Street, Suite 420, San Antonio, TX 78207.	*http://www.msc.fema.gov/lomc.*	August 7, 2014	480035
Denton	City of Sanger (13–06–4010P).	The Honorable Thomas Muir, Mayor, City of Sanger, P.O. Box 1729, Sanger, TX 76266.	City Hall, 201 Bolivar Street, Sanger, TX 76266.	*http://www.msc.fema.gov/lomc.*	July 11, 2014	480786
Webb	City of Laredo (14–06–0556P).	The Honorable Raul G. Salinas, Mayor, City of Laredo, 1110 Houston Street, Laredo, TX 78040.	1120 San Bernardo Avenue, Laredo, TX 78040.	*http://www.msc.fema.gov/lomc.*	July 3, 2014	480651
Webb	City of Laredo (13–06–4511P).	The Honorable Raul G. Salinas, Mayor, City of Laredo, 1110 Houston Street, Laredo, TX 78040.	1120 San Bernardo Avenue, Laredo, TX 78040.	*http://www.msc.fema.gov/lomc.*	July 31, 2014	480651
Webb	Unincorporated areas of Webb County (14–06–0556P).	The Honorable Danny Valdez, Webb County Judge, 1000 Houston Street, 3rd Floor, Laredo, TX 78040.	Webb County, 1110 Washington Street, Suite 302, Laredo, TX 78040.	*http://www.msc.fema.gov/lomc.*	July 3, 2014	481059
Wilson	City of Floresville (14–06–0256P).	The Honorable Daniel M. Tejada, Mayor, City of Floresville, 1120 D Street, Floresville, TX 78114.	City Hall, 1120 D Street, Floresville, TX 78114.	*http://www.msc.fema.gov/lomc.*	July 31, 2014	480671

(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. 2014–13926 Filed 6–12–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0002 (65F90)]

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.
Arizona:					
Maricopa (FEMA Docket No.: B–1409).	Town of Cave Creek (13–09–2950P).	The Honorable Vincent Francia, Mayor, Town of Cave Creek, 37622 North Cave Creek Road, Cave Creek, AZ 85331.	37622 North Cave Creek Road, Cave Creek, AZ 85331.	May 5, 2014	040129
Maricopa (FEMA Docket No.: B–1409).	Unincorporated areas of Maricopa County (13–09–2950P).	The Honorable Steve Chucri, Supervisor, District 2, Maricopa County, 301 West Jefferson, 10th Floor, Phoenix, AZ 85003.	2801 West Durango Street, Phoenix, AZ 85003.	May 5, 2014	040037
California:					
San Bernardino (FEMA Docket No.: B–1409).	City of Yucaipa (13–09–1511P).	The Honorable Denise Hoyt, Mayor, City of Yucaipa, 34272 Yucaipa Boulevard, Yucaipa, CA 92399.	34272 Yucaipa Boulevard, Yucaipa, CA 92399.	April 4, 2014	060739
Connecticut:					
Fairfield (FEMA Docket No.: B–1409).	Town of Greenwich (13–01–2161P).	The Honorable Peter Tesei, First Selectman, Town of Greenwich, 101 Field Point Road, Greenwich, CT 06830.	Town Hall, 101 Field Point Road, Greenwich, CT 06830.	April 11, 2014	090008
Connecticut:					
New Haven (FEMA Docket No.: B–1409).	City of West Haven (13–01–2240P).	The Honorable John M. Picard, Mayor, City of West Haven, 355 Main Street, West Haven, CT 06516.	City Hall, 355 Main Street, West Haven, CT 06516.	May 29, 2014	090092
Idaho:					
Blaine (FEMA Docket No.: B–1409).	Unincorporated Areas of Blaine County (12–10–1241P).	The Honorable Lawrence Schoen, Blaine County Chairman, Board of Commissioners, 206 First Avenue South, Suite 300, Hailey, ID 83333.	Blaine County Planning & Zoning, 219 First Avenue South, Suite 208, Hailey, ID 83333.	April 3, 2014	165167
Illinois:					
Adams (FEMA Docket No.: B–1409).	City of Quincy (13–05–7063).	The Honorable Kyle A. Moore, Mayor, City of Quincy, 730 Maine Street, Quincy, IL 62301.	Quincy City Hall, 730 Maine Street, Quincy, IL 62301.	March 18, 2014	170003
Adams (FEMA Docket No.: B–1409).	Unincorporated Areas of Adams County (13–05–7063P).	The Honorable Les Post, 101 North 54th Street, Quincy, IL 62305.	Adams County Highway Department, 101 North 54th Street, Quincy, IL 62305.	March 18, 2014	170001
DuPage (FEMA Docket No.: B–1409).	Village of Woodridge (13–05–5378P).	The Honorable Gina Cunningham-Pic, 5 Plaza Drive, Woodridge, IL 60517.	Village Hall, 5 Plaza Drive, Woodridge, IL 60517.	May 2, 2014	170737
Will (FEMA Docket No.: B–1409).	City of Naperville (13–05–8584P).	The Honorable A. George Pradel, Mayor, City of Naperville, 400 South Eagle Street, Naperville, IL 60540.	City Hall, 400 South Eagle Street, Naperville, IL 60540.	May 12, 2014	170213
Will (FEMA Docket No.: B–1409).	City of Naperville (13–05–3255P).	The Honorable A. George Pradel, Mayor, City of Naperville, 400 South Eagle Street, Naperville, IL 60540.	City Hall, 400 South Eagle Street, Naperville, IL 60540.	April 28, 2014	170213
Will (FEMA Docket No.: B–1409).	Unincorporated Areas of Will County (13–05–8584P).	The Honorable Lawrence M. Walsh, Will County Chairman, 302 North Chicago Street, Joliet, IL 60432.	Will County Land Use, 58 East Clinton Street, Suite 500, Joliet, IL 60432.	May 12, 2014	170695
Will (FEMA Docket No.: B–1409).	Unincorporated Areas of Will County (13–05–3255P).	The Honorable Lawrence M. Walsh, Will County Chairman, 302 North Chicago Street, Joliet, IL 60432.	Will County Land Use, 58 East Clinton Street, Suite 500, Joliet, IL 60432.	April 28, 2014	170695
Will (FEMA Docket No.: B–1409).	Village of Bolingbrook (13–05–5378P).	The Honorable Roger C. Claar, Mayor, Village of Bolingbrook, 375 West Briarcliff Road, Bolingbrook, IL 60440.	Village Hall, 375 West Briarcliff Road, Bolingbrook, IL 60440.	May 2, 2014	170812
Indiana:					
Hamilton (FEMA Docket No.: B–1409).	Town of Sheridan (13–05–7380P).	The Honorable David W. Kinkead, Council President, Town of Sheridan, 506 South Main Street, Sheridan, IN 46069.	506 South Main Street, Sheridan, IN 46069.	May 13, 2014	180516
Iowa:					
Black Hawk (FEMA Docket No.: B–1409).	City of Cedar Falls (13–07–0495P).	The Honorable Jon Crews, 220 Clay Street, Cedar Falls, IA 50613.	220 Clay Street, Cedar Falls, IA 50613.	March 18, 2014	190017
Jefferson (FEMA Docket No.: B–1409).	City of Fairfield (13–07–1849P).	The Honorable Ed Malloy, Mayor, City of Fairfield, 118 South Main, Fairfield, IA 52556.	118 South Main, Fairfield, IA 52556.	May 30, 2014	190168
Linn County (FEMA Docket No.: B–1409).	City of Cedar Rapids (13–07–1848P).	The Honorable Ron Corbett, 101 First Street SE, Cedar Rapids, IA 52401.	500 15th Avenue SW, Cedar Rapids, IA 52404.	March 16, 2014	190187
Kansas:					

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Sedgwick (FEMA Docket No.: B–1409).	City of Wichita (13–07–1822P).	The Honorable Carl Brewer, Mayor, City of Wichita, 455 North Main, 1ST Floor, Wichita, KS 67202.	Code Enforcement Office, 144 South Seneca Street, Wichita, KS 67213.	June 19, 2014	200328
Sedgwick (FEMA Docket No.: B–1409).	Unincorporated Areas of Sedgwick County (13–07–1822P).	The Honorable James Skelton, Commissioner, 5TH District of Sedgwick County, 525 North Main, Suite 320, Wichita, KS 67203.	Office of Storm Water Management, 455 North Main, 8TH Floor, Wichita, KS 67202.	June 19, 2014	200321
Maine:					
Cumberland (FEMA Docket No.: B–1409).	City of Portland (13–01–1727P).	The Honorable Michael F. Brennan, Mayor, City of Portland, 389 Congress Street, Portland, ME 04101.	City Hall, 389 Congress Street, Portland, ME 04101.	March 20, 2014	230051
Michigan:					
Ingham (FEMA Docket No.: B–1409).	Charter Township of Delhi (13–05–4699P).	The Honorable C.J. Davis, Supervisor, Charter Township of Delhi, 2074 Aurelius Road, Holt, MI 48842.	2074 Aurelius Road, Holt, MI 48842.	May 5, 2014	260088
Minnesota:					
Ramsey (FEMA Docket No.: B–1409).	City of Arden Hills (13–05–5828P).	The Honorable Stan Harpstead, Mayor, City of Arden Hills, 1245 West Highway 96, Arden Hills, MN 55112.	1245 West Highway 96, Arden Hills, MN 55112.	May 1, 2014	270375
Washington (FEMA Docket No.: B–1409).	City of Oakdale (14–05–1498P).	The Honorable Carmen Sarrack, Mayor, City of Oakdale, 1584 Hadley Avenue North, Oakdale, MN 55128.	1584 Hadley Avenue North, Oakdale, MN 55128.	May 15, 2014	270511
Nebraska:					
Buffalo (FEMA Docket No.: B–1409).	City of Ravenna (13–07–2384P).	The Honorable Peg R. Dethlefs, Mayor, City of Ravenna, 416 Grand Avenue, Ravenna, NE 68869.	416 Grand Avenue, Ravenna, NE 68869.	May 12, 2014	310018
Ohio:					
Cuyahoga (FEMA Docket No.: B–1409).	City of Solon (13–05–5208P).	The Honorable Susan A. Drucker, Mayor, City of Solon, 34200 Bainbridge Road, Solon, OH 44139.	34200 Bainbridge Road, Solon, OH 44139.	January 3, 2014	390130
Franklin (FEMA Docket No.: B–1409).	City of Columbus (13–05–6825P).	The Honorable Michael B. Coleman, Mayor, City of Columbus, 90 West Broad Street, 2ND Floor, Columbus, OH 43215.	1250 Fairwood Avenue, Columbus, OH 43206.	April 17, 2014	390170
Franklin (FEMA Docket No.: B–1409).	Unincorporated Areas of Franklin County (13–05–7936).	The Honorable John O'Grady, Franklin County Commissioner, 373 South High Street, 26TH Floor, Columbus, OH 43215.	150 South Front Street, FSL Suite 10, Columbus, OH 43215.	April 22, 2014	390167
Lucas (FEMA Docket No.: B–1409).	City of Toledo (13–05–0687P).	The Honorable Michael P. Bell, Mayor, City of Toledo, One Government Center, 640 Jackson Street, Suite 2200, Toledo, OH 43604.	Division of Engineering Services, 1 Lake Erie Center, Suite 300, Toledo, OH 43604.	December 13, 2013	395373
Lucas (FEMA Docket No.: B–1409).	City of Toledo (13–05–0689P).	The Honorable Michael P. Bell, Mayor, City of Toledo, One Government Center, 640 Jackson Street, Suite 2200, Toledo, OH 43604.	Division of Engineering Services, 1 Lake Erie Center, Suite 300, Toledo, OH 43604.	December 13, 2013	395373
Stark (FEMA Docket No.: B–1409).	City of Louisville (13–05–2237P).	The Honorable Patricia A. Fallot, Mayor, City of Louisville, 215 South Mill Street, Louisville, OH 44641.	215 South Mill Street, Louisville, OH 44641.	March 14, 2014	390516
Oregon:					
Clackamas (FEMA Docket No.: B–1409).	City of Portland (13–10–1438P).	The Honorable Charlie Hales, Mayor, City of Portland, 1221 SW 4TH Avenue, Room 340, Portland, OR 97204.	City of Portland Bureau of Environmental Services, 1120 SW 5TH Avenue, Suite 1000, Portland, OR 97204.	May 29, 2014	410183
Jackson (FEMA Docket No.: B–1409).	City of Ashland (13–10–1570P).	The Honorable John Stromberg, Mayor, City of Ashland, 20 East Main Street, Ashland, OR 97520.	20 East Main Street, Ashland, OR 97520.	March 18, 2014	410090
Jackson (FEMA Docket No.: B–1409).	City of Medford (13–10–0817P).	The Honorable Gary Wheeler, Mayor, City of Medford, 411 West 8TH Street, Medford, OR 97501.	Lausmann Annex, 200 South Ivy Street, Room 277, Medford, OR 97501.	April 10, 2014	410096
Marion (FEMA Docket No.: B–1409).	City of Aumsville (13–10–1209P).	The Honorable Harold White, Mayor, City of Aumsville, 595 Main Street, Aumsville, OR 97325.	City Hall, 595 Main Street, Aumsville, OR 97325.	March 14, 2014	410155
Marion (FEMA Docket No.: B–1409).	City of Salem (13–10–1443P).	The Honorable Anna M Peterson, 555 Liberty Street Southeast, Salem, OR 97301.	City Hall, 555 Liberty Street Southeast, Salem, OR 97301.	April 11, 2014	410167

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Marion (FEMA Docket No.: B–1409).	Unincorporated Areas of Marion County (13–10–1209P).	The Honorable Patti Milne, PO Box 14500, Salem, OR 97309.	Marion County Department of Planning, 5155 Silverton Road NE, Salem, OR 97305.	March 14, 2014	410155
Rhode Island:					
Providence (FEMA Docket No.: B–1409).	Town of Smithfield (13–01–1817P).	The Honorable Alberto J. LaGreca, Jr., President, Smithfield Town Council, 64 Farnum Pike, Smithfield, RI 02917.	Town Hall, 64 Farnum Pike, Smithfield, RI 02917.	April 3, 2014	440025
Virginia:					
Wythe (FEMA Docket No.: B–1409).	Town of Wytheville (13–03–1765P).	The Honorable Trenton G. Crewe, Jr., Mayor, Town of Wytheville, 150 East Monroe Street, Wytheville, VA 24382.	150 East Monroe Street, Wytheville, VA 24382.	May 15, 2014	510181
Wythe (FEMA Docket No.: B–1409).	Unincorporated Areas of Wythe County (13–03–1765P).	The Honorable Danny C. McDaniel, Chair, Wythe County Board of Supervisors, 340 South 6TH Street, Suite A, Wytheville, VA 24382.	340 South 6th Street, Suite A, Wytheville, VA 24382.	May 15, 2014	510180
Washington:					
King (FEMA Docket No.: B–1409).	City of Burien (14–10–0009P).	The Honorable Lucy Krakowiak, Mayor, City of Burien, 400 Southwest 152ND Street, Suite 300, Burien, WA 98166.	400 Southwest 152nd Street, Suite 300, Burien, WA 98166.	June 16, 2014	550321
Wisconsin:					
Brown (FEMA Docket No.: B–1409).	Village of Bellevue (13–05–5752P).	The Honorable Craig Beyl, President, Village of Bellevue, 2828 Allouez Avenue, Bellevue, WI 54311.	2828 Allouez Avenue, Bellevue, WI 54311.	March 13, 2014	550627
Fond Du Lac (FEMA Docket No.: B–1409).	City of Waupun (13–05–8521P).	The Honorable Jodi Steger, Mayor, City of Waupun, 201 East Main Street, Waupun, WI 53963.	201 East Main Street, Waupun, WI 53963.	April 2, 2014	550108
Green Lake (FEMA Docket No.: B–1409).	City of Markesan (13–05–7472P).	The Honorable Richard Slate, Mayor, City of Markeson, 150 South Bridge Street, Markesan, WI 53946.	150 South Bridge Street, Markesan, WI 53946.	June 2, 2014	550169
Green Lake (FEMA Docket No.: B–1409).	Unincorporated Areas of Green Lake County (13–05–7472P).	Mr. Alan K. Shute, Land Development Director, Green Lake County, 571 County Road, Suite A, Green Lake, WI 54971.	108 North Capron Street, Berlin, WI 54923.	June 2, 2014	550165
Kenosha (FEMA Docket No.: B–1409).	City of Kenosha (13–05–8170P).	The Honorable Jim Kreuser, Kenosha County Executive, 10105 6TH Street, Kenosha, WI 53140.	19600 75th Street, Kenosha, WI 53140.	May 13, 2014	550523
Kenosha (FEMA Docket No.: B–1409).	Unincorporated Areas of Kenosha County (13–05–8170P).	The Honorable Keith G. Bosman, Mayor, City of Kenosha, 625 52ND Street, Room 300, Kenosha, WI 53140.	625 52nd Street, Kenosha, WI 53140.	May 13, 2014	550209
Outagamie (FEMA Docket No.: B–1409).	City of Appleton (13–05–7920P).	The Honorable Tim Hanna, Mayor, City of Appleton, 100 North Appleton Street, Appleton, WI 54911.	City Hall, 100 North Appleton Street, Appleton, WI 54911.	June 5, 2014	555542
Outagamie (FEMA Docket No.: B–1409).	Unincorporated Areas of Outagamie County (13–05–7384P).	The Honorable Robert Paltzer, Jr., 410 South Walnut Street, Appleton, WI 54911.	County Administration Building, 410 South Walnut Street, Appleton, WI 54911.	March 24, 2014	550302
Rock (FEMA Docket No.: B–1409).	City of Beloit (13–05–3956P).	The Honorable Larry N. Arft, City Manager, City of Beloit, 100 State Street, Beloit, WI 53511.	City Hall, 100 State Street, Beloit, WI 53511.	April 1, 2014	555544
Sheboygan (FEMA Docket No.: B–1409).	City of Plymouth (13–05–5518P).	The Honorable Don Pohlman, Mayor, City of Plymouth, 128 Smith Street, Plymouth, WI 53073.	City Hall, 128 Smith Street, Plymouth, WI 53073.	March 21, 2014	550428

(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. 2014–13887 Filed 6–12–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4174–DR; Docket ID FEMA–2014–0003]

Arkansas; 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 Arkansas (FEMA–4174–DR), dated April 29, 2014, and related determinations.

DATES: *Effective Date:* April 29, 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 April 29, 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 Arkansas resulting from severe storms, tornadoes, and flooding on April 27, 2014, 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 Arkansas.

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, Timothy J. Scranton, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Arkansas have been designated as adversely affected by this major disaster:

Faulkner County for Individual Assistance.

Faulkner County 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 Arkansas 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. 2014–13922 Filed 6–12–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4171–DR; Docket ID FEMA–2014–0003]

Tennessee; 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 Tennessee (FEMA–4171–DR), dated April 11, 2014, and related determinations.

DATES: *Effective Date:* April 30, 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 Tennessee 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 April 11, 2014.

Fayette and Hickman Counties for Public 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. 2014–13915 Filed 6–12–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4175–DR; Docket ID FEMA–2014–0003]

Mississippi; 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 Mississippi (FEMA–4175–DR), dated April 30, 2014, and related determinations.

DATES: Effective April 30, 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 April 30, 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 Mississippi resulting from severe storms, tornadoes, 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 Mississippi.

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, Mark H. Landry, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Mississippi have been designated as adversely affected by this major disaster:

Itawamba, Lee, Lowndes, Madison, Rankin, Wayne, and Winston Counties for Individual Assistance.

Itawamba, Lee, Lowndes, Madison, Rankin, Wayne, and Winston 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 Mississippi 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. 2014–13882 Filed 6–12–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4173–DR; Docket ID FEMA–2014–0003]

Indiana; 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 Indiana (FEMA–4173–DR), dated April 22, 2014, and related determinations.

DATES: Effective April 22, 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 April 22, 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 Indiana resulting from a severe winter storm and snowstorm during the period of January 5–9, 2014, 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 Indiana.

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 Public Assistance in the designated areas and Hazard Mitigation throughout the State. You are further authorized to provide snow assistance under the Public Assistance program for a limited time during or proximate to the incident period. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation 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 Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, David G. Samaniego, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Indiana have been designated as adversely affected by this major disaster:

Boone, Clay, Hendricks, Huntington, Jasper, Kosciusko, Madison, Morgan, Newton, Noble, Owen, Parke, Putnam, Sullivan, Tipton, Vigo, Wabash, White, and Whitley Counties for Public Assistance.

Boone, Clay, Hendricks, Huntington, Jasper, Kosciusko, Madison, Morgan, Newton, Parke, Putnam, Sullivan, Tipton, Vigo, Wabash, and White Counties for snow assistance under the Public Assistance program for any continuous 48-hour period during or proximate the incident period. The assistance for Noble and Whitley Counties will be provided for a period of 72 hours.

All counties within the State of Indiana 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. 2014–13872 Filed 6–12–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5750–N–24]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, and suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Ritta, Ms. Theresa M. Ritta, Chief Real Property Branch, the Department of Health and Human Services, Room 5B–17, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, (301)–443–2265 (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Agriculture:* Ms. Debra Kerr, Department of Agriculture, Reporters Building, 300 7th Street SW., Room 300, Washington, DC 20024, (202)–720–8873; *GSA:* Mr. Flavio Peres, General Services Administration, Office of Real Property Utilization and Disposal, 1800 F Street NW., Room 7040, Washington, DC 20405, (202) 501–0084; *Navy:* Mr. Steve Matteo, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave. SW., Suite 1000, Washington, DC 20374; (202) 685–9426 (These are not toll-free numbers).

Dated: June 5, 2014.

Brian P. Fitzmaurice,

Director, Division of Community Assistance, Office of Special Needs Assistance Programs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM, FEDERAL REGISTER REPORT FOR 06/13/2014

Suitable/Available Properties

Building

Maryland

D70
NSF Indian Head
4121 N. Jackson Rd.
Indian Head MD 20640
Landholding Agency: Navy
Property Number: 77201420016
Status: Unutilized
Comments: off-site removal only; no future agency need; 8,319 sq. ft.; semi-permanent; office; 132+ months vacant; poor conditions; secured area; contact Navy for more info. on accessibility & removal requirements.

Michigan

Natl Weather Svc Ofc
214 West 14th Ave.
Sault Ste. Marie MI
Landholding Agency: GSA
Property Number: 54200120010
Status: Excess
GSA Number: 1–C–MI–802
Comments: 2,230 sq. ft., presence of asbestos, most recent use—office.

New York

Former SSG Robert H. Dietz
US Army Reserve Center
114 Flatbush Ave.
Kingston NY 12401
Landholding Agency: GSA
Property Number: 54201410010
Status: Excess
GSA Number: 1–D–NY–0970–AA
Directions: Landholding Agency: Army; Disposal: GSA; office/admin. bldg. (11,962 sq. ft.); org. maint. bldg. (2,572 sq. ft.); heat/storage bldg. (2,645 sq. ft.)
Comments: 16,909 total sq. ft.; vacant since 2012; fair conditions; access by appt. only; contact GSA for more information.

Wisconsin

Deer Farm Guest Cabin
Canthood Lake
Iron River WI
Landholding Agency: Agriculture
Property Number: 15201420018
Status: Excess

Comments: off-site removal; removal maybe extremely difficult due to dilapidating conditions; high presence of mold; severe water damage; contact Agriculture for more information.

Land

West Virginia

Appalachian Farming System
Research Ctr. Reba Plumley Farm
898 Country Rte. 27
Shady Springs WV 25918
Landholding Agency: GSA
Property Number: 54201340005
Status: Excess
GSA Number: 4–A–WV–559AB
Directions: Landholding Agency—US Forest Service Disposal Agency—GSA
Comments: 126.6 acres; agricultural/research; Sec. 106 Nat'l Historic review required to transfer out of federal ownership; contact GSA for more info.

Wisconsin

TACAN Annex
6400 Block of Lake Rd.
Windsor WI 53598
Landholding Agency: GSA
Property Number: 54201320005
Status: Excess
GSA Number: 1–D–WI–611
Comments: 1 acre; moderate conditions.

Suitable/Unavailable Properties

Building

Alabama

Anniston SSA Building
301 E. 13th St.
Anniston AL 36207
Landholding Agency: GSA
Property Number: 54201330002
Status: Excess
GSA Number: 4–G–AL–0790AA
Comments: 12,257 sf.; 11,927 rentable sf.; 59 parking spaces; office; 9+ months vacant; good conditions; contact GSA for more info.

California

Los Banos Field Office
745 West J Street
Los Banos CA 93635
Landholding Agency: GSA
Property Number: 54201340006
Status: Surplus
GSA Number: 9–I–CA–0450–AC–3
Directions: (Landholding-Agric.; Disposal & GSA) 2 Bldgs. 5,375 sq.; bldgs. sits on 0.41 acres
Comments: Significant fire damage to Admin. bldg.; bathroom; major repairs required; contamination; asbestos; contact GSA for more info.

Maryland

Appraisers Store
Baltimore MD 21202
Landholding Agency: GSA
Property Number: 54201030016
Status: Excess
GSA Number: 4–G–MD–0623
Comments: Redetermination: 169,801 sq. ft., most recent use—federal offices, listed in the Natl Register of Historic Places, use restrictions.

Minnesota

Noyes Land Port of Entry
SW Side of US Rte. 75
Noyes MN 56740
Landholding Agency: GSA
Property Number: 54201230007
Status: Excess
GSA Number: 1–G–MN–0593
Directions: one main bldg.; one storage; approx. 16,000 and 900 sf. respectively
Comments: sits on 2.29 acres; approx. 17,000 sf. total of bldg. space; office/governmental.

Montana

Huntley Townsite Tract 127
Near Hwy 522
Huntley MT 59037
Landholding Agency: GSA
Property Number: 54201410006
Status: Surplus
GSA Number: 7–I–MT–0633–AB
Directions: disposal Agency: GSA; Landholding Agency: Interior
Comments: sits on 2.37 acres; contact GSA for more information.

Nevada

Alan Bible Federal Bldg.
600 S. Las Vegas Blvd.
Las Vegas NV 89101
Landholding Agency: GSA
Property Number: 54201210009
Status: Excess
GSA Number: 9–G–NV–565
Comments: 81,247 sf.; current use: federal bldg.; extensive structural issues; needs major repairs; contact GSA for further details.

2 Buildings
Military Circle
Tonopah NV
Landholding Agency: GSA
Property Number: 54201240012
Status: Surplus
GSA Number: 9–I–NV–514–AK
Directions: bldg. 102: 2,508 sf.; bldg. 103: 2,880 sf.
Comments: total sf. for both bldgs. 5,388; Admin.; vacant since 1998; sits on 0.747 acres; fair conditions; lead/asbestos present.

New Jersey

Former SSA Trust Fund Bldg.
396 Bloomfield Ave.
Montclair NJ 07042
Landholding Agency: GSA
Property Number: 54201310004
Status: Surplus
GSA Number: 1–G–NJ–0676
Comments: 7,183 sf.; office; vacant since March 2012.

Portion of former Sievers-Sandberg US Army Reserves Center (Camp Pedric
Artillery Ave at Garrison St.
Oldmans NJ 08067
Landholding Agency: GSA
Property Number: 54201320003
Status: Surplus
GSA Number: 1–D–NJ–0662–AB
Directions: On the north side of Rte. 130, between Perkintown Road (Rte. 644) and Pennsgove-Pedricktown Rd (Rte. 642)
Comments: #171; mess hall bldg. #173; 14,282 total sf.; fair/poor conditions; asbestos/lead-based paint; potential legal constraints in accessing property; Contact GSA for more info.

Portion of Former Sievers-Sandberg US Army Reserves Center—Tract 1
NW Side of Artillery Ave. at Rte. 130
Oldmans NJ 08067
Landholding Agency: GSA
Property Number: 54201320015
Status: Surplus
GSA Number: 1–D–NJ–0662–AA
Directions: Previously reported under 54200740005 as suitable/available; 16 bldgs. usage varies: barracks/med./warehouses/garages; property is being parcelized
Comments: 87,011 sf.; 10+ yrs. vacant fair/poor conditions; property may be landlocked; transferee may need to request access from Oldmans Township planning & zoning comm.; contact GSA for more info.

New York

Building 606
1 Amsterdam Rd.
Scotia NY 12301
Landholding Agency: GSA
Property Number: 54201310009
Status: Surplus
GSA Number: NY–0975
Directions: previously reported by Navy w/ assigned property number 7720120019
Comments: 137,409 sf.; Navy Exchange, supermarket, & storage; 24 mons. vacant; mold, asbestos, & lead-based paint, significant renovations needed.

Former Leso-Leano US Army
Reserve Center
500 Massey St. South
Watertown NY 13601
Landholding Agency: GSA
Property Number: 54201320004
Status: Surplus
GSA Number: 1–D–NY–0698
Directions: On Massey St So, corner of Pine St and Ten Eyck St W.
Comments: off/admin. bldg. = 25,025 sf; oper./veh. maint. bldg. = 2,400 sf.; asbestos/lead-based paint; bldgs. locked—entry by appt. with GSA; contact GSA for more info.

Portion of GSA Binghamton
''Hillcrest'' Depot—Tract 2
1151 Hoyt Avenue
Fenton NY 13901
Landholding Agency: GSA
Property Number: 54201320008
Status: Surplus
GSA Number: 1–G–NY0670–AD
Directions: Previously report on March 24, 2006 under 5420010016; include 40 acres of land w/5 buildings
Comments: warehouses: ranges 129,000–200,249 total sf; old admin. bldg.: 42,890 sf; pump house: 166.5 sf; fair to very poor conditions; contact GSA for more info.

Portion of GSA Binghamton
''Hillcrest'' Depot—Tract 1
1151 Hoyt Ave.
Fenton NY 13901
Landholding Agency: GSA
Property Number: 54201320017
Status: Surplus
GSA Number: 1–G–NY0670–AC
Directions: Previously reported on March 24, 2006 under 54200610016; this property

includes 40 acres of land w/6 structures; property is being parcelized
Comments: warehouses range from approx. 16,347 sf.–172,830 sf.; admin. bldg. approx. 5,700 sf; guard house & butler bldg. sf. is unknown; 10 vacant; fair conditions; bldgs. locked; entry by appt. w/GSA.

Former TSG Harold Lockwood US
Army Reserves Center
111 Finney Boulevard
Malone NY 12953
Landholding Agency: GSA
Property Number: 54201340007
Status: Excess
GSA Number: 1–D–NY–0966–AA
Comments: 29960 Sq. Ft.: office/administrative/garage; sits on 4.82+/−acres; age 1961–1983; entry by appointment with USAR/GSA; asbestos and lead based paint; contact GSA for more information.

North Carolina

Greenville Site
10000 Cherry Run Rd.
Greenville NC 27834
Landholding Agency: GSA
Property Number: 54201210002
Status: Surplus
GSA Number: 4–2–NC–0753
Comments: 49,300 sq. ft.; current use: transmitter bldg.; possible PCB contamination; not available—existing Federal need.

Greenville Site A Transmitting
Station
1000 Cherry Run Rd.
Greenville NC 27834
Landholding Agency: GSA
Property Number: 54201410008
Status: Excess
GSA Number: 4–Z–NC–0753
Directions: Landholding Agency: Broadcasting Board of Governors; Disposal: GSA; previously reported under 54201210002
Comments: main bldg. 54,318 sq. ft.; 40 transmitter antennas & 160 towers on the site; 12+ months vacant; fair conditions; asbestos/lead-based paint; environ. conditions; contact GSA for more info.

North Dakota

Bismarck Tower
Bureau of Reclamation
Bismarck ND 58501
Landholding Agency: GSA
Property Number: 54201410005
Status: Surplus
GSA Number: 7–I–ND–0520–AA
Directions: Disposal Agency: GSA; Landholding Agency: Interior
Comments: antenna tower; repairs needed; contact GSA for more information.

Ohio

LTC Dwite Schaffner
U.S. Army Reserve Center
1011 Gorge Blvd.
Akron OH 44310
Landholding Agency: GSA
Property Number: 54201120006
Status: Excess
GSA Number: 1–D–OH–836
Comments: 25,039 sq. ft., most recent use: Office; in good condition.

Glenn Research Center
6100 Columbus Ave.
Sandusky OH 44870
Landholding Agency: GSA
Property Number: 54201410002
Status: Excess
GSA Number: 1–Z–OH–0598–AB
Directions: Disposal Agency: GSA; Landholding Agency: NASA
Comments: 6,424 sq. ft.; 20+ months vacant; repairs needed; contact GSA for more info.

Oregon

3 Bldgs./Land
OTHR–B Radar
Cty Rd 514
Christmas Valley OR 97641
Landholding Agency: GSA
Property Number: 54200840003
Status: Excess
GSA Number: 9–D–OR–0768
Comments: 14000 sq. ft. each/2,626 acres, most recent use—radar site, right-of-way.

South Carolina

Former US Vegetable Lab
2875 Savannah Hwy
Charleston SC 29414
Landholding Agency: GSA
Property Number: 54201310001
Status: Excess
GSA Number: 4–A–SC–0609AA
Directions: head house w/3 greenhouses, storage bins
Comments: 6,400 sf.; lab; 11 yrs. vacant; w/in 100 yr. floodplain/floodway; however is contained; asbestos & lead based paint.

Texas

Former Navy & Marine Corps Res
5301 Ave. South
Galveston TX 77551
Landholding Agency: GSA
Property Number: 54201240013
Status: Surplus
GSA Number: 7–D–TX–0549–9
Comments: 17,319 sf.; sits on 2.63 acres; Admin. office; fair conditions; eligible for Nat'l Register Historic Places; asbestos; access by appt. w/USACE.

Virginia

Building 641
216 Hunting Ave.
Hampton VA 23681
Landholding Agency: GSA
Property Number: 54201320006
Status: Excess
GSA Number: 4–Z–VA–0602–A1
Comments: 11,671 total sf.; office; fair/moderate conditions; existing Federal need.

Washington

Old Bellingham Border Patrol Station
2745 McLeod Rd.
Bellingham WA 98225
Landholding Agency: GSA
Property Number: 54201310011
Status: Excess
GSA Number: 9–Z–WA–1264
Directions: two buildings, an office & garage/storage facility; totaling approx. 4,320 sf.
Comments: 12 months vacant; good conditions.

712 Records Center Printing &
Repro Plant 712B IRM
940 Northgate Dr.
Richland WA 99352
Landholding Agency: GSA
Property Number: 54201320025
Status: Excess
GSA Number: 9–B–WA–1268
Directions: Property is improved w/2 contiguous bldgs., totaling approx. 22, 714 sf.; Disposal: GSA, Landholding: Energy
Comments: 22,714 sf.; storage; moderate conditions; 60+ months vacant; asbestos & lead.

Former Seattle Branch of the
Federal Reserve Bank
1015 Second Ave.
Seattle WA 98104
Landholding Agency: GSA
Property Number: 54201340001
Status: Excess
GSA Number: 9–G–WA–1259
Directions: previously reported as suitable/unavailable under 54201220007
Comments: 85,873 sq. ft.; 67+ months vacant; extensive repairs/remediation needed to occupy; asbestos/lead; historic property; any renov. will need prior approval; contact GSA for more info.

West Virginia

Appalachian Farming System
Research Ctr. Main Lab
1224 Airport Rd.
Beaver WV 25813
Landholding Agency: GSA
Property Number: 54201340002
Status: Excess
GSA Number: 4–A–WV–559AA
Directions: Landholding Agency—U.S. Forest Service Disposal Agency—GSA
Comments: 4 buildings totaling 44,052 sq. ft.; USDA research facility; 12 = months vacant; good condition; some water damage; contact GSA for more info. on a specific property.

Wisconsin

Wausau Army Reserve Ctr.
1300 Sherman St.
Wausau WI 54401
Landholding Agency: GSA
Property Number: 54201210004
Status: Excess
GSA Number: 1–D–WI–610
Comments: bldg. 12,680 sq. ft.; garage 2,676 sq. ft.; current use: vacant; possible asbestos; remediation may be required; subjected to existing easements; Contact GSA for more detail.

Land

Alabama

(Former) Huntsville
International Airport (HSV) Outer Market
1390 Browns Ferry Road
Madison AL 35758
Landholding Agency: GSA
Property Number: 54201340008
Status: Excess
GSA Number: 4–U–AL–0787AA
Comments: 0.6 acres; outer marker; property can be accessed from Browns Ferry Road; contact GSA for more information.

California

Seal Beach RR Right of Way
East 17th Street

Seal Beach CA 90740
Landholding Agency: GSA
Property Number: 54201140016
Status: Surplus
GSA Number: 9–N–CA–1508–AB
Comments: 9,713.88 sq. ft.; current use: private home.

Seal Beach RR Right of Way
East of 16th Street
Seal Beach CA 90740
Landholding Agency: GSA
Property Number: 54201140017
Status: Surplus
GSA Number: 9–N–CA–1508–AG
Comments: 6,834.56 sq. ft.; current use: vacant.

Seal Beach RR Right of Way
West of Seal Beach Blvd.
Seal Beach CA 90740
Landholding Agency: GSA
Property Number: 54201140018
Status: Surplus
GSA Number: 9–N–CA–1508–AA
Comments: 10,493.60 sq. ft.; current use: vacant lot.

Seal Beach RR Right of Way
Seal Beach
Seal Beach CA 90740
Landholding Agency: GSA
Property Number: 54201210006
Status: Surplus
GSA Number: 9–N–CA–1508–AH
Comments: 4,721.90 sf.; current use: vacant lot between residential bldg.

Seal Beach RR Right of Way
Seal Beach
Seal Beach CA 90740
Landholding Agency: GSA
Property Number: 54201210007
Status: Surplus
GSA Number: 9–N–CA–1508–AJ
Comments: 6,028.70 sf.; current use: vacant lot between residential bldgs.

Delano Transmitting Station
1105 Melcher Rd.
Delano CA 93215
Landholding Agency: GSA
Property Number: 54201330005
Status: Excess
GSA Number: 9–X–CA–1671
Directions: Landholding Agency: Broadcasting Board of Governors Disposal Agency: GSA
Comments: 800 acres; mostly land and some bldgs.; unavailable due to Federal interest; transmitting station; vacant since 2007; access can be gain by appt. only; contact GSA for more info.

Illinois

Three Contiguous Vacant Lots
5139 S. Mason Ave.
Chicago IL
Landholding Agency: GSA
Property Number: 54201320021
Status: Surplus
GSA Number: 1–U–IL–803
Directions: Disposal Agency: GSA; Landholding Agency: FAA
Comments: 0.65 acres; lots located w/in locked fence; contact GSA for more info.

Kansas

1.64 Acres
Wichita Automated Flight Service
Anthony KS 67003
Landholding Agency: GSA
Property Number: 54201230002
Status: Surplus
GSA Number: 7–U–KS–0526
Comments: agricultural surroundings; remedial action has been taken for asbestos removal.

Kentucky

Little Hurricane Island Access
Tract No. 819 & 816E, Newburgh
Locks & Dams
Owensboro KY 42301
Landholding Agency: GSA
Property Number: 54201320024
Status: Excess
GSA Number: 4–D–KY–0629
Directions: Disposal: GSA; Landholding: COE
Comments: 20.87 acres; boat ramp.

Massachusetts

FAA Site
Massasoit Bridge Rd.
Nantucket MA 02554
Landholding Agency: GSA
Property Number: 54200830026
Status: Surplus
GSA Number: MA–0895
Comments: approx. 92 acres, entire parcel within MA Division of Fisheries & Wildlife Natural Heritage & Endangered Species Program.

Montana

Turner Lots 7–12
Park Street
Turner MT 59542
Landholding Agency: GSA
Property Number: 54201410003
Status: Excess
GSA Number: 7–G–MT–0635
Comments: .96 aces; vacant; undeveloped; contact GSA for more information.

New York

FAA Radio Communication Link
Adjacent to Babcock Road
Coleville NY 13787
Landholding Agency: GSA
Property Number: 54201330001
Status: Surplus
GSA Number: 1–NY–0977–AA
Comments: 6.03 acres; contact GSA for more info.

Radio Communication Link
Repeater Site
5979 Wagner Hill Rd.
Wheeler NY 14809
Landholding Agency: GSA
Property Number: 54201330004
Status: Excess
GSA Number: 1–NY–0981–AA
Directions: Landholding Agency: FAA; Disposal Agency: GSA
Comments: 7.473 acres; Contact GSA for more info.

South Carolina

Marine Corps Reserve Training Center
2517 Vector Ave.
Goose Creek SC 29406
Landholding Agency: GSA
Property Number: 54201410009
Status: Excess
GSA Number: 4–N–SC–0630–AA
Directions: Landholding Agency: Navy; Disposal Agency: GSA
Comments: 5.59 acres; contact GSA for more information.

South Dakota

Burke Radio Tower Site
290 St.
Burke SD 57523
Landholding Agency: GSA
Property Number: 54201410004
Status: Excess
GSA Number: 7–D–SD–0540
Directions: Disposal: GSA; Landholding: COE
Comments: 2.48 acres; vacant; contact GSA for more information.

West Virginia

Appalachian Farming System
Research Ctr. Peters Farms
227 Peters Ct.
Cool Ridge WV 25825
Landholding Agency: GSA
Property Number: 54201340003
Status: Excess
GSA Number: 4–A–WV–559AD
Directions: Landholding Agency- US Forest Service
Disposal Agency- GSA
Comments: 53.6 acres; agricultural/research; possible wetlands near property; contact GSA for more info.

Appalachian Farming System
Research School House Farm
4362 Pluto Rd.
Shady Springs WV 25918
Landholding Agency: GSA
Property Number: 54201340004
Status: Excess
GSA Number: 4–A–WV–559AC
Directions: Landholding Agency- US Forest Service
Disposal Agency- GSA
Comments: 54.8 acres; agricultural/research; Sec. 106 Nat'l Historic review required to transfer out of federal ownership; contact GSA for more info.

[FR Doc. 2014–13659 Filed 6–12–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION

[RR04000000, XXXR0680R1, RR.17549897.2014000.02]

Office of the Assistant Secretary for Water and Science, Notice of Availability of the Environmental Assessment of the Proposed Increase in Operation, Maintenance and Replacement Activities Associated With the Wasatch County Water Efficiency Project

AGENCY: Utah Reclamation Mitigation and Conservation Commission, Central Utah Project Completion Act, Interior.

ACTION: Notice.

SUMMARY: On April 17, 2014, the Department of the Interior and the Utah

Reclamation Mitigation and Conservation Commission each signed a Finding of No Significant Impact associated with the Environmental Assessment of the Proposed Increase in Operation, Maintenance and Replacement Activities Associated with the Wasatch County Water Efficiency Project. These two agencies have determined that the proposed action as detailed in the Environmental Assessment will not have a significant impact on the quality of the human environment, and that an environmental impact statement is not required.

ADDRESSES: Copies of the Environmental Assessment and Finding of No Significant Impact are available for inspection at:

- Central Utah Water Conservancy District, 355 West University Parkway, Orem, Utah 84058–7303
- Department of the Interior, Central Utah Project Completion Act Office, 302 East 1860 South, Provo, Utah 84606
- Utah Reclamation Mitigation and Conservation Commission, 230 South 500 East, Suite 230, Salt Lake City, Utah 84102
- Central Utah Water Conservancy District WCWEP Office—626 East 1200 South, Heber City, Utah 84032

The documents are also available at *www.wcwepea.com, www.cuwcd.com, www.mitigationcommission.gov,* and *www.cupcao.gov*.

FOR FURTHER INFORMATION CONTACT: Mr. Lee Baxter, Central Utah Project Completion Act Office, at (801) 379–1174; or email at *lbaxter@usbr.gov*.

SUPPLEMENTARY INFORMATION: The Department of the Interior, the Utah Reclamation Mitigation and Conservation Commission, and the Central Utah Water Conservancy District have completed evaluating the impacts of the proposed increase in Operation, Maintenance and Replacement activities associated with the Wasatch County Water Efficiency Project. The WCWEP Operation, Maintenance, and Replacement Proposed Action includes: Stabilizing canal banks; lining, piping, or enclosing the canals for safety and continued efficiency; improving access; and updating pump stations and regulating ponds to accommodate the changing pattern of water demand and increased urbanization.

Dated: June 9, 2014.

Reed R. Murray,

Program Director, Central Utah Project Completion Act, Department of the Interior.

Dated: June 9, 2014.

Michael C. Weland,

Executive Director, Utah Reclamation Mitigation and Conservation Commission.

[FR Doc. 2014–13843 Filed 6–12–14; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[14XL1109AF LLUT925000–L14200000–BJ0000–24–1A]

Notice of Filing of Plats of Survey; Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) will file plats of survey of the lands described below in the BLM Utah State Office, Salt Lake City, Utah.

DATES: Protests of the survey must be filed by July 14, 2014.

FOR FURTHER INFORMATION CONTACT: Daniel W. Webb, Chief Cadastral Surveyor, Bureau of Land Management, Branch of Geographic Sciences, 440 West 200 South, Suite 500, Salt Lake City, UT 84101–1345, telephone 801–539–4135, or *dwebb@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: These surveys were executed at the request of the Field Office Manager, Color Country District Office, the lands surveyed are:

Salt Lake Meridian, Utah

T. 42 S., R. 15 W., a metes-and-bounds survey in section 13, accepted May 7, 2014, Group No. 1175, Utah.

T. 42 S., R. 15 W., dependent resurvey of a portion of the west boundary (Pine Valley Guide Meridian), a portion of the subdivisional lines, the subdivision of sections 19 and 20, and the metes-and-bounds survey of parcels A, B, C, and D, in section 19, accepted May 23, 2014, Group No. 1159, Utah.

T. 42 S., R. 16 W., dependent resurvey of a portion of the subdivisional lines, the subdivision of a portion of section 24, and the metes-and-bounds survey of parcels A and B, in section 24, accepted May 23, 2014, Group No. 1159, Utah.

A copy of the plats and related field notes will be placed in the open files. They will be available for public review in the BLM-Utah State Office as a matter of information.

Authority: 43 U.S.C. Chap. 3.

Jenna Whitlock,

Associate State Director.

[FR Doc. 2014–13859 Filed 6–12–14; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLES956000–L14200000–BK0000]

Eastern States: Filing of Plat of Survey

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) will file the plat of survey of the lands described below in the BLM-Eastern States office in Springfield, Virginia, 30 calendar days from the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management-Eastern States, 7450 Boston Boulevard, Springfield, Virginia 22153. Attn: Cadastral Survey. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The survey was requested by the Eastern States Jackson Field Office of the Bureau of Land Management.

The lands surveyed are:

Tallahassee Meridian, Florida

T. 16 and 17 S., R. 34 E.

On Thursday, March 14, 2013, there was published in the **Federal Register**, Volume 78, Number 50, on page 16294 a notice entitled ''Eastern States: Filing of Plat of Survey''. In said notice was a supplemental plat, accepted January 29, 2013, which depicts Sections 32 and 33, Township 16 South, Range 34 East, and Sections 4 and 5, Township 17 South, Range 34 East, Tallahassee Meridian, Volusia county, in the State of Florida, made for the purpose of establishing descriptions of the subdivisions thereof, with areas by which the public lands may be disposed.

The official filing of the plat is hereby stayed, pending the correction of errors.

The first plat that was accepted January 29, 2013 will be cancelled when the second plat accepted April 17, 2014, is officially filed.

Dated: June 9, 2014.

Dominica Van Koten,

Chief Cadastral Surveyor.

[FR Doc. 2014–13865 Filed 6–12–14; 8:45 am]

BILLING CODE 4310–GJ–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Marine Sonar Imaging Devices, Including Downscan and Sidescan Devices, Products Containing the Same, and Components Thereof, DN 3018;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at EDIS,[1] and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at USITC.[2] The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at EDIS.[3] Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Navico, Inc. and Navico Holdings AS, Inc. on June 9, 2014. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain marine sonar imaging devices, including downscan and sidescan devices, products containing the same, and components thereof. The complaint name as respondents Garmin International, Inc. of Olathe, KS; Garmin North America, Inc. of Olathe, KS; Garmin USA, Inc. of Olathe, KS; and Garmin (Asia) Corporation of Taiwan. The complainant requests that the Commission issue a limited exclusion order and cease and desist orders.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3018'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [4]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[5]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: June 9, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–13829 Filed 6–12–14; 8:45 am]

BILLING CODE 7020–02–P

[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov.*

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.*

[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–514 and 731–TA–1250 (Preliminary)]

53-Foot Domestic Dry Containers From China

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (Commission) determines, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)) (the Act), that there is a reasonable indication that the establishment of an industry in the United States is materially retarded by reason of imports from China of 53-foot domestic dry containers, provided for in heading 8609.00.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV''), and that are allegedly subsidized by the Government of China.[2]

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (Commerce) of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioners Broadbent and Kieff dissenting.

Background

On April 23, 2014, petitions were filed with the Commission and Commerce by Stoughton Trailers, LLC, Stoughton, Wisconsin, alleging that the establishment of a domestic industry is materially retarded and that an industry in the United States is materially injured or threatened with material injury by reason of LTFV and subsidized imports of 53-foot domestic dry containers from China. Accordingly, effective April 23, 2014, the Commission instituted countervailing duty Inv. No. 701–TA–514 and antidumping duty Inv. No. 731–TA–1250 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 29, 2014 (79 FR 24005). The conference was held in Washington, DC, on May 14, 2014, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on June 9, 2014. The views of the Commission are contained in USITC Publication 4474 (June 2014), entitled *53-Foot Domestic Dry Containers from China: Investigation Nos. 701–TA–514 and 731–TA–1250 (Preliminary).*

By order of the Commission.

Issued: June 9, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–13815 Filed 6–12–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–449 and 731–TA–1118–1121 (Review)]

Light-Walled Rectangular Pipe From China, Korea, Mexico, and Turkey; Determinations

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (Commission) determines,[2] pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), that revocation of the countervailing duty order on light-walled rectangular pipe and tube from China and the antidumping duty orders on light-walled rectangular pipe and tube from China, Korea, Mexico, and Turkey would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[3]

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Rhonda K. Schmidtlein not participating.

Background

The Commission instituted these reviews on April 1, 2013 (78 FR 19526) and determined on July 5, 2013 that it would conduct full reviews (78 FR 42546, July 16, 2013). Notice of the scheduling of the Commission's reviews and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on December 3, 2013 (78 FR 74161, December 10, 2013). The hearing was held in Washington, DC, on April 3, 2014, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission completed and filed its determination in these reviews on June 9, 2014. The views of the Commission are contained in USITC Publication 4470 (June 2013), entitled *Light-Walled Rectangular Pipe and Tube from China, Korea, Mexico, Turkey: Investigation Nos. 701–TA–449 and 731–TA–1118–1121 (Review).*

By order of the Commission.

Issued: June 9, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–13816 Filed 6–12–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–854 (Enforcement)]

Certain Two-Way Global Satellite Communication Devices, System and Components Thereof; Issuance of Civil Penalty and Termination of Enforcement Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade

[3] Commissioner Meredith M. Broadbent dissenting with respect to imports of light-walled rectangular pipe and tube from Mexico.

Commission has determined to issue a civil penalty order in the amount of $6,242,500 directed against respondents DeLorme Publishing Company, Inc. and DeLorme InReach LLC (collectively, ''DeLorme''), both of Yarmouth, Maine, for a violation of the April 5, 2013, consent order (''the Consent Order'').

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *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.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this enforcement proceeding on May 24, 2013, based on an enforcement complaint filed on behalf of BriarTek IP, Inc. (''BriarTek'') of Alexandria, Virginia. 78 FR 31576–77. The complaint alleged violations of the Consent Order issued in the underlying investigation by the continued practice of prohibited activities such as selling or offering for sale within the United States after importation accused two-way global satellite communication devices, system, or components thereof that infringe one or more of claims 1, 2, 5, 10–12, and 34 of U.S. Patent No. 7,991,380 (''the '380 patent''). The Commission's notice of institution of enforcement proceeding named DeLorme as respondents. 78 FR 31577. The Office of Unfair Import Investigations was also named as a party. *Id.* Claims 5, 11–12, and 34 have been terminated from the enforcement proceeding.

On March 7, 2014, the presiding administrative law judge (''ALJ'') issued an enforcement initial determination (''EID'') finding a violation of the Consent Order. The ALJ concluded that, after issuance of the consent order, DeLorme has sold or offered for sale within the United States after importation accused InReach 1.5 devices that infringe, via inducement, claims 1 and 2 of the '380 patent. The ALJ also found no induced infringement and therefore no violation of the Consent Order with respect to accused InReach SE devices. The ALJ also found no induced infringement and therefore no violation of the Consent Order with respect to any accused InReach devices sold before, and activated after, the effective date of the Consent Order. The ALJ also recommended a civil penalty of $637,500 against DeLorme as an enforcement measure for the violation. On March 20, 2014, BriarTek, DeLorme, and the Commission investigative attorney (''IA'') each filed a petition for review of the EID. On March 27, 2014, BriarTek, DeLorme, and the IA each filed a response to opposing petitions.

On April 23, 2014, the Commission issued notice of its determination to review the EID in part, and on review, the Commission determined to reverse-in-part and vacate-in-part the EID's findings. Specifically, the Commission determined not to review the ALJ's finding of a violation of the Consent Order with respect to the infringing InReach 1.5 devices. The Commission also determined to reverse the ALJ's finding of no induced infringement and no violation of the Consent Order with respect to accused InReach SE devices, which resulted in a finding of a violation of the Consent Order with respect to these InReach devices. The Commission also determined to reverse the ALJ's finding of no induced infringement with respect to accused InReach devices that were sold before, and activated after, the effective date of the Consent Order. This action did not change the ALJ's finding of no violation with respect to these InReach devices sold before, and activated after, the effective date of the Consent Order. The Commission further determined to vacate the portion of the ALJ's analysis that relied on *Akamai Techs., Inc.* v. *Limelight Networks, Inc.,* 692 F.3d 1301, 1305 (Fed. Cir. 2012) (*en banc*), *cert. granted, Limelight Networks, Inc.* v. *Akamai Techs., Inc.,* 134 S. Ct. 895 (2014), to find direct infringement of claims 1 and 2 of the '380 patent through ''use'' of the claimed system by an end user. The Commission also determined to vacate the portion of the ALJ's analysis concerning specific intent for induced infringement of these claims based on *Akamai. See* EID at 85–86, 92.

The Commission also requested the parties to provide briefing on the amount of the civil penalty to be imposed and on the public interest. On April 30, 2014, BriarTek, DeLorme, and the IA each filed a brief responding to the Commission's request for written submissions. On May 7, 2014, the parties filed reply briefs.

Having examined the record in this enforcement proceeding, including the EID and the parties' submissions, the Commission has determined to impose a civil penalty of $6,242,500 on DeLorme for violation of the Consent Order on 227 separate days.

The Commission has terminated the enforcement proceeding. The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: June 9, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–13828 Filed 6–12–14; 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; Respirator Program Records

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, ''Respirator Program Records,'' 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 14, 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.201311-1219-003gov/public/do/PRAViewICR?ref_nbr=201311-1219-003* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–MSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov*. Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov*.

FOR FURTHER INFORMATION CONTACT: 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.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Respirator Program Records information collection requirements contained in regulations 30 CFR 56.5005 and 57–5005, which provide that, generally, whenever respiratory equipment is used, the metal or nonmetal mine operator must institute a respirator program governing selection, maintenance, training, fitting, supervision, cleaning, and use of respirators. These regulations seek to control miner exposure to harmful airborne contaminants by using engineering controls to prevent contamination and to vent or to dilute any contaminated air. The regulations include information collections related to the development of a respirator program that addresses the selection, use, and care of respirators; fit-testing records used to ensure that a respirator worn by an individual is the same brand, model, and size respirator that was worn when that individual successfully passed a fit-test; and records kept of inspection dates and findings for respirators maintained for emergency use. The mine operator uses the information to issue proper respiratory protection to miners when feasible engineering and/or administrative controls do not reduce miners' exposures to permissible levels. The MSHA uses the information to determine compliance with the standard. Mine Safety and Health Act of 1977 section 103(h) authorizes this information collection. *See* 30 U.S.C. 103(h).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1219–0048.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on July 31, 2014. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 27, 2014 (79 FR 11128).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the ADDRESSES section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1219–0048. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–MSHA.

Title of Collection: Respirator Program Records.

OMB Control Number: 1219–0048.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 300.

Total Estimated Number of Responses: 5,400.

Total Estimated Annual Time Burden: 3,074 hours.

Total Estimated Annual Other Costs Burden: $90,000.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: June 9, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–13873 Filed 6–12–14; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Claim for Continuance of Compensation

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Workers' Compensation Programs sponsored information collection request (ICR) revision titled, ''Claim for Continuance of Compensation,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before July 14, 2014.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201402-1240-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OWCP, 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 sending an email to *DOL_PRA_PUBLIC@dol.gov*.

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Claim for Continuance of Compensation information collection. The Federal Employees' Compensation Act (FECA) authorizes this information collection. *See* 5 U.S.C. 8133. More specifically, the OWCP uses Form CA–12 to obtain information from eligible survivors receiving death benefits for an extended period of time. This information is necessary to ensure the OWCP pays accurate compensation. This information collection has been classified as a revision, because the Form CA–12 instructions and questions have been revised to comply with current Federal law and FECA Bulletin No. 14–01, December 12, 2013. In addition, the OWCP has added an accommodation statement to the form in order to inform a claimant with mental or physical limitations to contact OWCP if further assistance is needed in the claims process.

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 1240–0015. The current approval is scheduled to expire on June 30, 2014; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 4, 2014 (79 FR 12225).

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 1240–0015. 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–OWCP.

Title of Collection: Claim for Continuance of Compensation.

OMB Control Number: 1240–0015.

Affected Public: Individuals or households.

Total Estimated Number of Respondents: 4,083.

Total Estimated Number of Responses: 4,083.

Total Estimated Annual Time Burden: 339 hours.

Total Estimated Annual Other Costs Burden: $2,001.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: June 9, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–13881 Filed 6–12–14; 8:45 am]

BILLING CODE 4510–CH–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–83,227; TA–W–83,227A; TA–W–83,227B]

Avery Products, a Publicly Reportable Operating Segment of CCL Industries, Inc., Including On-Site Leased Workers from United Personnel, Zero Chaos, Integration International, and Manpower Chicopee, Massachusetts; Avery Products, a Publicly Reportable Operating Segment of CCL Industries, Inc. Including On-Site Leased Workers From Robert Half Holliston, Massachusetts; Avery Products, Including On-Site Leased Workers From Workforce Logic, Adecco, Hewlett Packard, Insight Global, Manpower, Trithian, Zero Chaos, and Procure Staff Brea, California; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 17, 2013, applicable to workers and former workers of Avery Products, a publicly reporting operating segment of CCL Industries, Inc., including on-site leased workers from United Personnel, Zero Chaos, Integration International, and Manpower, Chicopee, Massachusetts (TA–W–83,227) and Avery Products, a publicly reporting operating segment of CCL Industries, Inc., including on-site leased workers from Robert Half Holliston, Massachusetts (TA–W–83,227A). The subject workers are engaged in activities related to the supply of office products (binders, labels, dividers, writing instruments, etc.)

The subject firm confirmed that Avery Products, including on-site leased workers from Workforce Logic, Adecco, Hewlett Packard, Insight Global, Manpower, Trithian, Zero Chaos, and Procure Staff, Brea, California (TA–W–83,227B) is part of the subject worker group; the subject workers are engaged in activities related to the supply of support services to the Holliston and Chicopee facilities; and the subject workers are affected by the shift in production to a foreign country.

The amended notice applicable to TA–W–83,227 is hereby issued as follows:

All workers of Avery Products, a publicly reporting operating segment of CCL Industries, Inc., including on-site leased

workers from United Personnel, Zero Chaos, Integration International, and Manpower, Chicopee, Massachusetts (TA–W–83,227), Avery Products, a publicly reporting operating segment of CCL Industries, Inc., including on-site leased workers from Robert Half Holliston, Massachusetts (TA–W–83,227A), and Avery Products, including on-site leased workers from Workforce Logic, Adecco, Hewlett Packard, Insight Global, Manpower, Trithian, Zero Chaos, and Procure Staff, Brea, California (TA–W–83,227B) who became totally or partially separated from employment on or after November 19, 2012, and all workers in the group threatened with total or partial separation from employment on date of certification through December 17, 2015, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 28th day of May, 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–13874 Filed 6–12–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 23, 2014.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 23, 2014.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 6th day of May 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

APPENDIX

[15 TAA petitions instituted between 5/26/14 and 5/30/14]

TA–W	Subject Firm (petitioners)	Location	Date of institution	Date of petition
85334	CUBIX Software Ltd., Inc. (Workers)	Longview, TX	05/27/14	05/22/14
85335	Textplus, Inc. (State/One-Stop)	Marina Del Rey, CA	05/27/14	05/23/14
85336	Inalfa Roof Systems, Inc. (State/One-Stop)	Lake Orion, MI	05/28/14	05/27/14
85337	Dell Services, Inc. (Workers)	Plano, TX	05/28/14	05/27/14
85338	Paslode (Company)	Pontotoc, MS	05/29/14	05/27/14
85339	Freescale Semiconductor, Inc. (Workers)	Austin, TX	05/29/14	05/28/14
85340	Aryzta (Otis Spunkmeyer) (Workers)	Export, PA	05/29/14	05/27/14
85341	Sanderson Plumbing Products, Inc. (Company)	Columbus, MS	05/29/14	05/28/14
85342	North Cascade Mechanical, LLC (Company)	Blaine, WA	05/30/14	05/29/14
85343	Risk Specialist Insurance Co (Lexington Ins) (Workers)	Houston, TX	05/30/14	05/29/14
85344	HR Plus/Sterling Infosystems Inc. (State/One-Stop)	Chicago, IL	05/30/14	05/29/14
85345	Eastman Kodak Company (Workers)	Dayton, OH	05/30/14	05/29/14
85346	Amphenol Borisch Technologies (Company)	Grand Rapids, MI	05/30/14	05/29/14
85347	St. Jude Medical (State/One-Stop)	Minnetonka, MN	05/30/14	05/29/14
85348	Center Partners, Inc. (Workers)	Idaho Falls, ID	05/30/14	05/29/14

[FR Doc. 2014–13879 Filed 6–12–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–83,351]

Sykes Enterprises, Incorporated, Wilton, Maine; Notice of Affirmative Determination Regarding Application for Reconsideration

By application dated May 6, 2014, workers requested administrative reconsideration of the negative determination regarding workers' eligibility to apply for worker adjustment assistance applicable to workers and former workers of Sykes Enterprises, Incorporated, Wilton, Maine (subject firm). The determination was issued on March 19, 2014 and the Department's Notice of determination was published in the **Federal Register** on April 8, 2014 (79 FR 19382).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The initial investigation resulted in a negative determination based on the findings that there was no increase in imports by the workers' firm or its customers, nor was there a shift in the supply of services to a foreign country (or foreign acquisition of such services) by the workers' firm.

The request for reconsideration asserts that the subject firm continues to

supply from a foreign location like or directly competitive services while decreasing services supplied within the United States. The request for reconsideration included new information in support of the allegations.

The Department has carefully reviewed the request for reconsideration and the existing record, and has determined that the Department will conduct further investigation to determine if the workers meet the eligibility requirements of the Trade Act of 1974.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the U.S. Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 30th day of May, 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–13875 Filed 6–12–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–85,104]

Fisher and Ludlow A Nucor Company Saegertown, Pennsylvania; Notice of Affirmative Determination Regarding Application for Reconsideration

By application dated May 2, 2014, a representative of United Steelworkers, District 10, requested administrative reconsideration of the negative determination regarding workers' eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) applicable to workers and former workers of Fisher and Ludlow, a Nucor Company, Saegertown, Pennsylvania. The determination was issued on April 8, 2014 and the Department's Notice of determination was published in the **Federal Register** on April 29, 2014 (79 FR 24018).

The group eligibility requirements for workers of a firm under Section 246(a)(3)(A)(ii) of the Trade Act are satisfied if the following criteria are met:

(I) Whether a significant number of workers in the workers' firm are 50 years of age or older;

(II) Whether the workers in the workers' firm possess skills that are not easily transferable; and

(III) The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

The negative determination for ATAA was based on the Department's findings that Section 246(a)(3)(A)(ii)(II) was not been met because the workers in the workers' firm possess skills that are easily transferrable and Section 246(a)(3)(A)(ii)(III) was not been met because conditions within the workers' industry are not adverse.

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The request for reconsideration asserts that the workers in the workers' firm possess skills that are not easily transferrable and that conditions within the workers' industry are adverse. The request provides facts not previously considered to support the assertions.

The Department of Labor has carefully reviewed the request for reconsideration and the existing record, and has determined that the Department will conduct further investigation to determine if the workers meet the eligibility requirements of the Trade Act of 1974, as amended.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the U.S. Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 28th day of May, 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–13877 Filed 6–12–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–85,019]

Salience Insight, Inc. F/K/A KD Paine & Partners, Inc. A Subsidiary of News Group International Berlin, New Hampshire; Notice of Negative Determination on Reconsideration

On April 11, 2014, the Department of Labor issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of Salience Insight, Inc., formerly known as KD Paine & Partners, Inc., a subsidiary of News Group International, Berlin, New Hampshire (subject firm). The Department's Notice of determination was published in the **Federal Register** on May 7, 2014 (79 FR 26268).

Workers of a firm may be eligible for worker adjustment assistance if they satisfy the criteria of subsection (a) and (b) of Section 222 of the Trade Act of 1974, as amended (the ''Act''), 19 U.S.C. 2272(a) and (b). For the Department of Labor to issue a certification for workers under Section 222(a) of the Act, 19 U.S.C. 2272(a), the following three criteria must be met:

(1) The first criterion (set forth in Section 222(a)(1) of the Act, 19 U.S.C. § 2272(a)(1)) requires that a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The second criterion (set forth in Section 222(a)(2) of the Act, 19 U.S.C. § 2272(a)(2)) may be satisfied in one of two ways:

(A) Increased Imports Path:

(i) Sales or production, or both, at the workers' firm must have decreased absolutely, AND

(ii) imports of articles like or directly competitive with articles produced by such firm or subdivision have increased; and

(iii) the increase described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm or subdivision.

(B) Shift in Production Path:

(i) There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

(ii)(I) the country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

(II) the country to which the workers' firm has shifted production of the articles is a beneficiary country under the African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

(III) there has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

For the Department to issue a certification under Section 222(b) of the Act, 19 U.S.C. 2272(b), to workers of a Supplier or a Downstream Producer, the following criteria must be met:

(1) A significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, 19 U.S.C. § 2272(a), and such supply or production is related to the article that was the basis for such certification; and

(3) either

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

Section 222(c) of the Act, 19 U.S.C. 2272(c), defines the terms ''Supplier'' and ''Downstream Producer.''

The initial investigation resulted in a negative determination based on the findings that the subject firm supplies services related to media measurement and analysis and, therefore, does not produce an article within the meaning of Section 222(a) or Section 222(b) of the Act. In order to be considered eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, the worker group seeking certification (or on whose behalf certification is being sought) must work for a ''firm'' or appropriate subdivision that produces an article. The definition of a firm includes an individual proprietorship, partnership, joint venture, association, corporation (including a development corporation), business trust, cooperative, trustee in bankruptcy, and receiver under decree of any court.

In the request for reconsideration, a former worker alleged that workers at the subject firm produce software and indicated that the worker group at the subject firm is similar to the worker group at Computer Sciences Corporation, Financial Services Group, East Hartford, Connecticut (TA–W–53,209; U.S. Court of International Trade case No. 04–00149), which is eligible to apply for Trade Adjustment Assistance (TAA).

In TA–W–53,209, the Department determined that articles can be either tangible or intangible, that the workers produced an article (software), that production shifted to a foreign country, and that imports of like or directly competitive articles increased following the shift in production. The Department also determined that ''the provision of a service may result in the incidental creation of an article. For example, accountants provide services for the purposes of the Act even though, in the course of providing those services, they may generate audit reports or similar financial documents that might be articles on the Harmonized Tariff Schedule of the United States.'' See TA–W–53,209 Computer Sciences Corporation, Financial Group, East Hartford, Connecticut, *Notice of Revised Determination on Remand*.

During the reconsideration investigation, the Department contacted the former worker to discuss the allegations, confirmed previously collected information, collected new information from the subject firm, and obtained additional information to specifically address the allegations made by the former worker.

Information obtained during the reconsideration investigation confirmed that the workers of the subject firm provide services related to media measurement and analysis and that workers at the subject firm do not produce an article, including software. The workers use existing software for analysis and creation of reports and documents that are created incidentally to the provision of media measurement and analysis services. Consequently, the workers do not produce an article, within the meaning of the Trade Act.

Therefore, after careful review of the request for reconsideration, the Department determines that the criteria of subsection (a) and (b) of Section 222 of the Act, 19 U.S.C. 2272(a) and (b) have not been met.

Conclusion

After careful review, I determine that the requirements of Section 222 of the Act, 19 U.S.C. 2272, have not been met and, therefore, deny the petition for group eligibility of Salience Insight, Inc., formerly known as KD Paine & Partners, Inc., a subsidiary of News Group International, Berlin, New Hampshire, to apply for adjustment assistance, in accordance with Section 223 of the Act, 19 U.S.C. 2273.

Signed in Washington, DC, on this 4th day of June, 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–13876 Filed 6–12–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–85,178]

Cardinal Health 200, LLC, Medical—Presource Manufacturing, Including On-Site Leased Workers From Adecco Staffing, USA and Baron, Including Workers Whose Unemployment Insurance (UI) Wages Were Reported Through Medical Concepts Development, Woodbury, Minnesota; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on April 23, 2014, applicable to workers and former workers of Cardinal Health 200, LLC, Medical—Presource Manufacturing, including on-site leased workers from Adecco Staffing, USA, including workers whose unemployment insurance (UI) wages were reported through Medical Concepts Development, Woodbury, Minnesota (subject firm). The workers are engaged in activities related to the production of latex-free surgical incise and fluid control drapes, and other OEM medical products. The Notice was published in the **Federal Register** on May 12, 2014 (79 FR 27001).

At the request of the State of Minnesota, the Department reviewed the certification for workers of the subject firm.

New information from the company shows that workers leased from Baron were employed on-site at the Woodbury, Minnesota location of Cardinal Health 200, LLC, Medical—Presource Manufacturing, including workers whose unemployment insurance (UI) wages were reported through Medical Concepts Development. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by a shift in production to a free-trade country of latex-free surgical incise and fluid control drapes, and other OEM medical products.

Based on these findings, the Department is amending this certification to include workers leased from Baron working on-site at the Woodbury, Minnesota location of the subject firm.

The amended notice applicable to TA–W–85,178 is hereby issued as follows:

All workers from Cardinal Health 200, LLC, Medical—Presource Manufacturing, including on-site leased workers from Adecco Staffing, USA and Baron, including workers whose unemployment insurance (UI) wages were reported through Medical Concepts Development, Woodbury, Minnesota, who became totally or partially separated from employment on or after March 21, 2013, through April 23, 2016, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1074, as amended, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974, as amended.

Signed at Washington, DC, this 30th day of May 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–13878 Filed 6–12–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by (TA–W) number issued during the period of *May 26, 2014 through May 30, 2014.*

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. the sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. there has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. the country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. there has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

None.

Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

85,071, General Electric Company, Fort Edward, New York. February 4, 2013.

85,248, Great Northern Paper Maine Holding, LLC., East Millinocket, Maine. April 18, 2013.

Negative Determinations for Alternative Trade Adjustment Assistance

In the following cases, it has been determined that the requirements of

246(a)(3)(A)(ii) have not been met for the reasons specified.

None.

Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

85,062, Computer Sciences Corporation, El Segundo, California.

85,185, Broadridge Financial Solutions Inc., Jersey City, New Jersey.

85,220, SunTrust Mortgage, Inc., Atlanta, Georgia.

Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioning groups of workers are covered by active certifications. Consequently, further investigation in these cases would serve no purpose since the petitioning group of workers cannot be covered by more than one certification at a time.

85,257, Avery Products Corporation, Brea, California.

I hereby certify that the aforementioned determinations were issued during the period of *May 26, 2014 through May 30, 2014.* These determinations are available on the Department's Web site *www.doleta.gov/tradeact/taa/taa_search_form.cfm* under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 5th day of June 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–13880 Filed 6–12–14; 8:45 am]

BILLING CODE 4510–FN–P

MERIT SYSTEMS PROTECTION BOARD

Request for Information: Attorneys Interested in Representing Appellate Clients Pro Bono

AGENCY: Merit Systems Protection Board.

ACTION: Notice.

SUMMARY: The Merit Systems Protection Board (MSPB or the Board) invites all attorneys interested in providing pro bono representation to pro se appellants in their appeals of Board decisions to the U.S. Court of Appeals for the Federal Circuit to submit their names and contact information to MSPB.

DATES: Responses received by July 14, 2014 will be posted at *http://www.mspb.gov/probono*. However, requests to be added to or removed from the list on our Web site will be accepted on an ongoing basis.

ADDRESSES: Interested law firms and individual attorneys should submit the following information on company or professional letterhead: the names of participating attorneys, their mailing address, telephone and fax numbers, and email addresses. This information should be sent by mail to William D. Spencer, Clerk of the Board, 1615 M Street NW., Washington, DC 20419; by email to *mspb@mspb.gov*; or by fax to (202) 653–7130.

FOR FURTHER INFORMATION CONTACT: William D. Spencer, Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW., Washington, DC 20419; phone: (202) 653–7200; fax: (202) 653–7130; or email: *mspb@mspb.gov.*

SUPPLEMENTARY INFORMATION: The MSPB will maintain a list of interested attorneys on our Web site at *http://www.mspb.gov/probono* and provide notice of the possibility for pro bono representation before the U.S. Court of Appeals for the Federal Circuit in the appeal rights section of MSPB decisions. The MSPB neither endorses the services provided by any attorney nor warrants that any attorney will accept representation in a given case. It will be the decision of the individual appellant to contact interested attorneys about pro bono representation, and, if contacted, it will be the decision of that attorney whether to provide pro bono representation. Law firms or individual attorneys may end their participation and have their contact information removed from our Web site at any time by contacting the Office of the Clerk of the Board in writing.

William D. Spencer,

Clerk of the Board.

[FR Doc. 2014–13860 Filed 6–12–14; 8:45 am]

BILLING CODE 7400–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (14–053)]

Notice of Intent to Grant Exclusive License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Intent to Grant Exclusive License

SUMMARY: This notice is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). NASA hereby gives notice of its intent to grant an exclusive license in the United States to practice the invention described and claimed in U.S. Patent 7,621,670, entitled Unbalanced-Flow, Fluid-Mixing Plug with Metering Capabilities and U.S. Patent 7,347,089, entitled Gas Volume Contents Within A Container, Smart Volume Instrument, to APlus-QMC, LLC, having its principal place of business in McDonough, GA. The patent rights in these inventions as applicable have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. NASA has not yet made a determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

DATES: The prospective exclusive license may be granted unless, within fifteen (15) days from the date of this published notice, NASA receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. Competing applications completed and received by NASA within fifteen (15) days of the date of this published notice will also be treated as objections to the grant of the contemplated exclusive license.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

ADDRESSES: Objections relating to the prospective license may be submitted to Mr. James J. McGroary, Chief Patent Counsel/LS01, Marshall Space Flight Center, Huntsville, AL 35812, (256) 544–0013.

FOR FURTHER INFORMATION CONTACT: Mr. Sammy A. Nabors, Technology Transfer Office/ZP30, Marshall Space Flight Center, Huntsville, AL 35812, (256) 544–5226. Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov*.

Sumara M. Thompson-King,

General Counsel.

[FR Doc. 2014–13862 Filed 6–12–14; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (14–054)]

Notice of Intent to Grant Exclusive License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Intent to Grant Exclusive License.

SUMMARY: This notice is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). NASA hereby gives notice of its intent to grant an exclusive license in the United States to practice the invention described and claimed in U.S. Patent 6,424,470 entitled Panoramic Refracting Optic (PRO) and U.S. Patent 6,580,567 entitled Panoramic Refracting Conical Optic to Linc Research, Inc., having its principal place of business in Huntsville, AL. The patent rights in these inventions as applicable have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. NASA has not yet made a determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

DATES: The prospective exclusive license may be granted unless, within fifteen (15) days from the date of this published notice, NASA receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. Competing applications completed and received by NASA within fifteen (15) days of the date of this published notice will also be treated as objections to the grant of the contemplated exclusive license.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

ADDRESSES: Objections relating to the prospective license may be submitted to Mr. James J. McGroary, Chief Patent Counsel/LS01, Marshall Space Flight Center, Huntsville, AL 35812, (256) 544–0013.

FOR FURTHER INFORMATION CONTACT: Mr. Sammy A. Nabors, Technology Transfer Office/ZP30, Marshall Space Flight Center, Huntsville, AL 35812, (256) 544–5226. Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov*.

Sumara M. Thompson-King,

General Counsel.

[FR Doc. 2014–13861 Filed 6–12–14; 8:45 am]

BILLING CODE 7510–13–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72350; File No. SR–NASDAQ–2014–020]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Order Instituting Proceedings To Determine Whether To Approve or Disapprove Proposed Rule Change Relating To Listing and Trading of Exchange-Traded Managed Fund Shares

June 9, 2014.

I. Introduction

On February 26, 2014, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') 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 adopt Nasdaq Rule 5745, which would govern the listing and trading of Exchange-Traded Managed Fund Shares (''ETMF Shares'' or ''ETMFs''), and to amend related references under Nasdaq Rules 4120, 5615, IM–5615–4, and 5940. The proposed rule change was published for comment in the **Federal Register** on March 12, 2014.[3] The Commission received four comments on the proposal.[4] On April 23, 2014, pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[6] This order institutes proceedings under Section 19(b)(2)(B) of the Act [7] to determine whether to approve or disapprove the proposed rule change.

II. Description of the Proposal

As described in the Notice, the Exchange proposes to adopt new Nasdaq Rule 5745 to permit the listing and trading of ETMF Shares. Similar to Managed Fund Shares as defined in Nasdaq Rule 5735,[8] ETMF Shares would be issued in specified aggregate unit quantities in return for a deposit of a specified basket of securities and/or a cash amount with a value equal to the product of the ETMF's net asset value per Share (''NAV'') and the number of Shares issued. When aggregated in the same specified unit quantities, ETMF Shares could be redeemed in exchange for a specified basket of securities and/or cash with a value per Share equal to the ETMF's NAV.

Unlike Managed Fund Shares, ETMF Shares would trade on Nasdaq using a new trading protocol called ''NAV-Based Trading.'' In NAV-Based Trading, all bids, offers, and execution prices would be expressed as a premium/discount (which may be zero) to the ETMF's next-determined NAV (*e.g.,* NAV − $0.01; NAV+$0.01). An ETMF's NAV would be determined each business day, normally as of 4:00 p.m. Eastern Time. Trade executions using

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 71657 (Mar. 6, 2014), 79 FR 14092 (''Notice'').

[4] *See* Letters to the Commission from Christopher Davis, President, Money Management Institute, dated March 27, 2014 (''MMI Letter''); Robert Tull, President, Robert Tull & Co., dated March 31, 2014 (''Tull Letter''); Avi Nachmany, Co-Founder, Director of Research, E.V.P, Strategic Insight, dated April 1, 2014 (''Strategic Insight Letter''); and Eric Noll, President and Chief Executive Officer, ConvergEx Group, LLC, dated April 1, 2014 (''ConvergEx Letter'').

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 72007, 79 FR 24045 (Apr. 29, 2014). The Commission determined that it was 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. Accordingly, the Commission designated June 10, 2014 as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[7] 15 U.S.C. 78s(b)(2)(B).

[8] *See* Securities Exchange Act Release No. 57962 (June 13, 2008), 73 FR 35175 (June 20, 2008) (SR–NASDAQ–2008–039).

NAV-Based Trading would be binding at the time orders are matched on Nasdaq's facilities, with the transaction prices contingent upon the determination of the ETMF's NAV at the end of the business day.

Member firms would utilize existing order types and interfaces to transmit ETMF Share bids and offers to Nasdaq, which would process ETMF Share trades like trades in shares of conventional ETFs and other listed securities. In the systems used to transmit and process transactions in ETMF Shares, Nasdaq expects an ETMF's next-determined NAV to be represented by a proxy price (*e.g.,* 100.00) and a premium/discount of a stated amount to the next-determined NAV to be represented by the same increment/decrement from the proxy price used to denote NAV (*e.g.,* NAV − $0.01 would be represented as 99.99; NAV+$0.01 as 100.01).[9]

To avoid potential investor confusion, Nasdaq would work with member firms and providers of market data services to seek to ensure that representations of intraday bids, offers and execution prices for ETMFs that are made available to the investing public follow the ''NAV − $0.01/NAV+$0.01'' (or similar) display format, rather than displaying proxy prices. Nasdaq expects all ETMFs listed on the Exchange to have a unique identifier associated with their ticker symbols, which would indicate that their Shares are traded using NAV-Based Trading. Nasdaq makes available to member firms and market data services certain proprietary data feeds (''Nasdaq Data Feeds'') that are designed to supplement the market information disseminated through the consolidated tape (''Consolidated Tape''). The Exchange would use a Nasdaq Data Feed to disseminate intraday price and quote data for ETMFs in real time in the ''NAV − $0.01/NAV+$0.01'' (or similar) display format. Member firms could use the Nasdaq Data Feed to source intraday ETMF prices for presentation to the investing public in the ''NAV − $0.01/NAV+$0.01'' (or similar) display format. Alternatively, member firms could source intraday ETMF prices in proxy price format from the Consolidated Tape and use a simple algorithm to convert prices into the ''NAV − $0.01/NAV+$0.01'' (or similar) display format.

All ETMF bids, offers and trade executions would be reported intraday in real time by the Exchange to the Consolidated Tape [10] and separately disseminated to member firms and market data services through a Nasdaq Data Feed. The Exchange would also provide the member firms participating in each ETMF Share trade with a contemporaneous notice of trade execution, indicating the number of ETMF Shares bought or sold and the executed premium/discount to NAV.[11]

All executed ETMF Share trades would be recorded and stored intraday by Nasdaq to await the calculation of the ETMF's end-of-day NAV and the determination of final trade pricing. After the Reporting Authority calculates an ETMF's NAV and provides this information to the Exchange, Nasdaq would price each ETMF Share trade entered into during the day at the ETMF's NAV plus/minus the trade's executed premium/discount. Using the final trade price, each executed ETMF Share trade would then be disseminated to member firms and market data services through the Nasdaq Data Feed used to report ETMF Share trades, and confirmed to the member firms participating in the trade to supplement the previously provided information to include final pricing. After the pricing is finalized, Nasdaq would deliver the ETMF Share trading data to NSCC for clearance and settlement, following the same processes used for the clearance and settlement of trades in conventional ETFs and other exchange-traded securities.

Proposed Listing Rules for Exchange-Traded Managed Fund Shares

Proposed Nasdaq Rule 5745(b)(1) provides that Nasdaq will file separate proposals under Section 19(b) of the Act before the listing of ETMF Shares. Proposed Nasdaq Rule 5745(b)(2) provides that transactions in ETMF Shares will occur during Nasdaq's Regular Market Session through 4:00 p.m.[12] Proposed Nasdaq Rule 5745(b)(3) provides that ETMF Shares will trade on Nasdaq at market-determined premiums or discounts to the next-determined NAV, and that the minimum price variation for quoting and entry of orders in ETMF Shares will be $0.01. Proposed Rule Nasdaq 5745(b)(4) provides that Nasdaq will implement written surveillance procedures for ETMF Shares. Proposed Nasdaq Rule 5745(b)(5) provides that, for ETMF Shares based on an international or global portfolio, the statutory prospectus or the application for exemption from provisions of the 1940 Act for such series of ETMF Shares must state that such series must comply with the federal securities laws in accepting securities for deposit and satisfying redemptions with securities, including that the securities accepted for deposit and the securities used to satisfy redemption requests are sold in transactions that would be exempt from registration under the Securities Act of 1933 (''Securities Act'').

Proposed Definitions. Proposed Nasdaq Rule 5745(c)(1) defines the term ''ETMF Share'' as a security that: (1) Represents an interest in a registered investment company organized as an open-end management investment company that invests in a portfolio of securities and other assets selected and managed by the ETMF's investment adviser consistent with the ETMF's investment objectives and policies; (2) is issued in specified aggregate unit quantities in return for a deposit of a specified portfolio of securities and/or a cash amount with a value per Share equal to the ETMF's NAV; (3) when aggregated in the same specified unit quantities, may be redeemed in exchange for a specified portfolio of securities and/or cash with a value per Share equal to the ETMF's NAV; and (4) is traded on Nasdaq or another national securities exchange using NAV-Based Trading, including pursuant to UTP.

In addition, proposed Nasdaq Rule 5745(c)(2) defines the term ''Intraday Indicative Value'' (''IIV'') as the

[9] Order transmission and processing systems currently in common use by exchanges and member firms are generally not designed to accommodate pricing arrangements, such as NAV-Based Trading, in which bids, offers and execution prices are determined by reference to a price or value that is unknown at the time of trade execution. Compared to the alternative of building and maintaining (and requiring member firms to build and maintain) a dedicated NAV-Based Trading order transmission and processing system, the Exchange believes that the proposed approach (using, for processing purposes, a proxy price to represent next-determined NAV) offers major advantages in terms of cost, efficiency and time to implement. To convert proxy prices used to represent intraday bids, offers and execution prices into prices expressed in relation to the next-determined NAV, member firms would subtract from the reported proxy price (*e.g.,* 99.99) the proxy for NAV (*e.g.,* 100.00) and insert ''NAV'' in front of the calculated number expressed in dollars (*e.g.,* 99.99 − 100.00 = −0.01, expressed as ''NAV − $0.01'').

[10] Due to systems limitations, the Consolidated Tape would report intraday execution prices and quotes for ETMFs using a proxy price format. As noted, Nasdaq would separately report real-time execution prices and quotes to member firms and providers of market data services in the ''NAV − $0.01/NAV+$0.01'' (or similar) display format, and otherwise seek to ensure that representations of intraday bids, offers and execution prices for ETMFs that are made available to the investing public follow the same display format.

[11] All orders to buy or sell an ETMF Share that are not executed on the day the order is submitted would be automatically cancelled as of the close of trading on such day.

[12] Nasdaq Rule 4120(b)(4) defines the Regular Market Session as the trading session from 9:30 a.m. to 4:00 p.m. or 4:15 p.m. ETMF Shares would trade until 4:00 p.m.

estimated indicative value of an ETMF Share based on current information regarding the value of the securities and other assets held by the ETMF. Proposed Nasdaq Rule 5745(c)(3) defines the term ''Composition File'' as the specified portfolio of securities and/or cash that an ETMF will accept as a deposit in issuing ETMF Shares and the specified portfolio of securities and/or cash that an ETMF will deliver in a redemption of ETMF Shares. The current Composition File would be disseminated through the National Securities Clearing Corporation (''NSCC'') once each business day before the open of trading in ETMF Shares on Nasdaq on such day. To maintain the confidentiality of current portfolio trading, an ETMF's Composition File generally would not be a pro rata reflection of the ETMF's securities positions. Each security included in the Composition File would be a current holding of the ETMF, but the Composition File generally would not include all of the securities in the ETMF's portfolio or match the weightings of the included securities in the portfolio. The Composition File also may consist entirely of cash, in which case it would not include any of the securities in the ETMF's portfolio.

Proposed Nasdaq Rule 5745(c)(4) defines the term ''Reporting Authority'' as Nasdaq, an institution or a reporting service designated by Nasdaq as the official source for calculating and reporting information relating to such series of ETMF Shares, including, but not limited to, the IIV, the amount of any cash distribution to holders of ETMF Shares, NAV, the Composition File or other information relating to the issuance, redemption or trading of ETMF Shares. A series of ETMF Shares may have more than one Reporting Authority, each having different functions.

Initial and Continued Listing. Proposed Nasdaq Rule 5745(d) sets forth the initial and continued listing criteria applicable to ETMF Shares. Proposed Nasdaq Rule 5745(d)(1)(A) provides that, for each series of ETMF Shares, Nasdaq will establish a minimum number of ETMF Shares required to be outstanding at the time of commencement of trading. In addition, under proposed Nasdaq Rule 5745(d)(1)(B), Nasdaq must obtain a representation from the issuer of each series of ETMF Shares that the NAV for such series will be calculated on each business day that the New York Stock Exchange is open for trading and that the NAV will be made available to all market participants at the same time. Under proposed Nasdaq Rule 5745(d)(1)(C), the Reporting Authority that provides the Composition File must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the ETMF's portfolio positions and changes in positions.

Proposed Nasdaq Rule 5745(d)(2)(A) provides that each series of ETMF Shares could continue to be listed and traded if the IIV for the ETMF Shares is widely disseminated by one or more major market data vendors at intervals of not more than 15 minutes during the Regular Market Session when the ETMF Shares trade on Nasdaq. According to the Exchange, the purpose of IIVs in NAV-Based Trading is to enable investors to estimate the next-determined NAV so they can determine the number of ETMF Shares to buy or sell if they want to transact in an approximate dollar amount (*e.g.,* if an investor wants to acquire approximately $5,000 of an ETMF, how many Shares should the investor buy?).[13] For this purpose, Nasdaq believes that dissemination of IIVs at intervals of not more than 15 minutes should generally be sufficient. The Exchange states that more frequent dissemination of IIVs may increase fund costs without apparent benefit and could focus unwarranted investor attention on these disclosures. Moreover, for certain strategies, more frequent IIV disclosure could provide unintended information about current portfolio trading activity to market participants who possess the requisite analytical capabilities, computation power and motivation to reverse engineer the ETMF's portfolio positions. As proposed, an ETMF would be permitted to disseminate IIVs at intervals of less than 15 minutes, but would not be required to do so to maintain trading on the Exchange.

Proposed Nasdaq Rule 5745(d)(2)(B) provides that Nasdaq will consider the suspension of trading in, or removal from listing of, a series of ETMF Shares under any of the following circumstances: (1) If, following the initial twelve-month period after commencement of trading on the Exchange of a series of ETMF Shares, there are fewer than 50 beneficial holders of the series of ETMF Shares for 30 or more consecutive trading days; (2) if the ETMF's IIV or NAV is no longer calculated or if its IIV, NAV or Composition File is no longer available to all market participants at the same time; (3) if the ETMF has failed to submit any filings required by the Commission or if Nasdaq is aware that the ETMF is not in compliance with the conditions of any exemptive order or no-action relief granted by the Commission with respect to the series of ETMF Shares; or (4) if such other event shall occur or condition exists which, in the opinion of Nasdaq, makes further dealings on Nasdaq inadvisable.

Proposed Nasdaq Rule 5745(d)(2)(C) provides that, if the IIV of a series of ETMF Shares is not being disseminated as required, Nasdaq may halt trading during the day in which the interruption to the dissemination of the IIV occurs. If the interruption to the dissemination of the IIV persists past the trading day in which it first occurred, Nasdaq will halt trading no later than the beginning of the trading day following the interruption. In addition, if the Exchange becomes aware that the NAV with respect to a series of ETMF Shares is not calculated on each business day that the New York Stock Exchange is open for trading and disseminated to all market participants at the same time, it will halt trading in such series until such time as the NAV is available to all market participants. If Nasdaq becomes aware that the Composition File with respect to a series of ETMF Shares is not disseminated to all market participants at the same time, it will halt trading in such series until such time as the Composition File is available to all market participants.

In addition, proposed Nasdaq Rule 5745(d)(2)(D) provides that, upon termination of an ETMF, the ETMF Shares issued in connection with such entity must be removed from listing on Nasdaq. Proposed Nasdaq Rule 5745(d)(2)(E) provides that voting rights must be as set forth in the applicable ETMF prospectus.

Additional Provisions. Proposed Nasdaq Rule 5745(e) provides that neither Nasdaq, the Reporting Authority nor any agent of Nasdaq shall have any liability for damages, claims, losses or expenses caused by any errors, omissions or delays in calculating or disseminating any of the following: The current portfolio value; the current value of the securities and other assets required to be deposited in connection with issuance of ETMF Shares; the amount of any dividend-equivalent payment or cash distribution to holders of ETMF Shares; NAV; the Composition File; or other information relating to the purchase, redemption or trading of ETMF Shares, resulting from any negligent act or omission by Nasdaq, the

[13] Because, in NAV-Based Trading, prices of executed trades are not determined until the reference NAV is calculated, buyers and sellers of ETMF Shares during the trading day would not know the final value of their purchases and sales until the end of the trading day.

Reporting Authority or any agent of Nasdaq, or any act, condition or cause beyond the reasonable control of Nasdaq, its agent or the Reporting Authority, including, but not limited to, an act of God, fire, flood, extraordinary weather conditions, war, insurrection, riot, strike, accident, action of government, communications or power failure, equipment or software malfunction, or any error, omission or delay in the reports of transactions in one or more underlying securities.

Proposed Nasdaq Rule 5745(f) applies only to series of ETMF Shares that are the subject of an order by the Commission exempting such series from certain prospectus delivery requirements under Section 24(d) of the 1940 Act and are not otherwise subject to prospectus delivery requirements under the Securities Act. Nasdaq would inform its members regarding application of Proposed Nasdaq Rule 5745(f) to a particular series of ETMF Shares by means of an information circular prior to commencement of trading in such series. Under the proposed rule, Nasdaq requires that members provide to all purchasers of a series of ETMF Shares a written description of the terms and characteristics of those securities, in a form prepared by the open-end management investment company issuing such securities, not later than the time a confirmation of the first transaction in such series is delivered to such purchaser. In addition, members shall include such a written description with any sales material relating to a series of ETMF Shares that is provided to customers or the public. Any other written materials provided by a member to customers or the public making specific reference to a series of ETMF Shares as an investment vehicle must include a statement in substantially the following form: ''A circular describing the terms and characteristics of (the series of ETMF Shares) has been prepared by the (open-end management investment company name) and is available from your broker. It is recommended that you obtain and review such circular before purchasing (the series of ETMF Shares).'' A member carrying an omnibus account for a non-member broker-dealer is required to inform such non-member that execution of an order to purchase a series of ETMF Shares for such omnibus account would be deemed to constitute agreement by the non-member to make such a written description available to its customers on the same terms as are directly applicable to members under this rule. Upon request of a customer, a member shall also provide a prospectus for the particular series of ETMF Shares.

Proposed Nasdaq Rule 5745(g) provides that, if the investment adviser to an ETMF issuing Shares is a registered broker-dealer or affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer personnel or broker-dealer affiliate, as applicable, with respect to access to information concerning the composition and/or changes to such ETMF's portfolio holdings. Personnel who make decisions on the ETMF's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable ETMF portfolio.

Other Proposed Rule Changes

The Exchange also proposes to amend: (1) Nasdaq Rule 4120(a)(9) and (10) to add provisions applicable to ETMF Shares with respect to trading halts; (2) Nasdaq Rule 4120(b)(4)(A) and (E) to modify certain defined terms to include references to ETMF Shares; (3) Nasdaq Rule 5615(a)(5) and IM–5615–4 to add references to ETMFs for purposes of certain corporate governance requirements; and (4) Nasdaq Rule 5940(a) and (b) to add references to ETMF Shares to those securities already covered under the rule relating to both entry fees and annual fees.[14]

Portfolio Disclosure

The Exchange states that, as required for traditional open-end investment companies, ETMFs would disclose their full portfolio positions at least quarterly, with a delay (not to exceed 60 days) to limit opportunities for other market participants to engage in predatory trading practices that might harm fund shareholders.

Nasdaq Rule 5735 requires Active ETFs to disclose publicly their full portfolio positions at least once daily. According to the Exchange, the purpose of this requirement is to provide Active ETF market makers with the portfolio information needed to hedge the intraday market risk they assume as they take inventory positions in connection with their market making activities. Nasdaq states that, in conventional ETF trading, a condition to maintaining a tight relationship between market trading prices and contemporaneous underlying portfolio values is that market makers have sufficient information regarding portfolio positions to enable them to earn reliable arbitrage profits by entering into long (or short) positions in ETF shares and offsetting short (or long) positions in the underlying holdings (or a suitable proxy).

Nasdaq states that, in ETMF trading, by contrast, a market maker assumes no intraday market risk in connection with its inventory positions because all ETMF Share transaction prices are based on the next-determined NAV. According to the Exchange, whether an ETMF's underlying value goes up or down over the course of a trading day would not affect how much profit a market maker earns by selling (or buying) ETMF Shares in the market at a net premium (discount) to NAV, and then purchasing (redeeming) an offsetting number of ETMF Shares at the end of the day in transactions with the ETMF. The Exchange states that no intraday market risk means no requirement for intraday hedging, and therefore no associated requirement for portfolio disclosure to maintain a tight relationship between ETMF Share trading prices and NAV.

According to the Exchange, the arbitrage that connects ETMF trading prices to NAV is effected at the end of each trading day when a market maker or other arbitrageur purchases (or redeems) Creation Units of ETMF Shares through an Authorized Participant to offset the net amount of ETMF Shares it has sold (bought) over the course of the trading day, and buys (sells) the quantity of Composition File instruments corresponding to the number of Creation Units purchased (redeemed). The Exchange states that an ETMF market maker that purchases (or redeems) a Creation Unit at the end of a trading day to offset its net intraday sales (purchases) of a Creation Unit quantity of ETMF Shares would earn arbitrage profits to the extent that it either sells (buys) Shares at an aggregate premium (discount) to NAV or buys (sells) a Creation Unit-equivalent quantity of Composition File instruments at an aggregate discount (premium) to their end-of-day values, and the net amount of ETMF premium (discount) plus Composition File instruments discount (premium) exceeds the transaction fee that applies to a purchase (redemption) of a Creation Unit of ETMF Shares.[15]

[14] The Exchange also proposes to make certain other minor technical changes to these rules unrelated to ETMFs. Specifically, the Exchange proposes to amend Rule 4120(a)(9), (b)(4)(A), and (b)(4)(E) to include appropriate references to various derivative securities defined in Rule 5711, and to make certain other typographical corrections and clarifications.

[15] The arbitrage mechanism is simplified for cash creations and redemptions. An ETMF market maker that purchases (or redeems) a Creation Unit in cash

The Exchange states that, different from ETFs trading in conventional intraday markets, ETMFs offer market makers an arbitrage profit opportunity that does not depend on either corresponding intraday adjustments in fund share and underlying portfolio positions or the use of a hedge portfolio to manage intraday market risk. According to the Exchange, a ''perfect arbitrage'' in an ETMF requires only that market makers holding short (or long) positions in ETMF Shares accumulated intraday transact with the ETMF to purchase (redeem) a corresponding number of Creation Units of ETMF Shares, buy (sell) the equivalent quantities of Composition File instruments at market-closing or better prices, and offload any remaining sub-Creation Unit ETMF Share inventory through secondary market transactions by the market close.[16]

According to the Exchange, because the arbitrage mechanism that underlies ETMF trading is simpler, more reliable and exposes market makers to less risk than ETF arbitrage, market makers should require less profit inducement to establish and maintain markets in ETMF Shares than in similarly constituted ETFs, thereby enabling ETMFs to routinely trade at smaller premiums/discounts and narrower bid-ask spreads. Further, because the arbitrage mechanism that underlies efficient trading of ETMFs does not involve portfolio positions that are not included in the Composition File, the need for full portfolio transparency to achieve tight markets in ETMF Shares is eliminated.

Exchange Listing

Nasdaq intends to enter into a license agreement to allow for the listing and trading of ETMF Shares on the Exchange.[17] According to the Exchange, ETMF Shares listed on the Exchange may trade pursuant to UTP on other national securities exchanges that have obtained appropriate licenses, adopted applicable exchange rules and developed systems to support NAV-Based Trading. Nasdaq states that fees collected by the Exchange in connection with the listing and trading of ETMF Shares would comply with the statutory requirements set forth in the Act.

Trading Rules

Nasdaq would deem ETMF Shares to be equity securities, thus rendering trading in ETMF Shares to be subject to Nasdaq's existing rules governing the trading of equity securities.

III. Comment Letters

The Commission received four comment letters on the proposed rule change. All of the commenters supported the proposal. The commenters stated their views that ETMFs could offer investment managers and investors a tax-efficient alternative to today's mutual funds.[18] In addition to the benefits of tax-efficiency, some commenters stated their belief that ETMFs would offer lower cost benefits to investors as a result of lower expenses,[19] and one commenter stated its belief that a benefit would be transparency of ETMF transaction costs.[20] The same commenter also stated its view that the non-disclosed nature of the ETMF portfolio would serve as a barrier to front-running of portfolio trades of actively managed funds and that the proposed ETMFs would promote renewed competition in the fund marketplace by encouraging investment managers concerned about maintaining the confidentiality of their portfolio trading to offer their leading strategies in a better performing product structure.[21]

In addition, several commenters stated their belief about the potential positive impact the proposed ETMF product may have on arbitrage and pricing. Specifically, one commenter stated its view that NAV-Based Trading for ETMFs would permit market makers to offer differential arbitrage pricing to investors based on the closing NAV of the ETMF, which should expand market maker opportunities as the arbitrage moves towards order management control and away from sophisticated arbitrage pricing models using real-time pricing that makes it difficult for an investor to calculate personal market entry and exit costs.[22] Another commenter stated its view that, because ETMFs could promote competition in the fund marketplace, such competition might enable ETMFs to trade close to the underlying fund value on a consistent basis.[23] Lastly, one commenter stated its view that the promise of ETMFs can be realized if a ''common Chassis'' is adopted by multiple fund managers, who would then simultaneously educate the marketplace about the benefits of ETMFs.[24] The same commenter also believes that the adoption curve of ETMFs might parallel the acceleration in the use of mutual funds triggered by the introduction in the early 1990s of the Schwab's Mutual Fund OneSource® supermarket, when numerous fund managers articulated the benefit of a common administrative platform.[25] The commenter concluded with its view that ETMFs have the potential to significantly improve returns to investors in actively-managed funds, and to encourage additional investment and savings by millions of Americans over the coming decades.[26]

IV. Proceedings To Determine Whether To Approve or Disapprove SR–NASDAQ–2014–020 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 below, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change.

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to offset its net intraday sales (purchases) of a Creation Unit quantity of ETMF Shares would earn arbitrage profits to the extent that it sells (buys) ETMF Shares in the secondary market at an aggregate premium (discount) to NAV that exceeds the transaction fee that applies to a cash creation (redemption) of a Creation Unit of ETMF Shares.

[16] According to the Exchange, market makers are expected generally to seek to minimize their exposure to price risk in ETMF Shares by holding little or no overnight inventory. Establishing Creation Unit sizes for ETMFs that are somewhat smaller (*i.e.,* in a range of 5,000 to 50,000 Shares) than is customary for ETFs should support efficient arbitrage between an ETMF's trading prices and NAV by facilitating tighter market maker inventory management. To the extent that market makers hold small positions in ETMF Shares overnight, they are expected to aggregate such holdings with other risk positions and transact at or near the market close to buy or sell offsetting positions in appropriate, broad-based hedging instruments. Such hedging of overnight inventory risk on a macro basis does not require disclosure of non-Composition File portfolio positions.

[17] The Exchange states that aspects of ETMFs and NAV-Based Trading are protected intellectual property subject to issued and pending U.S. patents held by Navigate Fund Solutions LLC (''Navigate''), a wholly owned subsidiary of Eaton Vance Corp. Nasdaq would enter into a license agreement with Navigate to allow for NAV-Based Trading on the Exchange of ETMFs that have themselves entered into license agreements with Navigate.

[18] *See* MMI Letter; Tull Letter; Strategic Insight Letter; and ConvergEx Letter at 1, *supra* note 4.

[19] *See* Tull Letter; Strategic Insight Letter; and ConvergEx Letter at 1, *supra* note 4.

[20] *See* Tull Letter, *supra* note 4.

[21] *See id.*

[22] *See id.*

[23] *See* ConvergEx Letter at 2, *supra* note 4.

[24] *See* Strategic Insight Letter, *supra* note 4.

[25] *See id.*

[26] *See id.*

[27] 15 U.S.C. 78s(b)(2)(B).

As discussed above, the Exchange proposes to adopt new Nasdaq Rule 5745, which would govern the listing and trading of ETMF Shares. In addition, ETMF Shares would trade on Nasdaq using a new trading protocol called ''NAV-Based Trading.'' In NAV-Based Trading, all bids, offers, and execution prices would be expressed as a premium/discount (which may be zero) to the ETMF's next-determined NAV. Trade executions using NAV-Based Trading would be binding at the time orders are matched on Nasdaq's facilities, with the transaction prices contingent upon the determination of the ETMF's NAV at the end of the business day. The Commission believes that the proposal, which seeks to permit the listing and trading of ETMFs on the Exchange, raises important trading issues that warrant further public comment and Commission consideration. The proposed rule change would permit the listing and trading of ETMFs based on a novel and unique trading protocol, NAV-Based Trading, and the Commission believes that proceedings are appropriate to consider, among other matters, the ability of brokers, dealers, investors, and other market participants to fully understand NAV-Based Trading, as well as the public availability of information, including the differing representations of intraday bids, offers and execution prices for ETMFs, for investors and other market participants.

Pursuant to Section 19(b)(2)(B) of the Act,[28] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Exchange Act, which requires, among other things, that the rules of a national securities exchange be ''designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade,'' and ''to protect investors and the public interest.'' [29]

V. 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 proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) 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.[30]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by July 7, 2014. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by July 18, 2014.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2014–020 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2014–020. 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–NASDAQ–2014–020 and should be submitted on or before July 7, 2014. Rebuttal comments should be submitted by July 18, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–13822 Filed 6–12–14; 8:45 am]

BILLING CODE 8011–01–P

[28] *Id.*

[29] 15 U.S.C. 78f(b)(5).

[30] Section 19(b)(2) of the Act, as amended by the Securities Act 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. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[31] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72347; File No. SR–NYSEArca–2014–20]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Amendment Nos. 3 and 5 and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment Nos. 3 and 5, Relating to the Listing and Trading of Shares of Reality Shares DIVS ETF Under NYSE Arca Equities Rule 8.600

June 9, 2014.

On February 25, 2014, NYSE Arca, Inc. (''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 list and trade shares of Reality Shares Isolated Dividend Growth ETF under NYSE Arca Equities Rule 8.600. On March 7, 2014, the Exchange filed Amendment No. 2 to the proposed rule change, which amended and replaced the proposed rule change in its entirety.[3] The proposed rule change, as modified by Amendment No. 2, was published for comment in the **Federal Register** on March 17, 2014.[4] The Commission received no comments on

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 was filed on March 6, 2014 and withdrawn on March 7, 2014.

[4] *See* Securities Exchange Act Release No. 71686 (March 11, 2014), 79 FR 14761.

the proposal. On April 23, 2014, pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[6]

Pursuant to Section 19(b)(1) of the Act[7] and Rule 19b–4 thereunder,[8] notice is hereby given that, on May 27, 2014 and June 5, 2014, the Exchange filed with the Commission Amendment Nos. 3 and 5, respectively, to the proposed rule change, as described in Sections I and II below, which Sections have been prepared by the Exchange.[9] The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment Nos. 3 and 5, from interested persons.

Additionally, this order institutes proceedings under Section 19(b)(2)(B) of the Act [10] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment Nos. 3 and 5, as discussed in Section III below. The institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved, nor does it mean that the Commission will ultimately disapprove the proposed rule change. Rather, as described in Section III, below, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change to inform the Commission's analysis of whether to approve or disapprove the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade shares of the following under NYSE Arca Equities Rule 8.600 (''Managed Fund Shares''): Reality Shares DIVS ETF. 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade shares (''Shares'') of the following under NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares[11] on the Exchange: Reality Shares DIVS ETF (the ''Fund''). [12] The Shares of the Fund will be offered by the Reality Shares ETF Trust (formerly, the ERNY Financial ETF Trust) (the ''Trust''). The Trust will be registered with the Commission as an open-end management investment company.[13] Reality Shares Advisors, LLC (formerly, ERNY Financial Advisors, LLC) will serve as the investment adviser to the Fund (the ''Adviser''). ALPS Distributors, Inc. (the ''Distributor'') will be the principal underwriter and distributor of the Fund's Shares. The Bank of New York Mellon (the ''Administrator,'' ''Transfer Agent'' or ''Custodian'') will serve as administrator, custodian and transfer agent for the Fund.[14]

As described in more detail below, the Fund will seek to produce long-term capital appreciation by attempting to isolate the value of dividends paid by a portfolio of U.S., European and Japanese large capitalization companies.

Commentary .06 to Rule 8.600 provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition of and/or changes to such investment company portfolio. Commentary .06 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the

[5] 15 U.S.C. 78s(b)(2).

[6] Securities Exchange Act Release No. 72000 (April 23, 2014), 79 FR 24032 (April 29, 2014). The Commission determined that it was 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. Accordingly, the Commission designated June 13, 2014 as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[7] 15 U.S.C.78s(b)(1).

[8] 17 CFR 240.19b–4.

[9] Amendment No. 3 replaces SR–NYSEArca–2014–20, as previously amended by Amendment No. 2, and supersedes such filing in its entirety. Amendment No. 4 was filed on June 4, 2014 and withdrawn on June 5, 2014. Amendment No. 5 reflects a change to the name of the fund from ''Reality Shares Isolated Dividend Growth ETF'' to ''Reality Shares DIVS ETF.''

[10] 15 U.S.C. 78s(b)(2)(B).

[11] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Equities Rule 5.2(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[12] The Commission approved NYSE Arca Equities Rule 8.600 and has previously approved listing and trading on the Exchange of a number of actively managed funds under Rule 8.600. *See, e.g.,* Securities Exchange Act Release Nos. 57801 (May 8, 2008), 73 FR 27878 (May 14, 2008) (SR–NYSEArca–2008–31) (order approving Exchange listing and trading of twelve actively-managed funds of the WisdomTree Trust); 60460 (August 7, 2009), 74 FR 41468 (August 17, 2009) (SR–NYSEArca–2009–55) (order approving listing and trading of Dent Tactical ETF); 63076 (October 12, 2010), 75 FR 63874 (October 18, 2010) (SR–NYSEArca–2010–79) (order approving listing and trading of Cambria Global Tactical ETF); 64643 (June 10, 2011) 76 FR 35062 (June 15, 2011) (SR–NYSEArca–2011–21) (order approving listing and trading of WisdomTree Global Real Return Fund); 69397 (April 18, 2013) 78 FR 24276 (April 24, 2013) (SR–NYSEArca–2013–18) (order approving listing and trading of fourteen actively-managed funds of the iShares Trust); 69591 (May 16, 2013) 78 FR 30372 (May 22, 2013) (SR–NYSEArca–2013–33) (order approving listing and trading of the International Bear ETF).

[13] The Trust will be registered under the 1940 Act. On November 12, 2013, the Trust filed a registration statement on Form N–1A under the Securities Act of 1933 (the ''1933 Act'') (15 U.S.C. 77a), and under the 1940 Act relating to the Fund, as amended by Pre-Effective Amendment Number 1, filed with the Commission on February 6, 2014 (File Nos. 333–192288 and 811–22911) and Pre-Effective Amendment Number 2, filed with the Commission on May 1, 2014 (File Nos. 333–192288 and 811–22911) (the ''Registration Statement''). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. The Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. Investment Company Act Release No. 30552 (June 10, 2013) (''Exemptive Order''). The Trust filed an Application for an Order under Section 6(c) of the 1940 Act for exemptions from various provisions of the 1940 Act and rules thereunder (File No. 812–14146), on April 5, 2013, as amended on May 10, 2013 (together, the ''Exemptive Application''). Investments made by the Fund will comply with the conditions set forth in the Exemptive Application and the Exemptive Order.

[14] This Amendment No. 3 to SR–NYSEArca–2014–20 replaces SR–NYSEArca–2014–20 as amended by Amendment No. 2 to SR–NYSEArca–2014–20 and supersedes such filing in its entirety. *See supra* note 9.

open-end fund's portfolio.[15] Commentary .06 to Rule 8.600 is similar to Commentary .03(a)(i) and (iii) to NYSE Arca Equities Rule 5.2(j)(3); however, Commentary .06 in connection with the establishment of a ''fire wall'' between the investment adviser and the broker-dealer reflects the applicable open-end fund's portfolio, not an underlying benchmark index, as is the case with index-based funds. The Adviser is not registered as a broker-dealer and is not affiliated with any broker-dealers. In the event (a) the Adviser or any sub-adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, they will implement a fire wall with respect to their relevant personnel or broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

Principal Investments

According to the Registration Statement, the Fund is actively managed by the Adviser and seeks long-term capital appreciation by using proprietary trading strategies designed to isolate and capture the growth in the level of dividends expected to be paid on a portfolio of large-capitalization equity securities listed for trading in the U.S., Europe and Japan, while attempting to minimize the Fund's exposure to the price fluctuations associated with these securities.[16] The Adviser believes that, over time, the level of expected dividends reflected in the Fund's portfolio will be highly correlated to the level of actual dividends paid on such large capitalization securities.

Under normal market conditions,[17] the Fund will invest substantially all of its assets in (i) a combination of exchange-listed options contracts on large capitalization equity indexes and exchange-listed option contracts on exchange traded funds (''ETFs'')[18] designed to track the performance of large capitalization equity securities listed for trading in the U.S., Europe or Japan, as well as (ii) derivatives, including swaps, exchange-listed futures contracts and forward contracts, designed to capture the growth of the level of dividends expected to be paid on large capitalization equity securities listed for trading in the U.S., Europe and Japan. In addition to the investments described above, the Fund may also buy and sell over-the counter (''OTC'') options on indexes of large-capitalization U.S., European and Japanese equity securities listed for trading in the U.S., Europe and Japan, such as the S&P 500 Index, the Euro Stoxx 50 Index and the Nikkei 225 Index, and listed and OTC options on the securities, or any group of securities, issued by large capitalization U.S., European and Japanese companies.[19]

The Fund will buy (*i.e.,* hold a ''long'' position in) and sell (*i.e.,* hold a ''short'' position in) put and call options. A put option gives the purchaser of the option the right to sell, and the issuer of the option the obligation to buy, the underlying security or instrument on a specified date or during a specified period of time. A call option on a security gives the purchaser of the option the right to buy, and the writer of the option the obligation to sell, the underlying security or instrument on a specified date or during a specified period of time. The Fund will invest in a combination of put and call options designed to allow the Fund to isolate its exposure to the growth of the level of dividends expected to be paid on a portfolio of securities issued by large capitalization companies listed for trading in the United States, Europe and Japan, while minimizing the Fund's exposure to changes in the trading price of such securities. The Fund may invest up to 80% of its assets through options transactions.

The prices of index and ETF options reflect the market trading prices of the securities included in the applicable index or securities held by the applicable ETF, as well as market expectations regarding the level of dividends to be paid on such indexes or ETFs during the term of the option. A significant portion of the Fund's portfolio holdings will consist of multiple corresponding near-term and long-term put and call option combinations on the same reference assets (e.g., options on the S&P 500 Index or options on S&P 500 ETFs) with the same strike price. Because option prices reflect both stock price and dividend expectations, they can be used in combination to isolate either price exposure or dividend expectations. The use of near-term and long-term put and call option combinations on the same reference asset with the same strike price, but with different maturities, is designed to gain exposure to the level of dividends expected to be paid on a portfolio of large-capitalization equity securities listed for trading in the U.S., Europe and Japan, while attempting to minimize the Fund's exposure to the price fluctuations associated with these securities.

Once established, this portfolio construction of option combinations will accomplish two goals. First, the use

[15] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)-7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[16] There is no guarantee that either the level of overall dividends paid by such companies will grow over time, or that the Fund's investment strategies will capture such growth. The Fund will include appropriate risk disclosure in its offering documents disclosing both of these risks.

The Adviser considers U.S. large capitalization companies to be those with market capitalizations within the range of market capitalizations of the companies included in the S&P 500 Index. The Adviser considers European large capitalization companies to be those with market capitalizations within the range of market capitalizations of the companies included in the Euro Stoxx 50 Index. The Adviser considers Japanese large capitalization companies to be those with market capitalizations within the range of market capitalizations of the companies included in the Nikkei 225 Index.

[17] The term ''under normal market conditions'' includes, but is not limited to, the absence of extreme volatility or trading halts in the equity markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance.

[18] 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 the Fund may invest in inverse ETFs, it may not invest in leveraged or inverse leveraged (*e.g.,* 2X, -2X, 3X or -3X) ETFs.

[19] The Fund will transact only with OTC options dealers that have in place an International Swaps and Derivatives Association (''ISDA'') agreement with the Fund.

of corresponding buy or sell positions on near and long-term options at the same strike price is designed to neutralize underlying stock price movements. In other words, the corresponding ''buy'' and ''sell'' positions on the same reference asset are designed to net against each other and eliminate the impact that changes to the stock price of the reference asset would otherwise have on the value of the Fund Shares. Second, by minimizing the impact of price fluctuations through the construct of the near- and long-term contract combinations, the strategy is designed to isolate market expectations for dividends implied between expiration dates of the near-term and long-term option contracts.

The Fund may invest in exchange-listed futures contracts and forward contracts based on indexes of large-capitalization U.S., European and Japanese equity securities listed for trading in the U.S., Europe or Japan, such as the S&P 500 Index, the Euro Stoxx 50 Index and the Nikkei 225 Index, and the securities, or any group of securities, issued by large capitalization U.S., European and Japanese companies. A listed futures contract is a standardized contract traded on a recognized exchange in which two parties agree to exchange either a specified financial asset or the cash equivalent of said asset at a specified future date and price. A forward contract involves the obligation to purchase or sell either a specified financial asset or the cash equivalent of said asset at a future date at a price set at the time of the contract. The Fund's use of listed futures contracts and forward contracts will be designed to allow the Fund to isolate its exposure to the growth of the level of the dividends expected to be paid on a portfolio of securities of large capitalization U.S., European and Japanese companies, while minimizing the Fund's exposure to changes in the trading price of such securities. As with option contracts, the prices of equity index futures contracts and forward contracts reflect the market trading prices of the securities included in the applicable index, as well as market expectations regarding the level of dividends to be paid on such indexes during the term of such futures or forward contract. Therefore, as with option contracts, long and short positions in near-dated and far-dated futures and forward contracts can be used in combination to isolate either price exposure or dividend expectations. For example, as with option contracts, the use of long and short positions in near-dated and far-dated futures and forward contracts can be used to gain exposure to the level of dividends expected to be paid on a portfolio of securities, while attempting to minimize the Fund's exposure to the price fluctuations associated with such securities. In addition, the Fund may invest in listed dividend futures contracts. Listed dividend futures contracts are available for certain indices (such as EURO STOXX 50 Index Dividend Futures and Nikkei 225 Dividend Index Futures). These futures contracts provide direct exposure to the level of implied dividends in the designated index, without exposure to the price of the securities included in the index. The Fund also may invest in Eurodollar futures contracts to manage or hedge exposure to interest rate fluctuations. The Fund may invest up to 80% of its assets through futures contracts and forward transactions.

The Fund may enter into dividend and total return swap transactions (including equity swap transactions) based on indexes of large-capitalization U.S., European and Japanese equity securities listed for trading in the U.S., Europe and Japan, such as the S&P 500 Index, the Euro Stoxx 50 Index and the Nikkei 225 Index, and securities, or any group of securities, issued by large capitalization U.S., European and Japanese companies.[20] In a typical swap transaction, one party agrees to make periodic payments to another party (''counterparty'') based on the change in market value or level of a specified rate, index, or asset. In return, the counterparty agrees to make periodic payments to the first party based on the return of a different specified rate, index, or asset. Swap transactions are usually done on a net basis, the Fund receiving or paying only the net amount of the two payments. In a typical dividend swap transaction, the Fund would pay the swap counterparty a premium and would be entitled to receive the value of the actual dividends paid on the subject index during the term of the swap contract. In a typical total return swap, the Fund might exchange long or short exposures to the return of the underlying securities or an underlying index to isolate the value of the dividends paid on the underlying securities or index constituents. The Fund also may engage in interest rate swap transactions. In a typical interest rate swap transaction one stream of future interest payments is exchanged for another. Such transactions often take the form of an exchange of a fixed payment for a variable payment based on a future interest rate. The Fund intends to use interest rate swap transactions to manage or hedge exposure to interest rate fluctuations. The Fund may invest up to 80% of its assets through swap transactions.[21]

The Fund will attempt to limit counterparty risk by entering into non-cleared swap, forward and option contracts only with counterparties the Adviser believes are creditworthy and by limiting the Fund's exposure to each counterparty. The Adviser will monitor the creditworthiness of each counterparty and the Fund's exposure to each counterparty on an ongoing basis.[22]

The Fund's investments in swaps, futures contracts, forward contracts and options will be consistent with the Fund's investment objective and with the requirements of the 1940 Act.[23]

Other Investments

In addition to the investments described above, the Fund may invest up to 20% of its net assets in high-quality, short-term debt securities and money market instruments.[24] Debt securities and money market

[20] The Fund will transact only with swap dealers that have in place an ISDA agreement with the Fund.

[21] Where practicable, the Fund intends to invest in swaps cleared through a central clearing house (''Cleared Swaps''). Currently, only certain of the interest rate swaps in which the Fund intends to invest are Cleared Swaps, while the dividend and total return swaps (including equity swaps) in which the Fund may invest are currently not Cleared Swaps.

[22] The Fund will seek, where possible, to use counterparties, as applicable, whose financial status is such that the risk of default is reduced; however, the risk of losses resulting from default is still possible. The Adviser will evaluate the creditworthiness of counterparties on an ongoing basis. In addition to information provided by credit agencies, the Adviser will evaluate each approved counterparty using various methods of analysis, such as, for example, the counterparty's liquidity in the event of default, the counterparty's reputation, the Adviser's past experience with the counterparty, and the counterparty's share of market participation.

[23] To limit the potential risk associated with such transactions, the Fund will segregate or ''earmark'' assets determined to be liquid by the Adviser in accordance with procedures established by the Trust's Board of Trustees and in accordance with the 1940 Act (or, as permitted by applicable regulation, enter into certain offsetting positions) to cover its obligations arising from such transactions. These procedures have been adopted consistent with Section 18 of the 1940 Act and related Commission guidance. In addition, the Fund will include appropriate risk disclosure in its offering documents, including leveraging risk. Leveraging risk is the risk that certain transactions of the Fund, including the Fund's use of derivatives, may give rise to leverage, causing the Fund to be more volatile than if it had not been leveraged. To mitigate leveraging risk, the Adviser will segregate or ''earmark'' liquid assets or otherwise cover the transactions that may give rise to such risk.

[24] The Fund may invest in shares of money market mutual funds to the extent permitted by the 1940 Act.

instruments include shares of fixed income or money market mutual funds, commercial paper, certificates of deposit, bankers' acceptances, U.S. Government securities (including securities issued or guaranteed by the U.S. government or its authorities, agencies, or instrumentalities), repurchase agreements [25] and bonds that are rated BBB or higher.

The Fund will not purchase the securities of issuers conducting their principal business activity in the same industry if, immediately after the purchase and as a result thereof, the value of the Fund's investments in that industry would equal or exceed 25% of the current value of the Fund's total assets, provided that this restriction does not limit the Fund's: (i) Investments in securities of other investment companies, (ii) investments in securities issued or guaranteed by the U.S. government, its agencies or instrumentalities, or (iii) investments in repurchase agreements collateralized by U.S. Government securities.[26]

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser, consistent with Commission guidance.[27] The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.[28]

The Fund may buy and sell individual large-capitalization equity securities listed for trading in the U.S., Europe and Japan.

The Fund may invest in the securities of other investment companies (including money market funds) to the extent permitted under the 1940 Act.

The Fund will be classified as a ''non-diversified'' investment company under the 1940 Act.[29]

The Fund intends to qualify for and to elect treatment as a separate regulated investment company (''RIC'') under Subchapter M of the Internal Revenue Code.[30]

The Fund's investments will be consistent with its investment objective and will not be used to provide multiple returns of a benchmark or to produce leveraged returns. The Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*i.e.,* 2Xs and 3Xs) of the Fund's primary broad-based securities benchmark index (as defined in Form N–1A).[31] The Trust's Exemptive Order does not place any limit on the amount of derivatives in which the Fund can invest (other than adherence to the requirements of the 1940 Act and the rules thereunder).

Creation and Redemption of Shares

According to the Registration Statement, the Fund will issue and redeem Shares only in Creation Units at the net asset value (''NAV'') next determined after receipt of an order on a continuous basis every business day. Creation Unit sizes are 25,000 Shares or more per Creation Unit. The Creation Unit size for the Fund may change.

The consideration for purchase of a Creation Unit of the Fund generally will consist of either (i) the in-kind deposit of a designated portfolio of securities (the ''Deposit Securities'') per each Creation Unit and the ''Cash Component'' (defined below), computed as described below or (ii) the cash value of the Deposit Securities (''Deposit Cash'') and the Cash Component, computed as described below. Because non-exchange traded derivatives are not eligible for in-kind transfer, they will be substituted with an amount of cash of equal value (*i.e.,* Deposit Cash) when the Fund processes purchases of Creation Units in-kind. Specifically, the Fund will not accept OTC options, forward contracts, dividend swap transactions, total return swap transactions and interest rate swap transactions as Deposit Securities. When accepting purchases of Creation Units for cash, the Fund may incur additional costs associated with the acquisition of Deposit Securities that would otherwise be provided by an in-kind purchaser. Together, the Deposit Securities or Deposit Cash, as applicable, and the Cash Component constitute the ''Fund Deposit,'' which represents the minimum initial and subsequent investment amount for a Creation Unit of the Fund. The ''Cash Component'' is an amount equal to the difference between the NAV of the Shares (per Creation Unit) and the market value of the Deposit Securities or Deposit Cash, as applicable. The Cash Component serves the function of compensating for any differences between the NAV per Creation Unit and the market value of the Deposit Securities or Deposit Cash, as applicable.

A portfolio composition file, to be sent via the National Securities Clearing Corporation (''NSCC''), will be made available on each business day, prior to the opening of business on the Exchange (currently 9:30 a.m., Eastern time) containing a list of the names and the required number of shares of each security in the Deposit Securities to be included in the current Fund Deposit for the Fund (based on information about the Fund's portfolio at the end of the previous business day). In addition, on each business day, the estimated Cash Component, effective through and including the previous business day, will be made available through NSCC.

The Fund Deposit is applicable for purchases of Creation Units of the Fund until such time as the next-announced Fund Deposit is made available. In accordance with the Exemptive Order, the Fund reserves the right to accept a

[25] The Fund may enter into repurchase agreements with banks and broker-dealers. A repurchase agreement is an agreement under which securities are acquired by a fund from a securities dealer or bank subject to resale at an agreed upon price on a later date. The acquiring fund bears a risk of loss in the event that the other party to a repurchase agreement defaults on its obligations and the fund is delayed or prevented from exercising its rights to dispose of the collateral securities.

[26] *See* Form N–1A, Item 9. The Commission has taken the position that a fund is concentrated if it invests more than 25% of the value of its total assets in any one industry. *See, e.g.,* Investment Company Act Release No. 9011 (October 30, 1975), 40 FR 54241 (November 21, 1975).

[27] 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).

[28] The Commission has stated that long-standing Commission guidelines have required open-end funds to hold no more than 15% of their net assets in illiquid securities and other illiquid assets. *See* Investment Company Act Release No. 28193 (March 11, 2008), 73 FR 14618 (March 18, 2008), footnote 34. *See also,* Investment Company Act Release No. 5847 (October 21, 1969), 35 FR 19989 (December 31, 1970) (Statement Regarding ''Restricted Securities''); Investment Company Act Release No. 18612 (March 12, 1992), 57 FR 9828 (March 20, 1992) (Revisions of Guidelines to Form N–1A). A fund's portfolio security is illiquid if it cannot be disposed of in the ordinary course of business within seven days at approximately the value ascribed to it by the fund. *See* Investment Company Act Release No. 14983 (March 12, 1986), 51 FR 9773 (March 21, 1986) (adopting amendments to Rule 2a–7 under the 1940 Act); Investment Company Act Release No. 17452 (April 23, 1990), 55 FR 17933 (April 30, 1990) (adopting Rule 144A under the 1933 Act).

[29] The diversification standard is set forth in Section 5(b)(1) of the 1940 Act.

[30] 26 U.S.C. 851 *et seq.*

[31] The Fund's broad-based securities benchmark index will be identified in a future amendment to the Registration Statement following the Fund's first full calendar year of performance.

nonconforming Fund Deposit. In addition, the composition of the Deposit Securities may change as, among other things, corporate actions and investment decisions by the Adviser are implemented for the Fund's portfolio.

All purchase orders must be placed by or through an ''Authorized Participant''. An Authorized Participant must be either a broker-dealer or other participant in the Continuous Net Settlement System (''Clearing Process'') of the NSCC or a participant in The Depository Trust Company (''DTC'') with access to the DTC system, and must execute an agreement with the Distributor that governs transactions in the Fund's Creation Units. In-kind portions of purchase orders will be processed through the Clearing Process when it is available.

Fund Shares may be redeemed only in Creation Units at their NAV next determined after receipt of a redemption request in proper form by the Fund through the Distributor and only on a business day. The Fund, through the NSCC, will make available immediately prior to the opening of business on the Exchange on each business day, the list of the names and quantities of the Fund's portfolio securities that will be applicable (subject to possible amendment or correction) to redemption requests received in proper form on that day (''Fund Securities''). Redemption proceeds for a Creation Unit will be paid either in-kind or in cash or a combination thereof, as determined by the Trust. With respect to in-kind redemptions of the Fund, redemption proceeds for a Creation Unit will consist of Fund Securities plus cash in an amount equal to the difference between the NAV of the Shares being redeemed, as next determined after a receipt of a request in proper form, and the value of the Fund Securities (the ''Cash Redemption Amount''). In the event that the Fund Securities have a value greater than the NAV of the Shares, a compensating cash payment equal to the differential will be required to be made by or through an Authorized Participant by the redeeming shareholder. Notwithstanding the foregoing, at the Trust's discretion, an Authorized Participant may receive the corresponding cash value of the securities in lieu of the in-kind securities representing one or more Fund Securities.[32] Because non-exchange traded derivatives are not eligible for in-kind transfer, they will be substituted with an amount of cash of equal value when the Fund processes redemptions of Creation Units in-kind. Specifically, the Fund will transfer the corresponding cash value of OTC options, forward contracts, dividend swap transactions, total return swap transactions and interest rate swap transactions in lieu of in-kind securities. In accordance with the Exemptive Order, the Fund also reserves the right to distribute to the Authorized Participant non-conforming Fund Securities.

The right of redemption may be suspended or the date of payment postponed: (i) For any period during which the New York Stock Exchange (''NYSE'') is closed (other than customary weekend and holiday closings); (ii) for any period during which trading on the NYSE is suspended or restricted; (iii) for any period during which an emergency exists as a result of which disposal of the Shares or determination of the Fund's NAV is not reasonably practicable; or (iv) in such other circumstances as permitted by the Commission.

For an order involving a Creation Unit to be effectuated at the Fund's NAV on a particular day, it must be received by the Distributor by or before the deadline for such order (''Order Cut-Off Time''). The Order Cut-Off Time for creation and redemption orders for the Fund is generally expected to be 4:00 p.m. Eastern Time. Orders for creation or redemption of Creation Units for cash generally must be submitted by 4:00 p.m. Eastern Time. A standard creation or redemption transaction fee (as applicable) will be imposed to offset transfer and other transaction costs that may be incurred by the Fund.

Detailed descriptions of the Fund's procedures for creating and redeeming Shares, transaction fees and expenses, dividends, distributions, taxes, risks, and reports to be distributed to beneficial owners of the Shares can be found in the Registration Statement or on the Web site for the Fund (which will be publicly available prior to the public offering of Shares), as applicable.

Determination of Net Asset Value

The Fund will calculate its NAV by: (i) Taking the current market value of its total assets; (ii) subtracting any liabilities; and (iii) dividing that amount by the total number of Shares outstanding. The Fund will calculate NAV once each business day as of the regularly scheduled close of trading on the NYSE (normally, 4:00 p.m., Eastern Time) as described in its Registration Statement.

In calculating the Fund's NAV per Share, the Fund's investments will be valued in accordance with procedures approved by the Trust's Board of Trustees. These procedures, which may be changed by the Trust's Board of Trustees from time to time, generally require investments to be valued using market valuations. A market valuation generally means a valuation (i) obtained from an exchange, an independent pricing service, or a major market maker (or dealer), (ii) based on a price quotation or other equivalent indication of value supplied by an exchange, an independent pricing service, or a major market maker (or dealer) or (iii) based on amortized cost. The Trust may use various independent pricing services, or discontinue the use of any independent pricing service, as determined by the Trust's Board of Trustees from time to time.

The Trust will generally value exchange-listed equity securities (which include common stocks and ETFs) and exchange-listed options on such securities at market closing prices. Market closing price is generally determined on the basis of last reported sales prices, or if no sales are reported, based on the midpoint between the last reported bid and ask. The Trust will generally value listed futures at the settlement price determined by the applicable exchange. Non-exchange-traded derivatives, such as forwards, OTC options and swap transactions, will normally be valued on the basis of quotations or equivalent indication of value supplied by an independent pricing service or major market makers or dealers. Investment company securities (other than ETFs) will be valued at NAV. Debt securities and money market instruments generally will be valued based on prices provided by independent pricing services, which may use valuation models or matrix pricing to determine current value. The Trust generally will use amortized cost to value debt securities and money market instruments that have a remaining maturity of 60 days or less.

In the event that current market valuations are not readily available or the Trust or Adviser believes such valuations do not reflect current market value, the Trust's procedures require that a security's fair value be determined.[33] In determining such

[32] The Adviser represents that, to the extent the Trust effects the redemption of Shares in cash, such transactions will be effected in the same manner for all Authorized Participants.

[33] The Trust's Board of Trustees has established Fair Value Procedures, in accordance with the 1940 Act, governing the valuation of any portfolio investments for which market quotations or prices are not readily available. The Fund has implemented procedures designed to prevent the use and dissemination of material, non-public

Continued

value the Trust or the Adviser may consider, among other things, (i) price comparisons among multiple sources, (ii) a review of corporate actions and news events, and (iii) a review of relevant financial indicators (*e.g.,* movement in interest rates, market indices, and prices from the Fund's index providers). In these cases, the Fund's NAV may reflect certain portfolio securities' fair values rather than their market prices. Fair value pricing involves subjective judgments and it is possible that the fair value determination for a security is materially different than the value that could be realized upon the sale of the security.

Availability of Information

The Fund's Web site, *www.realityshares.com,* which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Fund that may be downloaded. The Fund's Web site will include additional quantitative information updated on a daily basis, including, for the Fund, (1) the prior business day's reported closing price, NAV and mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[34] and a calculation of the premium and discount of the Bid/Ask Price against the NAV, and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Fund will disclose on its Web site the Disclosed Portfolio (as such term is defined in NYSE Arca Equities Rule 8.600(c)(2)) that will form the basis for the Fund's calculation of NAV at the end of the business day.[35]

On a daily basis, the Fund will disclose on the Fund's Web site the following information regarding each portfolio holding, as applicable to the type of holding: Ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding, such as the type of swap); the identity of the security, commodity, index or other asset or instrument underlying the holding, if any; for options, the option strike price; quantity held (as measured by, for example, par value, notional value or number of shares, contracts or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and the percentage weighting of the holding in the Fund's portfolio. The Web site information will be publicly available at no charge.

In addition, a portfolio composition file, which includes the security names and share quantities required to be delivered in exchange for the Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of the NYSE via NSCC. The portfolio composition file will represent one Creation Unit of Shares of the Fund.

Investors can also obtain the Trust's Statement of Additional Information (''SAI''), the Fund's Shareholder Reports, and the Trust's Form N–CSR and Form N–SAR, filed twice a year. The Trust's SAI and Shareholder Reports are available free upon request from the Trust, and those documents and the Form N–CSR and Form N–SAR may be viewed on-screen or downloaded from the Commission's Web site at *www.sec.gov.* Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the Shares will be available via the Consolidated Tape Association (''CTA'') high-speed line. In addition, the Portfolio Indicative Value (''PIV'') as defined in NYSE Arca Equities Rule 8.600(c)(3), will be widely disseminated at least every 15 seconds during the Core Trading Session by one or more major market data vendors.[36] The dissemination of the PIV, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of the Fund on a daily basis and will provide a close estimate of that value throughout the trading day. The intra-day, closing and settlement prices of the portfolio securities and other Fund investments, including ETFs, futures and exchange-traded equities and options, will also be readily available from the national securities exchanges trading such securities, automated quotation systems, published or other public sources, and, with respect to OTC options, swaps and forwards, from third party pricing sources, or on-line information services such as Bloomberg or Reuters. Price information regarding investment company securities other than ETFs will be available from on-line information services and from the Web site for the applicable investment company security. The intra-day, closing and settlement prices of debt securities and money market instruments will be readily available from published and other public sources or on-line information services.

Additional information regarding the Trust and the Shares, including investment strategies, risks, creation and redemption procedures, fees, portfolio holdings disclosure policies, distributions and taxes is included in the Registration Statement. All terms relating to the Fund that are referred to, but not defined in, this proposed rule change are defined in the Registration Statement.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund.[37] Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments comprising the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on

information regarding valuation of any portfolio investments.

[34] The Bid/Ask Price of the Fund will be determined using the mid-point of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

[35] Under accounting procedures to be followed by the Fund, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Accordingly, the Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

[36] Currently, it is the Exchange's understanding that several major market data vendors display and/or make widely available PIVs taken from the CTA or other data feeds.

[37] *See* NYSE Arca Equities Rule 7.12.

the NYSE Arca Marketplace from 4:00 a.m. to 8:00 p.m. Eastern Time in accordance with NYSE Arca Equities Rule 7.34 (Opening, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, Commentary .03, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

The Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.600. The Exchange represents that, for initial and/or continued listing, the Fund will be in compliance with Rule 10A–3 [38] under the Act, as provided by NYSE Arca Equities Rule 5.3. A minimum of 100,000 Shares for the Fund will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio as defined in NYSE Arca Equities Rule 8.600(c)(2) will be made available to all market participants at the same time.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[39] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares, exchange-listed equity securities, ETFs, futures contracts and exchange-traded options contracts with other markets and other entities that are members of the ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares, exchange-listed equity securities, ETFs, futures contracts and exchange-traded options contracts from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, exchange-listed equity securities, ETFs, futures contracts and exchange-traded options contracts from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[40] FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's Trade Reporting and Compliance Engine (''TRACE'').

Not more than 10% of the assets of the Fund in the aggregate invested in exchange-traded equity securities shall consist of equity securities whose principal market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement. Furthermore, not more than 10% of the net assets of the Fund in the aggregate invested in futures contracts or exchange-traded options shall consist of futures contracts or options whose principal market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit (''ETP'') Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Unit aggregations (and that Shares are not individually redeemable); (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated PIV will not be calculated or publicly disseminated; (4) how information regarding the PIV is disseminated; (5) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Bulletin will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Bulletin will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. The Bulletin will also disclose that the NAV for the Shares will be calculated after 4:00 p.m. Eastern time each trading day.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) [41] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.600. The Shares will be subject to the existing trading surveillances, administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange. The Adviser is not registered as a broker-dealer and is not affiliated with any broker-dealers. In the event (a) the Adviser or any sub-adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, they will implement a fire wall with respect to their relevant personnel or broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to

[38] 17 CFR 240.10A–3.

[39] 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.

[40] 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 the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[41] 15 U.S.C. 78f(b)(5).

prevent the use and dissemination of material non-public information regarding such portfolio. The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser. FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares, exchange-listed equity securities, ETFs, futures contracts and exchange-traded options contracts with other markets and other entities that are members of the ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares, exchange-listed equity securities, ETFs, futures contracts and exchange-traded options contracts from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, exchange-listed equity securities, ETFs, futures contracts and exchange-traded options contracts from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's TRACE. Not more than 10% of the assets of the Fund in the aggregate invested in exchange-traded equity securities shall consist of equity securities whose principal market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement. Furthermore, not more than 10% of the net assets of the Fund in the aggregate invested in futures contracts or exchange-traded options shall consist of futures contracts or options whose principal market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information is publicly available regarding the Fund and the Shares, thereby promoting market transparency. Moreover, the PIV will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Core Trading Session. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Fund will disclose on its Web site the Disclosed Portfolio that will form the basis for the Fund's calculation of NAV at the end of the business day. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information will be available via the CTA high-speed line. The intra-day, closing and settlement prices of the portfolio securities and other Fund investments, including ETFs, futures and exchange-traded equities and options, will also be readily available from the national securities exchanges trading such securities, automated quotation systems, published or other public sources, and, with respect to OTC options, swaps and forwards, from third party pricing sources, or on-line information services such as Bloomberg or Reuters. Price information regarding investment company securities other than ETFs will be available from on-line information services and from the Web site for the applicable investment company security. The intra-day, closing and settlement prices of debt securities and money market instruments will be readily available from published and other public sources or on-line information services. The Web site for the Fund will include the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Moreover, prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the PIV, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Shares will be subject to the existing trading surveillances, administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange. FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares, exchange-listed equity securities, ETFs, futures contracts and exchange-traded options contracts with other markets and other entities that are members of the ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares, exchange-listed equity securities, ETFs, futures contracts and exchange-traded options contracts from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, exchange-listed equity securities, ETFs, futures contracts and exchange-traded options contracts from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's TRACE. Not more than 10% of the assets of the Fund in the aggregate invested in exchange-traded equity securities shall consist of equity securities whose principal market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement. Furthermore, not more than 10% of the net assets of the Fund in the aggregate invested in futures contracts or exchange-traded options shall consist of futures contracts or options whose principal market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the PIV, the Disclosed Portfolio, and quotation and last sale information for the Shares. The Fund's investments will be consistent with its investment objective and will not be used to provide multiple returns of a benchmark or to produce

leveraged returns. The Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*i.e.,* 2Xs and 3Xs) of the Fund's primary broad-based securities benchmark index (as defined in Form N–1A).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Proceedings To Determine Whether To Approve or Disapprove File No. SR–NYSEArca–2014–20 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act [42] to determine whether the proposed rule change, as modified by Amendment Nos. 3 and 5 thereto, 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. As noted above, institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change to inform the Commission's analysis of whether to approve or disapprove the proposed rule change, as modified by Amendment Nos. 3 and 5.

Pursuant to Section 19(b)(2)(B) of the Act,[43] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade,'' and ''to protect investors and the public interest.'' [44]

IV. Procedure: Request for Written Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended by Amendment Nos. 3 and 5, is consistent with Section 6(b)(5) of the Act 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.[45]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by July 7, 2014. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by July 18, 2014.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2014–20 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2014–20. 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–NYSEArca–2014–20 and should be submitted on or before July 7, 2014. Rebuttal comments should be submitted by July 18, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[46]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–13819 Filed 6–12–14; 8:45 am]

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[42] 15 U.S.C. 78s(b)(2)(B).

[43] *Id.*

[44] 15 U.S.C. 78f(b)(5).

[45] Section 19(b)(2) of the Act, as amended by the Securities Act 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. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[46] 17 CFR 200.30–3(a)(12) and 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72349; File No. SR–NYSEArca–2014–66]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Reflect a Change to the Reference Index Relating to the Columbia Select Large Cap Value ETF

June 9, 2014.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on June 2, 2014, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

change, as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to reflect a change to the reference index relating to the Columbia Select Large Cap Value ETF (formerly, Grail American Beacon Large Cap Value ETF). Shares of the Fund are currently listed and traded on the Exchange. 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The Commission has approved listing and trading on the Exchange of shares (''Shares'') of the Columbia Select Large Cap Value ETF (formerly, Grail American Beacon Large Cap Value ETF) (''Fund''), a series of Columbia ETF Trust (''Trust'') (formerly, the Grail Advisors ETF Trust) [4] under NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares. Shares of the Fund are currently listed and traded on the Exchange.

The Shares are offered by the Trust, which is registered with the Commission as an open-end management investment company.[5] The investment advisor to the Fund is Columbia Management Investment Advisers, LLC (the ''Investment Manager'').[6]

In this proposed rule change, the Exchange proposes to reflect a change to the index that the Investment Manager will utilize to implement the Fund's investment objective, as described below.[7]

The Prior Release stated that the Fund's investment objective is long-term capital appreciation and current income; that, ordinarily, at least 80% of the Fund's net assets (plus the amount of any borrowings for investment purposes) would be invested in equity securities of large market capitalization U.S. companies; and that these companies generally have market capitalizations similar to the market capitalizations of the companies in the Russell 1000® Index at the time of investment.[8] The Prior Release further stated that the Fund's investment sub-advisers will select stocks that, in their opinion, have most or all of the following characteristics (relative to the Russell 1000® Index): Above-average earnings growth potential; below-average price to earnings ratio; below-average price to book value ratio; and above-average dividend yields.[9]

Going forward, whether day-to-day portfolio management of the Fund is provided by the Investment Manager or a sub-adviser selected by the Investment Manager, the Investment Manager wishes to revise the description of what constitutes equity securities of ''large market capitalization U.S. companies'' from the market capitalization range of the Russell 1000® Index to companies with market capitalizations similar to the market capitalizations of the companies in the Russell 1000® Value Index at the time of investment.[10] The Investment Manager represents that it has managed the Fund consistent with the range of the Russell 1000® Index; however, the Investment Manager believes that the Russell 1000 Value® Index will better reflect the Fund's ''value'' style of investing.[11]

The Investment Manager represents that there is no change to the Fund's investment objective. The Fund will

[4] *See* Securities Exchange Act Release No. 59826 (April 28, 2009), 74 FR 20512 (May 4, 2009) (SR–NYSEArca–2009–22) (''Prior Order''). *See also* Securities Exchange Act Release No. 59651 (March 30, 2009), 74 FR 15548 (April 6, 2009) (SR–NYSEArca–2009–22) (''Prior Notice,'' and together with the Prior Order, the ''Prior Release'').

[5] The Trust is registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act''). On April 14, 2014, the Trust filed with the Commission an amendment to its registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a), and under the 1940 Act relating to the Fund (File Nos. 333–148082 and 811–22154) (''Registration Statement''). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 28604 (January 16, 2009) (File No. 812–13440) (''Exemptive Order'').

[6] The previous investment manager for the Fund was Grail Advisors LLC, a majority-owned subsidiary of Grail Partners LLC. The Fund previously was sub-advised by American Beacon Advisors, Inc.

[7] The changes described herein will be effective upon filing with the Commission of another amendment to the Fund's Registration Statement. *See* note 5, *supra.* The Investment Manager represents that it will manage the Fund in the manner described in the Prior Release, and will not implement the changes described herein until the instant proposed rule change is operative.

[8] The Russell 1000 Index measures the performance of the 1,000 largest U.S. companies based on total market capitalization. The Prior Release stated that the Fund's investments may include common stocks, preferred stocks, securities convertible into U.S. common stocks, U.S. dollar-denominated American Depositary Receipts, and U.S. dollar-denominated foreign stocks traded on U.S. exchanges, and that the Fund will not purchase or sell securities in markets outside the U.S.

[9] The Fund currently does not have a sub-adviser. The activities of the sub-advisers described in the Prior Release have been assumed by the Investment Manager, but the Investment Manager may, in the future, employ for the Fund the services of an investment sub-adviser or sub-advisers. The Investment Manager is not registered as a broker-dealer, but is affiliated with a broker-dealer, and has implemented a ''fire wall'' with respect to such broker-dealer regarding access to information concerning the composition and/or changes to the Fund's portfolio. If the Investment Manager elects to hire a sub-adviser for the Fund that is registered as a broker-dealer or is affiliated with a broker-dealer, such sub-adviser will implement a fire wall with respect to its relevant personnel or broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

In the event (a) the Investment Manager becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer, or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel or its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

[10] The Russell 1000 Value® Index, which is a subset of the Russell® 1000 Index, measures the performance of the large-cap value segment of the U.S. equity universe. It includes those Russell 1000 companies with lower price-to-book ratios and lower expected growth values. The Russell 1000 Value Index is reconstituted annually. The Fund's current performance benchmark is the Russell 1000 Value® Index, as reflected in the Registration Statement.

[11] According to the Registration Statement, the Investment Manager considers a variety of factors in identifying opportunities and constructing the Fund's portfolio which may include, among others, a low price-to-earnings ratio; positive change in senior management; positive corporate restructuring; temporary setback in price due to factors that no longer exist or are ending; a positive shift in the company's business cycle; and/or a catalyst for increase in the rate of the company's earnings growth. These factors may change over time.

continue to comply with all initial and continued listing requirements under NYSE Arca Equities Rule 8.600.

Except for the changes noted above, all other facts presented and representations made in the Prior Release remain unchanged.

All terms referenced but not defined herein are defined in the Prior Release.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) [12] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices, and is designed to promote just and equitable principles of trade and to protect investors and the public interest, in that the Investment Manager represents that there is no change to the Fund's investment objective and the Investment Manager believes that the Russell 1000 Value® Index better reflects the Fund portfolio managers' value style of investing. In addition, the Investment Manager notes that the Fund's current performance benchmark is the Russell 1000 Value® Index.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that the Fund will continue to comply with all initial and continued listing requirements under NYSE Arca Equities Rule 8.600. The Investment Manager represents that there is no change to the Fund's investment objective. Except for the changes noted above, all other representations made in the Prior Release remain unchanged.

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 will accommodate continued listing and trading of an issue of Managed Fund Shares that, ordinarily, principally holds large-capitalization, U.S. exchange-listed equities.

[12] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the 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, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [13] and Rule 19b–4(f)(6)(iii) thereunder.[14]

A proposed rule change filed under Rule 19b–4(f)(6) [15] normally does not become operative for 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [16] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requests that the Commission waive the 30-day operative delay to accommodate the proposed change without delay. The Exchange states that the Shares of the Fund are currently listed and trading.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest.[17] As stated in this proposal, the proposed change does not alter the Fund's investment objective. Under the proposal, the Exchange seeks to change the description of what constitutes equity securities of ''large market capitalization U.S. companies'' from the market capitalization range of the Russell 1000® Index to companies with market capitalizations similar to the market capitalizations of the companies in the Russell 1000® Value Index at the time of investment. The Commission notes that the Russell 1000 Value® Index, which measures the performance of the large-cap value segment of the U.S. equity universe, is a subset of the Russell® 1000 Index. The Commission further notes that the Fund's current performance benchmark is the Russell 1000 Value® Index, as reflected in the Registration Statement. The Exchange represents that, except for this change, all other facts and representations made in the Prior Release remain unchanged, and the Fund will continue to comply with all initial and continued listing requirements under NYSE Arca Equities Rule 8.600. Because the proposed change does not alter the Fund's investment objective and does not raise any novel or unique regulatory issues, the Commission designates the proposed rule change as operative upon filing.

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.

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give 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. The Exchange has satisfied this requirement.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2014–66 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2014–66. 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 will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2014–66 and should be submitted on or before July 7, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–13821 Filed 6–12–14; 8:45 am]

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[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72348; File No. SR–BOX–2014–17]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Penny Pilot Program

June 9, 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 June 5, 2014, BOX Options Exchange LLC (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 self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7260 to extend, through December 31, 2014, the pilot program that permits certain classes to be quoted in penny increments (''Penny Pilot Program''). The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://boxexchange.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to extend the effective time period of the Penny Pilot Program that is currently scheduled to expire on June 30, 2014, for an additional six months, through December 31, 2014.[3] The Penny Pilot Program permits certain classes to be quoted in penny increments. The minimum price variation for all classes included in the Penny Pilot Program, except for the QQQs, SPY and IWM, will continue to be $0.01 for all quotations in options series that are quoted at less than $3 per contract and $0.05 for all quotations in options series that are quoted at $3 per contract or greater. The QQQs, SPY and IWM, will continue to be quoted in $0.01 increments for all options series.

The Exchange may replace any Pilot Program classes that have been delisted on the second trading day following July 1, 2014. The replacement classes will be selected based on trading activity for the six month period beginning December 1, 2013, and ending May 31, 2014. The Exchange will employ the same parameters to prospective replacement classes as approved and applicable under the Pilot Program, including excluding high-priced underlying securities. The Exchange will distribute a Regulatory Circular notifying Participants which replacement classes shall be included in the Penny Pilot Program.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[4] in general, and Section 6(b)(5) of the Act,[5] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general protect investors and the public interest.

In particular, the proposed rule change, which extends the Penny Pilot for an additional six months through December 31, 2014 and changes the date for replacing Penny Pilot issues that were delisted to the second trading day following July 1, 2014, will enable public customers and other market participants to express their true prices to buy and sell options for the benefit of all market participants. This is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, this proposal is pro-competitive because it allows Penny Pilot issues to continue trading on the Exchange. Moreover, the Exchange believes that the proposed rule change will allow for further analysis of the Pilot and a determination of how the

[3] The Penny Pilot Program has been in effect on the Exchange since its inception in May 2012. See Securities Exchange Act Release Nos. 66871 (April 27, 2012) 77 FR 26323 (May 3, 2012) (File No. 10–206, In the Matter of the Application of BOX Options Exchange LLC for Registration as a National Securities Exchange Findings, Opinion, and Order of the Commission), 67328 (June 29, 2012) 77 FR 40123 (July 6, 2012) (SR–BOX–2012–007), 68425 (December 13, 2012), 77 FR 75234 (December 19, 2013) (SR–BOX–2012–021), 69789 (June 18, 2013), 78 FR 37854 (June 24, 2013) (SR–BOX–2013–31), and 71056 (December 12, 2013), 78 FR 76691 (December 18, 2013) (SR–BOX–2013–56). The extension of the effective date and the revision of the dates to replace issues that have been delisted are the only changes to the Penny Pilot Program being proposed at this time.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

Pilot should be structured in the future; and will serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection. The Pilot is an industry wide initiative supported by all other option exchanges. The Exchange believes that extending the Pilot will allow for continued competition between market participants on the Exchange trading similar products as their counterparts on other exchanges, while at the same time allowing the Exchange to continue to compete for order flow with other exchanges in option issues trading as part of the Pilot.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to paragraph (A) of section 19(b)(3) of the Exchange Act [6] and Rule 19b–4(f)(6) thereunder.[7] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [8] and Rule 19b–4(f)(6)(iii) thereunder.[9]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of filing.[10] However, pursuant to Rule 19b–4(f)(6)(iii),[11] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because doing so will allow the Pilot Program to continue without interruption in a manner that is consistent with the Commission's prior approval of the extension and expansion of the Pilot Program and would allow replacement of Penny Pilot classes that have been delisted. Accordingly, the Commission designates the proposed rule change as operative upon filing with the Commission.[12]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BOX–2014–17 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–BOX–2014–17. 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–BOX–2014–17 and should be submitted on or before July 7, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary .

[FR Doc. 2014–13820 Filed 6–12–14; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(6).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6)(iii).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this pre-filing requirement.

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72351; File No. SR–Phlx–2014–39]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Rule 1080.08

June 9, 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 June 3, 2014, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 1080.08 as follows: (1) To exclude the existence of any contingencies from the broadcast message; (2) to address the priority of orders/COLA Sweeps executing after a COLA; and (3) to add reference to specific order types and contingencies applicable to Complex Orders.

The text of the proposed rule change is below; proposed new language is italicized; proposed deletions are in brackets.

* * * * *

Rule 1080. Phlx XL and Phlx XL II

(a)–(p) No change.

••• Commentary: ————

.01–.07 No change.

.08 Complex Orders on Phlx XL.

(a) No change.

(b) Complex orders may be entered in increments of $0.01 *with certain ''time in force'' designations and as certain order types with certain contingencies* as follows:

(i)–(iv) No change.

(v) Complex Orders may be submitted as:

All-or-none orders—to be executed in its entirety or not at all. These orders can only be submitted for non-broker-dealer customers.

Cancel-replacement orders—require the immediate cancellation of a previously received order prior to the replacement of a new order with new terms and conditions. If the previously placed order is already filled partially or in its entirety the replacement order is automatically canceled or reduced by such number.

Limit orders—to be executed at a specified price or better.

Market orders—to be executed at the best price available at the time of execution.

(c)–(d) No change.

(e) Process for Complex Order Live Auction (''COLA''). Complex Orders on the Complex Order Book (''CBOOK,'' as defined below) may be subject to an automated auction process.

(i) No change.

(ii) Initiation of a COLA. Upon the identification of the COLA-eligible order by the Phlx XL system, the Exchange will send a broadcast message to Phlx XL participants indicating that a COLA has been initiated. The broadcast message will identify the Complex Order Strategy, and the size, side and price of the COLA-eligible order [and any contingencies, if applicable (such as, without limitation, All-Or-None)].

(iii) COLA Timer. The COLA will begin with a timing mechanism (a ''COLA Timer''), which is a counting period not to exceed five (5) seconds during which Phlx XL participants may submit bids or offers that improve the cPBBO. The COLA Timer will be set for the same number of seconds for all options trading on the Exchange as determined by the Exchange and communicated to membership on the Exchange's Web site. Complex Orders may be cancelled at any time prior to the commencement of a COLA.

(iv) Bidding and Offering in Response to a COLA. Phlx XL participants may bid and/or offer on either or both side(s) of the market during the COLA Timer by submitting one or more bids or offers that improve the cPBBO, known as a ''COLA Sweep.''

(A)–(D) No change.

(v) No change.

(vi) Allocation and Priority. As stated above, COLA-eligible orders, COLA Sweeps, and responsive Complex Orders will trade first based on the best price or prices available at the end of the COLA Timer.

(A) (1)–(3) No change.

(B) If multiple customer Complex Orders, COLA Sweeps, Phlx XL participant Complex Orders and/or non-customer off-floor broker-dealer Complex Orders are eligible for execution against the COLA-eligible order at the same price, the trade will be allocated among participants submitting electronic Complex Orders and COLA Sweeps as set forth below. Executions in the COLA will comply with the requirements of Exchange Rule 1080.08(c)(iii) above. For allocation purposes, the size of a COLA Sweep or responsive Complex Order received during the COLA Timer shall be limited to the size of the COLA-eligible order.

(1) First, to customer marketable Complex Orders on the CBOOK (as defined below) in the order in which they were received;

(2) Second, to COLA Sweeps [on a size pro-rata basis;

(3) Third, to] *and* SQTs, RSQTs, and non-SQT ROTs who have submitted Complex Orders that are marketable against the COLA-eligible order, on a size pro-rata basis; *and*

[(4) Fourth]*(3) Third,* to non-market maker off-floor broker-dealers on a size pro-rata basis.

(C)–(D) No change.

(vii)–(ix) No change.

(f)–(i) No change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposal is to correct the rule text to provide clarity to Phlx Participants regarding the trading of Complex Orders on the Exchange. The Exchange's Complex Order System, which is governed by Rule 1080.08, includes the Complex Order Live Auction (''COLA''), an automated auction for seeking additional liquidity and price improvement for Complex Orders. When the Exchange receives a COLA-eligible order that triggers a COLA, the system broadcasts information about the COLA-eligible order—the ''COLA Message.'' The duration of the COLA is fixed and measured by a COLA Timer. During the COLA Timer, the rule provides that Phlx XL participants [3] may submit ''COLA Sweeps,'' which are bids and/or offers on either or both side(s) of the market by submitting one or more bids or offers that improve the cPBBO.[4] Also during the COLA Timer, Phlx members may enter other Complex Orders at any price. While COLA Sweeps are submitted in direct response to a COLA-eligible order, Complex Orders may or may not be submitted in direct response to a COLA-eligible order.

COLA Message

Currently, upon the identification of the COLA-eligible order by the Phlx XL system, the Exchange will broadcast a COLA Message to Phlx XL participants indicating that a COLA has been initiated. The COLA Message identifies the Complex Order Strategy, the size, side and price of the COLA-eligible order.[5] The COLA Message is sent over TOPO Plus Orders,[6] the Exchange's market data feed for subscribers interested in the detailed information it offers, including messages relating to Complex Orders. The Specialized Quote Feed (''SQF'') also contains COLA Messages.[7] Like auction messages on multiple exchanges, the COLA Message

[3] COLA Sweeps can only be entered by Phlx XL Participants who quote electronically as market makers for their own account (Streaming Quote Traders (''SQTs''), Remote Streaming Quote Traders (''RSQTs'') and specialists). Because non-SQT ROTs do not quote electronically, they cannot enter COLA Sweeps, which are electronic. *See* Rule 1014(b)(ii)(C) and Rule 1080.08(e)(ix).

[4] The cPBBO is the best net debit or credit price for a Complex Order based on the PBBO for the individual options components of such Complex Order, and, where the underlying security is a component of the Complex Order, the National Best Bid and/or Offer for the underlying security. *See* Rule 1080.08(a)(iv).

[5] The Exchange recently added the price and side of the market to the COLA Message. *See* Securities Exchange Act Release No. 70271 (August 27, 2013), 78 FR 54340 (September 3, 2013) (SR–Phlx–2013–88).

[6] Securities Exchange Act Release No. 60877 (October 26, 2009), 74 FR 56255 (October 30, 2009) (SR–Phlx–2009–92).

[7] Securities Exchange Act Release No. 63034 (October 2, 2010), 75 FR 62441 (October 8, 2010) (SR–Phlx–2010–124).

is designed to attract responsive interest.

The Exchange now proposes to delete reference in the rule text to the contingencies that an order might have. Testing has recently revealed that the rule text is inaccurate; contingencies are not included in the COLA Message.[8] Two contingencies apply to Complex Orders: all-or-none and cancel-replace. An all-or-none order is a contingency order that is a market or limit order which is to be executed in its entirety or not at all.[9] An all-or-none order can execute against multiple orders, as long as it is executed in full. All-or-none Complex Orders can only be submitted for non-broker-dealer customers, the same as for non-Complex Orders.[10] A cancel-replacement order is a contingency order that require the immediate cancellation of a previously received order prior to the replacement of a new order with new terms and conditions. If the previously placed order is already filled partially or in its entirety the replacement order is automatically canceled or reduced by such number.

The Exchange believes that it is appropriate to broadcast a COLA Message without revealing a Complex Order's contingencies, because such contingencies are not a material term of the order. The Exchange does not believe that including or excluding that an order is an all-or-none order or a cancel-replacement order significantly affects whether a participant will respond to a particular COLA, which is the purpose of the COLA Message. Of course, the fact than an order is an all-or-none order will affect what order it can execute against, depending upon the size of each order. Nevertheless, the Exchange believes that participants would not decide whether to respond to a COLA based on the all-or-none contingency on the order initiating the COLA. If a participant could see that a particular order is an all-or-none order for a large size and such participant intended to submit a smaller order, the participant might assume that an execution would be unlikely; however, another participant could enter an order that caused there to be enough size to execute the all-or-none order. Thus, the information that an order is an all-or-none order is not enough information for a participant submitting an order for a size smaller than the all-or-none order to definitively predict whether it will execute, because of other orders [11] and market factors. Although a participant might choose to response with an order for a size equal to or greater than the all-or-none order, the Exchange believes that participants enter orders for a size that reflects their true interest, strategy and risk profile and are not influenced by the existence of an all-or-none contingency on an order.

The Exchange notes that all-or-none orders are rare. Specifically, in August 2013, only 0.04% of COLAs were initiated by all-or-none orders. Furthermore, from February 2013 through July 2013, less than .05% of COLAs were initiated by all-or-none orders. In addition, only 0.12% of all Complex Orders from February 2013 through July 2013 were entered as all-or-none orders. Accordingly, excluding from the COLA message that an order is an all-or-none should not have a significant impact on participants or on COLAs.

With respect to cancel-replacement orders, the cancellation aspect of the order has no impact on the contra-side. The way the contingency operates is that the first order is entered as a normal Complex Order without a contingency, and it is later followed by a second order with has a cancel-replace contingency. The first order is then cancelled, fulfilling the contingency on the second order.[12] Therefore, if the first order starts a COLA, even if the Exchange displayed contingencies in a COLA Message, such order would not have one. If the second order starts a COLA, it no longer has a contingency and therefore display of the contingency would not be relevant. Accordingly, the Exchange does not believe there would be any impact on responses whether or not the cancellation contingency is shown in the COLA message.

Although the Exchange stated in its rule that contingency information would be included in the COLA message, the Exchange did not build a field to include that information and did not therefore include reference to this information in its specification document to participants seeking to receive its data feeds. The Exchange is not aware that any participant asked for such contingency information, even though it appears in the rule text.

Other types of contingencies are listed in Rule 1066,[13] but these do not apply to Complex Orders, because they are inconsistent with having multiple components. For example, stop and stop-limit orders,[14] Opening-Only-Market Orders and Limit on Opening orders are all particular to one option series. The Exchange has not received requests for these order types to be made available. The Exchange proposes to make clear what order designations are available respecting Complex Orders by adopting Rule 1080.08(b)(v), which will provide that Complex Orders may be submitted as: All-or-none orders; [15]

[8] However, contingencies are included in the *order message* sent over TOPO Plus Orders. Complex Order messages merely show that a Complex Order was received, including the details of those orders, and are sent when such order is received; COLA Messages indicate that a COLA is beginning and are therefore sent when a COLA begins. Both Complex Order messages and COLA messages are available to all who subscribe to the PHLX Orders feed (which is a subset of the TOPO Plus Orders feed); the feed is available to all participants seeking to subscribe. *See http://nasdaqtrader.com/Trader.aspx?id=DPSpecs#options_x* for a description of Exchange feeds.

[9] *See* Rule 1066(c)(4).

[10] *See* Phlx Rule 1080(b)(i), which covers non-Complex Orders and provides that the following types of agency orders are eligible: day, GTC, Immediate or Cancel (''IOC''), Intermarket Sweep Order (''ISO''), market, limit, stop, stop-limit, *all or none,* or better, simple cancel, simple cancel to reduce size (cancel leaves), cancel to change price, cancel with replacement order, opening-only-market order, limit on opening order, and possible duplicate orders. The following types of off-floor broker-dealer limit orders may be entered: day, GTC, IOC, ISO, stop, stop-limit, simple cancel, simple cancel to reduce size (cancel leaves), cancel to change price, cancel with replacement order, limit on opening order. SQTs and RSQTs can enter limit on opening, IOC, ISO, and DAY limit order for their proprietary account(s). Non-SQT ROTs and specialists can enter orders for their proprietary account(s) as GTC, DAY limit, IOC, ISO, limit on opening and simple cancel as well as orders for less than 10 contracts marked as IOC.

[11] Participants cannot see others' responses so they are effectively ''blind'' to other responsive interest when making their own responsive decisions.

[12] The replacement order does not retain the priority of the order it replaces. While the replacement order is eligible to trade at the end of the COLA, it is no longer treated as the COLA-eligible order and thus does not have the priority associated with a COLA-eligible order.

[13] Rule 1066(c) has been amended to delete the order types in (2), (3) and (6). *See* Securities Exchange Act Release No. 70629 (October 8, 2013), 78 FR 62852 (October 22, 2013) (SR–Phlx–2013–100). Although Rule 1066(c)(8) lists immediate-or-cancel (''IOC'') orders as a type of contingency order, the Exchange believes that IOC is better described as a time-in-force and it is therefore included with other time-in-force conditions like DAY and GTC in the Complex Order Rule. *See* Rule 1080.08(b). The Exchange does not indicate in the COLA Message the time-in-force of an order.

[14] With respect to stop and stop-limit orders, although such Complex Orders could conceivably be tied to a net debit/credit price, developing a transparent way to effect the stop price would be difficult, because Complex Order net prices are not disseminated to OPRA, nor are the Complex Order prices disseminated as a quote to OPRA. Thus, the Exchange does not believe it would be practicable to accept stop or stop limit orders as Complex Orders.

[15] All-or-none orders are to be executed in its entirety or not at all. This is the same definition as currently found in Rule 1066(c)(4). These orders are only available to non-broker-dealer customers.

cancel-replacement orders;[16] limit orders;[17] and market orders.[18]

Priority Change

In addition, the Exchange proposes to amend Rule 1080.08(e)(vi)(B) to provide that market maker[19] COLA Sweeps and market maker Complex Orders are treated the same in the COLA, meaning one does not have execution priority over the other. The Rule incorrectly states that COLA Sweeps have priority over market maker Complex Orders. The Exchange believes that it is appropriate for market maker COLA Sweeps and market maker Complex Orders to be treated the same way for priority purposes, because they are both coming from market makers.[20]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the provisions of Section 6 of the Act,[21] in general, and with Section 6(b)(5) of the Act,[22] in particular, which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade. Specifically, the Exchange is proposing that the COLA Message will not include a COLA-eligible order's contingencies. Nevertheless, the Exchange believes that, even without contingencies, the COLA message should promote just and equitable principles of trade, because market participants will continue to receive information that is material to responding to a COLA-eligible order. The Exchange believes that contingency information is rather extraneous and notes that market participants have not asked why it is not currently made available, despite the current reference to it in the rule text. Even if the Exchange included contingency information in the COLA message, the Exchange does not believe that participants would use it or rely on it to make trading decisions. Accordingly, the Exchange believes it is consistent with just and equitable principles of trade to not include contingency information. In addition, the Exchange notes that contingency information respecting each Complex Order is available on its order feed, TOPO Plus Orders, which contains Complex Order information.[23] Because the same information is available on that feed, the Exchange does not believe that participants are adversely impacted and all participants have access to the same message, such that it is consistent with just and equitable principles of trade to not include this information in the COLA Message.

The Exchange also notes that all-or-none Complex Orders are not common. It is consistent with just and equitable principles of trade, because it would not have any impact on participants whether or not this information is provided. Similarly, the Exchange believes that it is consistent with just and equitable principles of trade to not include the cancel-replace contingency in a COLA Message. Because the first order, as explained above, does not have a contingency nor does the second order (the cancel-replacement order) once it is live, the Exchange does not believe it is relevant to display the cancel-replace contingency, because there would be no impact on responses.

The Exchange is also proposing to provide that COLA Sweeps do not have priority over market maker Complex Orders. This is a correction to the rule text. The Exchange believes that it is appropriate for market maker COLA Sweeps and Complex Orders to be treated the same way for priority purposes, because they are coming from the same type of market participant, a market maker.[24] The Exchange believes that this should promote just and equitable principles of trade, because market participants could reasonably expect that their interest should be treated the same way whether entered as an order or as a COLA Sweep.[25]

Furthermore, this priority treatment is similar to the Exchange's priority rule respecting orders other than Complex Orders, as well as the comparable rules of other options exchanges, because a market maker's interest at a particular price is combined regardless of the method of entry (quote, COLA Sweep or order).[26] Specifically, Rule 1014(g)(vii), in calculating a market maker's participation, takes into account both quotes and orders, as indicated by the following language in the formula of the rule: based on the number of Phlx XL Participants *quoting or with limit orders* at BBO. Accordingly, the Exchange believes that the correction to the priority provision does not significantly affect the protection of investors or the public interest, and does not impose a significant burden on competition.

In addition, this priority change is not unfairly discriminatory with respect to non-SQT ROTs (who cannot submit COLA Sweeps); in fact, it is fairer to them, because it will no longer give COLA Sweeps priority over other market maker Complex Orders.

The Exchange is also proposing to make the Complex Order rule, Rule 1080.08, more complete by listing in subparagraph (b)(v) the types of orders and contingencies that can be accepted as Complex Orders. The four types to be listed (all-or-none, cancel-replacement, limit and market) are all existing orders types and contingencies on Phlx. The Exchange believes that this should promote just and equitable principles of trade as well as protect investors and the public interest by making more clear how specifically Complex Orders can be designated. The Exchange notes that although all-or-none Complex Orders are only available to non-broker-dealer customers, this is not unfairly discriminatory, because it is common for certain types of orders to be available to certain participant types. For example, all-or-none orders that are not Complex Orders can only be entered for non-broker-dealer customers in the Exchange's Phlx XL system.[27] Similarly, with respect to complex order programs on other options exchanges, at the discretion of the exchange, some participants may not be able to initiate[28] or respond[29] to a complex order auction.

[16] Cancel-replacement orders require the immediate cancellation of a previously received order prior to the replacement of a new order with new terms and conditions. If the previously placed order is already filled partially or in its entirety the replacement order is automatically canceled or reduced by such number. This is the same definition as Rule 1066(c)(7).

[17] Limit orders are to be executed at a specified price or better. This is the same definition as Rule 1066(b).

[18] Market orders are to be executed at the best price available at the time of execution. This is the same definition as Rule 1066(a).

[19] Market maker COLA Sweeps include those entered by SQTs and RSQTs. Non-SQT ROTs cannot enter COLA Sweeps. *See supra* note 3. Specialists' COLA Sweeps are addressed in Rule 1080.08(e)(vi)(C).

[20] *See supra* note 3.

[21] 15 U.S.C. 78f.

[22] 15 U.S.C. 78f(b)(5).

[23] Securities Exchange Act Release Nos. 60877 (October 26, 2009), 74 FR 56255 (October 30, 2009) (SR–Phlx–2009–92); and 66693 (May 15, 2012), 77 FR 30043 (May 21, 2012) (SR–Phlx–2012–63).

[24] Although non-SQT ROTs cannot submit COLA Sweeps, their Complex Orders are treated the same way as the Complex Orders of other market makers, including that their orders can interact with a COLA-eligible order.

[25] Complex Orders could be responsive to a particular COLA or could be an unrelated order. Because Complex Orders are not specifically marked as ''COLA responses,'' the Phlx XL System cannot identify which Complex Orders are truly intended to respond to the auction and which are merely coincidental.

[26] *See* Phlx Rule 1014(g)(vii)(B)(1)(b). Like COLA Sweeps, Sweeps are treated the same way as other market maker quotes in the Phlx XL System. *See also* BX Options Rules, Chapter VI, Section 10(1)(A) and (B).

[27] *See* Phlx Rule 1080(b)(i)(A).

[28] *See* CBOE Rule 6.53C(d)(i)(2), NYSE Arca Rule 6.91(c)(1) and NYSE MKT Rule 980NY(e)(1).

[29] *See* CBOE Rule 6.53C(d)(iii), NYSE Arca Rule 6.91(c)(4) and NYSE MKT Rule 980NY(e)(4).

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. Specifically, the proposal does not impose an intra-market burden on competition, because the same COLA Message with the same information will be available to all Phlx participants who receive Complex Order Messages and such messages are available to those who choose to subscribe, for a fee. Nor will the proposal impose a burden on competition among the options exchanges, because of the vigorous competition for order flow among the options exchanges. Market participants who find contingency information respecting complex orders important will continue to be able to receive that information when participating on competing exchanges.

With respect to the aspect of the proposal that addresses the priority of market maker Complex Orders and COLA Sweeps executing after a COLA, the Exchange believes that this change does not impose a burden on competition, because it treats all interest received from a market maker the same way and does not change the way other intra-market interest is handled. To the extent that market participants disagree with the particular approach taken by the Exchange herein, market participants can easily and readily direct complex order flow to competing venues.

With respect to the aspect of the proposal that adopts specific order types and contingencies applicable to Complex Orders, the Exchange does not believe that the proposal imposes a burden on inter-market competition. Most of these order types and contingencies are available to all participants. Although all-or-none Complex Orders can only be entered by non-broker-dealer customers, the Exchange does not believe that this imposes a burden on competition, because: (i) As stated above, all-or-none Complex Orders are rare, both in terms of how many start a COLA and how many are received; and (ii) it is common both on the Exchange (respecting non-Complex Orders) and on other options exchanges to offer only certain functionality to certain participants.[30] The Exchange notes that this particular functionality is only available for non-Complex Orders on Phlx to non-broker-dealer customers.[31] Nor does the proposal impose a burden on intra-market competition, because most of these order types are available to all participants.

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[32] and subparagraph (f)(6) of Rule 19b–4 thereunder.[33]

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2014–39 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–Phlx–2014–39. 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–Phlx–2014–39 and should be submitted on or before July 7, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–13823 Filed 6–12–14; 8:45 am]

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[30] *See supra* notes 27–29.

[31] *See supra* note 27.

[32] 15 U.S.C. 78s(b)(3)(a)(ii).

[33] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give 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. The Exchange has satisfied this requirement.

[34] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72346; File No. SR–BATS–2014–022]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of a Proposed Rule Change to Amend the Competitive Liquidity Provider Program

June 9, 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 June 3, 2014, BATS Exchange, Inc. (''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 Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to add an Interpretation and Policy .03 to Rule 11.8 entitled ''Supplemental Competitive Liquidity Provider Program for Exchange Traded Products'' to incentivize competitive and aggressive quoting by market makers registered with the Exchange (''Market Makers'') [3] in Exchange-listed ETPs.[4] The Exchange is also proposing to make a corresponding amendment to Interpretation and Policy .02 to Rule 11.8, entitled ''Competitive Liquidity Provider Program'' in order to reflect the sunset of ETPs listed on the Exchange from the existing Competitive Liquidity Provider Program. The Exchange will implement the proposed rule change on a date that will be circulated in a notice from the BATS Trade Desk.

As proposed, the Supplemental Competitive Liquidity Provider Program for Exchange Traded Products (the ''Program'') set forth in Interpretation and Policy .03 to Rule 11.8 will operate for a one year pilot period beginning from the date of implementation of the program. During the pilot, the Exchange will periodically provide information to the Commission about market quality with respect to the Program.

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 Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

On August 30, 2011, the Exchange received approval of rules applicable to the qualification, listing and delisting of securities of issuers on the Exchange.[5] More recently, the Exchange received approval to operate a program that is designed to incentivize certain Market Makers registered with the Exchange as Competitive Liquidity Providers to enhance liquidity on the Exchange in all Exchange-listed securities (the ''CLP Program'').[6] The Exchange subsequently adopted financial incentives for the CLP Program [7] and thereafter amended certain components of the CLP Program, including financial incentives and quoting requirements for Competitive Liquidity Providers in the CLP Program.[8] On April 17, 2014, the Exchange filed a proposal to create a new lead market maker (''LMM'') program (the ''LMM Program) in order to incentivize LMMs to provide liquidity in BATS-listed securities through the payment of enhanced rebates and/or reduced fees in the security for which they are an LMM, which it implemented on June 2, 2014.[9]

The purpose of this filing is to propose new Interpretation and Policy .03 to Rule 11.8, which is based substantially on the CLP Program, that seeks to incentivize certain market makers registered with the Exchange as Competitive Liquidity Providers (''ETP CLPs'' or ''CLPs'') [10] to enhance liquidity on the Exchange in certain ETPs listed on the Exchange and thereby qualify to receive part of a daily rebate pursuant to the Program (a ''CLP Rebate''). The Exchange plans to implement the Program and the corresponding amendments to existing Interpretation and Policy .02 to Rule 11.8 on a date that will be circulated in a notice from the BATS Trade Desk. The Exchange proposes to maintain existing Interpretation and Policy .02 in its current form until such implementation. The Exchange will notify all interested parties of the implementation date of these changes through a notice distributed to all Members of the Exchange. The Exchange is proposing to provide notice of the implementation date through a notice rather than implementing the changes to the rule immediately upon approval by the Commission in order to provide the Exchange with the flexibility necessary to ensure an uninterrupted transition from the CLP Program to the Program.

The Exchange proposes that the Commission approve the Program for a pilot period of one year from the date of implementation, which shall occur no later than 90 days after Commission approval of this proposal, the date of which will be circulated in a notice from BATS Trade Desk. During the pilot, the Exchange will submit monthly reports to the Commission about market quality with respect to the Program. The monthly reports will endeavor to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] As defined in BATS Rules, the term ''Market Maker'' means a Member that acts a as a market maker pursuant to Chapter XI of BATS Rules.

[4] As proposed in Interpretation and Policy .03 (b)(4) to Rule 11.8, the term ''ETP'' includes Portfolio Depository Receipts, Index Fund Shares, Trust Issued Receipts, and Managed Fund Shares, which are defined in Rule 14.11(b), 14.11(c), 14.11(f), and 14.11(i), respectively, which the Exchange may propose to expand in the future as it adds products which may be listed on the Exchange. Any such expansion would require the Exchange to file a proposal with the Commission under Rule 19b–4 of the Act.

[5] *See* Securities Exchange Act Release No. 65225 (August 30, 2011), 76 FR 55148 (September 6, 2011) (SR–BATS–2011–018).

[6] *See* Securities Exchange Act Release No. 66307 (February 2, 2012), 77 FR 6608 (February 8, 2012) (SR–BATS–2011–051).

[7] *See* Securities Exchange Act Release No. 66427 (February 21, 2012), 77 FR 11608 (February 27, 2012) (SR–BATS–2012–011).

[8] *See* Securities Exchange Act Release Nos. 67854 (September 13, 2012), 77 FR 58198 (September 19, 2012) (SR–BATS–2012–036); 69190 (March 20, 2013), 78 FR 18384 (March 26, 2013) (SR–BATS–2013–005); 69857 (June 25, 2013), 78 FR 39392 (July 1, 2013) (SR–BATS–2013–037); 70865 (November 13, 2013), 78 FR 69509 (November 19, 2013) (SR–BATS–2013–057); and 71284 (January 10, 2014), 79 FR 2921 (January 16, 2014) (SR–BATS–2014–002).

[9] *See* Securities Exchange Act Release No. 72020 (April 25, 2014), 79 FR 24807 (May 1, 2014) (SR–BATS–2014–015).

[10] As defined in proposed Interpretation and Policy .03 (b)(1) to Rule 11.8, the term ''ETP CLP'' means a Member that electronically enters proprietary orders into the systems and facilities of the Exchange and is obligated to maintain a bid or an offer at the NBBO in each assigned CLP Security in round lots consistent with paragraph (i) of Interpretation and Policy .03 to Rule 11.8.

compare, to the extent practicable, securities before and after they are in the Program, including those securities that ''graduate'' from the Program or, where no securities have ''graduated'' from the Program, securities that have ''graduated'' from comparable programs at other exchanges to the extent that such securities exist, and will include information regarding the Program which will enable the Exchange and the Commission to better analyze the effectiveness of the Program, such as: (1) Rule 605 metrics; [11] (2) volume metrics; (3) number of CLPs in target securities; (4) spread size; and (5) availability of shares at the NBBO. The Exchange will endeavor to provide similar data to the Commission about comparable ETPs that are listed on the Exchange that are not in the Program; and any other Program related data requested by the Commission for the purpose of evaluating the efficacy of the Program. The Exchange will post the monthly reports on its Web site. The first report will be submitted within sixty days after the Program becomes operative.

Supplemental Competitive Liquidity Provider Program for Exchange Traded Products

The Exchange is proposing to adopt a new rule titled ''Supplemental Competitive Liquidity Provider Program for Exchange Traded Products'' as Interpretation and Policy .03 to Rule 11.8. The Program is designed to promote market quality in CLP Securities [12] by allowing a CLP Company [13] to list an eligible CLP Security [14] on the Exchange and, in addition to paying the standard (non-CLP) listing fee as set forth in the fee schedule, a Sponsor [15] may pay a fee (a ''CLP Fee'') in order for the CLP Company, on behalf of a CLP Security, to participate in the Program, which will be credited to the BATS General Fund. The Exchange will then pay the CLP Rebate out of the BATS General Fund in order to incentivize CLPs in the CLP Security to quote aggressively in the CLP Security by providing a CLP Rebate to one or more CLPs that make a quality market in the CLP Security pursuant to the Program.[16]

The Exchange believes that the Program will be beneficial to the financial markets, to market participants including traders and investors, and to the economy in general. First, the Program will encourage narrow spreads and liquid markets in securities that generally have not been, or may not be, conducive to naturally having such narrow spreads and liquidity. These securities may include less actively traded or less well known ETPs that are made up of securities of less well known or start-up companies as components.[17] Second, in rewarding market makers that are willing to help to develop liquid markets for CLP Securities subject to the Program,[18] the Program would benefit traders and investors by encouraging more quote competition, narrower spreads, and greater liquidity. Third, the Program will lower transaction costs and enhance liquidity in both ETPs and their components, making those securities more attractive to a broader range of investors. In so doing, the Program will help companies access capital to invest and grow.

Securities Eligible for the Program

The Exchange is proposing that any CLP Company, on behalf of a CLP Security, shall be eligible for the Program, as long as: (i) The Exchange has accepted the Program application of the CLP Company with respect to the CLP Security and the Exchange has accepted the Program application of at least one CLP in the CLP Security; (ii) the CLP Security meets all requirements to be listed on the Exchange as an ETP; (iii) the CLP Security meets all Exchange requirements for continued listing at all times the CLP Security participates in the Program; (iv) while the CLP Security is participating in the Program, on a product-specific Web site, the CLP Company is indicating that the product is in the Program and provides a link to the Exchange's Program Web site; and (v) the security has a consolidated average daily volume (''CADV'') of less than 1 million shares for at least one of the past three calendar months, however any CLP Security initially listed on the Exchange shall be eligible for the Program for the first six months that it is listed on the Exchange, regardless of the ETP's CADV. Notwithstanding the foregoing, the Exchange is proposing that an ETP participating in the Competitive Liquidity Provider Program under Exchange Rule 11.8 Interpretation and Policy .02 (the ''.02 Program'') shall not be eligible for participation in the Program until and unless such ETP is no longer participating in the .02 Program.[19]

Application

The Exchange is proposing that any entity that wishes to participate in the Program must submit an application in the form prescribed by the Exchange, which includes both CLP Companies on behalf of a CLP Security and CLPs.[20]

CLPs

To become a CLP, a Member must submit a CLP application form with all supporting documentation to the Exchange. As is currently the case for membership applications to join the Exchange and applications to register as market makers on the Exchange, Exchange personnel in the Exchange's membership department will process such applications. Exchange personnel will determine whether an applicant is qualified to become a CLP based on the qualifications described below. After an applicant submits a CLP application to the Exchange, with supporting documentation, the Exchange shall notify the applicant Member of its decision. If an applicant is approved by the Exchange to receive CLP status, such applicant must establish connectivity with relevant Exchange systems before such applicant will be permitted to trade as a CLP on the Exchange. In the

[11] 17 CFR 242.605.

[12] The Exchange notes that CLP Securities do not encompass derivatives on such securities.

[13] As defined in proposed Interpretation and Policy .03 (b)(2) to Rule 11.8, the term ''CLP Company'' means the trust or company housing the ETP or, if the ETP is not a series of a trust or company, then the ETP itself.

[14] As defined in proposed Interpretation and Policy .03 (b)(3) to Rule 11.8, the term ''CLP Security'' means an issue of or series of ETP securities issued by a CLP Company that meets all of the requirements to be listed on the Exchange pursuant to Rule 14.11.

[15] As defined in proposed Interpretation and Policy .03 (b)(5) to Rule 11.8, Sponsor means the registered investment adviser that provides investment management services to a CLP Company or any of such adviser's parents or subsidiaries.

[16] The enhanced market quality (*e.g.,* liquidity) would, as discussed below, be identical to the existing CLP Quoting Requirements in Interpretation and Policy .02 (g) to Rule 11.8. These standards include, for example, posting at least five round lots in a CLP Security at the NBB or NBO at the time of a SET in order to have a Winning Bid SET or Winning Offer SET, respectively, as well as requiring that a CLP is quoting at least a round lot at a price at or within 1.2% of the CLP's bid (offer) at the time of the SET in order to have a Winning Bid (Offer) Set. Proposed Interpretation and Policy .03 (i) to Rule 11.8.

[17] These small companies and their securities (whether components of listed products like ETPs or direct listings) have been widely recognized as essential to job growth and creation and, by extension, the health of the economy. Being included in a successful ETP can provide the stocks of these companies with enhanced liquidity and exposure, enabling them to attract investors and access capital markets to fund investment and growth.

[18] By imposing quality quoting requirements to enhance the quality of the market for CLP Securities, the Program will directly impact one of the ways that market makers manage risk in lower tier or less liquid securities (e.g. the width of bid and offer pricing).

[19] Proposed Interpretation and Policy .03 (d)(1) and (d)(3) to Rule 11.8.

[20] Proposed Interpretation and Policy .03 (c)(1) to Rule 11.8.

event an applicant is disapproved by the Exchange, such applicant may seek review under Chapter X of the Exchange's Rules governing adverse action and/or reapply for CLP status at least three (3) calendar months following the month in which the applicant received the disapproval notice from the Exchange. Chapter X of the Exchange's Rules provides any persons who are or are about to be aggrieved by an adverse action taken by the Exchange with a process to apply for an opportunity to be heard and to have the complained of action reviewed.[21]

To qualify as a CLP, a Member will be required to be a registered Market Maker in good standing with the Exchange consistent with Rules 11.5 through 11.8. Further, the Exchange will require each Member seeking to qualify as a CLP to have and maintain: (1) Adequate technology to support electronic trading through the systems and facilities of the Exchange; (2) one or more unique identifiers that identify to the Exchange CLP trading activity in assigned CLP Securities;[22] (3) adequate trading infrastructure to support CLP trading activity, which includes support staff to maintain operational efficiencies in the Program and adequate administrative staff to manage the Member's participation in the Program; (4) quoting and volume performance that demonstrates an ability to meet the CLP quoting requirement in each assigned CLP Security on a daily and monthly basis; and (5) a disciplinary history that is consistent with just and equitable business practices.[23] These requirements are identical to those of the existing CLP Program.[24]

Withdrawal and Renewal

The Exchange is proposing that any entity that wishes to withdraw from the Program must provide written notice to the Exchange, however, the requirements for CLPs and CLP Companies on behalf of CLP Securities are different, as further explained below.

CLPs

A CLP may withdraw from the status of a CLP by providing written notice to the Exchange. Such withdrawal shall become effective when those CLP Securities assigned to the withdrawing CLP are reassigned to another CLP. After the Exchange receives the notice of withdrawal from the withdrawing CLP, the Exchange will reassign such CLP Securities as soon as practicable but no later than thirty (30) days after the date said notice is received by the Exchange. In the event the reassignment of CLP Securities takes longer than the 30-day period, the withdrawing CLP will have no obligations under this Interpretation and Policy .03 and will not be held responsible for any matters concerning its previously assigned CLP Securities upon termination of this 30-day period.[25]

CLP Securities

A CLP Company may, on behalf of a CLP Security, after being in the Program for not less than two consecutive quarters, but less than one year, voluntarily withdraw from the Program on a quarterly basis. The CLP Company must notify the Exchange in writing, not less than one month prior to withdrawing from the Program. The Exchange, however, does retain discretion to allow a CLP Company to withdraw from the Program earlier than required above. In making such decision, the Exchange may take into account the volume and price movements in the CLP Security; the liquidity, size quoted, and quality of the market in the CLP Security; and any other relevant factors. After a CLP Security is in the Program for one year or more, the CLP Company may voluntarily withdraw from the Program on a monthly basis, so long as the CLP Company notifies the Exchange in writing not less than one month prior to withdrawing from the Program.[26]

After a CLP Company, on behalf of a CLP Security, is in the Program for one year, the Program and all obligations and requirements of the Program will automatically continue on an annual basis unless: (1) The Exchange terminates the Program by providing not less than one month prior notice of intent to terminate or the pilot Program is not extended or made permanent pursuant to a proposed rule change subject to filing with or approval by the Commission; (2) the CLP Company withdraws from the Program pursuant to the withdrawal rules described above; or (3) the CLP Company is terminated from the Program pursuant to subsection (n) of the proposal.[27]

CLP Company Fees

A CLP Company seeking to participate in the Program shall incur an annual basic CLP Fee of $10,000 per CLP Security. The basic CLP Fee must be paid to the Exchange prospectively on a quarterly basis.[28]

A CLP Company may also incur an annual supplemental CLP Fee per CLP Security. The basic CLP Fee and supplemental CLP Fee, when combined, may not exceed $100,000 per year. The supplemental CLP Fee is a fee selected by a CLP Company on an annual basis, if at all. The supplemental CLP Fee must be paid to the Exchange prospectively on a quarterly basis. The amount of the supplemental CLP Fee, if any, will be determined by the CLP Company initially per CLP Security and will remain the same for the period of a year. The Exchange will provide notification on its Web site regarding the amount, if any, of any supplemental CLP Fee determined by a CLP Company per CLP Security.[29]

The CLP Fee is in addition to the standard (non-CLP) Exchange listing fee applicable to the CLP Security and does not offset such standard listing fee.[30] For a CLP Security housed by a CLP Company that has a Sponsor or Sponsors, the CLP Fee with respect to the CLP Security shall be paid by the Sponsor or Sponsors of such CLP Security. The Exchange will prospectively bill each CLP Company for the quarterly CLP Fee for each CLP Security.[31] CLP Fees (both basic and

[21] Proposed Interpretation and Policy .03 (g) to Rule 11.8.

[22] As proposed, a Member may not use such unique identifiers for trading activity at the Exchange in assigned CLP securities that is not CLP trading activity, but may use the same unique identifiers for trading activity in securities not assigned to a CLP. If a Member does not identify to the Exchange the unique identifier to be used for CLP trading activity, the Member will not receive credit for such CLP trading.

[23] Proposed Interpretation and Policy .03 (f) to Rule 11.8.

[24] *See* Interpretation and Policy .02 (c) and (e) to Rule 11.8.

[25] Proposed Interpretation and Policy .03 (h) to Rule 11.8.

[26] Proposed Interpretation and Policy .03 (c)(2) to Rule 11.8.

[27] Interpretation and Policy .03 (n) to Rule 11.8 states that the Program will terminate with respect to a CLP Security under the following circumstances: (A) A CLP Security sustains a CADV of one million shares or more for three consecutive months, however, any CLP Security initially listed on the Exchange shall be eligible for the Program for the first six months that it is listed on the Exchange, regardless of the ETP's CADV; (B) A CLP Company, on behalf of a CLP Security, withdraws from the Program, is no longer eligible to be in the Program pursuant to this rule, or its Sponsor ceases to make CLP Fee payments to the Exchange; (C) A CLP Security is delisted or is no longer eligible for the Program; or (D) A CLP Security does not, for two consecutive quarters, have at least one CLP that is eligible for CLP Rebate. It should be noted, however, that termination of a CLP Company, CLP Security, or CLP does not preclude the Exchange from allowing re-entry into the Program where the Exchange deems such re-entry as proper.

[28] Proposed Interpretation and Policy .03 (d)(2)(A) to Rule 11.8.

[29] Proposed Interpretation and Policy .03 (d)(2)(B) to Rule 11.8.

[30] Proposed Interpretation and Policy .03 (d)(2)(C) to Rule 11.8. The CLP Fee with respect to an ETP shall be paid by the Sponsor(s) of such ETP.

[31] Proposed Interpretation and Policy .03 (d)(2)(D) to Rule 11.8.

supplemental) will be credited to the BATS General Fund.

CLP Quoting Requirements

CLPs will be subject to both a daily quoting requirement in order to be eligible to receive financial incentives and a monthly quoting requirement in order to remain qualified as a CLP. These quoting requirements are identical to the quoting requirements of the Exchange's existing CLP Program.[32] Any CLP that meets the daily quoting requirement set forth below will be eligible to receive a portion of the CLP Rebate for each day's quoting activity. A CLP that does not meet the CLP monthly quoting requirement is subject to the non-regulatory penalties described below.

The Exchange will continue to measure the performance of a CLP in CLP Securities by calculating Size Event Tests (''SETs'') between 9:25 a.m. and 4:05 p.m. on every day on which the Exchange is open for business. The Exchange will measure each CLP's quoted size, excluding odd lots, at the NBB and NBO at least once per second to determine SETs. The three CLPs with the greatest aggregate size at the NBB and the three CLPs with the greatest aggregate size at the NBO at the time of each SET will be considered to have a Winning Bid SET [33] and a Winning Offer SET [34] (collectively, ''Winning SETs''), respectively. Where there is a tie, all CLPs with the same aggregate size at the NBB (NBO) will be considered to have a Winning Bid (Offer) SET if there are two or less CLPs that have greater aggregate size at the NBB (NBO). Additionally, all CLPs with a Winning SET will be awarded SET Credits based on the following: all CLPs with the greatest aggregate size at the NBB or NBO will receive three SET Credits; all CLPs with the second greatest aggregate size at the NBB or NBO will receive two SET Credits; and all CLPs with the third greatest aggregate size at the NBB will receive one SET Credit.

For example:

CLP	Shares at NBB
CLP1	1,000
CLP2	900
CLP3	800
CLP4	800

Here, all four CLPs will have a Winning Bid SET because CLP1 and CLP2 are both two of the top three CLPs with the greatest aggregate size at the NBB, while CLP3 and CLP4 are tied at 800 shares and there are only two CLPs that have greater aggregate size at the NBB than 800 shares. CLP1 would receive three Bid SET Credits, CLP2 would receive two Bid SET Credits, and CLP3 and CLP4 would each receive one Bid SET Credit.

However, if CLP3 had 900 shares at the NBB and all other CLPs remained the same, only CLP1, CLP2, and CLP3 would have a Winning SET because CLP2 and CLP3 would be tied and there is only one CLP that has greater aggregate size than 900 shares (CLP1). CLP4 would have the fourth greatest aggregate size at the NBB among CLPs and thus would not qualify for a Winning SET. In this instance, CLP1 would receive three Bid SET Credits, CLP2 and CLP3 would each receive two Bid SET Credits, and CLP4 would not receive any Bid SET Credits.

Finally, if CLP1, CLP2, CLP3, and CLP4 all had 1,000 shares at the NBB, the four CLPs would each receive three Bid SET Credits. In this scenario, if another CLP (''CLP5'') had 900 shares at the NBB, CLP5 would not qualify for a Winning SET and would not receive any Bid SET Credits because more than two CLPs have greater aggregate size at the NBB than the 900 shares posted by CLP5. The above examples would operate in an identical fashion for the NBO.).[sic] [35]

In order to meet the daily quoting requirement, a CLP must have Winning Bid SETs or Winning Offer SETs equal to at least 10% of the total Bid SETs or total Offer SETs, respectively, on any trading day in order to be eligible for any CLP Rebate (each such CLP, an ''Eligible CLP'') for a CLP Security, as is also required under the existing CLP Program.[36] Eligible CLPs will be ranked according to the number of Bid SET Credits and Offer SET Credits each trading day, and only the Eligible CLP or Eligible CLPs ranked number one and the Eligible CLP or Eligible CLPs ranked number two in each of the Bid SET Credits and Offer SET Credits will receive the CLP Rebate.[37]

In order to meet the monthly quoting requirements, a CLP must be quoting at the NBB or the NBO 10% of the time that the Exchange calculates SETs.[38]

As is also required under the Exchange's existing CLP Program, a CLP must be quoting, at a minimum, five round lots (usually 500 shares), excluding odd lots, of the CLP Security, at the NBB or NBO, respectively, at the time of a SET in order to have a Winning Bid SET or a Winning Offer SET. Such quoting requirements will be measured by utilizing the unique identifiers that the Member has identified for CLP trading activity.[39] In addition, during Regular Trading Hours [40] a CLP must also be quoting at least a displayed round lot offer, excluding odd lots, at a price at or within 1.2% of the CLP's bid at the time of the SET in order to have a Winning Bid SET.[41] Similarly, during Regular Trading Hours, a CLP must be quoting at least a displayed round lot offer, excluding odd lots, at a price at or within 1.2% of the CLP's offer at the time of the SET in order to have a Winning Offer Set.[42]

For purposes of calculating whether a CLP is in compliance with its CLP quoting requirements, the CLP must post displayed liquidity in round lots in its assigned CLP Securities at the NBB or the NBO.[43] A CLP may post non-displayed liquidity; however, such liquidity will not be counted as credit towards the CLP quoting requirements. The CLP shall not be subject to any minimum or maximum quoting size requirement in assigned CLP Securities apart from the requirement that an order be for at least one round lot. The CLP quoting requirements will be measured by utilizing the unique identifiers that the Member has identified for CLP trading activity.

CLP Rebate

As described above, pursuant to the Program, the Exchange will measure the performance of CLPs in CLP Securities by calculating SETs between 9:25 a.m. and 4:05 p.m. on every day on which the Exchange is open for business. Each day, one quarter of the total annual CLP Fees (basic and supplemental combined) for the CLP Security divided by the number of trading days in the current quarter will constitute the total

[32] *See* Interpretation and Policy .02 (g) to Rule 11.8.

[33] As defined in proposed Interpretation and Policy .03 (i)(1) to BATS Rule 11.8.

[34] *Id.*

[35] Proposed Interpretation and Policy .03 (i)(1) to Rule 11.8.

[36] *See* Interpretation and Policy .02 (g)(1)(A) to Rule 11.8.

[37] Proposed Interpretation and Policy .03 (i)(1)(A) to Rule 11.8.

[38] Proposed Interpretation and Policy .03 (i)(1)(B) to Rule 11.8.

[39] Proposed Interpretation and Policy .03 (i)(4) to Rule 11.8.

[40] As defined in BATS Rule 1.5(w), the term ''Regular Trading Hours'' means the time between 9:30 a.m. and 4:00 p.m. Eastern Time.

[41] Proposed Interpretation and Policy .03 (i)(5) to Rule 11.8.

[42] *Id.*

[43] Proposed Interpretation and Policy .03 (i)(2) to Rule 11.8.

CLP Rebate for the CLP Security. For instance, where the total CLP Fees for a CLP Security is $64,000 and there are 64 trading days in the current quarter, the total CLP Rebate for the CLP Security would be $250 [($64,000/4)/64].[44]

Accordingly, the two Eligible CLPs with the most Bid SET Credits will split half of the daily CLP Rebate for the CLP Security (''Bid Rebate''), with the Eligible CLP with the most Bid SET Credits receiving 60% of the daily Bid Rebate and the Eligible CLP with the second most Bid SET Credits receiving 40% of the daily Bid Rebate.[45] Similarly, the two Eligible CLPs with the most Offer SET Credits will split half of the daily CLP Rebate for the CLP Security (''Offer Rebate''), with the Eligible CLP with the most Offer SET Credits receiving 60% of the daily Offer Rebate and the Eligible CLP with the second most Offer SET Credits receiving 40% of the daily Offer Rebate.[46] In the event that there is only one Eligible CLP for the Bid (Offer) Rebate for a CLP Security, such Eligible CLP will receive 100% of the Bid (Offer) Rebate. In the event that multiple Eligible CLPs have an equal number of Bid (Offer) SET Credits, the Eligible CLP with the highest executed volume in the CLP Security will be awarded the greater portion of the Bid (Offer) Rebate. Specifically, this means that if the tie is for the most Bid (Offer) SET Credits, the Eligible CLP with the highest executed volume in the CLP Security will receive 60% and the Eligible CLP with the second highest executed volume in the CLP Security will receive 40% and no other Eligible CLPs will receive any portion of the Bid (Offer) Rebate. Similarly, where the tie is for the second most Bid (Offer) SET Credits, the Eligible CLP with the highest executed volume in the CLP Security will receive 40% of the Bid (Offer) Rebate and no other Eligible CLPs with equal or less Bid (Offer) SET Credits will receive any portion of the Bid (Offer) Rebate. Where no CLPs are eligible for the Bid (Offer) Rebate, no Bid (Offer) Rebate will be awarded to any CLP and no refund will be provided.[47]

Assignment of CLP Securities

The Exchange, in its discretion, will assign to the CLP one or more CLP Securities for CLP trading purposes. The Exchange shall determine the number of CLP Securities assigned to each CLP. The Exchange, in its discretion, will assign one (1) or more CLPs to each CLP Security subject to the Program, depending upon the trading activity of the CLP Security.[48] CLPs may only enter orders electronically directly into Exchange systems and facilities designated for this purpose. All CLP orders must only be for the proprietary account of the CLP Member.

Non-Regulatory Penalties

If a CLP fails to meet the CLP quoting requirements, the Exchange may impose certain non-regulatory penalties. First, if, between 9:25 a.m. and 4:05 p.m. on any day on which the Exchange is open for business, a CLP fails to meet its daily quoting requirement by failing to have at least 10% of the Winning SETs for that trading day, the CLP will not be eligible to receive the CLP Rebate for that day's quoting activity in that particular assigned CLP Security. Second, if a CLP fails to meet its monthly quoting requirement for three (3) consecutive months in any assigned CLP Security, the CLP will be at risk of losing its CLP status. Thus, the Exchange may, in its discretion, take the following non-regulatory actions: (i) Revoke the assignment of the affected CLP Security(ies) and/or one or more additional unaffected CLP Securities; or (ii) disqualify a Member's status as a CLP.[49]

The Exchange shall determine if and when a Member is disqualified from its status as a CLP. One (1) calendar month prior to any such determination, the Exchange will notify the CLP of such impending disqualification in writing. If the CLP fails to meet the monthly quoting requirements as described above for a third consecutive month in a particular CLP Security, the CLP may be disqualified from CLP status. When disqualification determinations are made, the Exchange will provide a disqualification notice to the Member informing such Member that it has been disqualified as a CLP.[50] In the event a Member is disqualified from its status as a CLP, such Member may re-apply for CLP status. Such application process shall occur at least three (3) calendar months following the month in which such Member received its disapproval or disqualification notice. Further, in the event a Member is determined to be ineligible for the CLP Rebate for failure to meet its daily quoting obligation or is disqualified from its status as a CLP, such Member may seek review under Chapter X of the Exchange's Rules governing adverse action.[51] As noted above, Chapter X of the Exchange's Rules provides any persons who are or are about to be aggrieved by an adverse action taken by the Exchange with a process to apply for an opportunity to be heard and to have the complained of action reviewed.

Web site Disclosures

In order to provide transparency into the Program, including CLPs, CLP Companies, and the CLP Securities that are listed on the Exchange, the Exchange proposes to provide notification on its Web site regarding the following: (i) Acceptance of a CLP Company, on behalf of a CLP Security, and a CLP into the Program; (ii) the total number of CLP Securities that any one CLP Company may have in the Program; (iii) the names of CLP Securities and the CLP(s) in each CLP Security, the dates that a CLP Company, on behalf of a CLP Security, commences participation in and withdraws or is terminated from the Program, and the name of each CLP Company and its associated CLP Security or Securities; (iv) a statement about the Program that sets forth a general description of the Program as implemented on a pilot basis and a fair and balanced summation of the potentially positive aspects of the Program as well as the potentially negative aspects and risks of the Program, and indicates how interested parties can get additional information about products in the Program; and (v) the intent of a CLP Company, on behalf of a CLP Security, or CLP to withdraw from the Program, and the date of actual withdrawal or termination from the Program.[52]

In addition, a CLP Company that, on behalf of a CLP Security, is approved to participate in the Program shall issue a press release to the public when the CLP Company, on behalf of a CLP Security, commences or ceases participation in the Program. The press release shall be in a form and manner prescribed by the Exchange, and, if practicable, shall be issued at least two days before commencing or ceasing participation in the Program. The CLP Company shall dedicate space on its Web site, or, if it does not have a Web site, on the Web site of the Sponsor of the CLP Security, that (i) includes any such press releases, and (ii) provides a hyperlink to the dedicated page on the Exchange's Web site that describes the Program.

[44] Proposed Interpretation and Policy .03 (m)(1) to Rule 11.8.

[45] *Id.*

[46] *Id.*

[47] *Id.*

[48] Proposed Interpretation and Policy .03 (j)(1) to Rule 11.8.

[49] Proposed Interpretation and Policy .03 (l)(1) to Rule 11.8.

[50] Proposed Interpretation and Policy .03 (l)(2) to Rule 11.8.

[51] Proposed Interpretation and Policy .03 (l)(3) to Rule 11.8.

[52] Proposed Interpretation and Policy .03 (o) to Rule 11.8.

Consistency With Regulation M.

Rule 102 of Regulation M prohibits an issuer from directly or indirectly attempting ''to induce any person to bid for or purchase, a covered security during the applicable restricted period'' unless an exemption is available.[53] For the reasons discussed below, the Exchange believes that exemptive relief from Rule 102 should be granted for the Program.

First, the Exchange notes that the Commission and its staff have previously granted relief from Rule 102 to a number of exchange traded products (''Existing Relief'') in order to permit the ordinary operation of such exchange traded products.[54] In granting the Existing Relief, the Commission has relied in part on the exclusion from the provisions of Rule 102 provided by paragraph (d)(4) of Rule 102 for securities issued by an open-end management investment company or unit investment trust. In granting the Existing Relief from Rule 102 to other types of exchange traded products, for which the (d)(4) exception is not available, the staff has relied on (i) representations that the fund in question would continuously redeem exchange traded product shares in basket-size aggregations at their NAV and that there should be little disparity between the market price of an exchange traded product share and the NAV per share and (ii) a finding that ''[t]he creation, redemption, and secondary market transactions in [shares] do not appear to result in the abuses that Rules 101 and 102 of Regulation M were designed to prevent.'' [55] The crux of the Commission's findings in granting the Existing Relief rests on the premise that the prices of exchange traded product shares closely track their per-share NAVs. Given that the Program neither alters the derivative pricing nature of ETPs nor impacts the arbitrage opportunities inherent therein, the conclusion on which the Existing Relief is based remains unaffected by the Incentive Program. In this regard, most ETPs that would be eligible to participate in the Program would have previously been granted relief from Rule 102.

Second, the Program requires, among other things, that a CLP make two-sided quotes during Regular Trading Hours in order to have a Winning SET. The Program is not intended to raise ETP prices, but rather to improve market quality. In light of the derivative nature of ETPs, the Exchange does not expect that CLPs will quote outside of the normal quoting ranges for these products as a result of the CLP Rebate, but rather would quote within their normal ranges as determined by market factors. Indeed, the Program would not create any incentive for a CLP to quote outside such ranges.

Finally, the staff of the Exchange, which is a self-regulatory organization, would be interposed between the issuer and the CLP, administering a rules-based program with numerous structural safeguards described in the previous sections. Specifically, both CLPs and CLP Companies would be required to apply to participate in the Program and to meet certain standards. CLP Companies could not cause any fee to be paid to a CLP under the Program. The Exchange would collect the CLP Fees and credit them to the Exchange's General Fund. A CLP would be eligible to receive a CLP Rebate, again, from the Exchange's General Fund, only after it qualified for the CLP Rebate, as described above. Such qualification standards are set and monitored by the Exchange. Application to, continuation in, and withdrawal from the Program would be governed by published Exchange rules and policies, and there would be extensive public notice regarding the Program and payments thereunder on both the Exchange's and the CLP Company's Web sites. Given these structural safeguards, the Exchange believes that payments under the Program are appropriate for exemptive relief from Rule 102.

In summary, the Exchange believes that exemptive relief from Rule 102 should be granted for the Program because, for example: (1) The Program would not create any incentive for a CLP to quote outside of the normal quoting ranges for the ETPs included therein; (2) the Program has numerous structural safeguards, such as the application process for CLP Companies and CLPs, the interpositioning of the Exchange between CLP Companies and CLPs, and significant public disclosure surrounding the Program; and (3) the Program does not alter the basis on which Existing Relief is based and, furthermore, most ETPs that would be eligible to participate in the Program would have previously been granted relief from Rule 102.[56]

Surveillance

The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of all securities trading on the Exchange, including ETPs participating in the Program, during all trading sessions, and to detect and deter violations of Exchange rules and applicable federal securities laws. The Exchange may obtain information via the Intermarket Surveillance Group (''ISG'') from other exchanges who are members or affiliates of the ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement,[57] and from listed CLP Companies and public and non-public data sources such as, for example, Bloomberg.

Changes to Interpretation and Policy .02 to Rule 11.8

The Exchange is also proposing to make certain changes to paragraph (d)(2) of Interpretation and Policy .02 to Rule 11.8 that correspond with the addition of Interpretation and Policy .03. These changes are designed to create a sunset period for any ETPs that are participating in the CLP Program pursuant to Interpretation and Policy .02 to Rule 11.8. Specifically, the Exchange is proposing to allow any ETP participating in the CLP Program prior to the implementation of the LMM Program [58] to continue to participate in the CLP Program until the first of: (1) Such security has had a CADV of equal to or greater than 2 million shares for two consecutive calendar months during the first three years the security is subject to the CLP Program, provided, however, that any ETP initially listed on the Exchange shall be eligible for the CLP Program for the first six months that it is listed on the Exchange, regardless of the ETP's CADV; (2) such security has been subject to the CLP

[53] Rule 102 provides that ''[i]n connection with a distribution of securities effected by or on behalf of an issuer or selling security holder, it shall be unlawful for such person, or any affiliated purchaser of such person, directly or indirectly, to bid for, purchase, or attempt to induce any person to bid for or purchase, a covered security during the applicable restricted period'' unless an exception is available. *See* 17 CFR 242.102.

[54] *See, e.g.,* Letter from James A. Brigagliano, Acting Associate Director, Division of Market Regulation, to Stuart M. Strauss, Esq., Clifford Chance US LLP (October 24, 2006) (regarding class relief for exchange traded index funds).

[55] *See* Rydex Specialized Products LLC, SEC No-Action Letter (June 21, 2006).

[56] The Exchange notes that the Commission granted a limited exemption from Rule 102 of Regulation M to the NASDAQ Stock Market LLC (''Nasdaq'') for a program similar to the Exchange's proposed Program. *See* Securities Exchange Act Release No. 69196 (March 20, 2013), 78 FR 18410 (March 26, 2013) (Order Granting a Limited Exemption From Rule 102 of Regulation M Concerning the NASDAQ Market Quality Program Pilot Pursuant to Regulation M Rule 102(A)) (the ''Nasdaq Exemption''). The Nasdaq Exemption includes certain conditions related to, among other things, notices to the public and disclosures with respect to Nasdaq's program. The Exchange notes that if the Commission were to provide exemptive relief from Rule 102 of Regulation M for the Program, it may include similar conditions.

[57] For a list of the current members and affiliate member of ISG, *see www.isgportal.com.*

[58] *See* supra note 9.

Program for three (3) years; or (3) December 31, 2014.

2. Statutory Basis

The Exchange believes that its proposal 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.[59] In particular, the proposal is consistent with Section 6(b)(4) and 6(b)(5) of the Act,[60] because it would provide for the equitable allocation of reasonable dues, fees, and other charges among Members and issuers and other persons using any facility or system which the Exchange operates or controls, and it is designed to promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and in general, to protect investors and the public interest.

The goal of the Program is to incentivize Members to make high-quality, liquid markets, which supports the primary goal of the Act to promote the development of a resilient and efficient national market system. The Program will enhance quote competition, improve liquidity on the Exchange, support the quality of price discovery, promote market transparency, and increase competition for listings and trade executions, while reducing spreads and transaction costs. Maintaining and increasing liquidity in Exchange-listed securities will help raise investors' confidence in the fairness of the market and their transactions.

Each aspect of the Program adheres to and supports the Act. First, the Program promotes the equitable allocation of fees and dues among issuers. The Program is completely voluntary in that it will provide an additional means by which issuers may relate to the Exchange, while not eliminating the ability to list ETPs without participation in the Program. Issuers can supplement the standard listing fees with those of the Program, which the Exchange believes to be consistent with the Act. While the Program will result in higher fees for issuers that choose to participate, the issuers receive significant benefits for participating, including greater liquidity, tighter spreads, and lower transaction costs for their investors. Additionally, issuers will have the ability to withdraw from the Program after an initial commitment if they determine that participation is not beneficial. In that case, the withdrawing issuers will automatically revert to the basic listing fee for ETPs.

The Program also represents an equitable allocation of fees and dues among Market Makers. Again, the Program is completely voluntary with respect to Market Maker participation in that it will provide an additional means by which members may qualify for a CLP Rebate in a manner nearly identical to the existing CLP Program, without eliminating any of the existing means of qualifying for incentives on the Exchange. Currently, the Exchange employs multiple fee arrangements, including the CLP Program, to incentivize Market Makers to maintain high quality markets or to improve the quality of executions. Market Makers that choose to undertake increased burdens under the Program will be rewarded with increased rebates, while those that do not undertake such burdens will receive no added benefit. Where a CLP determines that the burdens imposed by the Program outweigh the benefits provided, the CLP may provide the Exchange with notice of withdrawal and will be withdrawn from the program in no longer than thirty days.

Additionally, the Program establishes an equitable allocation of CLP Rebates among Market Makers that choose to participate and fulfill the obligations imposed by the rule. If one Market Maker is an Eligible CLP, the Bid (Offer) Rebate will be distributed to that CLP; if multiple Market Makers are Eligible CLPs, the Bid (Offer) Rebate will be distributed among the two CLPs with the most Bid (Offer) SET Credits, as described above. In other words, all of the benefit of the CLP Rebate will flow to the highest-performing Market Makers, provided that at least one Market Maker fulfills the obligations under the proposed rule.

The Program is designed to avoid unfair discrimination among Market Makers and issuers. The proposed rule contains objective, measurable standards that the Exchange will apply with care. These standards will be applied equally to ensure that similarly situated parties are treated similarly. This is equally true for inclusion of issuers and Market Makers, withdrawal of issuers and Market Makers, and termination of eligibility for the Program. The standards are carefully constructed to protect the rights of all parties wishing to participate in the Program by providing notice of requirements and a description of the process. The Exchange will apply these standards with the same care and experience with which it applies the many similar rules and standards in the Exchange's rules.

In contrast to the extensive benefits of the Program, the participation of a CLP Company in the Program is substantially limited, by design. In this regard, a CLP Company is limited to making only the following determinations regarding the Program: Whether to participate in the Program; what CLP Security should be in the Program; what firms will participate in developing and funding the CLP Security; when the CLP Security should exit the Program; and the level of Supplemental Fees, if any, that should be applied. The CLP can never influence how, when, or the specific amount that a CLP receives as credit for making a market in a CLP Security. These functions are performed solely by the Exchange according to standards set forth in the Program.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. Accordingly, the listing fees and rebates are constrained by the active competition for listings in ETPs and for market making. If a particular exchange charges excessive fees for listing, ETPs will choose to list elsewhere. Similarly, if an exchange fails to incent market makers to provide sufficient liquidity, participants will likely shift their order flow to other venues. Accordingly, the exchange charging excessive listing fees or providing insufficient rebates for market maker would likely not accomplish the goals of the Program. As such, the Exchange believes that this competitive dynamic imposes powerful restraints on the ability of any exchange to charge unreasonable fees for listing or provide insufficient rebates for market making activity.

The Exchange also notes that the Program, as proposed, is substantially similar to the existing functionality provided under the CLP Program. The Exchange believes that the CLP Program has been very beneficial to market participants, including investors, issuers, and Market Makers, by providing increased market quality in the form of tighter spreads and deeper liquidity. The Exchange believes that the proposed Program will enjoy similarly positive results to the benefit of issuers, investors in CLP Securities, and the financial markets as a whole.

[59] 15 U.S.C. 78f(b).

[60] 15 U.S.C. 78f(b)(4) and (5).

(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. To the contrary, the Exchange believes that the proposal will increase competition in both the listings market and in competition for market makers. The Program will promote competition in the listings market by providing issuers with a vehicle for paying the Exchange additional fees in exchange for incentivizing tighter spreads and deeper liquidity in listed securities. While the Program closely resembles the existing CLP Program, the proposed modifications are a response to the competition from other markets that either have or are developing similar programs, including Nasdaq [61] and NYSE Arca Equities, Inc.[62]

The Exchange also believes that the proposed changes will enhance competition among participants by creating incentives for market makers to compete to make better quality markets. By requiring both that market makers meet the quoting requirements and also to compete for the CLP Rebate, the quality of quotes on the Exchange will improve. This, in turn, will attract more liquidity to the Exchange and further improve the quality of trading in CLP Securities, which will also act to bolster the Exchange's listing business. As mentioned above, this proposal is in response to similar programs at or in development at other markets.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–BATS–2014–022 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–BATS–2014–022. 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 20549–1090, 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 No. SR–BATS–2014–022 and should be submitted on or before July 7, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[63]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–13818 Filed 6–12–14; 8:45 am]

BILLING CODE 8011–01–P

[61] *See* Securities Exchange Act Release No. 69195 (March 20, 2013), 78 FR 18393 (March 26, 2013) (SR–NASDAQ–2012–137).

[62] *See* Securities Exchange Act Release No. 69335 (April 5, 2013), SR–NYSEARCA–2013–34 (March 21, 2013).

[63] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

LifeHealthCare, Inc., Smartlinx, Inc., and Total Apparel Group, Inc.; Order of Suspension of Trading

June 11, 2014.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of LifeHealthCare, Inc. because it has not filed any periodic reports since the period ended June 30, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Smartlinx, Inc. because it has not filed any periodic reports since the period ended March 31, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Total Apparel Group, Inc. because it has not filed any periodic reports since the period ended September 30, 2010.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on June 11, 2014, through 11:59 p.m. EDT on June 24, 2014.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–13988 Filed 6–11–14; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

The Bank Holdings, Community Valley Bancorp, Genemen, Inc., GWS Technologies, Inc., Homeland Precious Metals Corp., and NuRx Pharmaceuticals, Inc.; Order of Suspension of Trading

June 11, 2014.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of The Bank Holdings because it has not filed any periodic reports since the period ended December 31, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Community Valley Bancorp because it has not filed any periodic reports since the period ended June 30, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Genemen, Inc. because it has not filed any periodic reports since the period ended February 28, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of GWS Technologies, Inc. because it has not filed any periodic reports since the period ended January 31, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Homeland Precious Metals Corp. because it has not filed any periodic reports since the period ended March 31, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of NuRx Pharmaceuticals, Inc. because it has not filed any periodic reports since the period ended June 30, 2010.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on June 11, 2014, through 11:59 p.m. EDT on June 24, 2014.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–13987 Filed 6–11–14; 4:15 pm]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 8762]

Culturally Significant Objects Imported for Exhibition; Determinations: ''Mysticism and Music in Iran: The Art of Ostad Elahi (1895–1974)''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Mysticism and Music in Iran: The Art of Ostad Elahi (1895–1974),'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Metropolitan Museum of Art, New York, New York, from on or about August 4, 2014, until on or about January 11, 2015, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6469). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: June 9, 2014.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–13903 Filed 6–12–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[PUBLIC NOTICE: 8763]

Culturally Significant Objects Imported for Exhibition Determinations: ''Ancient Luxury and the Roman Silver Treasure From Berthouville''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Ancient Luxury and the Roman Silver Treasure from Berthouville,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the J. Paul Getty Museum, Los Angeles, California, from on or about November 19, 2014, until on or about August 17, 2015, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6469). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: June 9, 2014.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–13902 Filed 6–12–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[PUBLIC NOTICE: 8764]

Culturally Significant Objects Imported for Exhibition Determinations: ''Monet and the Seine: Impressions of a River''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of

October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Monet and the Seine: Impressions of a River,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Philbrook Museum of Art, Tulsa, Oklahoma, from on or about June 29, 2014, until on or about September 21, 2014, the Museum of Fine Arts, Houston, Houston, Texas, from on or about October 26, 2014, until on or about February 1, 2015, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6469). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: June 9, 2014.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–13901 Filed 6–12–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–28]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before July 3, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0275 using any of the following methods:

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

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nia Daniels, (202) 267–9677, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Brenda D. Courtney,

Acting Director, Office of Rulemaking.

Petition For Exemption

Docket No.: FAA–2014–0275.

Petitioner: Federal Express Corporation.

Section of 14 CFR Affected: 121.463(c).

Description of Relief Sought: Federal Express Corporation petitions the FAA for an exemption from § 121.463(c) as it pertains to the training requirements for an aircraft dispatcher. The exemption would allow FedEx aircraft dispatchers the ability to use a single line oriented flight training (LOFT) event, including the pre-LOFT and post-LOFT briefing events, to meet the annual dispatcher operational familiarization requirements of § 121.463(c), provided the pilot-training LOFT event was conducted in accordance with the FedEx Advanced Qualification Program.

[FR Doc. 2014–13852 Filed 6–12–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed New Bridge and Roadway Improvements in Perry and Leroy Townships, Lake County, Ohio

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA.

SUMMARY: This notice announces actions taken by the FHWA that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed project to replace the existing Vrooman Road Bridge over the Grand River with a new bridge to be located approximately 1,000 feet upstream of the existing structure and improve Vrooman Road between Interstate (I) 90 and State Route (SR) 84. Those actions grant approvals for the project.

DATES: A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before November 10, 2014. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Ms. Carmen M. Stemen, Planning and Environment Specialist, Federal Highway Administration, 200 North High Street, Columbus, Ohio 43215; telephone: (614) 280–6848; or Mr. Tom Sorge, Project Manager, Ohio Department of Transportation (ODOT), 5500 Transportation Blvd., Garfield

Heights, Ohio 44125; telephone: (216) 584–2108.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA has taken final agency actions by issuing approvals for the following major highway improvements in the State of Ohio: The Vrooman Road Bridge and Roadway Improvement project. The project meets purpose of providing a safe and adequate transportation facility that addresses the deficient condition and design of the existing Vrooman Road bridge, eliminates flooding of the existing bridge and approach roadway, addresses deficient design elements of existing Vrooman Road and its intersections, improves the safety of the study area and maintains connectivity. Vrooman Rd., also known as County Route (CR) 227, traverses portions of Leroy and Perry Townships in Lake County, Ohio. Vrooman Rd. is approximately 3.05 miles long extending from its southern terminus intersection with State Route (SR) 86, CR 208, and CR 210 in Leroy Township, to its northern terminus, SR 84, in Perry Township. The project involves replacing the existing Vrooman Road Bridge over the Grand River with a new bridge to be located approximately 1,000 feet upstream of the existing structure and improving Vrooman Road to current design standards between Interstate (I) 90 and State Route (SR) 84 and upgrading intersections at SR 84. Additional amenities and mitigation measures are also provided. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) of the project, approved on September 4, 2013, and the Finding of No Significant Impacts (FONSI), approved on May 29, 2014 and in other documents in the FHWA administrative record. The EA/FONSI and other documents in the FHWA administrative record are available by contacting the FHWA or ODOT at the addresses provided above or at *http://www.dot.state.oh.us/districts/D12/PlanningEngineering/Pages/VroomanRoadBridge.aspx*. This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].

2. Air: Clean Air Act, 42 U.S.C. 7401–7671(q).

3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.

4. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)], Migratory Bird Treaty Act [16 U.S.C. 703–712].

5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) et seq.]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

7. Wetlands and Water Resources: Clean Water Act, 33 U.S.C. 1251–1377 (Section 404, Section 401, Section 319); Land and Water Conservation Fund (LWCF), 16 U.S.C. 4601–4604; Safe Drinking Water Act (SDWA), 42 U.S.C. 300(f)–300(j)(6); Rivers and Harbors Act of 1899, 33 U.S.C. 401–406; Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287; Emergency Wetlands Resources Act, 16 U.S.C. 3921, 3931; TEA–21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133(b)(11); Flood Disaster Protection Act, 42 U.S.C. 4001–4128.

8. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

Catalog of Federal Domestic Assistance Number and Title: FHWA 20.205, Highway Planning and Construction (A, B). The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Authority: 23 U.S.C. 139(l)(1); Sec. 1308, Pub. L. 112–141, 126 Stat. 405.

Dated: June 3, 2014.

Laura S. Leffler,

Division Administrator, Columbus, Ohio.

[FR Doc. 2014–13596 Filed 6–12–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Safety Advisory 14–2]

Verification of Rail Vehicle Safe Stopping Distances in Terminal Stations

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of Safety Advisory.

SUMMARY: Today the Federal Transit Administration (FTA) is issuing Safety Advisory 14–2 to provide guidance to rail fixed guideway public transportation agencies of the need to assess the adequacy of safe stopping distances for rail transit trains in terminal stations. This safety advisory recommends specific and immediate action for rail transit agencies not overseen by the Federal Railroad Administration (FRA), and provides supporting technical resources. FTA is issuing this guidance in response to preliminary investigative findings from the National Transportation Safety Board (NTSB) of the collision and derailment that occurred at the Chicago Transit Authority (CTA) on March 24, 2014.

Further, FTA is directing each State Safety Oversight (SSO) agency designated to implement FTA's SSO program specified at 49 CFR part 659 and 49 U.S.C. 5329(e) to coordinate with every rail transit agency within its jurisdiction to review and approve, as necessary, corrective action plans to be implemented to address Safety Advisory 14–2, ''Verification of Rail Vehicle Safe Stopping Distances in Terminal Stations'' by August 12, 2014. Additionally, FTA directs SSO agencies to provide a summary of actions taken by each rail transit agency in the next Annual SSO Program Report.

FTA's Safety Advisory 14–2, ''Verification of Rail Vehicle Safe Stopping Distances in Terminal Stations,'' is available in its entirety on the agency's public Web site (*http://www.fta.dot.gov/tso_15922.html*).

FOR FURTHER INFORMATION CONTACT: For program matters, Thomas Littleton, Associate Administrator for Transit Safety and Oversight, telephone (202) 366–1783 or *Thomas.Littleton@dot.gov.* For legal matters, Scott Biehl, Senior Counsel, telephone (202) 366–0826 or *Scott.Biehl@dot.gov.*

SUPPLEMENTARY INFORMATION: On Monday, March 24, 2014, about 2:49 a.m., central daylight time, a CTA Blue Line train derailed after colliding with

an end-of-track bumper post at the Chicago-O'Hare International Airport Station. The lead car derailed and struck a station escalator used by the public to access the airport terminals. The train operator and 32 train passengers were transported to hospitals. The damage to the equipment and the station was estimated to be $9.1 million.

On April 7, 2014, the NTSB issued ''Preliminary Railroad Report DCA14FR007,'' which describes initial findings from the ongoing investigation into this collision and derailment. The NTSB determined that seconds before the derailment, the train was traveling about 26 mph as it crossed a fixed trip stop that activated the train emergency braking system. Due to the train speed, the distance from the fixed trip stop to the track bumper post was too short to stop the train, and it collided with the bumper post.

This accident confirms the critical importance of ensuring the appropriate configuration of the systems, technology and procedures designed to guarantee safe stopping for a train in emergency braking at a terminal station. Results of analysis from the accident scene indicate a discrepancy between the original safe braking design for Chicago-O'Hare International Airport Station and its sufficiency during the actual emergency event. This discrepancy resulted in a lack of stopping space available for the passenger train, which entered the station at authorized speed but failed to slow as required.

Based on this information, FTA is issuing Safety Advisory 14–2 to urge each rail transit agency to ensure that enough space is available for trains in emergency braking to stop in terminal stations before collision with bumper posts or other end-of-the-line equipment.

Over time, changes made to authorized train speeds, the design or layout of the terminal station, or the placement of signals and trip stops can affect the minimum safe stopping distance required for trains in emergency braking. To protect rail transit passengers and employees, FTA's advisory recommends each rail transit agency to immediately review the performance of its automatic signals and trip stops under the actual operating speeds and conditions present for each terminal station.

If insufficient stopping space is identified, FTA's advisory requests the rail transit agency to undertake an analysis to evaluate and resolve the deficiency. Speed restrictions, re-configuring automatic signals and trip stops, modifying the placement and performance of bumping posts and installations, and recalculating safe braking rates are all steps that rail transit agencies can take to address this critical safety concern.

Further, FTA is directing the SSO agencies to confirm actions taken to address Safety Advisory 14–2 and approve any required corrective actions to be implemented by rail transit agencies by August 12, 2014. FTA is also directing SSO agencies to provide a summary of actions taken by each rail transit agency in their jurisdiction when providing their annual report to FTA's Office of Safety and Oversight.

NTSB's initial investigative findings necessitated issuing this safety advisory. FTA is calling for immediate action from the rail transit agencies and subsequent follow-up verification from the SSO agencies to execute the recommendations in Safety Advisory 14–2.

FTA's issuance of Safety Advisory 14–2 is in accordance with the Federal Transit Administrator's authority to ''investigate public transportation accidents and incidents and provide guidance to recipients regarding prevention of accident and incidents.'' 49 U.S.C. 5329(f)(5). The requests for information and data from the SSOAs and the rail transit agencies within their jurisdiction are based on FTA's authority to request program information pertinent to rail transit safety under the State Safety Oversight rule, 49 CFR 659.39(d).

Issued in Washington, DC, this 6th day of June 2014.

Dorval R. Carter, Jr.,

Chief Counsel, Federal Transit Administration.

[FR Doc. 2014–13796 Filed 6–12–14; 8:45 am]

BILLING CODE

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0601]

Agency Information Collection (Requirements for Interest Rate Reduction Refinancing Loans) Activity Under OMB Review

AGENCY: Veterans Benefits Administration, VA.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 14, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0601'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0601.''

SUPPLEMENTARY INFORMATION:

Title: Requirements for Interest Rate Reduction Refinancing Loans.

OMB Control Number: 2900–0601.

Type of Review: Revision of a currently approved collection.

Abstract: Veterans may refinance an outstanding VA guaranteed, insured, or direct loan with a new loan at a lower interest rate provided that the veteran still owns the property used as security for the loan. The new loan will be guaranteed only if VA approves it in advance after determining that the borrower, through the lender, has provided reasons for the loan deficiency, and has provided information to establish that the cause of the delinquency has been corrected, and qualifies for the loan under the credit standard provisions.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 16, 2014, at page 2939.

Affected Public: Business or other for profit.

Estimated Annual Burden: 25 hours.

Estimated Annual Burden per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 50.

Dated: June 9, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–13808 Filed 6–12–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0394]

Agency Information Collection Activities (Certification of School Attendance—REPS) Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 14, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0394'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0394.''

SUPPLEMENTARY INFORMATION:

Title: Certification of School Attendance—REPS, VA Form 21–8926.

OMB Control Number: 2900–0394.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–8926 is used to verify beneficiaries receiving REPS benefits based on schoolchild status are in fact enrolled full-time in an approved school and is otherwise eligible for continued benefits. The program pays benefits to certain surviving spouses and children of Veterans who died in service prior to August 13, 1981 or who died as a result of a service-connected disability incurred or aggravated prior to August 13, 1981. Beneficiaries over age 18 and under age 23 must be enrolled full-time in an approved post-secondary school at the beginning of the school year to continue receiving REPS benefits.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 3, 2014, at pages 426–427.

Affected Public: Individuals or households.

Estimated Annual Burden: 300 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 1,200.

Dated: June 9, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–13812 Filed 6–12–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0114]

Agency Information Collection (Statement of Marital Relationship) Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 14, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0114'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0114.''

SUPPLEMENTARY INFORMATION:

Title: Statement of Marital Relationship, VA Form 21–4170.

OMB Control Number: 2900–0114.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–4170 is completed by individuals claiming to be common law widows/widowers of deceased Veterans and by Veterans and their claimed common law spouses to establish marital status. VA uses the information collected to determine whether a common law marriage was valid under the law of the place where the parties resided at the time of the marriage or under the law of the place where the parties resided when the right to benefits accrued.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 3, 2014, at page 427.

Affected Public: Individuals or households.

Estimated Annual Burden: 2,708 hours.

Estimated Average Burden per Respondent: 25 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 6,500.

Dated: June 9, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–13811 Filed 6–12–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0404]

Agency Information Collection (Veteran's Application for Increased Compensation Based on Unemployability) Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 14, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0404'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0404.''

SUPPLEMENTARY INFORMATION:

Title: Veteran's Application for Increased Compensation Based on Unemployability, VA Form 21–8940.

OMB Control Number: 2900–0404.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–8940 is used by Veterans to file a claim for increased disability compensation based on unemployability. Claimants are required to provide current medical, educational, and occupational history in order for VA to determine whether he or she is unable to secure or follow a substantially gainful employment due to service-connected disabilities.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 3, 2014, at page 426.

Affected Public: Individuals or households.

Estimated Annual Burden: 18,000 hours.

Estimated Average Burden per Respondent: 45 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 24,000.

Dated: June 9, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–13810 Filed 6–12–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Notice of Intent To Prepare an Integrated Environmental Impact Statement for the Department of Veterans Affairs, Black Hills Health Care System Proposed Improvements and Reconfiguration, Hot Springs and Rapid City, South Dakota; Comment Period Extension

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of intent; Comment period extension.

SUMMARY: The Department of Veterans Affairs (VA) published, in the **Federal Register** on May 16, 2014, the Notice of Intent to prepare an integrated environmental impact statement (EIS) for the proposed improvements to and reconfiguration of the VA Black Hills Health Care System (VA BHHCS) services in the Hot Springs and Rapid City, South Dakota vicinities. Due to public request and the unavailability of the regulations.gov public comment Web site, the comment period for the scoping process has been extended from June 16, 2014 to August 16, 2014.

DATES: Public comments must be received by August 16, 2014.

ADDRESSES: Submit written comments on VA's notice of intent to prepare an integrated EIS through *www.Regulations.gov* or *vablackhillsfuture@va.gov.* Please refer to: ''VA BHHCS Notice of Intent to Prepare an Integrated EIS''. Comments may also be submitted to Staff Assistant to the Director, VA Black Hills Health Care System, 113 Comanche Rd., Fort Meade, SD 57741.

FOR FURTHER INFORMATION CONTACT: Staff Assistant to the Director, VA BHHCS, at the address above or by telephone, 605–720–7170. Documents related to the VA BHHCS proposed reconfiguration will be available for viewing on the VA BHHCS Web site: *http://www.blackhills.va.gov/VABlackHillsFuture/.*

Correction: In the **Federal Register** of May 16, 2014 in FR Doc. 2014–11316, on page 28603, in the second column, correct the **DATES** caption to read:

DATES: With the publication of this notice, VA is initiating the scoping process to identify issues and concerns to be addressed in the integrated EIS. Federal, state, and local agencies, environmental organizations, businesses, other interested parties and the general public are encouraged to submit their written comments identifying specific issues or topics of environmental concern that should be addressed. VA will hold two or more public scoping meetings within the VA BHHCS service area; the dates, times, and locations of which will be announced and published at least 14 days prior to the meetings. All written comments on the proposal should be submitted by August 16, 2014. VA will consider all comments received during the 90-day public comment period in determining the scope of the integrated EIS.

Extension: The public comment period for the scoping process for the integrated environmental impact statement for the proposed improvements to and reconfiguration of the VA Black Hills Health Care System services in the Hot Springs and Rapid City, South Dakota vicinities has been extended from June 16, 2014 to August 16, 2014.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Riojas, Chief of Staff, Department of Veterans Affairs, approved the Notice of Intent on May 6, 2014, for publication.

Robert C. McFetridge,

Director of Regulations Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

[FR Doc. 2014–13840 Filed 6–12–14; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 79 Friday,

No. 114 June 13, 2014

Part II

Regulatory Information Service Center

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

REGULATORY INFORMATION SERVICE CENTER

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions.

SUMMARY: The Regulatory Flexibility Act requires that agencies publish semiannual regulatory agendas in the **Federal Register** describing regulatory actions they are developing that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). Executive Order 12866 ''Regulatory Planning and Review,'' signed September 30, 1993 (58 FR 51735), and Office of Management and Budget memoranda implementing section 4 of that Order establish minimum standards for agencies' agendas, including specific types of information for each entry.

The Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda) helps agencies fulfill these requirements. All Federal regulatory agencies have chosen to publish their regulatory agendas as part of the Unified Agenda.

The complete Unified Agenda for spring 2014, which contains the regulatory agendas for 60 Federal agencies, is available to the public at *http://reginfo.gov.*

The spring 2014 Unified Agenda publication appearing in the **Federal Register** consists of agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

ADDRESSES: Regulatory Information Service Center (MVE), General Services Administration, 1800 F Street NW., MVE, Room 2219F, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory actions, please refer to the agency contact listed for each entry.

To provide comment on or to obtain further information about this publication, contact: John C. Thomas, Executive Director, Regulatory Information Service Center (MVE), General Services Administration, 1800 F Street NW., MVE, Room 2219F, Washington, DC 20405, (202) 482–7340. You may also send comments to us by email at: *RISC@gsa.gov.*

SUPPLEMENTARY INFORMATION:

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

I. What is the Unified Agenda?

The Unified Agenda provides information about regulations that the Government is considering or reviewing. The Unified Agenda has appeared in the **Federal Register** twice each year since 1983 and has been available online since 1995. The complete Unified Agenda is available to the public at *http://reginfo.gov.* The online Unified Agenda offers flexible search tools and will soon offer access to the entire historic Unified Agenda database.

The spring 2014 Unified Agenda publication appearing in the **Federal Register** consists of agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Printed entries display only the fields required by the Regulatory Flexibility Act. Complete agenda information for those entries appears, in a uniform format, in the online Unified Agenda at *http://reginfo.gov.*

These publication formats meet the publication mandates of the Regulatory Flexibility Act and Executive Order 12866, as well as move the Agenda process toward the goal of, online availability at a substantially reduced printing cost compared with prior editions. The current format does not reduce the amount of information available to the public, but it does limit most of the content of the Agenda to online access. The complete online edition of the Unified Agenda includes regulatory agendas from 60 Federal agencies. Agencies of the United States Congress are not included.

The following agencies have no entries identified for inclusion in the printed regulatory flexibility agenda. The regulatory agendas of these agencies are available to the public at *http://reginfo.gov.*

Department of Housing and Urban Development
Department of State
Department of Veterans Affairs
Agency for International Development
Commission on Civil Rights
Committee for Purchase From People Who Are Blind or Severely Disabled
Corporation for National and Community Service
Court Services and Offender Supervision Agency for the District of Columbia
Equal Employment Opportunity Commission
Financial Stability Oversight Council
Institute of Museum and Library Services
National Archives and Records Administration
National Endowment for the Arts
National Endowment for the Humanities
National Science Foundation
National Transportation Safety Board
Office of Government Ethics
Office of Management and Budget
Office of Personnel Management
Peace Corps
Pension Benefit Guaranty Corporation
Privacy and Civil Liberties Oversight Board
Railroad Retirement Board
Social Security Administration
Commodity Futures Trading Commission
Farm Credit Administration
Federal Energy Regulatory Commission
Federal Housing Finance Agency
Federal Maritime Commission
Federal Trade Commission
National Credit Union Administration
National Indian Gaming Commission
National Labor Relations Board
Postal Regulatory Commission
Recovery Accountability and Transparency Board
Surface Transportation Board

The Regulatory Information Service Center compiles the Unified Agenda for the Office of Information and Regulatory Affairs (OIRA), part of the Office of Management and Budget. OIRA is responsible for overseeing the Federal Government's regulatory, paperwork, and information resource management activities, including implementation of Executive Order 12866 (incorporated in Executive Order 13563). The Center also provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency officials, and the public.

The activities included in the Agenda are, in general, those that will have a regulatory action within the next 12 months. Agencies may choose to include activities that will have a longer timeframe than 12 months. Agency agendas also show actions or reviews completed or withdrawn since the last Unified Agenda. Executive Order 12866

does not require agencies to include regulations concerning military or foreign affairs functions or regulations related to agency organization, management, or personnel matters.

Agencies prepared entries for this publication to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Unified Agenda does not create a legal obligation on agencies to adhere to schedules in this publication or to confine their regulatory activities to those regulations that appear within it.

II. Why is the Unified Agenda published?

The Unified Agenda helps agencies comply with their obligations under the Regulatory Flexibility Act and various Executive orders and other statutes.

Regulatory Flexibility Act

The *Regulatory Flexibility Act* requires agencies to identify those rules that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). Agencies meet that requirement by including the information in their submissions for the Unified Agenda. Agencies may also indicate those regulations that they are reviewing as part of their periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610). Executive Order 13272 entitled ''Proper Consideration of Small Entities in Agency Rulemaking,'' signed August 13, 2002 (67 FR 53461), provides additional guidance on compliance with the Act.

Executive Order 12866

Executive Order 12866 entitled ''Regulatory Planning and Review,'' signed September 30, 1993 (58 FR 51735), requires covered agencies to prepare an agenda of all regulations under development or review. The Order also requires that certain agencies prepare annually a regulatory plan of their ''most important significant regulatory actions,'' which appears as part of the fall Unified Agenda. Executive Order 13497, signed January 30, 2009 (74 FR 6113), revoked the amendments to Executive Order 12866 that were contained in Executive Order 13258 and Executive Order 13422.

Executive Order 13563

Executive Order 13563 entitled ''Improving Regulation and Regulatory Review,'' issued on January 18, 2011, supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review that were established in Executive Order 12866, which includes the general principles of regulation and public participation, and orders integration and innovation in coordination across agencies; flexible approaches where relevant, feasible, and consistent with regulatory approaches; scientific integrity in any scientific or technological information and processes used to support the agencies' regulatory actions; and retrospective analysis of existing regulations.

Executive Order 13132

Executive Order 13132 entitled ''Federalism,'' signed August 4, 1999, (64 FR 43255), directs agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have ''federalism implications'' as defined in the Order. Under the Order, an agency that is proposing a regulation with federalism implications, which either preempt State law or impose non-statutory unfunded substantial direct compliance costs on State and local governments, must consult with State and local officials early in the process of developing the regulation. In addition, the agency must provide to the Director of the Office of Management and Budget a federalism summary impact statement for such a regulation, which consists of a description of the extent of the agency's prior consultation with State and local officials, a summary of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which those concerns have been met. As part of this effort, agencies include in their submissions for the Unified Agenda information on whether their regulatory actions may have an effect on the various levels of government and whether those actions have federalism implications.

Unfunded Mandates Reform Act of 1995

The *Unfunded Mandates Reform Act of 1995* (Pub. L. 104–4, title II) requires agencies to prepare written assessments of the costs and benefits of significant regulatory actions ''that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more . . . in any 1 year. . . .'' The requirement does not apply to independent regulatory agencies, nor does it apply to certain subject areas excluded by section 4 of the Act. Affected agencies identify in the Unified Agenda those regulatory actions they believe are subject to title II of the Act.

Executive Order 13211

Executive Order 13211 entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' signed May 18, 2001 (66 FR 28355), directs agencies to provide, to the extent possible, information regarding the adverse effects that agency actions may have on the supply, distribution, and use of energy. Under the Order, the agency must prepare and submit a Statement of Energy Effects to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, for ''those matters identified as significant energy actions.'' As part of this effort, agencies may optionally include in their submissions for the Unified Agenda information on whether they have prepared or plan to prepare a Statement of Energy Effects for their regulatory actions.

Small Business Regulatory Enforcement Fairness Act

The *Small Business Regulatory Enforcement Fairness Act* (Pub. L. 104–121, title II) established a procedure for congressional review of rules (5 U.S.C. 801 *et seq.et seq.*), which defers, unless exempted, the effective date of a ''major'' rule for at least 60 days from the publication of the final rule in the **Federal Register**. The Act specifies that a rule is ''major'' if it has resulted, or is likely to result, in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of OIRA will make the final determination as to whether a rule is major.

III. How is the Unified Agenda organized?

Agency regulatory flexibility agendas are printed in a single daily edition of the **Federal Register**. A regulatory flexibility agenda is printed for each agency whose agenda includes entries for rules which are likely to have a significant economic impact on a substantial number of small entities or rules that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Each printed agenda appears as a separate part. The parts are organized alphabetically in four groups: Cabinet departments; other executive agencies; the Federal

Acquisition Regulation, a joint authority; and independent regulatory agencies. Agencies may in turn be divided into subagencies. Each agency's part of the Agenda contains a preamble providing information specific to that agency. Each printed agency agenda has a table of contents listing the agency's printed entries that follow.

The online, complete Unified Agenda contains the preambles of all participating agencies. Unlike the printed edition, the online Agenda has no fixed ordering. In the online Agenda, users can select the particular agencies whose agendas they want to see. Users have broad flexibility to specify the characteristics of the entries of interest to them by choosing the desired responses to individual data fields. To see a listing of all of an agency's entries, a user can select the agency without specifying any particular characteristics of entries.

Each entry in the Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. *Prerule Stage*—actions agencies will undertake to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking (NPRM) and may include Advance Notices of Proposed Rulemaking (ANPRMs) and reviews of existing regulations.

2. *Proposed Rule Stage*—actions for which agencies plan to publish a Notice of Proposed Rulemaking as the next step in their rulemaking process or for which the closing date of the NPRM Comment Period is the next step.

3. *Final Rule Stage*—actions for which agencies plan to publish a final rule or an interim final rule or to take other final action as the next step.

4. *Long-Term Actions*—items under development but for which the agency does not expect to have a regulatory action within the 12 months after publication of this edition of the Unified Agenda. Some of the entries in this section may contain abbreviated information.

5. *Completed Actions*—actions or reviews the agency has completed or withdrawn since publishing its last agenda. This section also includes items the agency began and completed between issues of the Agenda.

Long-Term Actions are rulemakings reported during the publication cycle that are outside of the required 12-month reporting period for which the Agenda was intended. Completed Actions in the publication cycle are rulemakings that are ending their lifecycle either by Withdrawal or completion of the rulemaking process. Therefore, the Long-Term and Completed RINs do not represent the ongoing, forward-looking nature intended for reporting developing rulemakings in the Agenda pursuant to Executive Order 12866, section 4(b) and 4(c). To further differentiate these two stages of rulemaking in the Unified Agenda from active rulemakings, Long-Term and Completed Actions are reported separately from active rulemakings, which can be any of the first three stages of rulemaking listed above. A separate search function is provided on *http://reginfo.gov* to search for Completed and Long-Term Actions apart from each other and active RINs.

A bullet (•) preceding the title of an entry indicates that the entry is appearing in the Unified Agenda for the first time.

In the printed edition, all entries are numbered sequentially from the beginning to the end of the publication. The sequence number preceding the title of each entry identifies the location of the entry in this edition. The sequence number is used as the reference in the printed table of contents. Sequence numbers are not used in the online Unified Agenda because the unique Regulation Identifier Number (RIN) is able to provide this cross-reference capability.

Editions of the Unified Agenda prior to fall 2007 contained several indexes, which identified entries with various characteristics. These included regulatory actions for which agencies believe that the Regulatory Flexibility Act may require a Regulatory Flexibility Analysis, actions selected for periodic review under section 610(c) of the Regulatory Flexibility Act, and actions that may have federalism implications as defined in Executive Order 13132 or other effects on levels of government. These indexes are no longer compiled, because users of the online Unified Agenda have the flexibility to search for entries with any combination of desired characteristics. The online edition retains the Unified Agenda's subject index based on the Federal Register Thesaurus of Indexing Terms. In addition, online users have the option of searching Agenda text fields for words or phrases.

IV. What information appears for each entry?

All entries in the online Unified Agenda contain uniform data elements including, at a minimum, the following information:

Title of the Regulation—a brief description of the subject of the regulation. In the printed edition, the notation ''Section 610 Review'' following the title indicates that the agency has selected the rule for its periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610(c)). Some agencies have indicated completions of section 610 reviews or rulemaking actions resulting from completed section 610 reviews. In the online edition, these notations appear in a separate field.

Priority—an indication of the significance of the regulation. Agencies assign each entry to one of the following five categories of significance.

(1) Economically Significant

As defined in Executive Order 12866, a rulemaking action that will have an annual effect on the economy of $100 million or more or will adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The definition of an ''economically significant'' rule is similar but not identical to the definition of a ''major'' rule under 5 U.S.C. 801 (Pub. L. 104–121). (See below.)

(2) Other Significant

A rulemaking that is not Economically Significant but is considered Significant by the agency. This category includes rules that the agency anticipates will be reviewed under Executive Order 12866 or rules that are a priority of the agency head. These rules may or may not be included in the agency's regulatory plan.

(3) Substantive, Nonsignificant

A rulemaking that has substantive impacts but is neither Significant, nor Routine and Frequent, nor Informational/Administrative/Other.

(4) Routine and Frequent

A rulemaking that is a specific case of a multiple recurring application of a regulatory program in the Code of Federal Regulations and that does not alter the body of the regulation.

(5) Informational/Administrative/Other

A rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the agency's regulatory mandate but that the agency places in the Unified Agenda to inform the public of the activity.

Major—whether the rule is ''major'' under 5 U.S.C. 801 (Pub. L. 104–121) because it has resulted or is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of the Office of

Information and Regulatory Affairs will make the final determination as to whether a rule is major.

Unfunded Mandates—whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than $100 million in 1 year, agencies, other than independent regulatory agencies, shall prepare a written statement containing an assessment of the anticipated costs and benefits of the Federal mandate.

Legal Authority—the section(s) of the United States Code (U.S.C.) or Public Law (Pub. L.) or the Executive order (E.O.) that authorize(s) the regulatory action. Agencies may provide popular name references to laws in addition to these citations.

CFR Citation—the section(s) of the Code of Federal Regulations that will be affected by the action.

Legal Deadline—whether the action is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some other action.

Abstract—a brief description of the problem the regulation will address; the need for a Federal solution; to the extent available, alternatives that the agency is considering to address the problem; and potential costs and benefits of the action.

Timetable—the dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 06/00/14 means the agency is predicting the month and year the action will take place but not the day it will occur. In some instances, agencies may indicate what the next action will be, but the date of that action is ''To Be Determined.'' ''Next Action Undetermined'' indicates the agency does not know what action it will take next.

Regulatory Flexibility Analysis Required—whether an analysis is required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the rulemaking action is likely to have a significant economic impact on a substantial number of small entities as defined by the Act.

Small Entities Affected—the types of small entities (businesses, governmental jurisdictions, or organizations) on which the rulemaking action is likely to have an impact as defined by the Regulatory Flexibility Act. Some agencies have chosen to indicate likely effects on small entities even though they believe that a Regulatory Flexibility Analysis will not be required.

Government Levels Affected—whether the action is expected to affect levels of government and, if so, whether the governments are State, local, tribal, or Federal.

International Impacts—whether the regulation is expected to have international trade and investment effects, or otherwise may be of interest to the Nation's international trading partners.

Federalism—whether the action has ''federalism implications'' as defined in Executive Order 13132. This term refers to actions ''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.'' Independent regulatory agencies are not required to supply this information.

Included in the Regulatory Plan—whether the rulemaking was included in the agency's current regulatory plan published in fall 2013.

Agency Contact—the name and phone number of at least one person in the agency who is knowledgeable about the rulemaking action. The agency may also provide the title, address, fax number, email address, and TDD for each agency contact.

Some agencies have provided the following optional information:

RIN Information URL—the Internet address of a site that provides more information about the entry.

Public Comment URL—the Internet address of a site that will accept public comments on the entry. Alternatively, timely public comments may be submitted at the governmentwide e-rulemaking site, *http://www.regulations.gov.*

Additional Information—any information an agency wishes to include that does not have a specific corresponding data element.

Compliance Cost to the Public—the estimated gross compliance cost of the action.

Affected Sectors—the industrial sectors that the action may most affect, either directly or indirectly. Affected sectors are identified by North American Industry Classification System (NAICS) codes.

Energy Effects—an indication of whether the agency has prepared or plans to prepare a Statement of Energy Effects for the action, as required by Executive Order 13211 ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' signed May 18, 2001 (66 FR 28355).

Related RINs—one or more past or current RIN(s) associated with activity related to this action, such as merged RINs, split RINs, new activity for previously completed RINs, or duplicate RINs.

Some agencies that participated in the fall 2013 edition of *The Regulatory Plan* have chosen to include the following information for those entries that appeared in the Plan:

Statement of Need—a description of the need for the regulatory action.

Summary of the Legal Basis—a description of the legal basis for the action, including whether any aspect of the action is required by statute or court order.

Alternatives—a description of the alternatives the agency has considered or will consider as required by section 4(c)(1)(B) of Executive Order 12866.

Anticipated Costs and Benefits—a description of preliminary estimates of the anticipated costs and benefits of the action.

Risks—a description of the magnitude of the risk the action addresses, the amount by which the agency expects the action to reduce this risk, and the relation of the risk and this risk reduction effort to other risks and risk reduction efforts within the agency's jurisdiction.

V. Abbreviations

The following abbreviations appear throughout this publication:

ANPRM—An Advance Notice of Proposed Rulemaking is a preliminary notice, published in the **Federal Register**, announcing that an agency is considering a regulatory action. An agency may issue an ANPRM before it develops a detailed proposed rule. An ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a notice of proposed rulemaking.

CFR—The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the agencies of the Federal Government. The Code is divided into 50 titles, each title covering a broad area subject to Federal regulation. The CFR is keyed to and kept up to date by the daily issues of the **Federal Register**.

EO—An Executive order is a directive from the President to Executive agencies, issued under constitutional or statutory authority. Executive orders are

published in the **Federal Register** and in title 3 of the Code of Federal Regulations.

FR—The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by Federal agencies.

FY—The Federal fiscal year runs from October 1 to September 30.

NPRM—A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act (5 U.S.C. 553), an NPRM must include, at a minimum:

- a statement of the time, place, and nature of the public rulemaking proceeding;
- a reference to the legal authority under which the rule is proposed; and
- either the terms or substance of the proposed rule or a description of the subjects and issues involved.

Pub. L. (or Pub. L.)—A public law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, unlike a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the 2-year life of each Congress; for example, Pub. L. 110–4 is the fourth public law of the 110th Congress.

RFA—A Regulatory Flexibility Analysis is a description and analysis of the impact of a rule on small entities, including small businesses, small governmental jurisdictions, and certain small not-for-profit organizations. The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.et seq.*) requires each agency to prepare an initial RFA for public comment when it is required to publish an NPRM and to make available a final RFA when the final rule is published, unless the agency head certifies that the rule would not have a significant economic impact on a substantial number of small entities.

RIN—The Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in the Unified Agenda, as directed by Executive Order 12866 (section 4(b)). Additionally, OMB has asked agencies to include RINs in the headings of their Rule and Proposed Rule documents when publishing them in the **Federal Register**, to make it easier for the public and agency officials to track the publication history of regulatory actions throughout their development.

Seq. No.—The sequence number identifies the location of an entry in the printed edition of the Unified Agenda. Note that a specific regulatory action will have the same RIN throughout its development but will generally have different sequence numbers if it appears in different printed editions of the Unified Agenda. Sequence numbers are not used in the online Unified Agenda.

U.S.C.—The United States Code is a consolidation and codification of all general and permanent laws of the United States. The U.S.C. is divided into 50 titles, each title covering a broad area of Federal law.

VI. How can users get copies of the Agenda?

Copies of the **Federal Register** issue containing the printed edition of the Unified Agenda (agency regulatory flexibility agendas) are available from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250–7954. Telephone: (202) 512–1800 or 1–866–512–1800 (toll-free).

Copies of individual agency materials may be available directly from the agency or may be found on the agency's Web site. Please contact the particular agency for further information.

All editions of *The Regulatory Plan* and the *Unified Agenda of Federal Regulatory and Deregulatory Actions* since fall 1995 are available in electronic form at *http://reginfo.gov,* along with flexible search tools.

The Government Printing Office's GPO FDsys Web site contains copies of the Agendas and Regulatory Plans that have been printed in the **Federal Register**. These documents are available at *http://www.fdsys.gov.*

Dated: May 23, 2014.

John C. Thomas,

Executive Director.

[FR Doc. 2014–13111 Filed 6–12–14; 8:45 am]

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Part III

Department of Agriculture

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE

Office of the Secretary

2 CFR Subtitle B, Ch. IV

5 CFR Ch. LXXIII

7 CFR Subtitle A; Subtitle B, Chs. I–XI, XIV–XVIII, XX, XXV–XXXVIII, XLII

9 CFR Chs. I–III

36 CFR Ch. II

48 CFR Ch. 4

Semiannual Regulatory Agenda, Spring 2014

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of significant and not significant regulations being developed in agencies of the U.S. Department of Agriculture (USDA) in conformance with Executive Orders (EO) 12866 ''Regulatory Planning and Review,'' and 13563 ''Improving Regulation and Regulatory Review.'' The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Public Law 96–354. This agenda also identifies regulatory actions that are being reviewed in compliance with section 610(c) of the Regulatory Flexibility Act. We invite public comment on those actions as well as any regulation consistent with EO 13563.

The Agricultural Act of 2014 was signed into law on February 7. The new law makes major changes in commodity programs, streamlines conservation programs, modifies provisions of the Supplemental Nutrition Assistance Program (SNAP), and expands programs for specialty crops, organic farmers, bioenergy, rural development, and beginning farmers and ranchers. Implementing these changes will require USDA to modify existing regulations and in some cases introduce new regulatory actions. Due to the rigorous process in place for modifying and proposing such actions, much of the information necessary for inclusion in the Spring Regulatory Agenda was unavailable at the time of publication. USDA takes seriously its commitments to transparency, collaboration and public participation, and strongly encourages the public to review the steps it is taking to implement the Agricultural Act of 2014, including up-to-date regulatory information, at its Farm Bill Web site: *http://www.usda.gov/wps/portal/usda/usdahome?navid=farmbill*.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

USDA's complete regulatory agenda is available online at *www.reginfo.gov.* Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), USDA's printed agenda entries include only:

(1) Rules that are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules identified for periodic review under section 610 of the Regulatory Flexibility Act.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action. For general comments or inquiries about the agenda, please contact Michael Poe, Office of Budget and Program Analysis, U.S. Department of Agriculture, Washington, DC 20250, (202) 720–3257.

Dated: March 17, 2014.

Michael Poe,

Chief, Legislative and Regulatory Staff.

AGRICULTURAL MARKETING SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
1	National Organic Program, Origin of Livestock, NOP–11–0009	0581–AD08
2	National Organic Program, Organic Pet Food Standards	0581–AD20
3	National Organic Program; Sunset Review (2012) for Sodium Nitrate	0581–AD22
4	National Organic Program, Organic Apiculture Practice Standard, NOP–12–0063	0581–AD31

AGRICULTURAL MARKETING SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
5	National Organic Program: Sunset Review for Nutrient Vitamins and Minerals	0581–AD17

FARM SERVICE AGENCY—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
6	Farm Loan Programs, Clarification and Improvement	0560–AI14

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
7	Scrapie in Sheep and Goats	0579–AC92
8	Plant Pest Regulations; Update of General Provisions	0579–AC98

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—PROPOSED RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
9	Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts.	0579–AD10
10	Brucellosis and Bovine Tuberculosis; Update of General Provisions	0579–AD65
11	Establishing a Performance Standard for Authorizing the Importation and Interstate Movement of Fruits and Vegetables.	0579–AD71

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
12	Importation of Poultry and Poultry Products From Regions Affected With Highly Pathogenic Avian Influenza.	0579–AC36
13	Importation of Live Dogs	0579–AD23
14	Importation of Wood Packaging Material From Canada	0579–AD28
15	Importation of Beef From a Region in Brazil	0579–AD41
16	Treatment of Firewood and Spruce Logs Imported From Canada	0579–AD60

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
17	Introduction of Organisms and Products Altered or Produced Through Genetic Engineering	0579–AC31

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
18	Chronic Wasting Disease in Elk and Deer; Interstate Movement Restrictions and Payment of Indemnity	0579–AB35

RURAL HOUSING SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
19	Guaranteed Single-Family Housing	0575–AC18

FOOD AND NUTRITION SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
20	Child and Adult Care Food Program: Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of 2010.	0584–AE18

FOOD AND NUTRITION SERVICE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
21	Child Nutrition Programs: Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010.	0584–AE25

FOOD AND NUTRITION SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
22	Certification of Compliance With Meal Requirements for the National School Lunch Program Under the Healthy, Hunger-Free Kids Act of 2010.	0584–AE15

FOOD SAFETY AND INSPECTION SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
23	Change in Accredited Lab Fees	0583–AD55

FOOD SAFETY AND INSPECTION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
24	Mandatory Inspection of Certain Fish, Including Catfish and Catfish Products	0583–AD36

FOREST SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
25	Management of Surface Activities Associated With Outstanding Mineral Rights on National Forest System Lands.	0596–AD03
26	Ski Area—D Clauses: Resource and Improvement Protection, Water Facilities and Water Rights	0596–AD14

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Agricultural Marketing Service (AMS)

1. National Organic Program, Origin of Livestock, NOP–11–0009

Legal Authority: 7 U.S.C. 6501

Abstract: The current regulations provide two tracks for replacing dairy animals which are tied to how dairy farmers transition to organic production. Farmers who transition an entire distinct herd must thereafter replace dairy animals with livestock that has been under organic management from the last third of gestation. Farmers who do not transition an entire distinct herd may perpetually obtain replacement animals that have been managed organically for 12 months prior to marketing milk or milk products as organic. The proposed action would eliminate the two track system and require that upon transition, all existing and replacement dairy animals from which milk or milk products are intended to be sold, labeled, or represented as organic, must be managed organically from the last third of gestation.

Timetable:

Action	Date	FR Cite
NPRM	07/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa R Bailey, Director, Standards Division, Department of Agriculture, Agricultural Marketing Service, 14th & Independence Avenue SW., Room 2646–South Building, Washington, DC 20250, *Phone:* 202 720–3252, *Fax:* 202 205–7808, *Email: melissa.bailey@usda.gov.*

RIN: 0581–AD08

2. National Organic Program, Organic Pet Food Standards

Legal Authority: 7 U.S.C. 6501

Abstract: The National Organic Program (NOP) is establishing national standards governing the marketing of organically produced agricultural products. In 2004, the National Organic Standards Board (NOSB) initiated the development of organic pet food standards, which had not been incorporated into the NOP regulations, by forming a task force which included pet food manufacturers, organic consultants, etc. Collectively, these experts drafted organic pet food standards consistent with the Organic Foods Production Act of 1990, Food and Drug Administration requirements, and the Association of American Feed Control Officials (AAFCO) Model Regulations for Pet and Specialty Pet Food. The AAFCO regulations are scientifically-based regulations for voluntary adoption by State jurisdictions to ensure the safety, quality, and effectiveness of feed. In November 2008, the NOSB approved a final recommendation for organic pet food standards incorporating the provisions drafted by the pet food task force.

Timetable:

Action	Date	FR Cite
NPRM	10/00/14	
Final Action	10/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa R Bailey, Director, Standards Division, Department of Agriculture, Agricultural Marketing Service, 14th & Independence Avenue SW., Room 2646–South Building, Washington, DC 20250, *Phone:* 202 720–3252, *Fax:* 202 205–7808, *Email: melissa.bailey@usda.gov.*

RIN: 0581–AD20

3. National Organic Program; Sunset Review (2012) for Sodium Nitrate

Legal Authority: 7 U.S.C. 6501

Abstract: This action proposes to amend the listing for sodium nitrate on the National List of Allowed and Prohibited Substances as part of the 2012 sunset review process. Consistent with the recommendation from the National Organic Standards Board, this amendment would prohibit the use of the substance in its entirety from organic crop production.

Timetable:

Action	Date	FR Cite
NPRM	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa R Bailey, Director, Standards Division, Department of Agriculture, Agricultural Marketing Service, 14th & Independence Avenue SW., Room 2646–South Building, Washington, DC 20250, *Phone:* 202 720–3252, *Fax:* 202 205–7808, *Email: melissa.bailey@usda.gov.*

RIN: 0581–AD22

4. National Organic Program, Organic Apiculture Practice Standard, NOP–12–0063

Legal Authority: 7 U.S.C. 6501

Abstract: This action proposes to amend the USDA organic regulations to reflect an October 2010 recommendation submitted to the Secretary by the National Organic Standards Board (NOSB) concerning the production of organic apicultural (i.e. beekeeping) products. Instead of continuing to allow certifying agents to certify apiculture to the organic livestock standards, this action would establish certification standards specifically for organic bees and bee products. The scope of this action includes provisions for: transition to organic apiculture production, replacement bees, hive construction forage areas, supplemental feeding health care, pest control practices, and an organic apiculture system plan. This action would also add a new scope of certification and accreditation to the USDA organic regulations. This action does not regulate the use of bees for pollination of organic crops.

Timetable:

Action	Date	FR Cite
NPRM	11/00/14	
Final Action	11/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa R Bailey, Director, Standards Division, Department of Agriculture, Agricultural Marketing Service, 14th & Independence Avenue SW., Room 2646–South Building, Washington, DC 20250, *Phone:* 202 720–3252, *Fax:* 202 205–7808, *Email: melissa.bailey@usda.gov.*

RIN: 0581–AD31

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Agricultural Marketing Service (AMS)

5. National Organic Program: Sunset Review for Nutrient Vitamins and Minerals

Legal Authority: 7 U.S.C. 6501

Abstract: The Agricultural Marketing Service (AMS) intends to amend the listing for nutrient vitamins and minerals on the U.S. Department of Agriculture's (USDA) National List of Allowed and Prohibited Substances (National List) to clarify what synthetic substances are allowed as vitamins and minerals in products labeled as ''organic'' or ''made with organic (specified ingredients or food group(s)).'' In September 2012, AMS published an interim rule (77 FR 59287) to renew the exemption (use) for nutrient vitamins and minerals which was otherwise due to expire, or sunset, on October 21, 2012. The interim rule followed a proposed rule in which AMS suggested amending the listing to allow only vitamins and minerals which are essential for food and required for infant formula. Under the proposed action, synthetic substances that are not specifically referenced by the exemption would be prohibited from use in organic products unless there is an explicit National List exemption for such use. AMS is evaluating the comments on the interim rule and considering the impact of 13 National Organic Standards Board (NOSB) recommendations for affected synthetic nutrients that were petitioned for addition to the National List.

Timetable:

Action	Date	FR Cite
NPRM	01/12/12	77 FR 1980
NPRM Comment Period End.	03/12/12	
Interim Final Rule	09/27/12	77 FR 59287
Interim Final Rule Comment Period End.	10/21/12	
Final Action	01/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa R Bailey, Director, Standards Division, Department of Agriculture, Agricultural Marketing Service, 14th & Independence Avenue SW., Room 2646–South Building, Washington, DC 20250, *Phone:* 202 720–3252, *Fax:* 202 205–7808, *Email: melissa.bailey@usda.gov.*

RIN: 0581–AD17

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE (USDA)

Completed Actions

Farm Service Agency (FSA)

6. Farm Loan Programs, Clarification and Improvement

Legal Authority: 5 U.S.C. 301; 7 U.S.C. 1989

Abstract: This rulemaking initiative has been completed. The rule amended farm loan programs (FLPs) regulations for loan servicing including the following areas: Real estate appraisals; Lease, subordination, and disposition of security; and Conservation contracts.

FSA also made technical and conforming amendments. The amendments are technical corrections, clarifications, and procedural improvements that further streamline normal servicing activities and reduce burden on borrowers while still protecting the loan security.

Completed:

Reason	Date	FR Cite
Final Action	11/01/13	78 FR 65523

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deirdre Holder, *Phone:* 202 205–5851; *Fax:* 202 720–5233, *Email: deirdre.holder@wdc.usda.gov.*

RIN: 0560–AI14

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Animal and Plant Health Inspection Service (APHIS)

7. Scrapie in Sheep and Goats

Legal Authority: 7 U.S.C. 8301 to 8317

Abstract: This rulemaking would amend the scrapie regulations by changing the risk groups and categories established for individual animals and for flocks. It would simplify, reduce, or remove certain recordkeeping requirements. This action would provide designated scrapie epidemiologists with more alternatives and flexibility when testing animals in order to determine flock designations under the regulations. It would also make the identification and recordkeeping requirements for goat owners consistent with those for sheep owners. These changes would affect sheep and goat producers and State governments.

Timetable:

Action	Date	FR Cite
NPRM	07/00/14	
NPRM Comment Period End.	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Diane Sutton, National Scrapie Program Coordinator, Ruminant Health Programs, NCAHP, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 43, Riverdale, MD 20737–1235, *Phone:* 301 851–3509.

RIN: 0579–AC92

8. Plant Pest Regulations; Update of General Provisions

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 2260; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8817; 19 U.S.C. 136; 21 U.S.C. 111; 21 U.S.C. 114a; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332

Abstract: We are proposing to revise our regulations regarding the movement of plant pests. We are proposing to regulate the movement of not only plant pests, but also biological control organisms and associated articles. We are proposing risk-based criteria regarding the movement of biological control organisms, and are proposing to establish regulations to allow the movement in interstate commerce of certain types of plant pests without restriction by granting exceptions from permitting requirements for those pests. We are also proposing to revise our regulations regarding the movement of soil and to establish regulations governing the biocontainment facilities in which plant pests, biological control organisms, and associated articles are held. This proposed rule replaces a previously published proposed rule, which we are withdrawing as part of this document. This proposal would clarify the factors that would be considered when assessing the risks associated with the movement of certain organisms, facilitate the movement of regulated organisms and articles in a manner that also protects U.S. agriculture, and address gaps in the current regulations.

Timetable:

Action	Date	FR Cite
Notice of Intent To Prepare an Environmental Impact Statement.	10/20/09	74 FR 53673
Notice Comment Period End.	11/19/09	
NPRM	09/00/14	
NPRM Comment Period End.	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shirley Wager-Page, Chief, Pest Permitting Branch, Plant Health Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 131, Riverdale, MD 20737–1236, *Phone:* 301 851–2323.

RIN: 0579–AC98

9. Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 1622; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: This rulemaking would amend the bovine spongiform encephalopathy (BSE) and scrapie regulations regarding the importation of live sheep, goats, and wild ruminants and their embryos, semen, products, and byproducts. The proposed scrapie revisions regarding the importation of sheep, goats, and susceptible wild ruminants for other than immediate slaughter are similar to those recommended by the World Organization for Animal Health in restricting the importation of such animals to those from scrapie-free regions or certified scrapie-free flocks.

Timetable:

Action	Date	FR Cite
NPRM	11/00/14	
NPRM Comment Period End.	01/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Merrill, Assistant Director, Technical Trade Services, National Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737–1231, *Phone:* 301 851–3300.

RIN: 0579–AD10

10. Brucellosis and Bovine Tuberculosis; Update of General Provisions

Legal Authority: 7 U.S.C. 1622; 7 U.S.C. 8301 to 8317; 15 U.S.C. 1828; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: This rulemaking would consolidate the regulations governing bovine tuberculosis (TB), currently found in 9 CFR part 77, and those governing brucellosis, currently found in 9 CFR part 78. As part of this consolidation, we are proposing to transition the TB and brucellosis programs away from a State status system based on disease prevalence. Instead, States and tribes would implement an animal health plan that identifies sources of the diseases within the State or tribe and specifies mitigations to address the risk posed by these sources. The consolidated regulations would also set forth standards for surveillance, epidemiological investigations, and affected herd management that must be incorporated into each animal health plan, with certain limited exceptions; conditions for the interstate movement of cattle, bison, and captive cervids; and conditions for APHIS approval of tests for bovine TB or brucellosis. Finally, the rulemaking would revise the import requirements for cattle and bison to make these requirements clearer and assure that they more effectively mitigate the risk of introduction of the diseases into the United States.

Timetable:

Action	Date	FR Cite
NPRM	08/00/14	
NPRM Comment Period End.	10/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Langston Hull, National Center for Import and Export, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737, *Phone:* 301 851–3300.

C William Hench, Senior Staff Veterinarian, Ruminant Health Programs, National Center for Animal Health Programs, vs, Department of Agriculture, Animal and Plant Health Inspection Service, 2150 Centre Avenue, Building B–3E20, Ft. Collins, CO 80526, *Phone:* 970 494–7378.

RIN: 0579–AD65

11. Establishing a Performance Standard for Authorizing the Importation and Interstate Movement of Fruits and Vegetables

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking would amend our regulations governing the importations of fruits and vegetables by broadening our existing performance standard to provide for consideration of all new fruits and vegetables for importation into the United States using a notice-based process. It would also remove the region- or commodity-specific phytosanitary requirements currently found in these regulations. Likewise, we are proposing an equivalent revision of the performance standard in our regulations governing the interstate movements of fruits and vegetables from Hawaii and the U.S. territories (Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands) and the removal of commodity-specific phytosanitary requirements from those regulations. This proposal would allow for the consideration of requests to authorize the importation or

interstate movement of new fruits and vegetables in a manner that enables a more flexible and responsive regulatory approach to evolving pest situations in both the United States and exporting countries. It would not, however, alter the science-based process in which the risk associated with importation or interstate movement of a given fruit or vegetable is evaluated or the manner in which risks associated with the importation or interstate movement of a fruit or vegetable are mitigated.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	
NPRM Comment Period End.	08/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Matthew Rhoads, Associate Executive Director, Plant Health Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 131, Riverdale, MD 20737–1231, *Phone:* 301 851–2133.

RIN: 0579–AD71

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Animal and Plant Health Inspection Service (APHIS)

12. Importation of Poultry and Poultry Products From Regions Affected With Highly Pathogenic Avian Influenza

Legal Authority: 7 U.S.C. 1622; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: This rulemaking will amend the regulations concerning the importation of animals and animal products to prohibit or restrict the importation of birds, poultry, and bird and poultry products from regions that have reported the presence in commercial birds or poultry of highly pathogenic avian influenza of any subtype. This action will supplement existing prohibitions and restrictions on articles from regions that have reported the presence of Newcastle disease or highly pathogenic avian influenza subtype H5N1.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/24/11	76 FR 4046
Interim Final Rule Comment Period End.	03/25/11	
Interim Final Rule Comment Period Reopened.	05/03/11	76 FR 24793
Interim Final Rule Comment Period Reopened End.	05/18/11	
Interim Final Rule Comment Period Reopened.	06/12/12	77 FR 34783
Interim Final Rule Comment Period Reopened End.	07/12/12	
Final Rule	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Javier Vargas, Case Manager, National Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, MD 20737–1231, *Phone:* 301 851–3300.

RIN: 0579–AC36

13. Importation of Live Dogs

Legal Authority: 7 U.S.C. 2148

Abstract: We are amending the regulations to implement an amendment to the Animal Welfare Act (AWA). The Food, Conservation, and Energy Act of 2008 added a new section to the AWA to restrict the importation of certain live dogs. Consistent with this amendment, this rule prohibits the importation of dogs, with limited exceptions, from any part of the world into the continental United States or Hawaii for purposes of resale, research, or veterinary treatment, unless the dogs are in good health, have received all necessary vaccinations, and are at least 6 months of age. This action is necessary to implement the amendment to the AWA and will help to ensure the welfare of imported dogs.

Timetable:

Action	Date	FR Cite
NPRM	09/01/11	76 FR 54392
NPRM Comment Period End.	10/31/11	
Final Rule	07/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gerald Rushin, Veterinary Medical Officer, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 84, Riverdale, MD 20737–1231, *Phone:* 301 851–3740.

RIN: 0579–AD23

14. Importation of Wood Packaging Material From Canada

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking will amend the regulations for the importation of unmanufactured wood articles to remove the exemption that allows wood packaging material from Canada to enter the United States without first meeting the treatment and marking requirements of the regulations that apply to wood packaging material from all other countries. This action is necessary in order to prevent the dissemination and spread of pests via wood packaging material from Canada.

Timetable:

Action	Date	FR Cite
NPRM	12/02/10	75 FR 75157
NPRM Comment Period End.	01/31/11	
Final Rule	07/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Tyrone Jones, Trade Director, Forestry Products, Phytosanitary Issues Management, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 140, Riverdale, MD 20737–1231, *Phone:* 301 851–2344.

RIN: 0579–AD28

15. Importation of Beef From a Region in Brazil

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: This rulemaking would amend the regulations governing the importation of certain animals, meat, and other animal products by allowing, under certain conditions, the importation of fresh (chilled or frozen) beef from a region in Brazil (the States of Bahia, Distrito Federal, Espirito Santo, Goias, Mato Grosso, Mato Grosso do Sul, Minas Gerais, Parana, Rio Grande do Sul, Rio de Janeiro, Rondonia, Sao Paulo, Sergipe, and Tocantis). Based on the evidence in a recent risk assessment, we have determined that fresh (chilled or frozen) beef can be safely imported from those Brazilian States, provided certain conditions are met. This action would provide for the importation of beef from the designated region in Brazil into the United States while continuing to protect the United States against the introduction of foot-and-mouth disease.

Timetable:

Action	Date	FR Cite
NPRM	12/23/13	78 FR 77370
NPRM Comment Period End.	02/21/14	
Final Rule	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Silvia Kreindel, Senior Staff Veterinarian, Regionalization Evaluation Services Staff, NCIE, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, MD 20737–1231, *Phone:* 301 851–3313.

RIN: 0579–AD41

16. Treatment of Firewood and Spruce Logs Imported From Canada

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 21 U.S.C. 136 and 136a

Abstract: This rulemaking will amend the regulations to require firewood of all species imported from Canada, including treated lumber (furniture scraps) sold as kindling, and all spruce logs imported from Nova Scotia to be heat-treated and to be accompanied by either a certificate of treatment or an attached commercial treatment label. This action is necessary on an immediate basis to prevent the artificial spread of pests, including emerald ash borer, Asian longhorned beetle, gypsy moth, European spruce bark beetle, and brown spruce longhorn beetle to noninfested areas of the United States and to prevent further introduction of these pests into the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/14	
Interim Final Rule Comment Period End.	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Tyrone Jones, Trade Director, Forestry Products, Phytosanitary Issues Management, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 140, Riverdale, MD 20737–1231, Phone: 301 851–2344.

RIN: 0579–AD60

DEPARTMENT OF AGRICULTURE (USDA)

Long-Term Actions

Animal and Plant Health Inspection Service (APHIS)

17. Introduction of Organisms and Products Altered or Produced Through Genetic Engineering

Legal Authority: 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 31 U.S.C. 9701

Abstract: This rulemaking will amend the regulations regarding the importation, interstate movement, and environmental release of certain genetically engineered organisms. This rule will affect persons involved in the importation, interstate movement, or release into the environment of genetically engineered plants and certain other genetically engineered organisms.

Timetable:

Action	Date	FR Cite
Notice of Intent to Prepare an Environmental Impact Statement.	01/23/04	69 FR 3271
Comment Period End.	03/23/04	
Notice of Availability of Draft Environmental Impact Statement.	07/17/07	72 FR 39021
Comment Period End.	09/11/07	
NPRM	10/09/08	73 FR 60007
NPRM Comment Period End.	11/24/08	
Correction	11/10/08	73 FR 66563
NPRM Comment Period Reopened.	01/16/09	74 FR 2907
NPRM Comment Period End.	03/17/09	
NPRM; Notice of Public Scoping Session.	03/11/09	74 FR 10517
NPRM Comment Period Reopened.	04/13/09	74 FR 16797
NPRM Comment Period End.	06/29/09	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrea Huberty, *Phone:* 301 851–3880.

RIN: 0579–AC31

DEPARTMENT OF AGRICULTURE (USDA)

Completed Actions

Animal and Plant Health Inspection Service (APHIS)

18. Chronic Wasting Disease in Elk and Deer; Interstate Movement Restrictions and Payment of Indemnity

Legal Authority: 7 U.S.C. 8301 to 8317; 21 U.S.C. 111 to 113; 21 U.S.C. 120 and 121; 21 U.S.C. 125; 21 U.S.C. 134(b)

Abstract: This rulemaking establishes a herd certification program and requirements for the interstate movement of farmed or captive deer, elk, and moose and authorizes the payment of indemnity, subject to availability of funds, for the depopulation of farmed or captive deer, elk, and moose that have been infected with, or exposed to, chronic wasting disease (CWD).

Completed:

Reason	Date	FR Cite
Notice	12/31/13	78 FR 79659
Notice Comment Period End.	03/31/14	
Final Rule	04/29/14	79 FR 23887
Final Rule Effective.	04/29/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patrice Klein; *Phone:* 301 851–3435.

RIN: 0579–AB35

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Rural Housing Service (RHS)

19. Guaranteed Single-Family Housing

Legal Authority: 5 U.S.C. 301; 7 U.S.C. 1989; 42 U.S.C. 1480

Abstract: The Guaranteed Single-Family Housing Loan Program interim final rule encourages new residential construction in rural areas. The new rule provides for a ''construction-to-permanent financing'' process. Lenders will be able to obtain a loan note guarantee when construction commences, in a ''single close'' transaction, rather than first obtaining short term construction financing and then later obtaining the guaranteed loan. The new rule streamlines the financing of building new homes.

The interim final rule also expands the types of lenders who are eligible to

participate, increasing the reach of the program to small community banks in remote areas and to credit unions with memberships who are teachers as well as other groups. The rule change will allow participation by any lending entity supervised and regulated by the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Office of the Comptroller of the Currency, the Federal Reserve Banks, or the Federal Housing Finance Board. Currently, these entities may not be eligible lenders.

Timetable:

Action	Date	FR Cite
NPRM	10/28/11	76 FR 66860
NPRM Comment Period End.	12/27/11	
Interim Final Rule	12/09/13	78 FR 73927
Interim Final Rule Comment Period End.	01/08/14	
Interim Final Rule Effective.	09/01/14	
Final Rule	09/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joaquin Tremols, Acting Director, Single-Family Housing Guaranteed Loan Division, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW., STOP 0784, Washington, DC 20250; *Phone:* 202 720–1465; *Fax:* 202 205–2476; *Email: joaquin.tremols@wdc.usda.gov*.

RIN: 0575–AC18

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Food and Nutrition Service (FNS)

20. Child and Adult Care Food Program: Meal Pattern Revisions Related to the Healthy, Hunger-Free Kids Act of 2010

Legal Authority: Pub. L. 111–296

Abstract: This proposal would implement section 221 of the Healthy, Hunger-Free Kids Act of 2010 (Pub. L. 111–296; the Act) which requires USDA to review and update, no less frequently than once every 10 years, requirements for meals served under the Child and Adult Care Food Program (CACFP) to ensure that meals are consistent with the most recent Dietary Guidelines for Americans and relevant nutrition science.

Timetable:

Action	Date	FR Cite
NPRM	07/00/14	
NPRM Comment Period End.	10/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James F Herbert, Regulatory Review Specialist, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302; *Phone:* 703 305–2572; *Email: james.herbert@fns.usda.gov*.

Lynnette M Thomas, Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302; *Phone:* 703 605–4782; *Email: lynnette.thomas@fns.usda.gov*.

RIN: 0584–AE18

DEPARTMENT OF AGRICULTURE (USDA)

Long-Term Actions

Food and Nutrition Service (FNS)

21. Child Nutrition Programs: Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010

Legal Authority: Pub. L. 111–296

Abstract: This proposed rule would codify a provision of the Healthy, Hunger-Free Kids Act (Pub. L. 111–296; the Act) under 7 CFR parts 210 and 220. Section 204 of the Act requires each local educational agency (LEA) to establish, for all schools under its jurisdiction, a local school wellness policy. The Act requires that the wellness policy include goals for nutrition, nutrition education, physical activity, and other school-based activities that promote student wellness. In addition, the Act requires that local educational agencies ensure stakeholder participation in development of their local school wellness policies, and periodically assess compliance with the policies, and disclose information about the policies to the public.

Timetable:

Action	Date	FR Cite
NPRM	02/26/14	79 FR 10693
NPRM Comment Period End.	04/28/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James F Herbert; *Phone:* 703 305–2572; *Email: james.herbert@fns.usda.gov*.

Lynnette M Thomas; *Phone:* 703 605–4782; *Email: lynnette.thomas@fns.usda.gov*.

RIN: 0584–AE25

DEPARTMENT OF AGRICULTURE (USDA)

Completed Actions

Food and Nutrition Service (FNS)

22. Certification of Compliance With Meal Requirements for the National School Lunch Program Under the Healthy, Hunger-Free Kids Act of 2010

Legal Authority: Pub. L. 111–296

Abstract: This rule codifies section 201 of the Healthy, Hunger-Free Kids Act (Pub. L. 111–296) under 7 CFR part 210 directing the Secretary to provide, an additional 6 cents per lunch, adjusted annually for changes in the Consumer Price Index, for schools that are certified to be in compliance with the interim/final regulation, ''Nutrition Standards in the National School Lunch and Breakfast Programs,'' (77 FR 4088, January 26, 2012). This rule establishes the compliance standards that State agencies will use to certify schools that are eligible to receive the rate increase.

Completed:

Reason	Date	FR Cite
Final Action	01/03/14	79 FR 325
Final Action Effective.	03/04/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James F Herbert; *Phone:* 703 305–2572; *Email: james.herbert@fns.usda.gov.*

Lynnette M Thomas, *Phone:* 703 605–4782, *Email: lynnette.thomas@fns.usda.gov*.

RIN: 0584–AE15

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Food Safety and Inspection Service (FSIS)

23. • Change in Accredited Lab Fees

Legal Authority: 21 U.S.C. 601, *et seq.;* 21 U.S.C. 451, *et seq.;* 7 U.S.C. 138

Abstract: The Food Safety Inspection Service (FSIS) is proposing to amend its regulations to change the fees it charges

for the accreditation and the maintenance of accreditation of non-Federal laboratories for the FSIS Accredited Lab Program (ALP). Currently, the Agency charges a flat annual fee of $5,000 for each accreditation or maintenance of accreditation. Laboratories that participate in FSIS' ALP can receive accreditation in one to six analyte classes. FSIS is proposing to charge laboratories $5,000 per year for the first analyte class accreditation or maintenance (as it currently does), but to reduce the charges to $2,900 per year for the second, and $2,100 per year for each additional analyte class accreditation or maintenance of accreditation.

Timetable:

Action	Date	FR Cite
NPRM	04/21/14	79 FR 22052
NPRM Comment Period End.	06/20/14	
Final Action	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Williams, Director, Issuances Staff (IS), Department of Agriculture, Food Safety and Inspection Service, Office of Policy and Program Development, 1400 Independence Avenue SW., Room 6065, South Building, Washington, DC 20250–3700; *Phone:* 202 720–3885; *Fax:* 202 690–0486; *Email: charles.williams@fsis.usda.gov.*

RIN: 0583–AD55

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Food Safety and Inspection Service (FSIS)

24. Mandatory Inspection of Certain Fish, Including Catfish and Catfish Products

Legal Authority: Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 to 695); Pub. L. 110–246, sec 11016; Pub. L. 113–79, sec 12106

Abstract: The Food, Conservation, and Energy Act of 2008 (Pub. L. 110–246, sec. 11016), known as the 2008 Farm Bill, and the Agricultural Act of 2014 (Pub. L. 113–79, sec. 12106), known as the 2014 Farm Bill, amended the Federal Meat Inspection Act (FMIA) to all fish of the order Siluriformes, including catfish, amenable under the FMIA. Amenable species must be inspected, so this rule will define inspection requirements for this type of fish, and, as required by the Agricultural Act of 2014, will take into account the conditions under which the fish is raised and transported to a processing establishment.

Timetable:

Action	Date	FR Cite
NPRM	02/24/11	76 FR 10434
NPRM Comment Period End.	06/24/11	
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rachel Edelstein, Assistant Administrator, Office of Policy and Program Development, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW., 350–E JLW Building, Washington, DC 20250–3700; *Phone:* 202 205–0495; *Fax:* 202 720–2025; *Email: rachel.edelstein@fsis.usda.gov.*

RIN: 0583–AD36

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Forest Service (FS)

25. Management of Surface Activities Associated With Outstanding Mineral Rights on National Forest System Lands

Legal Authority: EPA 1992

Abstract: Close to 11,000,000 acres (approximately 6 percent) of National Forest System lands overlie severed (split) mineral estates owned by a party other than the Federal Government. Over 75 percent of these lands are in the Eastern Region (Forest Service Regions 8 and 9). There are two kinds of severed mineral estates, generally known as ''private rights'': Reserved and outstanding. Reserved mineral rights are those retained by a grantor in a deed conveying land to the United States. Outstanding mineral rights are those owned by a party other than the surface owner at the time the surface was conveyed to the United States. Because these are non-Federal mineral interests, the USDI Bureau of Land Management has no authority for or role in managing development activities associated with such interests. States have the authority and responsibility for regulating development of the private mineral estate.

Various Secretary's Rules and Regulations (years of 1911, 1937, 1938, 1939, 1947, 1950, and 1963) and Forest Service regulations at 36 CFR 251.15 provide direction for the use of NFS lands for mineral development activities associated with the exercise of reserved mineral rights. These existing rules for reserved minerals development activities also include requirements for protection of NFS resources.

Currently, there are no formal regulations governing the use of NFS lands for activities associated with the exercise of outstanding mineral rights underlying those lands. The Energy Policy Act of 1992, section 2508, directed the Secretary of Agriculture to: apply specified terms and conditions to surface-disturbing activities related to development of oil and gas on certain lands with outstanding mineral rights on the Allegheny National Forest, and promulgate regulations implementing that section.

The Forest Service initiated rulemaking for the use of NFS lands for development activities associated with both reserved and outstanding minerals rights with an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** on December 29, 2008. Comments from the public in response to the ANPRM conveyed a high level of concern about the broad scope of the rule, along with a high level of concern about effects of a broad rule on small businesses and local economies.

Timetable:

Action	Date	FR Cite
ANPRM	12/29/08	73 FR 79424
ANPRM Comment Period End.	02/27/09	
NPRM	08/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LaRenda C King, Assistant Director, Directives and Regulations, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW., Washington, DC 20250–0003; Phone: 202 205–6560; *Email: larendacking@fs.fed.us.*

RIN: 0596–AD03

26. Ski Area—D Clauses: Resource and Improvement Protection, Water Facilities and Water Rights

Legal Authority: FSH 2709.11

Abstract: On November 8, 2011, the Forest Service issued an interim directive (FSH 2709.11–2011–3) including a revised clause to address the ownership of water rights developed on National Forest System (NFS) lands for use by ski area permit holders. On March 6, 2012, a second interim directive (FSH 2709.11–2012–1) for the revised ski area water rights clause was issued, superseding the 2011 version.

The National Ski Areas Association filed a lawsuit in the United States District Court for the District of Colorado on March 12, 2012, opposing use of the revised clause. On December 19, 2012, the court ruled that the Forest Service had erred in not providing an opportunity for notice and comment on the interim directive and that the agency needed to conduct a Regulatory Flexibility Act analysis of the impact of the directive on small business entities that hold ski area permits. The court vacated the interim directive and enjoined enforcement of the 2011 and 2012 clauses in permits containing them.

The Forest Service intends to publish the proposed ski area water rights clause in the **Federal Register** for public notice and comment. To identify interests and views from a diverse group of stakeholders regarding a revised water rights clause for ski areas, the Forest Service held four stakeholder meetings in April 2013. The input from the stakeholder sessions will be considered in the development of a proposed water rights clause for ski areas.

The proposed directive would address the development of water facilities on NFS lands; the ownership of preexisting and future water rights; mechanisms to ensure sufficient water remains for ski areas on NFS lands; and measures necessary to protect NFS lands and resources.

Timetable:

Action	Date	FR Cite
NPRM	05/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LaRenda C King, Assistant Director, Directives and Regulations, Department of Agriculture, Forest Service, ATTN: ORMS, D&R Branch, 1400 Independence Avenue SW., Washington, DC 20250–0003; *Phone:* 202 205–6560; *Email:* *larendacking@fs.fed.us*.

RIN: 0596–AD14

[FR Doc. 2014–13112 Filed 6–12–14; 8:45 am]

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FEDERAL REGISTER

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Part IV

Department of Commerce

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, II, III, VII, VIII, IX, and XI

19 CFR Ch. III

37 CFR Chs. I, IV, and V

48 CFR Ch. 13

50 CFR Chs. II, III, IV, and VI

Spring 2014 Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: Semiannual regulatory agenda.

SUMMARY: In compliance with Executive Order 12866, entitled ''Regulatory Planning and Review,'' and the Regulatory Flexibility Act, as amended, the Department of Commerce (Commerce), in the spring and fall of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the fall 2013 agenda. The purpose of the Agenda is to provide information to the public on regulations that are currently under review, being proposed, or issued by Commerce. The agenda is intended to facilitate comments and views by interested members of the public.

Commerce's spring 2014 regulatory agenda includes regulatory activities that are expected to be conducted during the period April 1, 2014 through March 31, 2015.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Asha Mathew, Chief Counsel for Regulation, Office of the Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230, telephone: 202–482–3151.

SUPPLEMENTARY INFORMATION: Commerce hereby publishes its spring 2014 Unified Agenda of Federal Regulatory and Deregulatory Actions pursuant to Executive Order 12866 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration pursuant to this order. By memorandum of February 4, 2014, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the spring 2014 Unified Agenda. The Regulatory Flexibility Act requires agencies to publish, in the spring and fall of each year, a regulatory flexibility agenda that contains a brief description of the subject of any rule likely to have a significant economic impact on a substantial number of small entities, and a list that identifies those entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act.

In addition, beginning with the fall 2007 edition, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov,* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act, Commerce's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet.

Within Commerce, the Office of the Secretary and various operating units may issue regulations. These operating units, the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Industry and Security, and the Patent and Trademark Office, issue the greatest share of Commerce's regulations.

A large number of regulatory actions reported in the Agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of NMFS' programs, an ''Explanation of Information Contained in NMFS Regulatory Entries'' is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (the Act) governs the management of fisheries within the Exclusive Economic Zone of the United States (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. Fishery Management Plans (FMPs) are to be prepared for fisheries that require conservation and management measures. Regulations implementing these FMPs regulate domestic fishing and foreign fishing where permitted. Foreign fishing may be conducted in a fishery in which there is no FMP only if a preliminary fishery management plan has been issued to govern that foreign fishing. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs or amendments to FMPs for fisheries within their respective areas. In the development of such plans or amendments and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance and timing of some regulatory actions under consideration by the Councils at the time the semiannual regulatory agenda is published.

Commerce's spring 2014 regulatory agenda follows.

Justin Antonipillai,

Acting General Counsel.

INTERNATIONAL TRADE ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
27	Modification of Regulation Regarding the Extension of Time Limits	0625–AA94

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
28	Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico	0648–AS65
29	Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) Environmental Review Procedure.	0648–AV53
30	Addendum IV to the Weakfish Interstate Management Plan—Bycatch Trip Limit	0648–AY41
31	Atlantic Highly Migratory Species; Future of the Atlantic Shark Fishery	0648–BA17
32	Amendment 6 to the Monkfish Fishery Management Plan	0648–BA50
33	Amendment 22 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region.	0648–BA53
34	Implement the 2010 Shark Conservation Act Provisions and Other Regulations in the Atlantic Smoothhound Shark Fishery.	0648–BB02
35	Amendment 43 to the FMP for BSAI King and Tanner Crabs and Amendment 103 to the FMP for Groundfish of the BSAI.	0648–BC34
36	Amendment 3 to the Spiny Dogfish Fishery Management Plan	0648–BC77
37	Pacific Coast Groundfish Trawl Rationalization Program Trailing Action: Rule to Modify Chafing Gear Regulations for Midwater Trawl Gear Used in the Pacific Coast Groundfish Fishery.	0648–BC84
38	Inner Limit of the Exclusive Economic Zone Under the Magnuson-Stevens Fishery Conservation and Management Act.	0648–BC92
39	Fisheries Off West Coast States; West Coast Salmon Fisheries; Amendment 18; Essential Fish Habitat Descriptions for Pacific Salmon.	0648–BC95
40	Vessel Monitoring Systems; Specification of Requirements for Mobile Transmitting Unit Type Approval	0648–BD02
41	Regulatory Amendment 14 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region.	0648–BD07
42	Amendment 5 to the Fishery Management Plan for the Dolphin Wahoo Fishery of the Atlantic	0648–BD08
43	Amendment 5b to the Highly Migratory Species Fishery Management Plan	0648–BD22
44	Amendment 105 Bering Sea Flatfish Harvest Specifications Flexibility	0648–BD23
45	Amendment 39 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico	0648–BD25
46	International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Restrictions Regarding the Oceanic Whitetip Shark and the Whale Shark.	0648–BD44
47	Southern New England Effort Controls to Address Lobster Stock Rebuilding Measures	0648–BD45
48	Amendment 97 to the Fishery Management Plan for Groundfish of the Gulf of Alaska to Establish Chinook Salmon Prohibited Species Catch Limits for the Non-Pollock Trawl Fisheries.	0648–BD48
49	Implementation of the Inter-American Tropical Tuna Commission Resolution for the Conservation of Whale Sharks and the Collection and Analyses of Data on Fish Aggregating Devices.	0648–BD53
50	Framework Adjustment 8 to the Monkfish Fishery Management Plan	0648–BD56
51	South Atlantic Coastal Migratory Pelagics Framework Action 2013 **(Section 610 Review)**	0648–BD58
52	Implementation of a Program for Transshipments by Large Scale Fishing Vessels in the Eastern Pacific Ocean.	0648–BD59
53	Amendment 45 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crab Freezer Longline Catcher/Processor Pacific Cod Sideboard Removal.	0648–BD61
54	Information Collection Program for Atlantic Surfclam and Ocean Quahog Fisheries	0648–BD64
55	Red Snapper Allocation—Amendment 28 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico **(Section 610 Review)**.	0648–BD68
56	Amendment 96 to the Fishery Management Plan for Groundfish of the Gulf of Alaska to Revise the Community Quota Entity Program.	0648–BD74
57	Amendment 7 to the Fishery Management Plan for the Dolphin Wahoo Fishery of the Atlantic	0648–BD76
58	Regulatory Amendment 16 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region.	0648–BD78
59	Amendment 8 to the Fishery Management Plan for Coral, Coral Reefs, and Live/Hardbottom Habitats of the South Atlantic Region.	0648–BD81
60	Amendment 20A to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region.	0648–BD83
61	Amendment 100 to the FMP for Groundfish of the BSAI Management Area and Amendment 91 to the FMP for Groundfish of the Gulf of Alaska to add Grenadiers to the Ecosystem Component Category.	0648–BD98
62	Framework Adjustment 2 to the Northeast Skate Complex Fishery Management Plan	0648–BD99
63	Marine Mammal Protection Act Permit Regulation Revisions	0648–AV82
64	Designation of Critical Habitat for the North Atlantic Right Whale	0648–AY54
65	Amendment and Updates to the Bottlenose Dolphin Take Reduction Plan	0648–BB37
66	Revisions to Hawaiian Islands Humpback Whale National Marine Sanctuary Regulations	0648–BD97

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
67	American Lobster Fishery; Fishing Effort Control Measures to Complement Interstate Lobster Management Recommendations by the Atlantic States Marine Fisheries Commission.	0648–AT31
68	Amendment 7 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan	0648–BC09
69	Generic Amendment to Several Fishery Management Plans in the Gulf of Mexico and South Atlantic Regions to Modify Federally-Permitted Seafood Dealer Reporting Requirements.	0648–BC12
70	Georges Bank Yellowtail Flounder Emergency Action to Provide a Partial Exemption from Accountability Measures to the Atlantic Scallop Fishery.	0648–BC33
71	Modification to the Hired Skipper Regulations for Management of the Individual Fishing Quota Program for the Fixed-Gear Commercial Fisheries for Pacific Halibut and Sablefish in Waters of Alaska.	0648–BC62
72	Allowing Northeast Multispecies Sector Vessels Access to Year Round Closed Areas	0648–BD09
73	Pacific Coast Groundfish Trawl Rationalization Program Trailing Actions: Permitting Requirements for Observer and Catch Monitor Providers.	0648–BD30
74	Pacific Coast Groundfish Trawl Rationalization Program; Second Program Improvement and Enhancement Rule.	0648–BD31
75	Modifications to the Pacific Coast Groundfish Trawl Rockfish Conservation Area Boundaries	0648–BD37
76	Framework Adjustment 8 to the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan	0648–BD50
77	Implementation of the Inter-American Tropical Tuna Commission Resolution to Establish a Vessel Monitoring System Program in the Eastern Pacific Ocean.	0648–BD54
78	Implementation of the Inter-American Tropical Tuna Commission Resolution to Adopt Conservation and Management Measures for Pacific Bluefin Tuna in the Eastern Pacific Ocean.	0648–BD55
79	2014 Specifications and Management Measures for the Atlantic Mackerel, Squid, and Butterfish Fisheries	0648–BD65
80	Modifications to Identification Markings on Fishing Gear Marker Buoys	0648–BD66
81	Pacific Halibut Fisheries; Catch Sharing Plan	0648–BD82
82	Temporary Rule Through Emergency Action to Revise Annual Catch Limits and Accountability Measures for Blueline Tilefish and the Deep-Water Complex in the South Atlantic Region.	0648–BD87
83	Revision of Hawaiian Monk Seal Critical Habitat	0648–BA81
84	Endangered and Threatened Species: Designation of Critical Habitat for Threatened Lower Columbia River Coho Salmon and Puget Sound Steelhead.	0648–BB30
85	Designation of Critical Habitat for the Distinct Population Segments of Yelloweye Rockfish, Canary Rockfish, and Bocaccio.	0648–BC76
86	Amending the Atlantic Large Whale Take Reduction Plan	0648–BC90
87	Designation of Critical Habitat for the Northwest Atlantic Ocean Loggerhead Sea Turtle DPS and the Determination Regarding Critical Habitat for the North Pacific Ocean Loggerhead DPS.	0648–BD27

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
88	Comprehensive Fishery Management Plan for Puerto Rico	0648–BD32
89	Comprehensive Fishery Management Plan for St. Croix	0648–BD33
90	Comprehensive Fishery Management Plan for St. Thomas/St. John	0648–BD34
91	Designate Critical Habitat for the Hawaiian Insular False Killer Whale Distinct Population Segment	0648–BC45

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
92	Marine Mammal Protection Act Stranding Regulation Revisions	0648–AW22
93	Amendment 14 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan	0648–AY26
94	Amendment 5 to the Atlantic Herring Fishery Management Plan	0648–AY47
95	Regulatory Amendment to Implement a Halibut Catch Sharing Plan for International Pacific Halibut Commission Area 2C and Area 3A.	0648–BA37
96	Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Trawl Rationalization Program; Cost Recovery Program.	0648–BB17
97	Amendment 89 to the Gulf of Alaska Groundfish Fishery Management Plan Area Closures for Tanner Crab Protection in Gulf of Alaska Groundfish Fisheries.	0648–BB76
98	Amendment to the Vessel Ownership Requirements of the Individual Fishing Quota Program for Fixed-Gear Pacific Halibut and Sablefish Fisheries in and off of Alaska.	0648–BB78
99	Amendment 95 to the Fishery Management Plan for Groundfish of the Gulf of Alaska	0648–BC39
100	2013 Monkfish Emergency Action	0648–BC79
101	Framework Adjustment 50 to the Northeast Multispecies Fishery Management Plan	0648–BC97
102	Amendment 102 to the FMP for Groundfish of the BSAI to Establish a Community Quota Entity Program in the Aleutian Islands and a Regulatory Amendment to Allow IFQ Derived From Category D Quota Share.	0648–BD03
103	Amendment 2 to the Fishery Management Plan for the Queen Conch Resources of Puerto Rico and the USVI: Compatibility of Trip and Bag Limits in the Management Area of St. Croix, USVI.	0648–BD15

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—COMPLETED ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
104	Framework Adjustment 2 to the Atlantic Herring Fishery Management Plan and Management Measures for Atlantic Herring for the 2013–2015 Fishing Years.	0648–BD17
105	Joint For-Hire Generic Reporting Amendment for the South Atlantic and Gulf of Mexico	0648–BD21
106	Modification of Vessel Monitoring System Requirements for Atlantic Highly Migratory Species Fisheries	0648–BD24
107	Abbreviated Framework Action to Establish Funding Responsibilities for the Electronic Logbook Program in the Shrimp Fishery of the Gulf of Mexico.	0648–BD41
108	Eliminate the Expiration Date Contained in the Final Rule to Reduce the Threat of Ship Collisions With North Atlantic Right Whales.	0648–BB20

DEPARTMENT OF COMMERCE (DOC)

Completed Actions

International Trade Administration (ITA)

27. Modification of Regulation Regarding the Extension of Time Limits

Legal Authority: 5 U.S.C. 301; 19 U.S.C. 1202 note; 19 U.S.C. 1303 note; 19 U.S.C. *et seq.;* 19 U.S.C. 3538

Abstract: A rule to modify 19 CFR 351.302, which concerns the extension of time limits for submissions in antidumping and countervailing duty proceedings.

Timetable:

Action	Date	FR Cite
Proposed Rule	01/16/13	78 FR 3367
Comment Period End.	03/18/13	
Final Action	09/20/13	78 FR 57790

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Vannatta, Policy Analyst, Department of Commerce, International Trade Administration, 1401 Constitution Ave. NW., Washington, DC 20230, *Phone:* 202 482–4036, *Email: charles.vannatta@trade.gov.*

RIN: 0625–AA94

DEPARTMENT OF COMMERCE (DOC)

Proposed Rule Stage

National Oceanic and Atmospheric Administration (NOAA)

National Marine Fisheries Service

28. Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico

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

Abstract: The purpose of this fishery management plan is to develop a regional permitting process for regulating and promoting environmentally sound and economically sustainable aquaculture in the Gulf of Mexico exclusive economic zone. This fishery management plan consists of ten actions, each with an associated range of management alternatives, which would facilitate the permitting of an estimated 5 to 20 offshore aquaculture operations in the Gulf of Mexico over the next 10 years, with an estimated annual production of up to 64 million pounds. By establishing a regional permitting process for aquaculture, the Gulf of Mexico Fishery Management Council will be positioned to achieve their primary goal of increasing maximum sustainable yield and optimum yield of federal fisheries in the Gulf of Mexico by supplementing harvest of wild caught species with cultured product. This rulemaking would outline a regulatory permitting process for aquaculture in the Gulf of Mexico, including: (1) Required permits; (2) duration of permits; (3) species allowed; (4) designation of sites for aquaculture; (5) reporting requirements; and (6) regulations to aid in enforcement.

Timetable:

Action	Date	FR Cite
Notice of Availability.	06/04/09	74 FR 26829
NOA Comment Period End.	08/03/09	
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–AS65

29. Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) Environmental Review Procedure

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

Abstract: This rule revises and updates the National Marine Fisheries Service procedures for complying with National Environmental Protection Act in the context of fishery management actions developed pursuant to MSRA.

Timetable:

Action	Date	FR Cite
NPRM	05/14/08	73 FR 27998
NPRM Comment Period End.	06/13/08	
Withdrawal of Proposed Rule.	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Steve Leathery, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2239, *Email: steve.leathery@noaa.gov.*

RIN: 0648–AV53

30. Addendum IV to the Weakfish Interstate Management Plan—Bycatch Trip Limit

Legal Authority: 16 U.S.C. 5101

Abstract: This action would modify management restrictions in the Federal weakfish fishery in a manner consistent with the Atlantic States Marine Fisheries Commission Interstate Plan. The proposed change would decrease the incidental catch allowance for weakfish in the exclusive economic zone in non-directed fisheries using smaller mesh sizes, from 150 pounds to no more than 100 pounds per day or trip, whichever is longer in duration. In addition, it would impose a one fish possession limit on recreational fishers.

Timetable:

Action	Date	FR Cite
NPRM	05/12/10	75 FR 26703
NPRM Comment Period End.	06/11/10	
NPRM Comment Period Reopened.	06/16/10	75 FR 34092
Comment Period End.	06/30/10	

Action	Date	FR Cite
Next Stage Undetermined.	08/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov.*

RIN: 0648–AY41

31. Atlantic Highly Migratory Species; Future of the Atlantic Shark Fishery

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: The National Marine Fisheries Service is considering adjusting the regulations governing the U.S. Atlantic shark fishery to address current fishery issues and to identify specific shark fishery goals for the future. This action will discuss potential changes to the quota and/or permit structure that are currently in place for the Atlantic shark fishery, and various catch share programs such as limited access privilege programs, individual fishing quotas, and sectors for the Atlantic shark fishery.

Timetable:

Action	Date	FR Cite
ANPRM	09/20/10	75 FR 57235
ANPRM Comment Period End.	01/14/11	
NPRM	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov.*

RIN: 0648–BA17

32. Amendment 6 to the Monkfish Fishery Management Plan

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

Abstract: The purpose of Amendment 6 to the Monkfish Fishery Management Plan is to consider developing a catch share management program for this fishery. This would very likely also involve the development of a referendum for such a program as required under the Magnuson-Stevens Fishery Conservation and Management Act.

Timetable:

Action	Date	FR Cite
Notice of Intent to Prepare an EIS.	11/30/10	75 FR 74005
Next Stage Undetermined.	03/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BA50

33. Amendment 22 to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region

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

Abstract: The red snapper stock in the South Atlantic was assessed through the Southeast, Data, Assessment, and Review process in 2008 and 2010. The assessments indicate that the stock is experiencing overfishing and is overfished. As a result of the 2008 assessment, fishing for red snapper has been prohibited in Federal waters off the south Atlantic states since January 4, 2010. In Amendment 22, the National Marine Fisheries Service and the South Atlantic Fishery Management Council are considering alternatives to change the current harvest restrictions on red snapper as the stock increases in biomass. Examples of measures under consideration include the implementation of red snapper trip limits, bag limits, a catch share program, tag program, temporal and spatial closures including those to protect spawning stocks, and gear prohibitions.

Timetable:

Action	Date	FR Cite
Notice of Intent	01/03/11	76 FR 101
Notice of Intent Comment Period End.	02/14/11	
NPRM	03/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BA53

34. Implement the 2010 Shark Conservation Act Provisions and Other Regulations in the Atlantic Smoothhound Shark Fishery

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

Abstract: This rule considers implementing the provisions of the 2010 Shark Conservation Act and other regulations in the Atlantic Smoothhound Fishery (which includes smooth dogfish and the Florida smoothhound). Specifically, this action would: (1) Modify regulations for smooth dogfish as needed to be consistent with the Shark Conservation Act; (2) consider other management measures, as needed, including the terms and conditions of the Endangered Species Act Smoothhound Biological Opinion; and (3) consider revising the current smoothhound shark quota based on updated catch data.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov.*

RIN: 0648–BB02

35. Amendment 43 to the FMP for BSAI King and Tanner Crabs and Amendment 103 to the FMP for Groundfish of the BSAI

Legal Authority: 16 U.S.C. 1801

Abstract: This rule would implement both Amendment 43 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs and Amendment 103 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area. Amendment 43 revises the current rebuilding plan for Pribilof Islands blue king crab (blue king crab) and Amendment 103 implements groundfish fishing restrictions. A no-trawl Pribilof Islands Habitat Conservation Zone (Zone) was established in 1995 and the directed fishery for blue king crab has been closed since 1999. A rebuilding plan was implemented in 2003; however, blue king crab remains overfished and the current rebuilding plan has not achieved adequate progress towards

rebuilding the stock by 2014. The rule would close the Zone to all Pacific cod pot fishing in addition to the current trawl prohibition. This measure would help support blue king crab rebuilding and prevent exceeding the overfishing limit of blue king crab by minimizing to the extent practical blue king crab bycatch in the groundfish fisheries.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BC34

36. Amendment 3 to the Spiny Dogfish Fishery Management Plan

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

Abstract: The action would make four modifications to the management measures in the Spiny Dogfish Fishery Management Plan. These include allowing up to 3 percent of the annual quota to be set aside for research purposes (research set-aside), updating the essential fish habitat definitions for spiny dogfish, allowing the previous year's management measures to be carried over into the subsequent year in the case of rulemaking delays, and removing the seasonal allocation of the commercial quota. The action is needed to improve the efficiency of the Spiny Dogfish Fishery Management Plan, and help reduce misalignment of regulations with the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for spiny dogfish.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BC77

37. Pacific Coast Groundfish Trawl Rationalization Program Trailing Action: Rule To Modify Chafing Gear Regulations for Midwater Trawl Gear Used in the Pacific Coast Groundfish Fishery

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

Abstract: This action would modify the existing chafing gear regulations for midwater trawl gear, and includes housekeeping measures to clarify which vessels can use midwater trawl gear and where midwater trawl gear can be used. This action includes regulations that affect all trawl sectors (Shorebased Individual Fishing Quota Program, Mothership Cooperative Program, Catcher/Processor Cooperative Program, and tribal fishery) managed under the Pacific Coast Groundfish Fishery Management Plan.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Deputy Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, Building 1, 7600 Sand Point Way NE., Seattle, WA 48115–0070, *Phone:* 206 526–6150, *Fax:* 206 526–6426, *Email: barry.thom@noaa.gov.*

RIN: 0648–BC84

38. Inner Limit of the Exclusive Economic Zone Under the Magnuson-Stevens Fishery Conservation and Management Act

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

Abstract: This action would define the term ''inner limit of the exclusive economic zone'' under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The MSA establishes sovereign rights and exclusive management authority over fishery resources of the U.S. Exclusive Economic Zone. The inner limit of the Exclusive Economic Zone is described as a line coterminous with the seaward boundary of each of the coastal states. National Marine Fisheries Service (NMFS), as well as the U.S. Coast Guard and state partners, enforce Federal fishery regulations on the basis of the 3 nautical mile line as it is represented on National Oceanic and Atmospheric Administration (NOAA) charts. The use of 3 nautical mile line has caused confusion when NOAA charts are updated because the baseline for establishing this line is ambulatory. NMFS proposes to clarify/correct this by defining this seaward boundary line to be a line established pursuant to the Submerged Lands Act.

Timetable:

Action	Date	FR Cite
Next Stage Undetermined.	03/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov.*

RIN: 0648–BC92

39. Fisheries Off West Coast States; West Coast Salmon Fisheries; Amendment 18; Essential Fish Habitat Descriptions for Pacific Salmon

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

Abstract: The action would implement Amendment 18 to the Pacific Coast Salmon Fishery Management Plan. The purpose of the amendment is to address revisions to the Pacific coast salmon essential fish habitat provisions under the Magnuson-Stevens Fishery Conservation and Management Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Seattle, WA 98115, *Phone:* 206 526–6150.

RIN: 0648–BC95

40. Vessel Monitoring Systems; Specification of Requirements for Mobile Transmitting Unit Type Approval

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

Abstract: All vessels participating in a National Oceanic and Atmospheric Administration Vessel Monitoring System program are required to acquire a National Marine Fisheries Service-approved mobile transmitting unit to comply with the Vessel Monitoring System requirements. Previously, this action was only taken through the publication of a notice in the **Federal Register**. However, this rule will establish the type-approval standards,

specifications, and procedures that vendors may reference to maintain type-approval for their products and/or services. This action will establish type-approval standards for the initial approval, subsequent assessments, and the procedures for rescinding the type-approval if the vendor fails to comply with the performance standards. This action is necessary to ensure Vessel Monitoring System vendors continue to meet minimum performance standards over the long term.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	
Final Action	08/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov.*

RIN: 0648–BD02

41. Regulatory Amendment 14 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region

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

Abstract: The purpose of Regulatory Amendment 14 is to enhance socioeconomic benefits to fishermen and fishing communities that utilize the snapper-grouper fishery. Specifically, this rulemaking modifies the fishing year for greater amberjack, increases the minimum size limit for hogfish, modify the fishing year for black sea bass, changes the commercial fishing season for vermilion snapper, modifies the aggregate grouper bag limit, and revises the accountability measures for gag and vermilion snapper. Modifying the accountability measures for gag and vermilion snapper would enhance consistency and accuracy in the approach taken when the annual catch limit is met or projected to be met for these species.

Timetable:

Action	Date	FR Cite
Notice	04/17/13	78 FR 22846
Notice	08/02/13	78 FR 46925
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD07

42. Amendment 5 to the Fishery Management Plan for the Dolphin Wahoo Fishery of the Atlantic

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

Abstract: Amendment 5 to the Dolphin Wahoo Fishery Management Plan includes revisions to the acceptable biological catches, annual catch limits, recreational annual catch targets, and accountability measures for dolphin and wahoo; modifications to the framework procedure; and modifications to the sector allocations and trip limits for dolphin. The revisions incorporate updates to the recreational data as per the Marine Recreational Information Program, as well as revisions to commercial and for-hire landings. The revisions are necessary to avoid triggering accountability measures for dolphin and wahoo based on recreational data under the Marine Recreational Fisheries Statistics Survey system. National Marine Fisheries Service no longer uses the Marine Recreational Fisheries Statistics Survey system, and now estimates recreational landings using the Marine Recreational Information Program. Additionally, this amendment would modify the framework procedure for dolphin and wahoo; modify sector allocations and adjust trip limits for dolphin.

Timetable:

Action	Date	FR Cite
Notice	02/28/14	79 FR 11383
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD08

43. Amendment 5B to the Highly Migratory Species Fishery Management Plan

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: This rulemaking would propose management measures for dusky sharks, based on a recent stock assessment, taking into consideration comments received on the proposed rule and Amendment 5 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan. This rulemaking could consider a range of commercial and recreational management measures in both directed and incidental shark fisheries including, among other things, gear modifications, time/area closures, permitting, shark identification requirements, and reporting requirements. NMFS determined that dusky sharks are still overfished and still experiencing overfishing and originally proposed management measures to end overfishing and rebuild dusky sharks in a proposed rule for Draft Amendment 5 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan. That proposed rule also contained management measures for scalloped hammerhead, sandbar, blacknose and Gulf of Mexico blacktip sharks. NMFS decided to move forward with Draft Amendment 5's management measures for scalloped hammerhead, sandbar, blacknose and Gulf of Mexico blacktip sharks in a final rule and final amendment that will now be referred to as ''Amendment 5a'' to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan. Dusky shark management measures will be addressed in this separate, but related, action and will be referred to as ''Amendment 5b''.

Timetable:

Action	Date	FR Cite
NPRM	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov.*

RIN: 0648–BD22

44. Amendment 105 Bering Sea Flatfish Harvest Specifications Flexibility

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

Abstract: This action intends to provide additional harvest opportunities to participants in Bering Sea and Aleutian Islands (BSAI) flatfish fisheries while (1) maintaining catch below the annual catch limits for these species, and (2) ensuring that the maximum optimum yield for BSAI groundfish fisheries will not be exceeded.

Specifically, Amendment 105 to the BSAI Fishery Management Plan would establish a process for Amendment 80 cooperatives and Western Alaska Community Development Quota groups to exchange harvest quota from one of the three flatfish species for an equivalent amount of quota of another species. In no case could the amount of fish exchanged exceed the annual catch limit, commonly known as the allowable biological catch, of that species. This action would modify the annual harvest specification process to allow the North Pacific Fishery Management Council (Council) to establish the maximum amount of harvest quota that can be exchanged for each of the three flatfish species. This process would allow the Council to establish a buffer below the allowable biological catch to account for management or socioeconomic considerations. Each participant could only exchange harvest quota up to three times per year. This action is intended to promote the goals and objectives of the BSAI Fishery Management Plan, the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable laws.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BD23

45. Amendment 39 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico

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

Abstract: The purpose of this action is to facilitate management of the recreational red snapper component in the reef fish fishery by reorganizing the federal fishery management strategy to better account for biological, social, and economic differences among the regions of the Gulf of Mexico. Regional management would enable regions and their associated communities to specify the optimal management parameters that best meet the needs of their local constituents thereby addressing regional socio-economic concerns.

Timetable:

Action	Date	FR Cite
Notice	05/13/13	78 FR 27956
NPRM	03/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD25

46. International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Restrictions Regarding the Oceanic Whitetip Shark and the Whale Shark

Legal Authority: 16 U.S.C. 6901 *et seq.*

Abstract: The rule would establish regulations under authority of the Western and Central Pacific Fisheries Convention Implementation Act to implement decisions of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean on fishing restrictions regarding the oceanic whitetip shark and the whale shark. The regulations would apply to owners and operators of U.S. fishing vessels used for commercial fishing for highly migratory species in the area of application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention). The regulations for oceanic whitetip sharks would prohibit the retention, transshipment, storage, or landing of oceanic whitetip sharks and would require the release of any oceanic whitetip shark as soon as possible after it is caught. The regulations for whale sharks would prohibit setting a purse seine on a whale shark and would specify certain measures to be taken and reporting requirements in the event a whale shark is encircled in a purse seine net. This action is necessary for the United States to satisfy its obligations under the Convention, to which it is a Contracting Party.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Tosatto, Regional Administrator for the Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1601 Kapiolani Boulevard, Suite 1110, Honolulu, HI 96814, *Phone:* 808 944–2281.

RIN: 0648–BD44

47. Southern New England Effort Controls To Address Lobster Stock Rebuilding Measures

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

Abstract: NMFS is considering to make revisions to Federal American lobster regulations intended to assist in rebuilding the Southern New England lobster stock. The proposed measures include trap reductions in Lobster Management Areas 2 and 3, a minimum carapace size increase for Lobster Management Area 3, mandatory v-notching of egg-bearing female lobster in Lobster Management Areas 2, 4, and 5, and seasonal closures in Lobster Management Areas 4, 5, and 6. These actions are recommended for Federal implementation by the Atlantic States Marine Fisheries Commission (Commission). The proposed stock rebuilding measures were recommended by the Commission in consultation with some, but not all, Federal lobster permit holders through associated industry participation on the Commissions Lobster Conservation Management Teams. While this action could limit fishing effort and landings by Federal lobster permit holders in Southern New England, the proposed measures are consistent with those already implemented by the affected states.

Timetable:

Action	Date	FR Cite
ANPRM	08/20/13	78 FR 51131
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BD45

48. Amendment 97 to the Fishery Management Plan for Groundfish of the Gulf of Alaska To Establish Chinook Salmon Prohibited Species Catch Limits for the Non-Pollock Trawl Fisheries

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 773 *et seq.*

Abstract: This rule would limit Chinook salmon prohibited species catch in the Western and Central Gulf of Alaska non-pollock trawl fisheries.

Chinook salmon is a fully utilized species in Alaska coastal subsistence, recreational, and commercial fisheries. In recent years the returns of Chinook salmon to some Alaska river systems have been below the biological escapement goals established by the State of Alaska. This action is necessary to minimize the catch of Chinook salmon to the extent practicable in the Gulf of Alaska non-pollock trawl fisheries. The rule would establish a 7,500 Chinook salmon prohibited species annual limit that would be seasonally apportioned among fishing vessel sectors. If a sector reached its Chinook salmon prohibited species limit, further directed fishing for groundfish by vessels in that sector and season would be prohibited. Vessel operators would be required to retain salmon until the number of salmon has been determined by the vessel or plant observer and the observers data collection has been completed. About 70 vessels could be affected by this action. This action could reduce revenues from the fisheries, if the Chinook salmon prohibited species limit is reached before the groundfish quota is harvested. The action may also increase costs if vessel operators move fishing operations or take other actions to lower their catch of Chinook salmon.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BD48

49. Implementation of the Inter-American Tropical Tuna Commission Resolution for the Conservation of Whale Sharks and the Collection and Analyses of Data on Fish Aggregating Devices

Legal Authority: 16 U.S.C. 951 *et seq.;* 16 U.S.C. 961 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: This rule would implement the Inter-American Tropical Tuna Commissions Resolution intended to conserve whale sharks and collect information on fish aggregating devices. This action would require that by July 1, 2014, owners and operators of purse seine vessels in the eastern Pacific Ocean would be prohibited from setting a purse seine on a school of tuna associated with a live whale shark, if the shark is sighted prior to the beginning of the set. If a whale shark is encircled in the purse seine net the master of the vessel would be required to ensure that all reasonable steps are taken to ensure its safe release and report the details of the incident to the Inter-American Tropical Tuna Commission and NMFS. By January 1, 2015, owners and operators of purse seine vessels operating in the Inter-American Tropical Tuna Commission Convention area when fishing on fish aggregating devices would be required to collect and report the fish aggregating devices location and type. The data may be collected through a dedicated logbook, modifications to existing regional logsheets, or other domestic reporting procedures.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Seattle, WA 98115, *Phone:* 206 526–6150.

RIN: 0648–BD53

50. Framework Adjustment 8 to the Monkfish Fishery Management Plan

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

Abstract: Framework Adjustment 8 would specify acceptable biological catch amounts, and annual catch limits, for the monkfish fishery during fishing years 2014–2016, based on an updated stock assessment completed in April 2013. This action would also set monkfish days-at-sea allocations and trip limits for both the Northern and Southern Fishery Management Areas to achieve recommended annual catch targets. In addition, this action would allow vessels issued a limited access monkfish Category H permit to fish throughout the Southern Fishery Management Area. Both the directed and incidental monkfish fisheries would be affected by this action. Specifically, Category H vessels would be provided with greater flexibility to fish for monkfish in a broader geographical area. Since the fishery has not fully harvested available quotas in recent years, it is not expected that potential increases or decreases in catch allowances are likely to have a substantial economic effect.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BD56

51. South Atlantic Coastal Migratory Pelagics Framework Action 2013 (Section 610 Review)

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

Abstract: Currently in the South Atlantic, transfer of harvested fish at sea is prohibited for any species under a commercial trip limit, and only two gillnets are allowed on a federally permitted Spanish mackerel vessel. In some instances the trip limit may be exceeded with just one gillnet set, and the excess fish must be discarded. Most discarded fish caught in gillnet gear die due to trauma caused during capture. The Framework Action would allow a portion of a gillnet and its contents to be transferred from a vessel that has met the Spanish mackerel trip limit to another vessel that has not yet reached the trip limit. Allowing transfer at sea for federally permitted Spanish mackerel vessels using gillnet gear is intended to reduce dead discards, and minimize waste when catch in one net exceeds the trip limit for the vessel. Additionally, the Framework Action would modify the commercial trip limits for Atlantic king mackerel in the Florida east coast subzone. The current system of trip limits may increase the rate of harvest causing the commercial sector to close before Lent, the most lucrative part of the fishing season. Therefore, the trip limit modifications that would be implemented through the Framework Action are expected to help minimize lost opportunities to fish, and optimize profitability in the king mackerel sector of the coastal migratory pelagics fishery.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National

Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD58

52. Implementation of a Program for Transshipments by Large Scale Fishing Vessels in the Eastern Pacific Ocean

Legal Authority: 16 U.S.C. 951 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: This rule would implement the Inter-American Tropical Tuna Commission program to monitor transshipments by large-scale tuna fishing vessels, and would govern transshipments by U.S. large-scale tuna fishing vessels and carrier, or receiving, vessels. The rule would establish: Criteria for transshipping in port; criteria for transshipping at sea by longline vessels to an authorized carrier vessel with an Inter-American Tropical Tuna Commission observer onboard and an operational vessel monitoring system; and require a Pacific Transshipment Declaration Form, which must be used to report transshipments in the Inter-American Tropical Tuna Commission Convention Area. The rule is neither applicable to troll and pole-and-line vessels, nor to vessels that transship fresh fish at sea.The frequency of transshipments in the Eastern Pacific Ocean is uncertain, but only a few transshipments are expected annually. A similar rule was adopted in the Western and Central Pacific Ocean and NMFS calculated that an average of twenty-four at-sea transshipments of fish caught by longline gear there have occurred annually from 1993 through 2009. Transshipments in the Eastern Pacific Ocean are likely to be much less than twenty-four per year. This rule is necessary for the United States to satisfy its international obligations under the 1949 Convention for the Establishment of an Inter-American Tropical Tuna, to which it is a Contracting Party.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Seattle, WA 98115, *Phone:* 206 526–6150.

RIN: 0648–BD59

53. Amendment 45 to the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crab Freezer Longline Catcher/Processor Pacific Cod Sideboard Removal

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

Abstract: This rule would establish conditions for the removal of Gulf of Alaska Pacific cod catch limits, known as sideboards, which apply to some catcher/processor vessels using hook-and-line gear, also known as freezer longliners. The newly reorganized sideboard limits have effectively eliminated the ability of these stakeholders to participant in these Gulf of Alaska fisheries. The rule would remove the Gulf of Alaska Pacific cod sideboards from 6 freezer longline vessels if owners of vessels endorsed to catch and process Pacific cod in the Western Gulf of Alaska, Central Gulf of Alaska, or both (a total of 9 vessels) agree to removal of the sideboards, within one year from the effective date of a final rule. If an agreement is not reached by the deadline, the sideboarded vessels would not be able to participate in the Gulf of Alaska fisheries. The requirement for an agreement is intended to promote cooperation among all affected parties prior to the removal of sideboards.

Timetable:

Action	Date	FR Cite
NPRM	07/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BD61

54. Information Collection Program for Atlantic Surfclam and Ocean Quahog Fisheries

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

Abstract: NMFS is implementing this information collection program at the request of the Mid-Atlantic Fishery Management Council (Council). This program will collect additional information about the individuals who hold and/or control Individual Transferable Quota in the Atlantic surfclam and ocean quahog fisheries. This information will be used by the Council in the consideration and development of excessive shares cap(s) in these Individual Transferable Quota fisheries.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BD64

55. • Red Snapper Allocation—Amendment 28 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (Section 610 Review)

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

Abstract: The current allocation of red snapper between the commercial and recreational sectors is 51:49 percent, respectively. The Gulf of Mexico Fishery Management Council (Council) is considering a change in the allocation with the aim of increasing the net benefits from red snapper fishing and increasing the stability of the red snapper component of the reef fish fishery, particularly for the recreational sector which has experienced shorter and shorter seasons. The Council initially considered options that increased the commercial sectors allocation above the current 51 percent. However, after considering the economic analyses conducted by the Southeast Fisheries Science Center and the loss of fishing opportunities by the recreational sector, the Council concluded that such a reallocation would not meet the purpose and need of this action. Therefore, the Council has limited the options under consideration to those that would increase the recreational sectors allocation above 49 percent.

Timetable:

Action	Date	FR Cite
NPRM	08/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD68

56. • Amendment 96 to the Fishery Management Plan for Groundfish of the Gulf of Alaska To Revise the Community Quota Entity Program

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 773 *et seq.*

Abstract: Amendment 96 to the Fishery Management Plan for Groundfish of the Gulf of Alaska would modify the halibut and sablefish Individual Fishing Quota Program regulations for management of community quota entities in the Gulf of Alaska. The action revises the Individual Fishing Quota Program by removing a restriction on community quota entities holdings of quota share. Removing this restriction provides community quota entities access to more affordable quota shares, which could enhance the ability of the community quota entities community to realize economic benefits from additional community resident participation in the halibut and sablefish fisheries.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BD74

57. • Amendment 7 to the Fishery Management Plan for the Dolphin Wahoo Fishery of the Atlantic

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

Abstract: The intent of this amendment is to make regulations for dolphin and wahoo consistent with those existing regulations for snapper-grouper species. Amendment 7 to the Dolphin Wahoo Fishery Management Plan would allow fishermen to bring fillets of dolphin and wahoo from the Bahamas into the U.S. exclusive economic zone, as regulations already allow fillets of snapper-grouper species to be brought from the Bahamas into the U.S. exclusive economic zone. This rule would allow fishermen to bring fillets of dolphin and wahoo into the U.S. exclusive economic zone that were lawfully harvested in Bahamian waters, provided valid Bahamian fishing and cruising permits are on board the vessel, and the vessel is in transit through the Atlantic exclusive economic zone.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD76

58. • Regulatory Amendment 16 to the Fishery Management Plan for the Snapper–Grouper Fishery of the South Atlantic Region

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

Abstract: Regulatory Amendment 16 contains an action to address the prohibition on the use of black sea bass pots annually from November 1 through April 30 that was implemented through Regulatory Amendment 19. The prohibition was a precautionary measure to prevent interactions between black sea bass pot gear and whales listed under the Endangered Species Act during large whale migrations and the right whale calving season off the southeastern coast. The South Atlantic Fishery Management Council, through Regulatory Amendment 16, is considering removal of the closure, changing the length of the closure, and changing the area of the closure. The goal is to minimize adverse socio-economic impacts to black sea bass pot endorsement holders while maintaining protection for Endangered Species Act-listed whales in the South Atlantic region.

Timetable:

Action	Date	FR Cite
NPRM	03/00/15	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD78

59. • Amendment 8 to the Fishery Management Plan for Coral, Coral Reefs, and Live/Hardbottom Habitats of the South Atlantic Region

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

Abstract: Coral Amendment 8 would modify the boundaries of the Oculina Bank Habitat Area of Particular Concern, the Stetson-Miami Terrace Coral Habitat Area of Particular Concern, and the Cape Lookout Coral Habitat Area of Particular Concern to protect deepwater coral ecosystems. The amendment also proposes to implement a transit provision through the Oculina Bank Habitat Area of Particular Concern for fishing vessels with rock shrimp onboard.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD81

60. • Amendment 20A to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region

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

Abstract: Amendment 20A would prohibit the sale of king and Spanish mackerel caught under the bag limit in the Gulf of Mexico and South Atlantic regions except under limited circumstances. For the Gulf of Mexico, the amendment would prohibit the sale of king and Spanish mackerel caught under the bag limit unless those fish are either caught on a for-hire trip and the vessel has both a for-hire and commercial vessel permit, or the fish are caught as part of a state-permitted tournament and the proceeds from the sale are donated to charity. For the South Atlantic region, the amendment would prohibit the sale of king and Spanish mackerel caught under the bag limit unless the fish are caught as part of a state-permitted tournament and the proceeds from the sale are donated to charity. In addition, the amendment would remove the income qualification requirement for king and Spanish mackerel commercial permits. This action would not affect the number of king mackerel permits, which are limited access, but could increase the number of Spanish mackerel permits, which are open access.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BD83

61. • Amendment 100 to the FMP for Groundfish of the BSAI Management Area and Amendment 91 to the FMP for Groundfish of the Gulf of Alaska To Add Grenadiers to the Ecosystem Component Category

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

Abstract: Amendments 100 and 91 would amend the Fishery Management Plan to add grenadiers to the ecosystem component category. Grenadiers are caught incidentally in the groundfish fisheries, and adding them to the Fishery Management Plans would recognize their role in the ecosystem. NMFS would also implement regulations for federally-permitted groundfish fishermen to improve reporting of grenadiers, limit retention, and prevent directed fishing for grenadiers. This action is necessary to limit the groundfish fisheries impact on grenadiers. Federally-permitted groundfish fishermen would be affected by the proposed rule, however, the anticipated impacts are considered to be de minimis according the economic analysis prepared for this action.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BD98

62. • Framework Adjustment 2 to the Northeast Skate Complex Fishery Management Plan

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

Abstract: This action includes skate fishery specifications for the 2014–2015 fishing years, and modifications to skate reporting requirements for vessels and dealers. This action would establish: an annual catch limit for the skate complex of 35,479 mt (a decrease from 50,435 mt in 2013); an overall total allowable landings of 16,385 mt (a decrease from 23,365 mt in 2013); status quo possession limits for the skate wing and bait fisheries; and changes to skate vessel and dealer reporting requirements to improve species-specific landings data, including removal of ''unclassified skate'' reporting options.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BD99

63. Marine Mammal Protection Act Permit Regulation Revisions

Legal Authority: 16 U.S.C. 1374

Abstract: This action would consider revisions to the implementing regulations governing the issuance of permits for activities under section 104 of the Marine Mammal Protection Act. The intent of this action would be to streamline and update (using plain language) the general permitting information and the specific requirements for the four categories of permits: scientific research (including the General Authorization); enhancement; educational and commercial photography; and public display. The revisions would also simplify procedures for collection, possession, and transfer of marine mammals parts collected before the effective date of the Marine Mammal Protection Act, and also clarify reporting requirements for public display facilities holding marine mammals.

Timetable:

Action	Date	FR Cite
ANPRM	09/13/07	72 FR 52339
ANPRM Comment Period Extended.	10/15/07	72 FR 58279
ANPRM Comment Period End.	11/13/07	72 FR 52339
ANPRM Comment Period Extended End.	12/13/07	72 FR 58279
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Fishery Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2322.

RIN: 0648–AV82

64. Designation of Critical Habitat for the North Atlantic Right Whale

Legal Authority: 16 U.S.C. 1361 *et seq.;* 16 U.S.C. 1531 to 1543

Abstract: National Marine Fisheries Service proposes to designate critical habitat for the North Atlantic right whale. This proposal would result in an expansion of critical habitat in the northeast feeding area (Gulf of Maine-Georges Bank region) and the southeast calving area (Florida to North Carolina) compared to what was designated in 1994 for right whales.

Timetable:

Action	Date	FR Cite
NPRM	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Fishery Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2322.

RIN: 0648–AY54

65. Amendment and Updates to the Bottlenose Dolphin Take Reduction Plan

Legal Authority: 16 U.S.C. 1361 *et seq.;* 16 U.S.C. 1531 *et seq.*

Abstract: This action would amend regulations under the Bottlenose Dolphin Take Reduction Plan (Plan) to reduce bottlenose dolphin serious injuries and mortalities incidental to the Virginia Pound net fishery. The Plan recommends the year-round use of modified leaders for offshore pound nets within parts of the Chesapeake Bay and Virginia coastal waters. Regulations for Virginia Pound Nets are currently implemented under the Endangered Species Act for sea turtle conservation. The Plan recommended similar

regulations to those currently enacted under the Endangered Species Act; however, the regulations under the Plan will offer greater conservation benefits to both bottlenose dolphins and sea turtles. Because the regulations may affect current sea turtle regulations, a joint-rulemaking will be conducted under both the Marine Mammal Protection Act and Endangered Species Act to amend: (1) the Plan under the Marine Mammal Protection Act, proposing Virginia pound net requirements; and (2) current federal sea turtle regulations for Virginia pound nets under the Endangered Species Act to ensure consistency between regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Fishery Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2322.

RIN: 0648–BB37

NOS/ONMS

66. • Revisions to Hawaiian Islands Humpback Whale National Marine Sanctuary Regulations

Legal Authority: 16 U.S.C. 1431 *et seq.*

Abstract: In 2010, the Office of National Marine Sanctuaries (ONMS) initiated a review of the Hawaiian Islands Humpback Whale National Marine Sanctuary management plan, to evaluate substantive progress toward implementing the goals for the sanctuary, and to make revisions to its management plan and regulations as necessary to fulfill the purposes and policies of the National Marine Sanctuaries Act (NMSA) and the Hawaiian Islands National Marine Sanctuary Act (HINMSA; Title II, Subtitle C, Pub. L. 102587). ONMS intends to publish a proposed rule and draft EIS that proposes to expand the scope of the sanctuary to ecosystem based management rather than concentrating on only humpback whales. In addition, possible boundary expansion will be discussed.

Timetable:

Action	Date	FR Cite
Notice	07/14/10	75 FR 40759
NPRM	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Lindelof, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–3137.

RIN: 0648–BD97

DEPARTMENT OF COMMERCE (DOC)

Final Rule Stage

National Oceanic and Atmospheric Administration (NOAA)

National Marine Fisheries Service

67. American Lobster Fishery; Fishing Effort Control Measures To Complement Interstate Lobster Management Recommendations by the Atlantic States Marine Fisheries Commission

Legal Authority: 16 U.S.C. 5101 *et seq.*

Abstract: The action would limit future access in the Lobster Conservation Management Area (Area) 2 and Outer Cape Area lobster trap fishery based on historic participation criteria, and implement a transferable trap program in Area 2, Area 3, and the Outer Cape Area as recommended by the Atlantic States Marine Fisheries Commission. National Marine Fisheries Service proposes to use the same historic participation data and qualification criteria used by state agencies to qualify state lobstermen fishing in the state waters of the subject management areas.

Timetable:

Action	Date	FR Cite
ANPRM	05/10/05	70 FR 24495
ANPRM Comment Period End.	06/09/05	
Notice of Public Meeting.	05/03/10	75 FR 23245
NPRM	06/12/13	78 FR 35217
Final Action	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–AT31

68. Amendment 7 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: Amendment 7 focuses on bluefin tuna fishery management issues consistent with the need to end overfishing and rebuild the stock. Measures in draft Amendment 7 address several of the long-standing challenges facing the fishery and will analyze, among other things, revisiting quota allocations; reducing and accounting for dead discards; adding or modifying time/area closures or gear-restricted areas; and improving the reporting and monitoring of dead discards and landings in all categories.

Timetable:

Action	Date	FR Cite
Notice	04/23/12	77 FR 24161
Notice	06/08/12	77 FR 34025
NPRM	08/21/13	78 FR 52032
NPRM Comment Period Extended.	09/18/13	78 FR 57340
Public Hearing	11/05/13	78 FR 66327
NPRM Comment Period Reopened.	12/11/13	78 FR 75327
Public Hearing	12/26/13	78 FR 78322
Final Action	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov*.

RIN: 0648–BC09

69. Generic Amendment to Several Fishery Management Plans in the Gulf of Mexico and South Atlantic Regions To Modify Federally-Permitted Seafood Dealer Reporting Requirements

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

Abstract: To better ensure commercial landings of managed fish stocks do not exceed annual catch limits, improvements are needed to the accuracy, completeness, consistency, and timeliness of data submitted by federally-permitted seafood dealers. The purpose of the generic amendment is to change the current reporting requirements for those dealers who purchase fish managed under several of the Gulf of Mexico and South Atlantic Fishery Management Council fishery management plans. Changes are proposed to the current six dealer

permits to increase the species that must be reported. Changes are also proposed to the method and frequency of dealer reporting. This action will aid in achieving the optimum yield from each fishery while reducing (1) undue socioeconomic harm to dealers and fishermen and (2) administrative burdens to fishery agencies.

Timetable:

Action	Date	FR Cite
Notice	12/19/13	78 FR 76807
NPRM	01/02/14	79 FR 81
Final Action	06/00/14	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BC12

70. Georges Bank Yellowtail Flounder Emergency Action To Provide a Partial Exemption From Accountability Measures to the Atlantic Scallop Fishery

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

Abstract: This action, requested by the New England Fishery Management Council, exempts the Atlantic sea scallop fishery from any accountability measure for catch of Georges Bank yellowtail flounder exceeding the revised sub-annual catch limit of 156.9 mt up to the initial sub-annual catch limit level of 307.5 mt. By exempting the scallop fleet from accountability measures at the lower revised 156.9 mt sub-ACL, but maintaining accountability at the 307.5 mt level initially set for the fishing year, there remains a need for the scallop fleet to mitigate yellowtail flounder catch but to do so within the context of the initial level established for the fishing year. This specific accountability measure is not needed to comply with Magnuson Stevens Fishery Conservation and Management Act requirements because there is an accountability measure at the fishery level that remains unchanged by this proposed action. Any overage of the fishery level ACL is repaid pound-for-pound in a subsequent fishing year.

Timetable:

Action	Date	FR Cite
NPRM	10/01/12	77 FR 59883
NPRM Comment Period End.	10/31/12	
Final Action—Withdrawal of the Proposed Rule.	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BC33

71. Modification to the Hired Skipper Regulations for Management of the Individual Fishing Quota Program for the Fixed-GEAR Commercial Fisheries for Pacific Halibut and Sablefish in Waters of Alaska

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 773 *et seq.*

Abstract: This action would amend the hired master regulations of the Individual Fishing Quota Program for the fixed-gear commercial Pacific halibut and sablefish fisheries in the Bering Sea and Aleutian Islands management area and the Gulf of Alaska. The Individual Fishing Quota Program allows initial recipients of catcher vessel halibut and sablefish quota share to hire a vessel master to harvest Individual Fishing Quota derived from the quota share. When a hired master fishes an initial recipients Individual Fishing Quota, the initial recipient is exempt from being onboard the vessel. This action would remove the owner-onboard exemption to hire a master to harvest Individual Fishing Quota derived from quota share that an initial recipient received by transfer after February 12, 2010. Between February 12, 2010 and the effective date of this action, initial recipient quota share transferred into a quota share block of the same category would retain the hired master privilege. After the effective date of this action, no hired master privilege would be retained on initial recipient quota share consolidated with quota share of the same category. This action is necessary to maintain a predominantly owner-operated fishery.

Timetable:

Action	Date	FR Cite
NPRM	04/26/13	78 FR 24707
Final Action	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BC62

72. Allowing Northeast Multispecies Sector Vessels Access to Year-Round Closed Areas

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

Abstract: This action allows Northeast Multispecies vessels enrolled in a sector to fish in any of three year-round closed areas on Georges Bank during select times of the 2013 fishing year. This rule allows fishing access for Northeast multispecies sectors to two portions of the Southern New England Nantucket Lightship Closed Area for the remainder of the 2013 fishing year, under specified conditions. The intent of this rule is to allow sector vessels increased opportunities to harvest non-groundfish stocks such as monkfish, dogfish, and skates, while minimizing impacts to overfished groundfish stock such as Georges Bank cod and yellowtail flounder.

Timetable:

Action	Date	FR Cite
NPRM	07/11/13	78 FR 41772
Interim Final Rule	12/16/13	78 FR 76077
Final Action	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BD09

73. Pacific Coast Groundfish Trawl Rationalization Program Trailing Actions: Permitting Requirements for Observer and Catch Monitor Providers

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

Abstract: This action would modify regulations pertaining to certified catch monitors and observers required under the Pacific Coast Groundfish Fishery Management Plan. The action specifies permitting requirements for business entities interested in providing certified observers and catch monitor services, as well as addresses numerous housekeeping measures and updates observer provider and vessel responsibilities relative to observer

safety such that the regulations are consistent with the Coast Guard and Maritime Transportation Act of 2012. This action affects individuals serving as certified catch monitors and observers, business entities that provide certified catch monitors and observers, vessels that are required to carry certified observers, and shore-based business entities that are required to employ the services of certified catch monitors.

Timetable:

Action	Date	FR Cite
NPRM	02/19/14	79 FR 9591
NPRM Comment Period End.	03/21/14	
Final Action	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Seattle, WA 98115, *Phone:* 206 526–6150.

RIN: 0648–BD30

74. Pacific Coast Groundfish Trawl Rationalization Program; Second Program Improvement and Enhancement Rule

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

Abstract: This action implements trailing actions for the Pacific coast groundfish trawl rationalization program in order to further improve and refine the program. Since implementation of the program in January 2011, the Pacific Fishery Management Council (Council) and NMFS have developed numerous trailing actions to the program. This action includes multiple components that either implement original provisions of the program, or increase flexibility or efficiency, or address minor revisions/clarifications. Implementation of Quota share transfer regulations is also included in this action. The other components of this action are intended to increase flexibility and efficiency for participants and the Agency, and to make minor clarifications to the program regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/19/13	78 FR 43125
Final Rule	11/15/13	78 FR 68764
Correcting Amendment.	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Seattle, WA 98115, *Phone:* 206 526–6150.

RIN: 0648–BD31

75. Modifications to the Pacific Coast Groundfish Trawl Rockfish Conservation Area Boundaries

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

Abstract: This action would implement recommendations from the Pacific Fishery Management Council to liberalize trawl Rockfish Conservation Area boundaries for participants in the Pacific Coast groundfish shorebased individual fishing quota program, beginning November 1, 2013 through the end of 2014. Different trawl Rockfish Conservation Area variations have been in place since 2002–2003 and are typically adjusted through routine inseason actions to keep overfished fish species within acceptable catch limits or harvest guidelines. This rule proposes to modify the trawl Rockfish Conservation Area boundaries, in order to increase access to target species. This rule would increase fishermen's access to their target species allocations, while allowing the individual accountability inherent in the individual fishing quota program to reduce bycatch. This action would also increase the flexibility and efficiency for individual fishing quota program participants, and maintain the full catch accounting requirements of the individual fishing quota program.

Timetable:

Action	Date	FR Cite
NPRM	09/13/13	78 FR 56641
Final Action	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Seattle, WA 98115, *Phone:* 206 526–6150.

RIN: 0648–BD37

76. Framework Adjustment 8 to the Atlantic Mackerel, Squid and Butterfish Fishery Management Plan

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

Abstract: Framework 8 announces several changes to facilitate the operation of the butterfish discard cap on the longfin squid fishery. The alternatives proposed in Framework 8 would allocate the butterfish discard cap among the Trimesters in the same percentages used for the trimester allocations for longfin squid. In addition, Framework 8 would allow NMFS to transfer, in either direction, a certain amount of unused quota between the butterfish landing allocation and the discard cap on the longfin squid fishery. This would occur near the end of the year, in order to optimally utilize the butterfish that is available for fishing each year.

Timetable:

Action	Date	FR Cite
NPRM	01/31/14	79 FR 5364
NPRM Comment Period End.	03/03/14	
Final Action	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BD50

77. Implementation of the Inter-American Tropical Tuna Commission Resolution To Establish a Vessel Monitoring System Program in the Eastern Pacific Ocean

Legal Authority: 16 U.S.C. 951 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: This rule would implement the Inter-American Tropical Tuna Commissions Resolution intended to require owners and operators of tuna-fishing vessels to have installed, activate, carry and operate vessel monitoring system units (also known as mobile transmitting units).This regulation would apply to owners and operators of tuna-fishing vessels 24 meters or more in length, operating in the eastern Pacific Ocean. The vessel monitoring system units would have to be type-approved, and authorize the Inter-American Tropical Tuna Commission and NMFS to receive and relay transmissions (also called position reports) from the vessel monitoring system unit. Vessel monitoring systems may enhance the safety of some vessels by allowing the vessels location to be tracked, which could assist in rescue efforts. This regulation would apply to commercial vessels and would not apply to recreational or charter vessels. This rule would apply to approximately seventy-four vessels, however, roughly thirty-eight of these vessels are already subject to vessel monitoring system

requirements under the Western and Central Pacific Fisheries Commission. Due to the relatively small number of vessels affected, this rule is not expected to garner public opposition or congressional interest.

Timetable:

Action	Date	FR Cite
NPRM	02/06/14	79 FR 7152
Correction	02/25/14	79 FR 10465
Final Action	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Seattle, WA 98115, *Phone:* 206 526–6150.

RIN: 0648–BD54

78. Implementation of the Inter-American Tropical Tuna Commission Resolution To Adopt Conservation and Management Measures for Pacific Bluefin Tuna in the Eastern Pacific Ocean

Legal Authority: 16 U.S.C. 951 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: This action proposes regulations adopted by the Inter-American Tropical Tuna Commission that would place a limit on commercial harvests of Pacific bluefin tuna in the eastern Pacific Ocean in 2014. The Inter-American Tropical Tuna Commission resolution imposes an international aggregate catch limit of 5,000 metric tons for commercial fleets in the Eastern Pacific Ocean and, as in past years, the Resolution allows a minimum of 500 metric tons for nations such as the United States that have historically fished Pacific bluefin tuna in the Eastern Pacific Ocean but do not harvest large amounts. The rule is expected to have a beneficial impact on Pacific bluefin tuna and other living marine resources since it would extend catch limits currently set to expire December 31, 2013. This rule is likely to have negligible economic impacts because the U.S. fleets that catch Pacific bluefin tuna have not caught more than 500 metric tons of bluefin in more than a decade.

Timetable:

Action	Date	FR Cite
NPRM	01/10/14	79 FR 1810
NPRM Comment Period End.	02/10/14	
Final Action	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Seattle, WA 98115, *Phone:* 206 526–6150.

RIN: 0648–BD55

79. 2014 Specifications and Management Measures for the Atlantic Mackerel, Squid, and Butterfish Fisheries

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

Abstract: This action establishes catch levels and associated management measures for the 2014 fishing year for species managed under the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan. The Mid-Atlantic Fishery Management Council reaffirmed the 3-year catch level recommendations for Illex squid and longfin squid (2012–2014), and for Atlantic mackerel (2013–2015), so no changes are proposed for catch levels for those species. The proposed action would: increase the butterfish ABC by 8 percent, and the butterfish landings limit by 24 percent, compared to 2013; set a 236 mt cap on river herring and shad catch in the mackerel fishery; raise the post-closure possession limit for longfin squid to 10,000 lb for vessels targeting Illex squid; and change the butterfish Phase 3 trip limit to 600 lb (from 500 lb) for longfin squid/butterfish moratorium permit holders to make it consistent with the incidental butterfish trip limit.

Timetable:

Action	Date	FR Cite
NPRM	01/10/14	79 FR 1813
NPRM Comment Period End.	02/10/14	
Final Action	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov.*

RIN: 0648–BD65

80. Modifications to Identification Markings on Fishing Gear Marker Buoys

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 3631 *et seq.;* 16 U.S.C. 773 *et seq.;* Pub. L. 108–447

Abstract: This rule would eliminate the requirement that buoys marking the location of commercial fishing gear be marked with the vessels name, in addition to a vessel identification number. Current regulations require buoy markings to make it possible to identify the vessel from which the gear was deployed. Experience shows that it is not necessary to mark buoys with both the vessels name and Federal fisheries permit number. While one vessel may share the same name as another vessel, vessel identification numbers are exclusive and unique to the recipient vessel. The purpose of this action is to reduce regulatory burdens by eliminating the requirement to mark buoys with the vessels name, and will reduce costs to vessel owners by reducing the labor and materials needed to mark buoys.

Timetable:

Action	Date	FR Cite
NPRM	01/03/14	79 FR 381
NPRM Comment Period End.	02/03/14	
Final Action	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov.*

RIN: 0648–BD66

81. • Pacific Halibut Fisheries; Catch Sharing Plan

Legal Authority: 16 U.S.C. 773 *et seq.*

Abstract: Each year, the Pacific Fishery Management Council (Council) reviews and receives public comment on its Pacific Halibut Catch Sharing Plan (Plan) to determine whether revisions are needed to achieve management objectives for any of the West Coast halibut fisheries. For 2014 and beyond, the Council has recommended minor changes to the portion of the Plan covering the allocations and sport fisheries. For the Washington north coast subarea sport fishery the recommended changes clarify the season structure and remove the provisions for a nearshore fishery. For the Columbia River subarea sport fishery the recommended changes revise the days of the week the fishery is open and modify the subarea allocation to provide for a new nearshore fishery within the subarea. For the Oregon central coast subarea sport fishery the changes include modifying the nearshore fishery. For the South of

Humbug Mountain subarea, the recommended changes include breaking the subarea into separate subareas for Southern Oregon and California, and allocating catch to these subareas from existing allocations. These recommended changes to the Plan are implemented through the annual regulations. The annual regulations will also include the 2014 halibut quota for the West Coast fisheries as recommended by the International Pacific Halibut Commission.

Timetable:

Action	Date	FR Cite
NPRM	02/06/14	79 FR 7156
NPRM Comment Period End.	02/21/14	
Final Action	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Stelle Jr., Regional Administrator West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way Northeast, Seattle, WA 98115, *Phone:* 206 526–6150.

RIN: 0648–BD82

82. • Temporary Rule Through Emergency Action To Revise Annual Catch Limits and Accountability Measures for Blueline Tilefish and the Deep-Water Complex in the South Atlantic Region

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

Abstract: In October 2013, NMFS determined the blueline tilefish stock in the South Atlantic is experiencing overfishing and is overfished. As mandated by Magnuson-Stevens Fishery Conservation and Management Act, NMFS and the Council must prepare and implement a plan amendment and regulations to end overfishing immediately and rebuild the stock by December 6, 2015. The Council and NMFS, through actions in a future amendment, plan to implement a rebuilding plan and management actions to end overfishing and rebuild the blueline tilefish stock. In the interim, NMFS will publish an emergency rule to implement temporary annual catch limits and accountability measures for blueline tilefish, and modify the current annual catch limits and accountability measures for the deep-water complex. The goal of this action is to minimize future adverse biological effects to the blueline tilefish stock, and the socio-economic effects to fishermen and fishing communities that utilize the blueline tilefish, while a permanent rulemaking designed to end overfishing and rebuild the stock is developed.

Timetable:

Action	Date	FR Cite
Final Action	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD87

83. Revision of Hawaiian Monk Seal Critical Habitat

Legal Authority: 16 U.S.C. 1533

Abstract: National Oceanic and Atmospheric Administration (NOAA) Fisheries is developing a final rule to designate critical habitat for the Hawaiian monk seal in the main and Northwestern Hawaiian Islands. In response to a 2008 petition from the Center for Biological Diversity, Kahea, and the Ocean Conservancy to revise Hawaiian monk seal critical habitat, NOAA Fisheries published a proposed rule in June 2011 to revise Hawaiian monk seal critical habitat by adding critical habitat in the main Hawaiian Islands and extending critical habitat in the Northwestern Hawaiian Islands. Proposed critical habitat includes both marine and terrestrial habitats (e.g., foraging areas to 500 meter depth, pupping beaches, etc.). To address public comments on the proposed rule, NOAA Fisheries is augmenting its prior economic analysis to better describe the anticipated costs of the designation. NOAA Fisheries is analyzing new tracking data to assess monk seal habitat use in the main Hawaiian Islands. That may lead to some reduction in foraging area critical habitat for the main Hawaiian Islands to better reflect where preferred foraging features may be found.

Timetable:

Action	Date	FR Cite
NPRM	06/02/11	76 FR 32026
Notice of Public Meetings.	07/14/11	76 FR 41446
Other	06/25/12	77 FR 37867
Final Action	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Fishery Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East–West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2322.

RIN: 0648–BA81

84. Endangered and Threatened Species: Designation of Critical Habitat for Threatened Lower Columbia River Coho Salmon and Puget Sound Steelhead

Legal Authority: 16 U.S.C. 1531 to 1544

Abstract: This action will designate critical habitat for lower Columbia River coho salmon and Puget Sound steelhead, currently listed as threatened species under the Endangered Species Act. The specific areas proposed for designation in for lower Columbia River coho include approximately 2,288 mi (3,681 km) of freshwater and estuarine habitat in Oregon and Washington. The specific areas proposed for designation for Puget Sound steelhead include approximately 1,880 mi (3,026 km) of freshwater and estuarine habitat in Puget Sound, Washington.

Timetable:

Action	Date	FR Cite
NPRM	01/14/13	78 FR 2725
Final Action	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Fishery Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East–West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2322.

RIN: 0648–BB30

85. Designation of Critical Habitat for the Distinct Population Segments of Yelloweye Rockfish, Canary Rockfish, and Bocaccio

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: This action proposes to designate critical habitat under the Endangered Species Act for three Distinct Population Segments of rockfish in the Puget Sound/Georgia Basin: (1) The threatened Distinct Population Segments of yelloweye rockfish; (2) the threatened Distinct Population Segments of canary rockfish; and (3) the endangered Distinct Population Segments of bocaccio. The proposed specific areas for canary rockfish and bocaccio comprise approximately 505 hectares (1,249 acres) of marine habitat in Puget Sound. The proposed areas for yelloweye

rockfish comprise approximately of 245 hectares (606 acres) of marine habitat in Puget Sound.

Timetable:

Action	Date	FR Cite
NPRM	08/06/13	78 FR 47635
Final Action	08/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Fishery Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2322.

RIN: 0648–BC76

86. Amending the Atlantic Large Whale Take Reduction Plan

Legal Authority: 16 U.S.C. 1361 *et seq.*

Abstract: The National Marine Fisheries Service (NMFS) is proposes to amend the Atlantic Large Whale Take Reduction Plan. These changes are designed to address ongoing right, humpback, and fin whale entanglements resulting in serious injury or mortality. In 2009, the Atlantic Large Whale Take Reduction Team (Team) agreed on a schedule to develop conservation measures for reducing the risk of serious injury and mortality of large whales that become entangled in vertical lines. In an August 2012 American Lobster Biological Opinion, NMFS committed to publishing a proposed rule to address vertical line entanglements in 2013, and to publish a final rule by April 2014. Unlike the broad-scale management approach taken to address entanglement risks associated with groundlines (rope between trap/pots), the approach for the vertical line rulemaking will focus on reducing the risk of vertical line entanglements in finer-scale high impact areas. Using fishing gear characterization data and whale sightings per unit effort data, NMFS developed a model to determine the co-occurrence of fishing gear density and whale density to serve as a guide in the identification of these high risk areas. Potential measures include: expanding the gear marking scheme to require larger and more frequent marks along the buoy line; increasing the number of traps per trawl based on area fished and miles fished from shore in the northeast; establishing several closures in the northeast for trap/pot fisheries; modifying weak link and breaking strength requirements of buoy lines; and requiring the use of one buoy line with one trap in the southeast.

Timetable:

Action	Date	FR Cite
NPRM	07/16/13	78 FR 42653
Notice	07/24/13	78 FR 44536
Final Action	07/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Fishery Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2322.

RIN: 0648–BC90

87. Designation of Critical Habitat for the Northwest Atlantic Ocean Loggerhead Sea Turtle DPS and the Determination Regarding Critical Habitat for the North Pacific Ocean Loggerhead DPS

Legal Authority: 16 U.S.C. 1531 *et seq.*

Abstract: This action would designate critical habitat for the Loggerhead sea turtle pursuant to the Endangered Species Act of 1973, as amended. The loggerhead sea turtle was originally listed worldwide as a threatened species on July 28, 1978. No critical habitat was designated for the loggerhead at that time. On September 22, 2011, NMFS and the U.S. Fish and Wildlife Service jointly published a final rule revising the loggerheads listing from a single worldwide threatened species to nine Distinct Population Segments. The two Distinct Population Segments occurring in U.S. jurisdiction are the Northwest Atlantic Ocean Distinct Population Segment (range defined as north of the equator, south of 60 N. lat., and west of 40 W. long.) and the North Pacific Ocean Distinct Population Segments (range defined as north of the equator and south of 60 N. lat.). For the 2011 final listing rule, NMFS and the U.S. Fish and Wildlife Service found designation of critical habitat to be not determinable. This action will satisfy the provisions under the Endangered Species Act requiring critical habitat to be designated for these Distinct Population Segments.

Timetable:

Action	Date	FR Cite
NPRM	07/18/13	78 FR 43006
Proposed Rule Correction.	08/01/13	78 FR 46563
Notice	08/21/13	78 FR 51705
NPRM Comment Period Re-opened.	09/30/13	78 FR 59907
Public Hearing	11/04/13	78 FR 65959
Final Action	07/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Fishery Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2322.

RIN: 0648–BD27

DEPARTMENT OF COMMERCE (DOC)

Long-Term Actions

National Oceanic and Atmospheric Administration (NOAA)

National Marine Fisheries Service

88. Comprehensive Fishery Management Plan for Puerto Rico

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

Abstract: This comprehensive Puerto Rico Fishery Management Plan will incorporate, and modify as needed, Federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to Puerto Rico exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of Puerto Rico. If approved, this new Puerto Rico Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for each of St. Croix and St. Thomas/St. John, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	05/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD32

89. Comprehensive Fishery Management Plan for St. Croix

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

Abstract: This comprehensive St. Croix Fishery Management Plan will incorporate, and modify as needed, federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to St. Croix exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of St. Croix. If approved, this new St. Croix Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for each of Puerto Rico and St. Thomas/St. John, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	05/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD33

90. Comprehensive Fishery Management Plan for St. Thomas/St. John

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

Abstract: This comprehensive St. Thomas/St. John Fishery Management Plan will incorporate, and modify as needed, federal fisheries management measures presently included in each of the existing species-based U.S. Caribbean Fishery Management Plans (Spiny Lobster, Reef Fish, Coral, and Queen Conch Fishery Management Plans) as those measures pertain to St. Thomas/St. John exclusive economic zone waters. The goal of this action is to create a Fishery Management Plan tailored to the specific fishery management needs of St. Thomas/St. John. If approved, this new St. Thomas/St. John Fishery Management Plan, in conjunction with similar comprehensive Fishery Management Plans being developed for each of St. Croix and Puerto Rico, will replace the Spiny Lobster, Reef Fish, Coral and Queen Conch Fishery Management Plans presently governing the commercial and recreational harvest in U.S. Caribbean exclusive economic zone waters.

Timetable:

Action	Date	FR Cite
NPRM	05/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov.*

RIN: 0648–BD34

91. Designate Critical Habitat for the Hawaiian Insular False Killer Whale Distinct Population Segment

Legal Authority: 16 U.S.C. 1533

Abstract: The proposed action, if approved, would designate critical habitat for the Hawaiian insular false killer whale distinct population segment, pursuant to section 4 of the Endangered Species Act (ESA). Proposed critical habitat would only be designated in the main Hawaiian Islands as the Hawaiian insular false killer whales range is restricted from nearshore out to 140 km from the main Hawaiian Islands. Impacts from the designation stem mainly from Federal agencies requirement to consult with National Marine Fisheries Service, under section 7 of the ESA, to insure that any action they carry out, permit (authorize), or fund will not result in the destruction or adverse modification of critical habitat of a listed species.

Timetable:

Action	Date	FR Cite
NPRM	06/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, *Phone:* 301 713–2322.

RIN: 0648–BC45

DEPARTMENT OF COMMERCE (DOC)

Completed Actions

National Oceanic and Atmospheric Administration (NOAA)

92. Marine Mammal Protection Act Stranding Regulation Revisions

Legal Authority: 16 U.S.C. 1379; 16 U.S.C. 1382; 16 U.S.C. 1421

Abstract: National Marine Fisheries Service intends to clarify the requirements and procedures for responding to stranded marine mammals and for determining the disposition of rehabilitated marine mammals, which includes the procedures for the placement of non-releasable animals and for authorizing the retention of releasable rehabilitated marine mammals for scientific research, enhancement, or public display.

Timetable:

Action	Date	FR Cite
ANPRM	01/31/08	73 FR 5786
Final Action Comment Period Extended.	03/28/08	73 FR 16617
No Further Action	02/01/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Fishery Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2322.

RIN: 0648–AW22

93. Amendment 14 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan

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

Abstract: The purpose of Amendment 14 is primarily to minimize river herring and shad bycatch in the Atlantic mackerel fishery, and implement an effective program for monitoring river herring and shad bycatch in the Mackerel, Squid and Butterfish fisheries. This action implements measures to expand reporting requirements for permit holders, increase at-sea observer coverage, and establish a mortality cap on river herring and shad in the mackerel fishery. This action is being taken because there is concern about the status of river herring and shad stocks throughout their ranges, and a push to reduce all sources of stock mortality, including fishing mortality.

Timetable:

Action	Date	FR Cite
Notice of Intent	06/09/10	75 FR 32745
Notice of Availability.	08/12/13	78 FR 48852
NPRM	08/29/13	78 FR 53404
NPRM Comment Period End.	10/11/13	
Final Action	02/24/14	79 FR 10029

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:*

978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–AY26

94. Amendment 5 to the Atlantic Herring Fishery Management Plan

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

Abstract: The purpose of Amendment 5 is to minimize bycatch in the Atlantic herring fishery, and improve the collection of real-time catch data. Amendment 5 increases observer coverage, improves at-sea sampling, includes measures to reduce net slippage, and includes measures to address bycatch. This action is being taken to more accurately characterize Atlantic herring landings, minimize and monitor bycatch of river herring in the Atlantic herring fishery, and to improve monitoring of Atlantic herring fishing activity in groundfish closed areas.

Timetable:

Action	Date	FR Cite
Supplemental Notice of Intent.	12/28/09	74 FR 68576
Notice of Availability.	04/22/13	78 FR 23733
NPRM	06/03/13	78 FR 33020
Final Action	02/13/14	79 FR 8785

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, Phone: 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–AY47

95. Regulatory Amendment to Implement a Halibut Catch Sharing Plan for International Pacific Halibut Commission Area 2C and Area 3A

Legal Authority: 44 U.S.C. 3501 *et seq.*

Abstract: This regulation implemented a catch sharing plan for the commercial and guided (charter) sport fisheries for Pacific halibut in waters of International Pacific Halibut Commission Regulatory Areas 2C (Southeast Alaska) and 3A (Central Gulf of Alaska). This regulatory amendment established a combined catch limit annually specified by the International Pacific Halibut Commission that is allocated between the commercial and charter halibut fisheries using percentage allocations proposed by the North Pacific Fishery Management Council. This action also implemented annual management measures for the charter halibut fishery that are intended to maintain harvest to the charter allocation, and specified annually by the International Pacific Halibut Commission using a process proposed by the Council. This action provides an opportunity for commercial halibut individual fishing quota holders to lease (transfer on an annual basis) halibut individual fishing quotas to charter halibut permit holders as Guided Angler Fish.

Timetable:

Action	Date	FR Cite
NPRM	07/22/11	76 FR 44156
NRPM Comment Period End.	09/06/11	
Proposed Rule; Ext. Comments.	09/07/11	76 FR 55343
Comment Period Extended.	09/21/11	76 FR 55343
Second NPRM	06/28/13	78 FR 39122
Comment Period Extended.	07/25/13	78 FR 44920
Final Action	12/12/13	78 FR 75843

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BA37

96. Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Trawl Rationalization Program; Cost Recovery Program

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

Abstract: This action implemented a cost recovery program for the Pacific Coast Groundfish Trawl Rationalization Program. Following final action on Amendment 20 to the Pacific Coast Groundfish Fishery Management Plan by the Pacific Fishery Management Council, National Marine Fisheries Service implemented the trawl rationalization program on January 11, 2011. In accordance with the Magnuson-Stevens Fishery Conservation and Management Act, the Secretary of Commerce is required to collect a fee to recover the actual costs directly related to the management, data collection, and enforcement of any limited access privilege program (LAPP), which includes the trawl rationalization program. The fee will not exceed 3% of the ex-vessel value of the fish harvested under the LAPP.

Timetable:

Action	Date	FR Cite
NPRM	02/01/13	78 FR 7371
NPRM Comment Period End.	03/18/13	
Final Action	12/11/13	78 FR 75268

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Barry Thom, Deputy Regional Administrator, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, Building 1, 7600 Sand Point Way NE., Seattle, WA 48115–0070, *Phone:* 206 526–6150, *Fax:* 206 526–6426, *Email: barry.thom@noaa.gov*.

RIN: 0648–BB17

97. Amendment 89 to the Gulf of Alaska Groundfish Fishery Management Plan Area Closures for Tanner Crab Protection in Gulf of Alaska Groundfish Fisheries

Legal Authority: 16 U.S.C. 1540; 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 3631 *et seq.;* 16 U.S.C. 773 *et seq.;* Pub. L. 105–277 ; Pub. L. 106–31

Abstract: This action implemented a closure of a portion of Marmot Bay, northeast of Kodiak Island, to the use of pot and trawl gear (with the exception of pelagic gear used to target pollock) in groundfish fisheries year-round, and requires additional observer coverage (100 percent for trawl vessels and 30 percent for pot vessels) in two areas east of Kodiak Island—the Chiniak Gully and State of Alaska Statistical Area 525702. The closure will reduce bycatch of Tanner crab in Gulf of Alaska groundfish fisheries. These additional observer coverage requirements are expected to be rescinded with the implementation of the restructured Observer Program. This action is necessary to protect stocks of Tanner crab near Kodiak Islands from the effects of using non-pelagic trawl and pot gear used to target groundfish in Marmot Bay and to provide improved estimates of the incidental catch of Tanner crab in two areas east of Kodiak Island by vessels using non-pelagic trawl and pot gear and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska. The intended effect of this action is to conserve and manage the fishery resources in the Gulf of Alaska.

Timetable:

Action	Date	FR Cite
Notice of Availability.	06/03/13	78 FR 33040
Proposed Rule	06/17/13	78 FR 36150
Comment Period End.	07/17/13	
Final Action	01/16/14	79 FR 2794

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BB76

98. Amendment to the Vessel Ownership Requirements of the Individual Fishing Quota Program for Fixed-Gear Pacific Halibut and Sablefish Fisheries in and Off of Alaska

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 3631 *et seq.;* 16 U.S.C. 773 *et seq.;* Pub. L. 108–447

Abstract: This action would implement a regulatory amendment to modify the vessel ownership requirements of the Individual Fishing Quota Program for fixed-gear Pacific halibut and sablefish fisheries in and off of Alaska. This action would require initial recipients of certain classes of quota share to have held a minimum of 20 percent ownership interest in the vessel for at least 12 consecutive months prior to the submission of an application to hire a master for the purposes of fishing an Individual Fishing Quota permit. This action also would temporarily exempt from the 12-month ownership requirement an initial recipient whose vessel has been totally lost, as by sinking or fire, or so damaged that the vessel would require at least 60 days of shipyard time to be repaired. This action is necessary to maintain a predominantly owner-operated fishery.

Timetable:

Action	Date	FR Cite
NPRM	10/31/12	77 FR 65843
NPRM Comment Period End.	11/30/12	
Final Action	02/24/14	79 FR 9995

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BB78

99. Amendment 95 to the Fishery Management Plan For Groundfish of the Gulf of Alaska

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

Abstract: This action implements Amendment 95 to the Fishery Management Plan for Groundfish of the Gulf of Alaska. This action modifies halibut prohibited species catch management in the Gulf of Alaska to establish the Gulf of Alaska halibut prohibited species catch limits in Federal regulation; reduce the Gulf of Alaska halibut prohibited species catch limits for the trawl, hook and line catcher/processor and catcher vessel sectors, and the hook and line demersal shelf rockfish fishery in the Southeast Outside District; and allow two additional options for vessels to better maintain groundfish harvest while achieving the halibut prohibited species catch reduction of this action.

Timetable:

Action	Date	FR Cite
Notice	08/29/13	78 FR 53419
NPRM	09/17/13	78 FR 57106
NPRM Comment Period End.	10/17/13	
Final Action	02/20/14	79 FR 9625

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BC39

100. 2013 Monkfish Emergency Action

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

Abstract: At its November 2012 meeting, the New England Fishery Management Council requested that the Secretary of Commerce implement this Emergency action to eliminate monkfish possession limits in the Northern Fishery Management Area during fishing year 2013 due to the substantially reduced groundfish catch limits. This action eliminated monkfish possession limits for the vessels that have been issued both a limited access monkfish permit and a Northeast multispecies (groundfish) permit and are simultaneously using both a monkfish and a groundfish day-at-sea in the Northern Fishery Management Area (Management Area). By eliminating the possession limits in these specific cases, this action increased monkfish possession limits for the directed monkfish fishery in the Management Area. It is expected that this action allows some of the directed fishing vessels to land more monkfish per trip, which would result in an increase in revenue for such vessels.

Timetable:

Action	Date	FR Cite
NPRM	02/25/13	78 FR 12708
Interim Final Rule	04/30/13	78 FR 25214
Final Action	10/25/13	78 FR 63892

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BC79

101. Framework Adjustment 50 to the Northeast Multispecies Fishery Management Plan

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

Abstract: Framework 50 set catch limits for groundfish stocks for 2013 through 2015, as well as catch limits for the U.S./Canada stocks for 2013. The Council recommended a catch limit of 1,150 mt for Georges Bank yellowtail flounder, which is inconsistent with scientific advice. As a result, National Oceanic and Atmospheric Administration (NOAA) Fisheries implemented a 500 mt quota which is consistent with the best scientific information available. NOAA Fisheries also addressed the carryover issue in this rulemaking, specifically, reducing the amount of Gulf of Maine cod that sector vessels can carry over to prevent overfishing.

Timetable:

Action	Date	FR Cite
NPRM	03/29/13	78 FR 19368
Interim Final Rule	05/03/13	78 FR 26171
Adjustments	06/11/13	78 FR 34928
Final Rule	08/29/13	78 FR 53397
Final Action	10/30/13	78 FR 64889

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BC97

102. Amendment 102 to the FMP for Groundfish of the BSAI To Establish a Community Quota Entity Program in the Aleutian Islands and a Regulatory Amendment To Allow IFQ Derived From Category D Quota Share

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 773 *et seq.*

Abstract: Amendment 102 would create a Community Quota Entity Program in Individual Fishing Quota (IFQ) regulatory area 4B in the Aleutian Islands, similar to the existing Community Quota Entity Program in the Gulf of Alaska. Amendment 102 would allow eligible communities in Area 4B to establish a designated non-profit entity as a Community Quota Entity to purchase halibut and sablefish catcher vessel quota shares in order to provide economic benefits to the community.

Timetable:

Action	Date	FR Cite
Notice	11/01/13	78 FR 65602
NPRM	11/14/13	78 FR 68390
Final Action	02/14/14	79 FR 8870

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Balsiger, Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586–7221, *Fax:* 907 586–7465, *Email: jim.balsiger@noaa.gov*.

RIN: 0648–BD03

103. Amendment 2 to the Fishery Management Plan for the Queen Conch Resources of Puerto Rico and the USVI: Compatibility of Trip and Bag Limits in the Management Area of St. Croix, USVI

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

Abstract: This regulatory amendment addressed the incompatibility between certain Federal and USVI regulations related to the harvest of queen conch. Fishing and possessing queen conch in the exclusive economic zone is only allowed in the area of Lang Bank, to the east of St. Croix, USVI. However, current regulations regarding commercial trip limits and recreational bag limits for the harvest of queen conch in Federal waters were not compatible with USVI regulations. The USVI had expressed interest in having Federal regulations modified to make them compatible with the territorial limits to facilitate enforcement efforts, enhance compliance by fishers, and allow for more efficient management of queen conch resources in the U.S. Caribbean. In this regulatory amendment, the Caribbean Fishery Management Council chose to modify the commercial trip limit, but leave the recreational bag limit unchanged. Thus, the rule changed the commercial trip limit from 150 queen conch per licensed commercial fisher per day, to 200 queen conch per vessel per day, regardless of the number of licensed commercial fishers onboard.

Timetable:

Action	Date	FR Cite
NPRM	06/07/13	78 FR 34310
Final Action	09/12/13	78 FR 56171

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BD15

104. Framework Adjustment 2 to the Atlantic Herring Fishery Management Plan and Management Measures for Atlantic Herring for the 2013–2015 Fishing Years

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

Abstract: Framework 2 allows the Council to use the specifications process to split annual catch limits seasonally (by month) for the Atlantic herring management areas. This increases operational flexibility within the herring fishery by allowing for more precise tailoring of the catch limits for each management area. Framework 2 also implemented a policy for authorizing annual carryover of unharvested herring annual catch limits under specific conditions. This will provide increased opportunity to fish for unused herring annual catch limit amounts from the previous year. Combined, these measures provide a greater opportunity to adjust for specific stock conditions. The Atlantic herring fishery specifications are annual catch amounts (for the 2013–2015 fishing years, January-December). These specifications are routine, and are set for a duration of three years. These specifications will retain or increase the current catch limit levels, and will continue to prevent overfishing of the herring resource and achieve optimum yield. Further, the catch limits established in these specifications set a constant catch amount available to the industry that provides a stable allowable catch for 3-year business planning purposes.

Timetable:

Action	Date	FR Cite
NPRM	08/02/13	78 FR 46897
Final Rule	10/04/13	78 FR 61828
Final Action	10/22/13	78 FR 62471

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John K. Bullard, Northeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281–9287, *Email: john.bullard@noaa.gov*.

RIN: 0648–BD17

105. Joint for-Hire Generic Reporting Amendment for the South Atlantic and Gulf of Mexico

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

Abstract: This action requires headboat vessel operators to submit electronic fishing records (via computer or internet) rather than paper logbooks for the South Atlantic snapper-grouper, dolphin wahoo, and coastal migratory pelagics fisheries. It also gives NMFS the flexibility to modify the reporting frequency, via notice, if this becomes necessary in the future. Electronic reporting allows for more timely data collection, which would help with tracking recreational annual catch limits and preventing annual catch limits overages.

Timetable:

Action	Date	FR Cite
Notice	09/18/13	78 FR 57339
NPRM	09/27/13	78 FR 59641
Final Action	12/27/13	78 FR 78779

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BD21

106. Modification of Vessel Monitoring System Requirements for Atlantic Highly Migratory Species Fisheries

Legal Authority: 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 971 *et seq.*

Abstract: This rule modified the requirements concerning the use of Electronic Mobile Transmitting Unit (E–MTU) Vessel Monitoring Systems (VMS) units in Atlantic Highly Migratory Species (HMS) fisheries. The rule modified the requirements for providing hail-in/hail-out declarations depending on whether the vessel is fishing for HMS. The rule also modified when the VMS unit must be on and activated. The revised regulations provide additional flexibility for vessel operators while continuing to provide the National Oceanic and Atmospheric Administration Office of Law Enforcement (NOAA OLE) with

enhanced communication with HMS vessels at sea, improve enforcement capabilities of current regulations, and provide a secondary safety capability.

Timetable:

Action	Date	FR Cite
NPRM	08/29/13	78 FR 53397
Final Action	11/15/13	78 FR 68757

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Risenhoover, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, Room 13362, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2334, *Fax:* 301 713–0596, *Email: alan.risenhoover@noaa.gov*.

RIN: 0648–BD24

107. Abbreviated Framework Action To Establish Funding Responsibilities for the Electronic Logbook Program in the Shrimp Fishery of the Gulf of Mexico

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

Abstract: Amendment 13 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico United States Waters established the requirement for the shrimp electronic logbook program. This action established a cost-sharing program that would allow NMFS to cover the costs of software development, data storage, effort estimation analysis, and archival activities, while the fishing industry would cover the costs of installing and maintaining the units and data transmission from the units to a NOAA server. A grant program has already covered the initial costs to purchase the new electronic logbook units for each of the shrimp permit holders in the Gulf.

Timetable:

Action	Date	FR Cite
NPRM	10/22/13	78 FR 62579
NPRM Comment Period End.	11/06/13	
Final Action	12/27/13	78 FR 78776

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roy E. Crabtree, Southeast Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824–5305, *Fax:* 727 824–5308, *Email: roy.crabtree@noaa.gov*.

RIN: 0648–BD41

108. Eliminate the Expiration Date Contained in the Final Rule To Reduce the Threat of Ship Collisions With North Atlantic Right Whales

Legal Authority: 16 U.S.C. 1361 *et seq.;* 16 U.S.C. 1531 *et seq.*

Abstract: In 2008, National Marine Fisheries Service (NMFS) promulgated a regulation designed to reduce the likelihood of deaths and serious injuries to endangered North Atlantic right whales that result from collisions with ships. The rule implemented speed restrictions of no more than 10 knots applying to all vessels 65 feet long or greater in certain locations and times of the year along the east coast of the United States. To resolve controversy over the rule, NMFS agreed to incorporate a sunset clause under which the rule would expire on December 9, 2013. NMFS has been monitoring compliance and effectiveness of the rule and has detected a considerable increase in the rate of compliance with the rule in the third year. There are only approximately 400 remaining North Atlantic right whales, and the rate of encounter is relatively low, so detecting a trend in the rate of ship-strike mortalities will require several additional years of data. NMFS believes the science that supports the rule is sound and that slowing vessels will save whales and contribute to species recovery. Therefore, NMFS published this action to remove the sunset provision and allow the rule to remain in place. Based on an evaluation of recent information, NMFS estimated economic impacts to be considerably less than was originally thought.

Timetable:

Action	Date	FR Cite
NPRM	06/06/13	78 FR 34024
NPRM Comment Period End.	08/05/13	
Final Action	12/09/13	78 FR 73726

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donna Wieting, Fishery Biologist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 713–2322.

RIN: 0648–BB20

[FR Doc. 2014–13114 Filed 6–12–14; 8:45 am]

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FEDERAL REGISTER

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Part V

Department of Defense

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

48 CFR Ch. II

Improving Government Regulations; Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Department of Defense (DoD).

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Defense (DoD) is publishing this semiannual agenda of regulatory documents, including those that are procurement-related, for public information and comments under Executive Order 12866 ''Regulatory Planning and Review.'' This agenda incorporates the objective and criteria, when applicable, of the regulatory reform program under the Executive Order and other regulatory guidance. It contains DoD issuances initiated by DoD components that may have economic and environmental impact on State, local, or tribal interests under the criteria of Executive Order 12866. Although most DoD issuances listed in the agenda are of limited public impact, their nature may be of public interest and, therefore, are published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process. Members of the public may submit comments on individual proposed and interim final rulemakings at *www.regulations.gov* during the comment period that follows publication in the **Federal Register**.

This agenda updates the report published on January 7, 2014, and includes regulations expected to be issued and under review over the next 12 months. The next agenda is scheduled to be published in the fall of 2014. In addition to this agenda, DoD components also publish rulemaking notices pertaining to their specific statutory administration requirements as required.

Starting with the fall 2007 edition, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov,* in a format that offers users the ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Defense's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements. Additional information on these entries is in the Unified Agenda available online.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information, contact Ms. Patricia Toppings, telephone 571–372–0485, or write to Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155, or email: *patricia.l.toppings.civ@mail.mil*.

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, write to Office of the General Counsel, 1600 Defense Pentagon, Washington, DC 20301–1600, or call 703–697–2714.

For general information on Office of the Secretary regulations, other than those which are procurement-related, contact Ms. Morgan Park, telephone 571–372–0489, or write to Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155, or email: *morgan.e.park.civ@mail.mil*.

For general information on Office of the Secretary agenda items, which are procurement-related, contact Mr. Manuel Quinones, telephone 571–372–6088 or write to Defense Acquisition Regulations Directorate, 4800 Mark Center Drive, Suite15D07–2, Alexandria, VA 22350, or email: *manuel.quinones.civ@mail.mil*.

For general information on Department of the Army regulations, contact Ms. Brenda Bowen, telephone 703–428–6173, or write to the U.S. Army Records Management and Declassification Agency, ATTN: AAHS–RDR–C, Casey Building, Room 102, 7701 Telegraph Road, Alexandria, Virginia 22315–3860, or email: *brenda.s.bowen.civ@mail.mil*.

For general information on the U.S. Army Corps of Engineers regulations, contact Mr. Chip Smith, telephone 703–693–3644, or write to Office of the Deputy Assistant Secretary of the Army (Policy and Legislation), 108 Army Pentagon, Room 2E569, Washington, DC 20310–0108, or email: *charles.r.smith567.civ@mail.mil*.

For general information on Department of the Navy regulations, contact CDR Noreen Hagerty-Ford, telephone 703–614–7408, or write to Department of the Navy, Office of the Judge Advocate General, Administrative Law Division (Code 13), Washington Navy Yard, 1322 Patterson Avenue SE., Suite 3000, Washington, DC 20374–5066, or email: *Noreen.hagerty-ford@navy.mil*.

For general information on Department of the Air Force regulations, contact Bao-Anh Trinh, telephone 703–695–6608, or write to Department of the Air Force, SAF/A6PP, 1800 Air Force Pentagon, Washington, DC 20330–1800, or email: *bao-anh.trinh@pentagon.af.mil*.

For specific agenda items, contact the appropriate individual indicated in each DoD component report.

SUPPLEMENTARY INFORMATION: This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions is composed of the regulatory status reports, including procurement-related regulatory status reports, from the Office of the Secretary of Defense (OSD) and the Departments of the Army and Navy. Included also is the regulatory status report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of Executive Order 12866 and involve water resource projects and regulation of activities in waters of the United States.

DoD issuances range from DoD directives (reflecting departmental policy) to implementing instructions and regulations (largely internal and used to implement directives). The OSD agenda section contains the primary directives under which DoD components promulgate their implementing regulations.

In addition, this agenda, although published under the reporting requirements of Executive Order 12866, continues to be the DoD single-source reporting vehicle, which identifies issuances that are currently applicable under the various regulatory reform programs in progress. Therefore, DoD components will identify those rules which come under the criteria of the:

a. Regulatory Flexibility Act;

b. Paperwork Reduction Act of 1995;

c. Unfunded Mandates Reform Act of 1995.

Those DoD issuances, which are directly applicable under these statutes,

will be identified in the agenda and their action status indicated. Generally, the regulatory status reports in this agenda will contain five sections: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; (4) completed actions; and (5) long-term actions. Where certain regulatory actions indicate that small entities are affected, the effect on these entities may not necessarily have significant economic impact on a substantial number of these entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601(6)).

Although not a regulatory agency, DoD will continue to participate in regulatory initiatives designed to reduce economic costs and unnecessary burdens upon the public. Comments and recommendations are invited on the rules reported and should be addressed to the DoD component representatives identified in the regulatory status reports. Although sensitive to the needs of the public, as well as regulatory reform, DoD reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission. The publishing of this agenda does not waive the applicability of the military affairs exemption in section 553 of title 5 U.S.C. and section 3 of Executive Order 12866.

Dated: February 25, 2014.

Michael L. Rhodes,

Director, Administration and Management.

DEFENSE ACQUISITION REGULATIONS COUNCIL—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
109	Safeguarding Unclassified Controlled Technical Information (DFARS Case 2011–D039)	0750–AG47

DEPARTMENT OF DEFENSE (DOD)

Defense Acquisition Regulations Council (DARC)

Completed Actions

109. Safeguarding Unclassified Controlled Technical Information (DFARS Case 2011–D039)

Legal Authority: 41 U.S.C. 1303; Pub. L. 112–239

Abstract: DoD issued an interim rule to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to add a DFARS subpart and associated contract clauses to address requirements for the safeguarding of unclassified information within contractor information systems as specified in Executive Order 13556, Controlled Unclassified Information. DoD published an advance notice of proposed rulemaking (ANPR), and notice of public meeting in the **Federal Register** at 75 FR 9563 on March 3, 2010, to provide the public an opportunity for input into the initial rulemaking process. A proposed DFARS rule was published in the **Federal Register** at 76 FR 38089 on June 29, 2011, to implement adequate security measures to safeguard unclassified DoD information within contractor information systems from unauthorized access and disclosure, and to prescribe reporting to DoD with regard to certain cyber intrusion events that affect DoD information resident on or transiting through contractor unclassified information systems. After comments were received on the proposed rule it was decided that the scope of the rule would be modified to reduce the information covered. This rule addresses safeguarding requirements that cover only unclassified controlled technical information, and reporting the compromise of unclassified controlled technical information. DoD anticipates this rule may have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
ANPRM	03/03/10	75 FR 9563
ANPRM Comment Period End.	05/03/10	
NPRM	06/29/11	76 FR 38089
NPRM Comment Period End.	08/29/11	
NPRM Comment Period Extended.	12/16/11	76 FR 55297
NPRM Comment Period Extended.	10/28/11	76 FR 66889
NPRM Comment Period End.	12/16/11	
Final Action	11/18/13	78 FR 69273
Final Action Effective.	11/18/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Manuel Quinones, Department of Defense, Defense Acquisition Regulations Council, 4800 Mark Center Drive, Suite 15, D07–2, Alexandria, VA 22350, *Phone:* 571 372–6088, *Email: manuel.quinones.civ@mail.mil.*

RIN: 0750–AG47

[FR Doc. 2014–13116 Filed 6–12–14; 8:45 am]

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Part VI

Department of Education

Semiannual Regulatory Agenda

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitles A and B

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, Department of Education.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Secretary of Education publishes a semiannual agenda of Federal regulatory and deregulatory actions. The agenda is issued under the authority of section 4(b) of Executive Order 12866 ''Regulatory Planning and Review.'' The purpose of the agenda is to encourage more effective public participation in the regulatory process by providing the public with early information about regulatory actions we plan to take.

FOR FURTHER INFORMATION CONTACT: Questions or comments related to specific regulations listed in this agenda should be directed to the agency contact listed for the regulations. Other questions or comments on this agenda should be directed to LaTanya Cannady, Program Specialist or Hilary Malawer, Deputy Assistant General Counsel, Division of Regulatory Services, Office of the General Counsel, Department of Education, Room 6C150, 400 Maryland Avenue SW., Washington, DC 20202–2241; telephone: (202) 401–9676 (LaTanya Cannady) or (202) 401–6148 (Hilary Malawer). Individuals who use a telecommunications device for the deaf (TDD) or a text telephone (TTY) may call the Federal Relay Service (FRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Section 4(b) of Executive Order 12866, dated September 30, 1993, requires the Department of Education (ED) to publish, at a time and in a manner specified by the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, an agenda of all regulations under development or review. The Regulatory Flexibility Act, 5 U.S.C. 602(a), requires ED to publish, in October and April of each year, a regulatory flexibility agenda.

The regulatory flexibility agenda may be combined with any other agenda that satisfies the statutory requirements (5 U.S.C. 605(a)). In compliance with the Executive Order and the Regulatory Flexibility Act, the Secretary publishes this agenda.

For each set of regulations listed, the agenda provides the title of the document, the type of document, a citation to any rulemaking or other action taken since publication of the most recent agenda, and planned dates of future rulemaking. In addition, the agenda provides the following information:

- An abstract that includes a description of the problem to be addressed, any principal alternatives being considered, and potential costs and benefits of the action.
- An indication of whether the planned action is likely to have significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6))
- A reference to where a reader can find the current regulations in the Code of Federal Regulations.
- A citation of legal authority.
- The name, address, and telephone number of the contact person at ED from whom a reader can obtain additional information regarding the planned action.

In accordance with ED's Principles for Regulating listed in its regulatory plan (*http://www.reginfo.gov/public/jsp/eAgenda/StaticContent/201310/Statement_1800.htm*), ED is committed to regulations that improve the quality and equality of services to its customers. ED will regulate only if absolutely necessary and then in the most flexible, most equitable, least burdensome way possible.

Interested members of the public are invited to comment on any of the items listed in this agenda that they believe are not consistent with the Principles for Regulating. Members of the public are also invited to comment on any uncompleted actions in this agenda that ED plans to review under section 610 of the Regulatory Flexibility Act (5 U.S.C. 610) to determine their economic impact on small entities. ED has determined that none of the uncompleted actions in this agenda require review under section 610.

This publication does not impose any binding obligation on ED with regard to any specific item in the agenda. ED may elect not to pursue any of the regulatory actions listed here, and regulatory action in addition to the items listed is not precluded. Dates of future regulatory actions are subject to revision in subsequent agendas.

Electronic Access to This Document

The entire Unified Agenda is published electronically and is available online at *www.reginfo.gov*.

Dated: February 28, 2014.

Philip Rosenfelt,

Deputy General Counsel, delegated the authority to perform the functions and duties of the General Counsel.

OFFICE OF POSTSECONDARY EDUCATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
110	Gainful Employment	1840–AD15

OFFICE OF POSTSECONDARY EDUCATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
111	150% Regulations	1840–AD13

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office of Postsecondary Education (OPE)

110. Gainful Employment

Legal Authority: 20 U.S.C. 1001 to 1003; 20 U.S.C. 1070g; 20 U.S.C. 1085; 20 U.S.C. 1088; 20 U.S.C. 1091 to 1092; 20 U.S.C. 1094; 20 U.S.C. 1099c; 20 U.S.C. 1099c–1; 20 U.S.C. 1221e–3; 20 U.S.C. 3474

Abstract: The Secretary proposes amendments to the regulations for the Federal Student Aid programs authorized under title IV of the Higher Education Act of 1965, as amended (HEA). The proposed amendments follow a negotiated rulemaking conducted by the Department in the fall of 2013. Specifically, a negotiating committee met in September, November, and December of 2013 to prepare proposed regulations regarding measures for determining whether certain postsecondary educational programs prepare students for gainful employment in a recognized occupation, the conditions under which these educational programs remain eligible for the title IV Federal Student Aid programs, and requirements for reporting and disclosure of relevant information.

Timetable:

Action	Date	FR Cite
NPRM	03/25/14	79 FR 16426
NPRM Comment Period End	05/27/14	
Final Regulations	10/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John A. Kolotos, Department of Education, Office of Postsecondary Education, Room 8018, 1990 K Street NW., Washington, DC 20006–8502; Phone: 202 502–7762; *Email: john.kolotos@ed.gov.*

RIN: 1840–AD15

DEPARTMENT OF EDUCATION (ED)

Completed Actions

Office of Postsecondary Education (OPE)

111. 150% Regulations

Legal Authority: Pub. L. 112–141

Abstract: These final regulations implement Public Law 112–141, which made changes to section 455 of the Higher Education Act of 1965, as amended (HEA). Specifically, these regulation implement the following: (1) A new borrower on or after July 1, 2013, becomes ineligible to receive additional Direct Subsidized Loans if the period during which the borrower has received such loans exceeds 150% of the published length of the borrower's educational program, and (2) interest on all Direct Subsidized Loans that were disbursed to such borrower on or after July 1, 2013, will accrue.

Completed:

Reason	Date	FR Cite
Final Rule	01/17/14	79 FR 3108

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nathan Arnold; *Phone:* 202 219–7134; *Email: nathan.arnold@ed.gov.*

RIN: 1840–AD13

[FR Doc. 2014–13118 Filed 6–12–14; 8:45 am]

BILLING CODE 4000–01–P

FEDERAL REGISTER

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Part VII

Department of Energy

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

48 CFR Ch. 9

Semiannual Regulatory Agenda

AGENCY: Department of Energy.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Energy (DOE) has prepared and is making available its portion of the semiannual Unified Agenda of Federal Regulatory and Deregulatory Actions (Agenda) pursuant to Executive Order 12866, ''Regulatory Planning and Review,'' and the Regulatory Flexibility Act.

FOR FURTHER INFORMATION CONTACT: For further information about any particular item on the regulatory agenda, please contact the individual listed under that item. For further information on the regulatory agenda in general, please contact: Diana L. Dean, GC–71, Room 6B–0159, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–7440.

SUPPLEMENTARY INFORMATION: The Agenda is a government-wide compilation of upcoming and ongoing regulatory activity, including a brief description of each rulemaking and a timetable for action. The Agenda also includes a list of regulatory actions completed since publication of the last Agenda. The Department of Energy's portion of the Agenda includes regulatory actions called for by the Energy Policy Act of 2005, the Energy Independence and Security Act of 2007, and programmatic needs of DOE offices.

The Internet is the basic means for disseminating the Agenda and providing users the ability to obtain information from the Agenda database. DOE's entire Spring 2014 Agenda can be accessed online by going to: *www.reginfo.gov.* Agenda entries reflect the status of activities as of approximately April 30, 2014.

Publication in the **Federal Register** is mandated by the Regulatory Flexibility Act (5 U.S.C. 602) only for Agenda entries that require either a regulatory flexibility analysis or periodic review under section 610 of that Act. DOE's regulatory flexibility agenda is made up of seven rulemakings setting energy efficiency standards for the following products:

Battery Chargers
Commercial Packaged Boilers
Commercial Refrigeration Equipment
External Power Supplies
Metal Halide Lamp Fixtures
Residential Furnace Fans
Walk-in Coolers and Walk-in Freezers

Issued in Washington, DC, on April 15, 2014.

Anne Harkavy,
Acting General Counsel.

ENERGY EFFICIENCY AND RENEWABLE ENERGY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
112	Energy Conservation Standards for Commercial Packaged Boilers	1904–AD01
113	Energy Conservation Standards for Residential Dishwashers	1904–AD24

ENERGY EFFICIENCY AND RENEWABLE ENERGY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
114	Energy Conservation Standards for Residential Furnace Fans	1904–AC22

ENERGY EFFICIENCY AND RENEWABLE ENERGY—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
115	Energy Efficiency Standards for External Power Supplies	1904–AB57
116	Energy Conservation Standards for Walk-In Coolers and Walk-In Freezers	1904–AB86
117	Energy Efficiency Standards for Metal Halide Lamp Fixtures	1904–AC00
118	Energy Conservation Standards for Commercial Refrigeration Equipment	1904–AC19
119	Certification Requirements for Commercial Heating, Ventilation, Water Heating, and Refrigeration Equipment.	1904–AD12

DEPARTMENT OF ENERGY (DOE)

Proposed Rule Stage

Energy Efficiency and Renewable Energy (EE)

112. Energy Conservation Standards for Commercial Packaged Boilers

Legal Authority: 42 U.S.C. 6313(a)(6)(C)

Abstract: DOE is initiating this rulemaking pursuant to EPCA 42 U.S.C. 6313(a)(6)(C), as amended by the Energy Independence and Security Act of 2007 (EISA 2007) and the American Energy Manufacturing Technical Corrections Act (AEMTCA), which requires that every six years DOE must publish either a notice of the determination that standards for the product do not need to be amended, or a Notice of Proposed Rulemaking including new proposed energy conservation standards. DOE's last final rule for commercial packaged boilers was issued on July 22, 2009, so as a result, DOE must act by July 22, 2015. This rulemaking will satisfy this statutory provision.

Timetable:

Action	Date	FR Cite
Notice of Proposed Determination.	08/13/13	78 FR 49202
Public Meeting; Framework Document Availability.	09/03/13	78 FR 54197
NOPD Comment Period End.	09/12/13	
Framework Document Comment Period End.	10/18/13	
NPRM	06/00/14	
Final Action	07/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Raba, Office of Building Technologies Program, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 586–8654, *Email: jim.raba@ee.doe.gov.*

RIN: 1904–AD01

113. • Energy Conservation Standards for Residential Dishwashers

Legal Authority: 42 U.S.C. 6291 *et seq.*

Abstract: The Energy Policy and Conservation Act of 1975 (EPCA), as amended, prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including residential dishwashers. EPCA also requires the DOE undertake a review of existing standards on no later than a six year cycle. This rulemaking will fulfill that requirement for dishwashers.

Timetable:

Action	Date	FR Cite
NPRM	09/00/14	
Final Action	06/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Cymbalsky, Office of Building Technologies Program, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 287–1692, *Email: john.cymbalsky@ee.doe.gov.*

RIN: 1904–AD24

DEPARTMENT OF ENERGY (DOE)

Final Rule Stage

Energy Efficiency and Renewable Energy (EE)

114. Energy Conservation Standards for Residential Furnace Fans

Legal Authority: 42 U.S.C. 6295(f)(4)(D)

Abstract: DOE is initiating its first rulemaking to consider new energy conservation standards or energy use standards for electricity used for purposes of circulating air through duct work, as required under 42 U.S.C. 6295(f)(4)(D). As shorthand, DOE commonly refers to these products as ''residential furnace fans.'' EPCA, as amended, requires DOE to publish a final rule establishing any final energy conservation or energy use standards not later than December 31, 2013.

Timetable:

Action	Date	FR Cite
Notice: Public Meeting, Framework Document Availability.	06/03/10	75 FR 31323
Comment Period End.	07/06/10	
Preliminary Analysis.	07/10/12	77 FR 40530
Comment Period End.	09/10/12	
NPRM	10/25/13	78 FR 64068
Extended NPRM Comment Period End.	01/23/14	
Final Action	07/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ronald B. Majette, Program Manager, Office of Building Technologies Program, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 586–7935, *Email: ronald.majette@ee.doe.gov.*

RIN: 1904–AC22

DEPARTMENT OF ENERGY (DOE)

Completed Actions

Energy Efficiency and Renewable Energy (EE)

115. Energy Efficiency Standards for External Power Supplies

Legal Authority: 42 U.S.C. 6295(u)

Abstract: In addition to the existing general definition of ''external power supply,'' the Energy Independence and Security Act of 2007 (EISA) defines a ''class A external power supply'' and sets efficiency standards for those products. EISA directs the Department of Energy (DOE) to publish a final rule to determine whether the standards set for class A external power supplies should be amended along with standards for other classes of external power supplies that DOE determines satisfy the necessary statutory criteria.

Completed:

Reason	Date	FR Cite
Final Rule for External Power Supplies.	02/10/14	79 FR 7846
Final Rule for External Power Supplies Effective Date.	04/11/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeremy Dommu, *Phone:* 202 586–9870, *Email: jeremy.dommu@ee.doe.gov.*

RIN: 1904–AB57

116. Energy Conservation Standards for Walk-in Coolers and Walk-in Freezers

Legal Authority: 42 U.S.C. 6313(f)(4)

Abstract: The Energy Independence and Security Act of 2007 amendments to the Energy Policy and Conservation Act require that the Department of Energy (DOE) establish maximum energy consumption levels for walk-in coolers and walk-in freezers and directs the DOE to develop performance-based energy conservation standards that are technologically feasible and economically justified.

Completed:

Reason	Date	FR Cite
Notice: Public Meeting, Framework Document Availability.	01/06/09	74 FR 411
Notice: Public Meeting, Data Availability.	04/05/10	75 FR 17080
Comment Period End.	05/28/10	
NPRM	09/11/13	78 FR 55781
Final Action	05/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Cymbalsky, *Phone:* 202 287–1692, *Email: john.cymbalsky@ee.doe.gov.*

RIN: 1904–AB86

117. Energy Efficiency Standards for Metal Halide Lamp Fixtures

Legal Authority: 42 U.S.C. 6295(hh)(2)

Abstract: Section 324 of the Energy Independence and Security Act of 2007 amends the Energy Policy and Conservation Act to require the Department of Energy issue a final rule by January 1, 2012, to determine if the energy conservation standards should be amended.

Completed:

Reason	Date	FR Cite
Final Action	02/10/14	79 FR 7746

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lucy DeButts, *Phone:* 202 287–1604, *Email: lucy.debutts@ee.doe.gov.*

RIN: 1904–AC00

118. Energy Conservation Standards for Commercial Refrigeration Equipment

Legal Authority: 42 U.S.C. 6313(c)(5)

Abstract: DOE is reviewing and updating energy conservation standards,

as required by the Energy Policy and Conservation Act, to reflect technological advances. All amended standards must be technologically feasible and economically justified. As required by EPCA, DOE published previously a final rule establishing energy conservation standards for ice-cream freezers, self-contained commercial refrigerators, freezers, and refrigerator-freezers without doors, for equipment manufactured after January 1, 2012. (74 FR 1092, Jan. 9, 2009) DOE is required to issue a final rule for this second review of energy conservation standards for commercial refrigeration equipment no later than January 1, 2013.

Completed:

Reason	Date	FR Cite
Final Action	03/28/14	79 FR 17726

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Cymbalsky, *Phone:* 202 287–1692, *Email: john.cymbalsky@ee.doe.gov.*

RIN: 1904–AC19

119. • Certification Requirements for Commercial Heating, Ventilation, Water Heating, and Refrigeration Equipment

Legal Authority: 42 U.S.C. 6291 to 6309; 42 U.S.C. 6311 to 6317

Abstract: DOE is conducting a rulemaking to revise and expand its existing regulations governing certifying compliance with the applicable energy conservation standards and the reporting of related ratings for commercial heating, ventilating, air-conditioning, water heating, and refrigeration equipment covered by EPCA. The revisions being considered in this rulemaking are the direct result of a negotiated rulemaking effort on the certification of commercial HVAC, WH, and refrigeration equipment.

Timetable:

Action	Date	FR Cite
NPRM	02/14/14	79 FR 8886
NPRM Comment Period End.	03/17/14	
Final Action	05/05/14	79 FR 25486
Final Action Effective.	06/04/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ashley Armstrong, General Engineer, EE–5B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, *Phone:* 202 586–6590, *Email: ashley.armstrong@ee.doe.gov.*

RIN: 1904–AD12

[FR Doc. 2014–13150 Filed 6–12–14; 8:45 am]

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Part VIII

Department of Health and Human Services

Semiannual Regulatory Agenda

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

21 CFR Ch. I

25 CFR Ch. V

42 CFR Chs. I–V

45 CFR Subtitle A; Subtitle B, Chs. II, III, and XIII

Semiannual Regulatory Agenda

AGENCY: Office of the Secretary, HHS.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Regulatory Flexibility Act of 1980 and Executive Order 12866 require the Department semiannually to issue an inventory of rulemaking actions under development to provide the public a summary of forthcoming regulatory actions. This information will help the public more effectively participate in the Department's regulatory activity, and the Department welcomes comments on any aspect of this agenda.

FOR FURTHER INFORMATION CONTACT: Jennifer M. Cannistra, Executive Secretary, Department of Health and Human Services, 200 Independence Avenue SW., Washington, DC 20201; (202) 690–6827.

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) is the Federal Government's principal agency for protecting the health of all Americans and providing essential human services, especially for those who are least able to help themselves. HHS enhances the health and well-being of Americans by promoting effective health and human services and by fostering sound, sustained advances in the sciences underlying medicine, public health, and social services.

This Agenda presents the rulemaking activities that the Department expects to undertake in the foreseeable future to advance this mission. The Agenda furthers several Departmental goals, including strengthening health care; advancing scientific knowledge and innovation; advancing the health, safety, and well-being of the American people; increasing efficiency, transparency, and accountability of HHS programs; and strengthening the Nation's health and human services infrastructure and workforce.

HHS has an agency-wide effort to support the Agenda's purpose of encouraging more effective public participation in the regulatory process. The Department's Public Participation Task Force, which was created as part of the HHS Retrospective Review plan in response to Executive Order 13563 (Improving Regulation and Regulatory Review), regularly meets to identify ways to make the rulemaking process more accessible to the general public. For example, to encourage public participation, we regularly update our regulatory Web page (*http://www.hhs.gov/regulations*), which includes links to HHS rules currently open for public comment, and provides a ''regulations toolkit'' with background information on regulations, the commenting process, how public comments influence the development of a rule, and how the public can provide effective comments. HHS also actively encourages meaningful public participation in its retrospective review of regulations, including through a comment form on the HHS retrospective review Web page (*http://www.HHS.gov/RetrospectiveReview*). In addition, a cross-agency team at HHS is currently considering how to increase efficiency in rulemaking by organizing public comment on proposed rules.

The rulemaking abstracts included in this paper issue of the **Federal Register** cover, as required by the Regulatory Flexibility Act of 1980, those prospective HHS rulemakings likely to have a significant economic impact on a substantial number of small entities. The Department's complete Regulatory Agenda is accessible online at *http://www.reginfo.gov.*

Dated: February 20, 2014.

Jennifer M. Cannistra,

Executive Secretary to the Department.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
120	SAMHSA User Fees for Publications	0930–AA18

FOOD AND DRUG ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
121	Food Labeling; Revision of the Nutrition and Supplement Facts Labels	0910–AF22
122	Food Labeling: Serving Sizes of Foods That Can Reasonably Be Consumed At One-Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain RACCs.	0910–AF23
123	Over-the-Counter (OTC) Drug Review—Cough/Cold (Antihistamine) Products	0910–AF31
124	Over-the-Counter (OTC) Drug Review—Internal Analgesic Products	0910–AF36
125	Over-the-Counter (OTC) Drug Review—Sunscreen Products	0910–AF43
126	Over-the-Counter (OTC) Drug Review—Topical Antimicrobial Drug Products	0910–AF69
127	Abbreviated New Drug Applications and 505(b)(2)	0910–AF97
128	Updated Standards for Labeling of Pet Food	0910–AG09
129	Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Food for Animals.	0910–AG10
130	Over-the-Counter (OTC) Drug Review—Pediatric Dosing for Cough/Cold Products	0910–AG12
131	Electronic Distribution of Prescribing Information for Human Prescription Drugs Including Biological Products.	0910–AG18
132	Produce Safety Regulation	0910–AG35
133	Current Good Manufacturing and Hazard Analysis, and Risk-Based Preventive Controls for Human Food	0910–AG36
134	''Tobacco Products'' Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act.	0910–AG38
135	Requirements for the Testing and Reporting of Tobacco Product Constituents, Ingredients, and Additives	0910–AG59
136	Foreign Supplier Verification Program	0910–AG64

FOOD AND DRUG ADMINISTRATION—PROPOSED RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
137	Format and Content of Reports Intended to Demonstrate Substantial Equivalence	0910–AG96
138	Sanitary Transportation of Human and Animal Food	0910–AG98
139	Radiology Devices; Designation of Special Controls for the Computed Tomography X-Ray System	0910–AH03
140	Mammography Quality Standards Act; Regulatory Amendments	0910–AH04
141	Investigational New Drug Application Annual Reporting	0910–AH07

FOOD AND DRUG ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
142	Content and Format of Labeling for Human Prescription Drugs and Biologics; Requirements for Pregnancy and Lactation Labeling.	0910–AF11
143	Combinations of Bronchodilators With Nasal Decongestants or Expectorants; Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use.	0910–AF33
144	Over-the-Counter (OTC) Drug Review—Laxative Drug Products	0910–AF38
145	Laser Products; Amendment to Performance Standard	0910–AF87
146	Human Subject Protection; Acceptance of Data From Clinical Studies for Medical Devices	0910–AG48
147	Food Labeling: Calorie Labeling of Articles of Food Sold in Vending Machines	0910–AG56
148	Food Labeling: Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments.	0910–AG57
149	Requirements for the Submission of Data Needed to Calculate User Fees for Domestic Manufacturers and Importers of Tobacco Products.	0910–AG81
150	Supplemental Applications Proposing Labeling Changes for Approved Drugs and Biological Products	0910–AG94
151	Veterinary Feed Directive	0910–AG95

FOOD AND DRUG ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
152	Infant Formula: Current Good Manufacturing Practices; Quality Control Procedures; Notification Requirements; Records and Reports; and Quality Factors.	0910–AF27
153	Focused Mitigation Strategies To Protect Food Against Intentional Adulteration	0910–AG63

FOOD AND DRUG ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
154	Prescription Drug Marketing Act of 1987; Prescription Drug Amendments of 1992; Policies, Requirements, and Administrative Procedures **(Completion of a Section 610 Review)**.	0910–AG14
155	General Hospital and Personal Use Devices: Issuance of Draft Special Controls Guidance for Infusion Pumps.	0910–AG54
156	Food Labeling: Nutrient Content Claims; Alpha-Linolenic Acid, Eicosapentaenoic Acid, and Docosahexaenoic Acid Omega–3 Fatty Acids.	0910–AH13

CENTERS FOR MEDICARE & MEDICAID SERVICES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
157	Home Health Agency Conditions of Participation (CMS–3819–P) **(Rulemaking Resulting From a Section 610 Review)**.	0938–AG81
158	Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Fiscal Year 2015 Rates (CMS–1607–P) **(Section 610 Review)**.	0938–AS11
159	CY 2015 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1612–P) **(Section 610 Review)**.	0938–AS12
160	CY 2015 Hospital Outpatient Prospective Payment System (PPS) Policy Changes and Payment Rates, and CY 2015 Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1613–P) **(Section 610 Review)**.	0938–AS15
161	CY 2016 Notice of Benefit and Payment Parameters (CMS–9944–P) **(Section 610 Review)**	0938–AS19
162	Hospital and Critical Access Hospital (CAH) Changes to Promote Innovation, Flexibility, and Improvement in Patient Care (CMS–3295–P) **(Rulemaking Resulting From a Section 610 Review)**.	0938–AS21

CENTERS FOR MEDICARE & MEDICAID SERVICES—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
163	Covered Outpatient Drugs (CMS–2345–F) **(Section 610 Review)**	0938–AQ41
164	Prospective Payment System for Federally Qualified Health Centers; Changes to Contracting Policies for Rural Health Clinics and CLIA Enforcement Actions for Proficiency Testing Referral (CMS–1443–FC) **(Section 610 Review)**.	0938–AR62
165	Adoption of Operating Rules for HIPAA Transactions (CMS–0036–IFC)	0938–AS01
166	Extension of Payment Adjustment for Low-Volume Hospitals and the Medicare-Dependent Hospital Program Under the FY 2014 Hospital Inpatient Prospective Payment System (CMS–1599–IFC2) **(Section 610 Review)**.	0938–AS18

CENTERS FOR MEDICARE & MEDICAID SERVICES—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
167	Emergency Preparedness Requirements for Medicare and Medicaid Participating Providers and Suppliers (CMS–3178–F).	0938–AO91

CENTERS FOR MEDICARE & MEDICAID SERVICES—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
168	CY 2014 Changes to the End-Stage Renal Disease (ESRD) Prospective Payment System, ESRD Quality Incentive Program, and Durable Medical Equipment (CMS–1526–F) **(Completion of a Section 610 Review)**.	0938–AR55
169	Revisions to Payment Policies Under the Physician Fee Schedule and Medicare Part B for CY 2014 (CMS–1600–FC) **(Completion of a Section 610 Review)**.	0938–AR56
170	CY 2015 Notice of Benefit and Payment Parameters (CMS–9954–F) **(Completion of a Section 610 Review)**.	0938–AR89

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Substance Abuse and Mental Health Services Administration (SAMHSA)

Proposed Rule Stage

120. • SAMHSA User Fees for Publications

Legal Authority: 31 U.S.C. 9701; 31 U.S.C. 1111; EO 8284; EO 11541; Pub. L. 113–76

Abstract: SAMSHA is proposing to implement a modest cost recovery program to partially offset the high costs of distributing its materials to the public. This user fee would apply only to ''over-the-limit'' non-governmental orders. An ''over the limit'' order is defined as an order that exceeds either the average weight value (3.75 lbs) or the average number of copies (8). The ''non-governmental orders'' do not include: SAMHSA's Recovery Month bulk orders; orders by SAMHSA staff for meetings or conferences; and orders from ''.gov'' and ''.mil'' addresses. Therefore, it is assumed that SAMHSA would not charge shipping for orders by other Federal, State, and local government agencies. The proposed rule would implement recent legislation allowing the funds collected as part of a user fee for publications and data requests to be available to SAMHSA until expended.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Altman, Legislative Director, Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, 1 Choke Cherry Road, Rockville, MD 02857, *Phone:* 240 276–2009, *Email: brian.altman@samhsa.gov*.

RIN: 0930–AA18

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Proposed Rule Stage

121. Food Labeling; Revision of the Nutrition and Supplement Facts Labels

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 343; 21 U.S.C. 371

Abstract: FDA is proposing to amend the labeling regulations for conventional foods and dietary supplements to provide updated nutrition information on the label to assist consumers in maintaining healthy dietary practices. If finalized, this rule will modernize the nutrition information found on the Nutrition Facts label, as well as the format and appearance of the label.

Timetable:

Action	Date	FR Cite
ANPRM	07/11/03	68 FR 41507
ANPRM Comment Period End.	10/09/03	
Second ANPRM	04/04/05	70 FR 17008
Second ANPRM Comment Period End.	06/20/05	
Third ANPRM	11/02/07	72 FR 62149
Third ANPRM Comment Period End.	01/31/08	
NPRM	03/03/14	79 FR 11879
NPRM Comment Period End.	06/02/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Blakeley Fitzpatrick, Interdisciplinary Scientist, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS–830), HFS–830, 5100 Paint Branch Parkway, College Park, MD 20740,

Phone: 240 402–5429, *Email: nutritionprogramstaff@fda.hhs.gov.*
RIN: 0910–AF22

122. Food Labeling: Serving Sizes of Foods That Can Reasonably Be Consumed at One-Eating Occasion; Dual-Column Labeling; Updating, Modifying, and Establishing Certain Raccs

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 343; 21 U.S.C. 371

Abstract: FDA is proposing to amend its labeling regulations for foods to provide updated Reference Amounts Customarily Consumed (RACCs) for certain food categories. If finalized, this rule would provide consumers with nutrition information based on the amount of food that is customarily consumed, which would assist consumers in maintaining healthy dietary practices. In addition to updating certain RACCs, FDA is also considering amending the definition of single-serving containers; amending the definition of serving size for breath mints; and providing for dual-column labeling, which would provide nutrition information per serving and per container or units, as applicable, under certain circumstances.

Timetable:

Action	Date	FR Cite
ANPRM	04/04/05	70 FR 17010
ANPRM Comment Period End.	06/20/05	
NPRM	03/03/14	79 FR 11989
NPRM Comment Period End.	06/02/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cherisa Henderson, Nutritionist, Department of Health and Human Services, Food and Drug Administration, HFS–830, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–5429, *Fax:* 301 436–1191, *Email: nutritionprogram staff@fda.hhs.gov.*
RIN: 0910–AF23

123. Over-the-Counter (OTC) Drug Review—Cough/Cold (Antihistamine) Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: FDA will be proposing a rule to add the common cold indication to certain over-the-counter (OTC) antihistamine active ingredients. This proposed rule is the result of collaboration under the U.S.-Canada Regulatory Cooperation Council (RCC) as part of efforts to reduce unnecessary duplication and differences. This pilot exercise will help determine the feasibility of developing an ongoing mechanism for alignment in review and adoption of OTC drug monograph elements.

Timetable:

Action	Date	FR Cite
Reopening of Administrative Record.	08/25/00	65 FR 51780
Comment Period End.	11/24/00	
NPRM (Amendment) (Common Cold).	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*
RIN: 0910–AF31

124. Over-the-Counter (OTC) Drug Review—Internal Analgesic Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 379e

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The first action addresses acetaminophen safety. The second action addresses products marketed for children under 2 years old and weight- and age-based dosing for children's products.

Timetable:

Action	Date	FR Cite
NPRM (Amendment) (Required Warnings and Other Labeling).	12/26/06	71 FR 77314
NPRM Comment Period End.	05/25/07	
Final Action (Required Warnings and Other Labeling).	04/29/09	74 FR 19385
Final Action (Correction).	06/30/09	74 FR 31177
Final Action (Technical Amendment).	11/25/09	74 FR 61512
NPRM (Amendment) (Pediatric).	12/00/14	
NPRM (Amendment) (Acetaminophen).	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*
RIN: 0910–AF36

125. Over-the-Counter (OTC) Drug Review—Sunscreen Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. The first of the future actions will address the safety of sunscreen active ingredients.

Timetable:

Action	Date	FR Cite
ANPRM (Sunscreen and Insect Repellent).	02/22/07	72 FR 7941
ANPRM Comment Period End.	05/23/07	
NPRM (UVA/UVB).	08/27/07	72 FR 49070
NPRM Comment Period End.	12/26/07	
Final Action (UVA/UVB).	06/17/11	76 FR 35620
NPRM (Effectiveness).	06/17/11	76 FR 35672
NPRM (Effectiveness) Comment Period End.	09/15/11	
ANPRM (Dosage Forms).	06/17/11	76 FR 35669
ANPRM (Dosage Forms) Comment Period End.	09/15/11	
Proposed Rule	03/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager,

Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov*.

RIN: 0910–AF43

126. Over-the-Counter (OTC) Drug Review—Topical Antimicrobial Drug Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action addresses antimicrobial agents in healthcare antiseptic products.

Timetable:

Action	Date	FR Cite
NPRM (Healthcare).	06/17/94	59 FR 31402
Comment Period End.	12/15/95	
NPRM (Consumer Hand Wash Products).	12/17/13	78 FR 76443
NPRM (Healthcare Antiseptic).	03/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov*.

RIN: 0910–AF69

127. Abbreviated New Drug Applications and 505(B)(2)

Legal Authority: Pub. L. 108–173, title XI; 21 U.S.C. 355; 21 U.S.C. 371

Abstract: This proposed rule would make changes to certain procedures for Abbreviated New Drug Applications and related applications to patent certifications, notice to patent owners and application holders, the availability of a 30-month stay of approval, amendments and supplements, and the types of bioavailability and bioequivalence data that can be used to support these applications.

Timetable:

Action	Date	FR Cite
NPRM	05/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice L. Weiner, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6268, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, *Phone:* 301 796–3601, *Fax:* 301 847–8440, *Email: janice.weiner@fda.hhs.gov*.

RIN: 0910–AF97

128. Updated Standards for Labeling of Pet Food

Legal Authority: 21 U.S.C. 343; 21 U.S.C. 371; Pub. L. 110–85, sec 1002(a)(3)

Abstract: FDA is proposing updated standards for the labeling of pet food that include nutritional and ingredient information, as well as style and formatting standards. FDA is taking this action to provide pet owners and animal health professionals more complete and useful information about the nutrient content and ingredient composition of pet food products.

Timetable:

Action	Date	FR Cite
NPRM	10/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Burkholder, Veterinary Medical Officer, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine, Room 2642 (MPN–4, HFV–228), 7519 Standish Place, Rockville, MD 20855, *Phone:* 240 453–6865, *Email: william.burkholder@fda.hhs.gov*.

RIN: 0910–AG09

129. Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Food for Animals

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 342; 21 U.S.C. 350c; 21 U.S.C. 350d note; 21 U.S.C. 350g; 21 U.S.C. 350g note; 21 U.S.C. 371; 21 U.S.C. 374; 42 U.S.C. 264; 42 U.S.C. 243; 42 U.S.C. 271; . . .

Abstract: This rule establishes requirements for good manufacturing practice, and to require that certain facilities establish and implement hazard analysis and risk-based preventive controls for animal food, including ingredients and mixed animal feed. This action is intended to provide greater assurance that food marketed for all animals, including pets, is safe.

Timetable:

Action	Date	FR Cite
NPRM	10/29/13	78 FR 64736
NPRM Comment Period Extension.	02/03/14	79 FR 6111
NPRM Comment Period End.	02/26/14	
NPRM Comment Period Extension End.	03/31/14	
Supplemental NPRM.	07/00/14	
Final Rule	08/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kim Young, Deputy Director, Division of Compliance, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine, Room 106 (MPN–4, HFV–230), 7519 Standish Place, Rockville, MD 20855, *Phone:* 240 276–9207, *Email: kim.young@fda.hhs.gov*.

RIN: 0910–AG10

130. Over-the-Counter (OTC) Drug Review—Pediatric Dosing for Cough/Cold Products

Legal Authority: 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. This action will propose changes to the final monograph to address safety and efficacy issues associated with pediatric cough and cold products.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301

796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AG12

131. Electronic Distribution of Prescribing Information for Human Prescription Drugs Including Biological Products

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 353; 21 U.S.C. 355; 21 U.S.C. 358; 21 U.S.C. 360; 21 U.S.C. 360b; 21 U.S.C. 360gg to 360ss; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 379e; 42 U.S.C. 216; 42 U.S.C. 241; 42 U.S.C. 262; 42 U.S.C. 264

Abstract: This rule would require electronic package inserts for human drug and biological prescription products with limited exceptions, in lieu of paper, which is currently used. These inserts contain prescribing information intended for healthcare practitioners. This would ensure that the information accompanying the product is the most up-to-date information regarding important safety and efficacy issues about these products.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Megan Velez, Policy Analyst, Department of Health and Human Services, Food and Drug Administration, Office of Policy, WO 32, Room 4249, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–9301, *Email: megan.velez@fda.hhs.gov.*

RIN: 0910–AG18

132. Produce Safety Regulation

Legal Authority: 21 U.S.C. 342; 21 U.S.C. 350h; 21 U.S.C. 371; 42 U.S.C. 264; Pub. L. 111–353 (signed on January 4, 2011)

Abstract: This rule will establish science-based minimum standards for the safe production and harvesting of those types of fruits and vegetables that are raw agricultural commodities for which the Secretary has determined that such standards minimize the risk of serious adverse health consequences or death. The purpose of the rule is to reduce the risk of illness associated with fresh produce.

Timetable:

Action	Date	FR Cite
NPRM	01/16/13	78 FR 3503
NPRM Comment Period End.	05/16/13	
NPRM Comment Period Extended.	04/26/13	78 FR 24692
NPRM Comment Period Extended End.	09/16/13	
NPRM Comment Period Extended.	08/09/13	78 FR 48637
NPRM Comment Period Extended End.	11/15/13	
Notice of Intent To Prepare an Enviromental Impact Statement for the Proposed Rule.	08/19/13	78 FR 50358
Notice of Intent To Prepare Enviromental Impact Statement for the Proposed Rule Comment Period End.	11/15/13	
NPRM Comment Period Extended.	11/20/13	78 FR 69605
NPRM Comment Period Extended End.	11/22/13	
Environmental Impact Statement for the Proposed Rule; Comment Period Extended.	11/18/13	78 FR 69006
Environmental Impact Statement for the Proposed Rule; Comment Period Extended End.	03/14/14	
Supplemental NPRM.	07/00/14	
Final Rule	10/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Samir Assar, Supervisory Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Office of Food Safety, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–1636, *Email: samir.assar@fda.hhs.gov.*

RIN: 0910–AG35

133. Current Good Manufacturing and Hazard Analysis, and Risk-Based Preventive Controls for Human Food

Legal Authority: 21 U.S.C. 342; 21 U.S.C. 371; 42 U.S.C. 264; Pub. L. 111–353 (signed on Jan. 4, 2011)

Abstract: This rule would require a food facility to have and implement preventive controls to significantly minimize or prevent the occurrence of hazards that could affect food manufactured, processed, packed, or held by the facility. This action is intended to prevent or, at a minimum, quickly identify foodborne pathogens before they get into the food supply.

Timetable:

Action	Date	FR Cite
NPRM	01/16/13	78 FR 3646
NPRM Comment Period End.	05/16/13	
NPRM Comment Period Extended.	04/26/13	78 FR 24691
NPRM Comment Period Extended End.	09/16/13	
NPRM Comment Period Extended.	08/09/13	78 FR 48636
NPRM Comment Period Extended End.	11/15/13	
NPRM Comment Period Extended.	11/20/13	78 FR 69604
NPRM Comment Period Extended End.	11/22/13	
Supplemental NPRM.	07/00/14	
Final Rule	08/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jenny Scott, Senior Advisor, Department of Health and Human Services, Food and Drug Administration, Office of Food Safety, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–1488, *Email: jenny.scott@fda.hhs.gov.*

RIN: 0910–AG36

134. ''Tobacco Products'' Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act

Legal Authority: 21 U.S.C. 301 *et seq.;* The Federal Food, Drug, and Cosmetic Act; Pub. L. 111–31; The Family Smoking Prevention and Tobacco Control Act

Abstract: The Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) provides the Food and Drug Administration (FDA) authority to regulate cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco. The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Tobacco Control Act, permits FDA to issue regulations deeming other tobacco products to be subject to the FD&C Act. This proposed rule would deem products meeting the statutory definition of ''tobacco

product'' to be subject to the FD&C Act, and would specify additional restrictions.

Timetable:

Action	Date	FR Cite
NPRM	04/25/14	79 FR 23142
NPRM Comment Period End.	07/09/14	
Final Action	06/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: May Nelson, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 9200 Corporate Boulevard, Rockville, MD 20850, *Phone:* 877 287–1373, *Fax:* 240 276–3904, *Email: may.nelson@fda.hhs.gov.*

RIN: 0910–AG38

135. Requirements for the Testing and Reporting of Tobacco Product Constituents, Ingredients, and Additives

Legal Authority: 21 U.S.C. 301 *et seq.;* 21 U.S.C. 387; The Family Smoking Prevention and Tobacco Control Act

Abstract: The Federal Food, Drug, and Cosmetic Act, as amended by the Family Smoking Prevention and Tobacco Control Act, requires the Food and Drug Administration to promulgate regulations that require the testing and reporting of tobacco product constituents, ingredients, and additives, including smoke constituents, that the agency determines should be tested to protect the public health.

Timetable:

Action	Date	FR Cite
NPRM	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carol Drew, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 9200 Corporate Boulevard, Room 240 H, Rockville, MD 20850, *Phone:* 877 287–1373, *Fax:* 240 276–3904, *Email: carol.drew@fda.hhs.gov.*

RIN: 0910–AG59

136. Foreign Supplier Verification Program

Legal Authority: 21 U.S.C. 384a; title III, sec 301 of FDA Food Safety Modernization Act, Pub. L. 111–353, establishing sec 805 of the Federal Food, Drug, and Cosmetic Act (FD&C Act)

Abstract: This rule describes what a food importer must do to verify that its foreign suppliers produce food that is as safe as food produced in the United States. FDA is taking this action to improve the safety of food that is imported into the United States.

Timetable:

Action	Date	FR Cite
NPRM	07/29/13	78 FR 45729
NPRM Comment Period End.	11/26/13	
NPRM Comment Period Extended.	11/20/13	78 FR 69602
NPRM Comment Period Extended End.	01/27/14	
Supplemental NPRM.	07/00/14	
Final Rule	10/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian L. Pendleton, Senior Policy Advisor, Department of Health and Human Services, Food and Drug Administration, Office of Policy, WO 32, Room 4245, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, *Phone:* 301 796–4614, *Fax:* 301 847–8616, *Email: brian.pendleton@fda.hhs.gov.*

RIN: 0910–AG64

137. Format and Content of Reports Intended To Demonstrate Substantial Equivalence

Legal Authority: 21 U.S.C. 387e(j); 21 U.S.C. 387j(a); secs 905(j) and 910(a) of the Federal Food, Drug, and Cosmetic Act

Abstract: This regulation would establish the format and content of reports intended to demonstrate substantial equivalence and compliance with the FD&C Act (sections 905(j) and 910(a) of the FD&C Act). This regulation also would provide information as to how the Agency will review and act on these submissions.

Timetable:

Action	Date	FR Cite
NPRM	02/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gerie Voss, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 9200 Corporate Boulevard, Rockville, MD 20850, *Phone:* 877 287–1373, *Fax:* 240 276–4193, *Email: gerie.voss@fda.hhs.gov.*

RIN: 0910–AG96

138. Sanitary Transportation of Human and Animal Food

Legal Authority: 21 U.S.C. 350e; 21 U.S.C. 373; 21 U.S.C. 331; 21 U.S.C. 342; 21 U.S.C. 371; . . .

Abstract: This rule would establish requirements for shippers, carriers by motor vehicle or rail vehicle, and receivers engaged in the transportation of food, including food for animals, to use sanitary transportation practices to ensure that food is not transported under conditions that may render the food adulterated.

Timetable:

Action	Date	FR Cite
ANPRM	04/30/10	75 FR 22713
ANPRM Comment Period End.	08/30/10	
NPRM	02/05/14	79 FR 7005
NPRM Comment Period End.	05/31/14	
Final Rule	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael E. Kashtock, Supervisory Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Office of Food Safety, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–2022, *Fax:* 301 346–2632, *Email: michael.kashtock@fda.hhs.gov.*

RIN: 0910–AG98

139. Radiology Devices; Designation of Special Controls for the Computed Tomography X-Ray System

Legal Authority: 21 U.S.C. 360c

Abstract: The proposed rule would establish special controls for the computed tomography (CT) X-ray system. A CT X-ray system is a diagnostic X-ray imaging system intended to produce cross-sectional images of the body through use of a computer to reconstruct an image from the same axial plane taken at different angles. High doses of ionizing radiation can cause acute (deterministic) effects such as burns, reddening of the skin, cataracts, hair loss, sterility, and, in extremely high doses, radiation poisoning. The design of a CT X-ray system should balance the benefits of the device (i.e., the ability of the device to produce a diagnostic quality image) with the known risks (e.g., exposure to ionizing radiation). FDA is establishing proposed special controls, which, when combined with the general controls, would provide reasonable assurance of the safety and effectiveness of a class II CT X-ray system.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Erica Blake, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, WO 66, Room 4426, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6248, *Fax:* 301 847–8145, *Email: erica.blake@fda.hhs.gov.*

RIN: 0910–AH03

140. Mammography Quality Standards Act; Regulatory Amendments

Legal Authority: 21 U.S.C. 360i; 21 U.S.C. 360nn; 21 U.S.C. 374(e); 42 U.S.C. 263b

Abstract: FDA is proposing to amend its regulations governing mammography. The amendments would update the regulations issued under the Mammography Quality Standards Act of 1992 (MQSA). FDA is taking this action to address changes in mammography technology and mammography processes, such as breast density reporting, that have occurred since the regulations were published in 1997.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nancy Pirt, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, WO 66, Room 4438, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6248, *Fax:* 301 847–8145, *Email: nancy.pirt@fda.hhs.gov.*

RIN: 0910–AH04

141. • Investigational New Drug Application Annual Reporting

Legal Authority: 21 U.S.C. 355(i); 21 U.S.C. 371(a)

Abstract: This proposed rule would revise the requirements concerning annual reports submitted to investigational new drug applications (INDs) by replacing the current annual reporting requirement with a requirement that is consistent with the format, content, and timing of submission of the development safety update report devised by the International Conference on Harmonization of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH).

Timetable:

Action	Date	FR Cite
NPRM	03/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter A. Taschenberger, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Building 51, Room 6312, Silver Spring, MD 20993, *Phone:* 301 796–0018, *Fax:* 301 847–3529, *Email: peter.taschenberger@fda.hhs.gov.*

RIN: 0910–AH07

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Final Rule Stage

142. Content and Format of Labeling for Human Prescription Drugs and Biologics; Requirements for Pregnancy and Lactation Labeling

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 358; 21 U.S.C. 360; 21 U.S.C. 360b; 21 U.S.C. 360gg to 360ss; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 379e; 42 U.S.C. 216; 42 U.S.C. 241; 42 U.S.C. 262; 42 U.S.C. 264

Abstract: This final rule will amend the content and format of the ''Pregnancy,'' ''Labor and delivery,'' and ''Nursing mothers'' subsections of the ''Use in Specific Populations'' section of regulations regarding the labeling for human prescription drug and biological products to better communicate risks.

Timetable:

Action	Date	FR Cite
NPRM	05/29/08	73 FR 30831
NPRM Comment Period End.	08/27/08	
Final Action	07/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Molly Flannery, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6246, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3543, *Email: molly.flannery@fda.hhs.gov.*

RIN: 0910–AF11

143. Combinations of Bronchodilators With Nasal Decongestants or Expectorants; Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. These actions address cough/cold drug products containing an oral bronchodilator (ephedrine and its salts) in combination with any expectorant or any oral nasal decongestant.

Timetable:

Action	Date	FR Cite
NPRM (Amendment).	07/13/05	70 FR 40232
NPRM Comment Period End.	11/10/05	
Final Action (Technical Amendment).	03/19/07	72 FR 12730
Final Action (Oral Bronchodilator and Oral Nasal Decongestant).	12/00/14	
Final Action (Oral Bronchodilator and Expectorant).	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams–King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AF33

144. Over-the-Counter (OTC) Drug Review—Laxative Drug Products

Legal Authority: 21 U.S.C. 321p; 21 U.S.C. 331; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360 to 360a; 21 U.S.C. 371 to 371a

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective, and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the

monograph, or having an approved new drug application, may be legally marketed. The final rule listed will address the professional labeling for sodium phosphate drug products.

Timetable:

Action	Date	FR Cite
Final Action (Granular Psyllium).	03/29/07	72 FR 14669
NPRM (Professional Labeling—Sodium Phosphate).	02/11/11	76 FR 7743
NPRM Comment Period End.	03/14/11	
Final Action (Professional Labeling—Sodium Phosphate).	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Adams-King, Regulatory Health Project Manager, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 22, Room 5416, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–3713, *Fax:* 301 796–9899, *Email: janice.adams-king@fda.hhs.gov.*

RIN: 0910–AF38

145. Laser Products; Amendment to Performance Standard

Legal Authority: 21 U.S.C. 360hh to 360ss; 21 U.S.C. 371; 21 U.S.C. 393

Abstract: The regulation will amend the performance standard for laser products to achieve closer harmonization between the current standard and the International Electrotechnical Commission (IEC) standard for laser products and medical laser products. The amendment is intended to update FDA's performance standard to reflect advancements in technology.

Timetable:

Action	Date	FR Cite
NPRM	06/24/13	78 FR 37723
NPRM Comment Period End.	09/23/13	
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nancy Pirt, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, WO 66, Room 4438, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6248, *Fax:* 301 847–8145, *Email: nancy.pirt@fda.hhs.gov.*

RIN: 0910–AF87

146. Human Subject Protection; Acceptance of Data From Clinical Studies for Medical Devices

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 360; 21 U.S.C. 360c; 21 U.S.C. 360e; 21 U.S.C. 360i; 21 U.S.C. 360j; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 381; 21 U.S.C. 393; 42 U.S.C. 264; 42 U.S.C. 271; . . .

Abstract: This rule will amend FDA's regulations on acceptance of data from clinical studies for medical devices to require that clinical studies conducted outside the United States in support of a premarket approval application, humanitarian device exemption application, an investigational device exemption application, or a premarket notification submission be conducted in accordance with good clinical practice.

Timetable:

Action	Date	FR Cite
NPRM	02/25/13	78 FR 12664
NPRM Comment Period End.	05/28/13	
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sheila Anne Brown, Policy Analyst, Investigational Device Exemptions Staff, Department of Health and Human Services, Food and Drug Administration, WO 66, Room 1651, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6563, *Fax:* 301 847–8120, *Email: sheila.brown@fda.hhs.gov.*

RIN: 0910–AG48

147. Food Labeling: Calorie Labeling of Articles of Food Sold in Vending Machines

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 343; 21 U.S.C. 371

Abstract: FDA published a proposed rule to establish requirements for nutrition labeling of certain food items sold in certain vending machines. FDA also proposed the terms and conditions for vending machine operators registering to voluntarily be subject to the requirements. FDA is issuing a final rule, and taking this action to carry out section 4205 of the Patient Protection and Affordable Care Act.

Timetable:

Action	Date	FR Cite
NPRM	04/06/11	76 FR 19238
NPRM Comment Period End.	07/05/11	
Final Action	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Daniel Reese, Food Technologist, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS–820), 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–2126, *Email: daniel.reese@fda.hhs.gov.*

RIN: 0910–AG56

148. Food Labeling: Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 343; 21 U.S.C. 371

Abstract: FDA published a proposed rule in the **Federal Register** to establish requirements for nutrition labeling of standard menu items in chain restaurants and similar retail food establishments. FDA also proposed the terms and conditions for restaurants and similar retail food establishments registering to voluntarily be subject to the Federal requirements. FDA is issuing a final rule, and taking this action to carry out section 4205 of the Patient Protection and Affordable Care Act.

Timetable:

Action	Date	FR Cite
NPRM	04/06/11	76 FR 19192
NPRM Comment Period End.	07/05/11	
Final Action	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Daniel Reese, Food Technologist, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS–820), 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–2126, *Email: daniel.reese@fda.hhs.gov.*

RIN: 0910–AG57

149. Requirements for the Submission of Data Needed To Calculate User Fees for Domestic Manufacturers and Importers of Tobacco Products

Legal Authority: 21 U.S.C. 371; 21 U.S.C. 387s; Pub. L. 111–31

Abstract: This rule will require manufacturers and importers of tobacco products to submit certain market share data to FDA. USDA currently collects such data, but its program sunsets at the end of September 2014, and USDA will cease collection of this information. FDA is taking this action so that it may

continue to calculate market share percentages needed to compute user fees.

Timetable:

Action	Date	FR Cite
NPRM	05/31/13	78 FR 32581
NPRM Comment Period End.	08/14/13	
Final Action	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Annette L. Marthaler, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, Room 340K, 9200 Corporate Boulevard, Rockville, MD 20850, *Phone:* 877 287–1373, *Fax:* 240 276–3904, *Email: annette.marthaler@fda.hhs.gov.*

RIN: 0910–AG81

150. Supplemental Applications Proposing Labeling Changes for Approved Drugs and Biological Products

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 352; 21 U.S.C. 353; 21 U.S.C. 355; 21 U.S.C. 371; 42 U.S.C. 262; . . .

Abstract: This rule would amend the regulations regarding new drug applications (NDAs), abbreviated new drug applications (ANDAs), and biologics license applications (BLAs) to revise and clarify procedures for changes to the labeling of an approved drug to reflect certain types of newly acquired information in advance of FDA's review of such change. This rule would describe the process by which information regarding ''changes being effected'' (CBE) labeling supplement submitted by an NDA or ANDA holder would be made publicly available during FDA's review of the labeling change.

Timetable:

Action	Date	FR Cite
NPRM	11/13/13	78 FR 67985
NPRM Comment Period End.	01/13/14	
Final Rule	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice L. Weiner, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6268, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, *Phone:* 301 796–3601, *Fax:* 301 847–8440, *Email: janice.weiner@fda.hhs.gov.*

RIN: 0910–AG94

151. Veterinary Feed Directive

Legal Authority: 21 U.S.C. 354; 21 U.S.C. 360b; 21 U.S.C. 360ccc; 21 U.S.C. 360ccc–1; 21 U.S.C. 371

Abstract: The Animal Drug Availability Act created a new category of products called veterinary feed directive (VFD) drug. This rulemaking is intended to provide for the increased efficiency of the VFD program.

Timetable:

Action	Date	FR Cite
ANPRM	03/29/10	75 FR 15387
ANPRM Comment Period End.	06/28/10	
NPRM	12/12/13	78 FR 75515
NPRM Comment Period End.	03/12/14	
Final Rule	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sharon Benz, Supervisory Animal Scientist, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine, MPN–4, Room 2648, HFV–220, 7529 Standish Place, Rockville, MD 20855, *Phone:* 240 453–6864, *Email: sharon.benz@fda.hhs.gov.*

RIN: 0910–AG95

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Long-Term Actions

152. Infant Formula: Current Good Manufacturing Practices; Quality Control Procedures; Notification Requirements; Records and Reports; and Quality Factors

Legal Authority: 21 U.S.C. 321; 21 U.S.C. 342; 21 U.S.C. 350a; 21 U.S.C. 371

Abstract: The Food and Drug Administration (FDA) is revising its infant formula regulations to establish requirements for current good manufacturing practices (CGMP), including audits; to establish requirements for quality factors; and to amend FDA's quality control procedures, notification, and record and reporting requirements for infant formula. FDA is taking this action to improve the protection of infants who consume infant formula products.

Timetable:

Action	Date	FR Cite
NPRM	07/09/96	61 FR 36154
NPRM Comment Period End.	12/06/96	
NPRM Comment Period Reopened.	04/28/03	68 FR 22341
NPRM Comment Period Extended.	06/27/03	68 FR 38247
NPRM Comment Period End.	08/26/03	
NPRM Comment Period Reopened.	08/01/06	71 FR 43392
NPRM Comment Period End.	09/15/06	
Interim Final Rule	02/10/14	79 FR 7934
Interim Final Rule Comment Period End.	03/27/14	
Final Rule	07/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Benson Silverman, Staff Director, Infant Formula and Medical Foods, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFS–850), 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–1459, *Email: benson.silverman@fda.hhs.gov.*

RIN: 0910–AF27

153. Focused Mitigation Strategies To Protect Food Against Intentional Adulteration

Legal Authority: 21 U.S.C. 331; 21 U.S.C. 342; 21 U.S.C. 350g; 21 U.S.C. 350i; 21 U.S.C. 371; 21 U.S.C. 374; Pub. L. 111—353

Abstract: This rule would require domestic and foreign food facilities that are required to register under the Federal Food, Drug, and Cosmetic Act to address hazards that may be intentionally introduced by acts of terrorism. These food facilities would be required to identify and implement focused mitigation strategies to significantly minimize or prevent significant vulnerabilities identified at actionable process steps in a food operation.

Timetable:

Action	Date	FR Cite
NPRM	12/24/13	78 FR 78014
NPRM Comment Period End.	03/31/14	
Final Rule	05/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jody Menikheim, Supervisory General Health Scientist, Department of Health and Human Services, Food and Drug

Administration, Center for Food Safety and Applied Nutrition (HFS–005), 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–1864, *Fax:* 301 436–2633, *Email: fooddefense@fda.hhs.gov*.

RIN: 0910–AG63

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Food and Drug Administration (FDA)

Completed Actions

154. Prescription Drug Marketing Act of 1987; Prescription Drug Amendments of 1992; Policies, Requirements, and Administrative Procedures (Completion of a Section 610 Review)

Legal Authority: 21 U.S.C. 331; 21 U.S.C. 333; 21 U.S.C. 351 to 353; 21 U.S.C. 360; 21 U.S.C. 371; 21 U.S.C. 374; 21 U.S.C. 381

Abstract: FDA has completed their review of the regulations promulgated under the Prescription Drug Marketing Act. The review was done to determine whether the regulations should be changed or rescinded to minimize adverse impacts on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
Begin Review of Current Regulation.	11/24/08	
End Review of Current Regulation.	11/29/13	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Howard Muller, Office of Regulatory Policy, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, WO 51, Room 6234, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, *Phone:* 301 796–3601, *Fax:* 301 847–8440, *Email: pdma610(c)review@fda.hhs.gov*.

RIN: 0910–AG14

155. General Hospital and Personal Use Devices: Issuance of Draft Special Controls Guidance for Infusion Pumps

Legal Authority: 21 U.S.C. 351; 21 U.S.C. 360; 21 U.S.C. 360c; 21 U.S.C. 360e; 21 U.S.C. 360j; 21 U.S.C. 371

Abstract: FDA is proposing to amend the classification of infusion pumps from class II (performance standards) to class II (special controls). FDA is taking this action to provide reasonable assurance of the safety and effectiveness of these devices.

Timetable:

Action	Date	FR Cite
Withdrawn	04/24/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nancy Pirt, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health, WO 66, Room 4438, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796–6248, *Fax:* 301 847–8145, *Email: nancy.pirt@fda.hhs.gov*.

RIN: 0910–AG54

156. • Food Labeling: Nutrient Content Claims; Alpha-Linolenic Acid, Eicosapentaenoic Acid, and Docosahexaenoic Acid Omega-3 Fatty Acids

Legal Authority: 21 U.S.C. 343; 21 U.S.C. 371

Abstract: The final rule addresses the nutrient content claims for docosahexaenoic acid and eicosapentaenoic acid set forth in notifications submitted by (1) Alaska General Seafoods, Ocean Beauty Seafoods Inc., and Trans-Ocean Products Inc. (the seafood processors notification), (2) Martek Biosciences Corp. (the Martek notification), and (3) Ocean Nutrition Canada Ltd. The final rule also addresses the nutrient content claims for alpha-linolenic acid set forth in the seafood processors notification and the Martek notification.

Timetable:

Action	Date	FR Cite
NPRM	11/27/07	72 FR 66103
NPRM Comment Period End.	02/11/08	
Final Action	04/28/14	79 FR 23262

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vincent De Jesus, Nutritionist, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, (HFS–830), Room 3D–031, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402–1774, *Fax:* 301 436–1191, *Email: vincent.dejesus@fda.hhs.gov*.

RIN: 0910–AH13

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Proposed Rule Stage

157. Home Health Agency Conditions of Participation (CMS–3819–P) (Rulemaking Resulting From a Section 610 Review)

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395x; 42 U.S.C. 1395cc(a); 42 U.S.C. 1395hh; 42 U.S.C. 1395bb

Abstract: This proposed rule would revise the existing Conditions of Participation that Home Health Agencies must meet to participate in the Medicare program. The new requirements would focus on the actual care delivered to patients by HHAs, reflect an interdisciplinary view of patient care, allow HHAs greater flexibility in meeting quality standards, and eliminate unnecessary procedural requirements. These changes are an integral part of our efforts to improve patient safety and achieve broad-based improvements in the quality of care furnished through Federal programs, while at the same time reducing procedural burdens on providers.

Timetable:

Action	Date	FR Cite
NPRM	03/10/97	62 FR 11005
NPRM Comment Period End.	06/09/97	
Second NPRM	05/00/14	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Danielle Shearer, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Clinical Standards & Quality, Mail Stop S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–6617, *Email: danielle.shearer@cms.hhs.gov*.

RIN: 0938–AG81

158. Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long–Term Care Hospital Prospective Payment System and Fiscal Year 2015 Rates (CMS–1607–P) (Section 610 Review)

Legal Authority: sec 1886(d) of the Social Security Act

Abstract: This annual proposed rule would revise the Medicare hospital inpatient and long-term care hospital prospective payment systems for operating and capital-related costs. This proposed rule would implement changes arising from our continuing experience with these systems.

Timetable:

Action	Date	FR Cite
NPRM	05/14/14	79 FR 27977
NPRM Comment Period End.	06/30/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Slater, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop C4–07–07, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–6229, *Email: brian.slater@cms.hhs.gov*.

RIN: 0938–AS11

159. CY 2015 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS–1612–P) (Section 610 Review)

Legal Authority: Social Security Act, secs 1102, 1871 and 1848

Abstract: This annual proposed rule would revise payment policies under the Medicare physician fee schedule, and make other policy changes to payment under Medicare Part B. These changes would apply to services furnished beginning January 1, 2015.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathy Bryant, Director, Division of Practitioner Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop C4–01–27, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–3448, *Email: kathy.bryant@cms.hhs.gov*.

RIN: 0938–AS12

160. CY 2015 Hospital Outpatient Prospective Payment System (PPS) Policy Changes and Payment Rates, and CY 2015 Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS–1613–P) (Section 610 Review)

Legal Authority: Sec 1833 of the Social Security Act

Abstract: This annual proposed rule would revise the Medicare hospital outpatient prospective payment system (PPS) to implement statutory requirements and changes arising from our continuing experience with this system. The proposed rule describes changes to the amounts and factors used to determine payment rates for services. In addition, the rule proposes changes to the ambulatory surgical center payment system list of services and rates.

Timetable:

Action	Date	FR Cite
NPRM	07/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marjorie Baldo, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare Management, Mail Stop C4–03–06, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–4617, *Email: marjorie.baldo@cms.hhs.gov*.

RIN: 0938–AS15

161. • CY 2016 Notice of Benefit and Payment Parameters (CMS–9944–P) (Section 610 Review)

Legal Authority: Pub. L. 111–148, title I

Abstract: This proposed rule would establish the CY 2016 payment parameters for the cost-sharing reductions, advance payments of the premium tax credit, reinsurance, and risk adjustment programs as required by the Affordable Care Act.

Timetable:

Action	Date	FR Cite
NPRM	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sharon Arnold, Director, Payment Policy and Financial Management Group, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Consumer Information & Insurance Oversight, Mail Stop 733H.02, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 301 492–4286, *Email: sharon.arnold@cms.hhs.gov*.

RIN: 0938–AS19

162. • Hospital and Critical Access Hospital (CAH) Changes To Promote Innovation, Flexibility, and Improvement in Patient Care (CMS–3295–P) (Rulemaking Resulting From a Section 610 Review)

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh and 1395rr

Abstract: This proposed rule would revise the requirements that hospitals and CAHs must meet to participate in the Medicare and Medicaid programs. These changes are necessary to reflect substantial advances in healthcare delivery and in patient safety knowledge and practices, and would allow hospitals and CAHs the flexibility to implement innovative patient care practices. The changes are also an integral part of our efforts to achieve broad-based improvements in patient safety and in the quality of health care furnished through Federal programs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: CDR Scott Cooper, Senior Technical Advisor, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, Mail Stop S3–01–02, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–9465, *Email: scott.cooper@cms.hhs.gov*.

RIN: 0938–AS21

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Final Rule Stage

163. Covered Outpatient Drugs (CMS–2345–F) (Section 610 Review)

Legal Authority: Pub. L. 111–48, secs 2501, 2503, 3301(d)(2); Pub. L. 111–152, sec 1206; Pub. L. 111–8, sec 221

Abstract: This final rule revises requirements pertaining to Medicaid reimbursement for covered outpatient drugs to implement provisions of the Affordable Care Act. This rule also revises other requirements related to covered outpatient drugs, including key aspects of Medicaid coverage, payment, and the drug rebate program.

Timetable:

Action	Date	FR Cite
NPRM	02/02/12	77 FR 5318
NPRM Comment Period End.	04/02/12	
Final Action	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Wendy Tuttle, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicaid and State Operations, Mail Stop S2–14–26, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–8690, *Email: wendy.tuttle@cms.hhs.gov*.

RIN: 0938–AQ41

164. Prospective Payment System for Federally Qualified Health Centers; Changes to Contracting Policies for Rural Health Clinics and CLIA Enforcement Actions for Proficiency Testing Referral (CMS–1443–FC) (Section 610 Review)

Legal Authority: Pub. L. 111–148, sec 10501

Abstract: This final rule establishes methodology and payment rates for a prospective payment system (PPS) for Federally qualified health center (FQHC) services under Medicare Part B beginning on October 1, 2014, in compliance with the statutory requirement of the Affordable Care Act. This rule also establishes a policy which would allow rural health clinics (RHCs) to contract with nonphysician practitioners when statutory requirements for employment of nurse practitioners and physician assistants are met, and makes other technical and conforming changes to the RHC and FQHC regulations. Finally, this rule makes changes to the Clinical Laboratory Improvement Amendments (CLIA) regulations regarding enforcement actions for proficiency testing referral.

Timetable:

Action	Date	FR Cite
NPRM	09/23/13	78 FR 58386
NPRM Comment Period End.	11/18/13	
Final Rule	05/02/14	79 FR 25436
Final Rule With Comment Period End.	07/01/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Corinne Axelrod, Health Insurance Specialist, Hospital and Ambulatory Policy Group, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mailstop C5–14–03, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–5620, *Email: corinne.axelrod@cms.hhs.gov*.

RIN: 0938–AR62

165. Adoption of Operating Rules for HIPAA Transactions (CMS–0036–IFC)

Legal Authority: Pub. L. 104–191, sec 1104

Abstract: Under the Affordable Care Act, this interim final rule adopts operating rules for HIPAA transactions for health care claims or equivalent encounter information, enrollment and disenrollment of a health plan, health plan premium payments, and referral certification and authorization.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Geanelle Herring, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Administrative Simplification Group, Office of E–Health Standards and Services, Mail Stop S2–26–17, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–4466, *Email: geanelle.herring@cms.hhs.gov*.

RIN: 0938–AS01

166. • Extension of Payment Adjustment for Low-Volume Hospitals and the Medicare-Dependent Hospital Program Under the FY 2014 Hospital Inpatient Prospective Payment System (CMS–1599–IFC2) (Section 610 Review)

Legal Authority: Pub. L. 113–67, secs 1105 and 1106

Abstract: This interim final rule implements changes to the payment adjustment for low-volume hospitals and to the Medicare-dependent hospital program under the hospital inpatient prospective payment systems for FY 2014 (through March 31, 2014) in accordance with sections 1105 and 1106, respectively, of the Pathway for SGR Reform Act of 2013.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/18/14	79 FR 15022
Interim Final Rule Comment Period End.	05/12/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michele Hudson, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop C4–10–07, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–5490, *Email: michele.hudson@cms.hhs.gov*.

RIN: 0938–AS18

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Long-Term Actions

167. Emergency Preparedness Requirements for Medicare and Medicaid Participating Providers and Suppliers (CMS–3178–F)

Legal Authority: 42 U.S.C. 1821; 42 U.S.C. 1861ff (3)(B)(i)(ii); 42 U.S.C. 1913(c)(1) et al

Abstract: This rule finalizes emergency preparedness requirements for Medicare and Medicaid participating providers and suppliers to ensure that they adequately plan for both natural and man-made disasters and coordinate with Federal, State, tribal, regional, and local emergency preparedness systems. This rule ensures providers and suppliers are adequately prepared to meet the needs of patients, residents, clients, and participants during disasters and emergency situations.

Timetable:

Action	Date	FR Cite
NPRM	12/27/13	78 FR 79082
NPRM Comment Period Extended.	02/21/14	79 FR 9872
NPRM Comment Period End.	03/31/14	
Final Action	12/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Janice Graham, Health Insurance Specialist,, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, Mail Stop S3–02–01, 7500 Security Boulevard, Baltimore, MD 21244–1850, *Phone:* 410 786–8020, *Email: janice.graham@cms.hhs.gov*.

RIN: 0938–AO91

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Centers for Medicare & Medicaid Services (CMS)

Completed Actions

168. CY 2014 Changes to the End-Stage Renal Disease (ESRD) Prospective Payment System, ESRD Quality Incentive Program, and Durable Medical Equipment (CMS–1526–F) (Completion of a Section 610 Review)

Legal Authority: MIPPA; sec 153(b); Pub. L. 111–148; sec 3401(h); ATRA; sec 632(a)

Abstract: This final rule updates the bundled payment system for End Stage Renal Disease (ESRD) facilities by 1/1/13. The rule also updates the Quality Incentives in the ESRD Program. In addition, this rule clarifies the grandfathering provision related to the 3-year minimum lifetime requirement for Durable Medical Equipment (DME). It also provides clarification of the definition of routinely purchased DME.

Timetable:

Action	Date	FR Cite
NPRM	07/08/13	78 FR 40835
NPRM Comment Period End.	08/30/13	
Final Action	12/02/13	78 FR 72156

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michelle Cruse, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop C5–05–27, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–7540, *Email: michelle.cruse@cms.hhs.gov*.

RIN: 0938–AR55

169. Revisions to Payment Policies Under the Physician Fee Schedule and Medicare Part B for CY 2014 (CMS–1600–FC) (Completion of a Section 610 Review)

Legal Authority: Social Security Act, secs 1102, 1871, 1848

Abstract: This final rule revises payment polices under the Medicare physician fee schedule, and make other policy changes to payment under Medicare Part B. These changes are applicable to services furnished on or after January 1, annually.

Timetable:

Action	Date	FR Cite
NPRM	07/19/13	78 FR 43282
NPRM Comment Period End.	09/06/13	
Final Action	12/10/13	78 FR 74230

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathy Bryant, Director, Division of Practitioner Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Mail Stop C4–01–27, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786–3448, *Email: kathy.bryant@cms.hhs.gov*.

RIN: 0938–AR56

170. CY 2015 Notice of Benefit and Payment Parameters (CMS–9954–F) (Completion of a Section 610 Review)

Legal Authority: Pub. L. 111–148

Abstract: This final rule establishes the CY 2015 payment parameters for the cost-sharing reductions, advance premium tax credit, reinsurance, and risk adjustment programs as required by the Affordable Care Act.

Timetable:

Action	Date	FR Cite
NPRM	12/02/13	78 FR 72322
NPRM Comment Period End.	12/26/13	
Final Action	03/11/14	79 FR 13743
Final Action Effective.	05/12/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sharon Arnold, Director, Payment Policy and Financial Management Group, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Consumer Information & Insurance Oversight, Mail Stop 733H.02, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 301 492–4286, *Email: sharon.arnold@cms.hhs.gov*.

RIN: 0938–AR89

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FEDERAL REGISTER

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Part IX

Department of Homeland Security

Semiannual Regulatory Agenda

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Chs. I and II

[DHS Docket No. OGC–RP–04–001]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, DHS.

ACTION: Semiannual regulatory agenda.

SUMMARY: This regulatory agenda is a semiannual summary of current and projected rulemakings, existing regulations, and completed actions of the Department of Homeland Security (DHS) and its components. This agenda provides the public with information about DHS's regulatory activity. DHS expects that this information will enable the public to be more aware of, and effectively participate in, the Department's regulatory activity. DHS invites the public to submit comments on any aspect of this agenda.

FOR FURTHER INFORMATION CONTACT:

General

Please direct general comments and inquiries on the agenda to the Regulatory Affairs Law Division, Office of the General Counsel, U.S. Department of Homeland Security, 245 Murray Lane, Mail Stop 0485, Washington, DC 20528–0485.

Specific

Please direct specific comments and inquiries on individual regulatory actions identified in this agenda to the individual listed in the summary of the regulation as the point of contact for that regulation.

SUPPLEMENTARY INFORMATION: DHS provides this notice pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, Sept. 19, 1980) and Executive Order 12866 ''Regulatory Planning and Review'' (Sept. 30, 1993) as incorporated in Executive Order 13563 ''Improving Regulation and Regulatory Review'' (Jan. 18, 2011), which require the Department to publish a semiannual agenda of regulations. The regulatory agenda is a summary of current and projected rulemakings, as well as actions completed since the publication of the last regulatory agenda for the Department. DHS's last semiannual regulatory agenda was published on January 7, 2014, at 79 FR 1174.

Beginning in fall 2007, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at www.reginfo.gov.

The Regulatory Flexibility Act (5 U.S.C. 602) requires Federal agencies to publish their regulatory flexibility agendas in the **Federal Register**. A regulatory flexibility agenda shall contain, among other things, a brief description of the subject area of any rule which is likely to have a significant economic impact on a substantial number of small entities. DHS's printed agenda entries include regulatory actions that are in the Department's regulatory flexibility agenda. Printing of these entries is limited to fields that contain information required by the agenda provisions of the Regulatory Flexibility Act. Additional information on these entries is available in the Unified Agenda published on the Internet.

The semiannual agenda of the Department conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

Dated: February 28, 2014.

Christina E. McDonald,

Associate General Counsel for Regulatory Affairs.

OFFICE OF THE SECRETARY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
171	Ammonium Nitrate Security Program	1601–AA52

U.S. CITIZENSHIP AND IMMIGRATION SERVICES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
172	Administrative Appeals Office: Procedural Reforms To Improve Efficiency	1615–AB98

U.S. COAST GUARD—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
173	Numbering of Undocumented Barges	1625–AA14
174	Updates to Maritime Security	1625–AB38

U.S. COAST GUARD—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
175	Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System	1625–AA99
176	Inspection of Towing Vessels	1625–AB06
177	Transportation Worker Identification Credential (TWIC); Card Reader Requirements	1625–AB21
178	MARPOL Annex 1 Update	1625–AB57
179	Lifesaving Devices Uninspected Vessels Commercial Barges and Sailing Vessels **(Section 610 Review)**	1625–AB83
180	Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation	1625–AB85

U.S. COAST GUARD—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
181	Outer Continental Shelf Activities	1625–AA18

U.S. COAST GUARD—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
182	Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978.	1625–AA16

U.S. CUSTOMS AND BORDER PROTECTION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
183	Importer Security Filing and Additional Carrier Requirements **(Section 610 Review)**	1651–AA70
184	Implementation of the Guam-CNMI Visa Waiver Program **(Section 610 Review)**	1651–AA77

TRANSPORTATION SECURITY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
185	General Aviation Security and Other Aircraft Operator Security	1652–AA53
186	Security Training for Surface Mode Employees	1652–AA55
187	Standardized Vetting, Adjudication, and Redress Services	1652–AA61

TRANSPORTATION SECURITY ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
188	Aircraft Repair Station Security	1652–AA38
189	Modification of the Aviation Security Infrastructure Fee (ASIF) (Market Share)	1652–AA43

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
190	Standards To Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities	1653–AA65

DEPARTMENT OF HOMELAND SECURITY (DHS)

Office of the Secretary (OS)

Final Rule Stage

171. Ammonium Nitrate Security Program

Legal Authority: 2008 Consolidated Appropriations Act, sec 563, subtitle J—Secure Handling of Ammonium Nitrate, Pub. L. 110–161

Abstract: This rulemaking will implement the December 2007 amendment to the Homeland Security Act entitled ''Secure Handling of Ammonium Nitrate.'' The amendment requires the Department of Homeland Security to ''regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility . . . to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.''

Timetable:

Action	Date	FR Cite
ANPRM	10/29/08	73 FR 64280
Correction	11/05/08	73 FR 65783
ANPRM Comment Period End.	12/29/08	
NPRM	08/03/11	76 FR 46908
Notice of Public Meetings.	10/07/11	76 FR 62311
Notice of Public Meetings.	11/14/11	76 FR 70366
NPRM Comment Period End.	12/01/11	
Final Rule	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jon MacLaren, Chief, Rulemaking Section, Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Security Compliance Division (NPPD/ISCD), 245 Murray Lane, Mail Stop 0610, Arlington, VA 20598–0610, *Phone:* 703 235–5263, *Email:* *jon.m.maclaren@hq.dhs.gov.*

RIN: 1601–AA52

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Citizenship and Immigration Services (USCIS)

Proposed Rule Stage

172. Administrative Appeals Office: Procedural Reforms To Improve Efficiency

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1304; 6 U.S.C. 112

Abstract: This proposed rule revises the requirements and procedures for the filing of motions and appeals before the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), and its Administrative Appeals Office. The proposed changes are intended to streamline the existing processes for filing motions and appeals and will reduce delays in the review and appellate process. This rule also proposes additional changes necessitated by the establishment of DHS and its components.

Timetable:

Action	Date	FR Cite
NPRM	03/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William K. Renwick, Supervisory Citizenship and Immigration Appeals Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, Administrative Appeals Office, Washington, DC 20529–2090, *Phone:* 703 224–4501, *Email: william.k.renwick@uscis.dhs.gov*.

RIN: 1615–AB98

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Proposed Rule Stage

173. Numbering of Undocumented Barges

Legal Authority: 46 U.S.C. 12301

Abstract: Title 46 U.S.C. 12301, as amended by the Abandoned Barge Act of 1992, requires that all undocumented barges of more than 100 gross tons operating on the navigable waters of the United States be numbered. This rulemaking would establish a numbering system for these barges. The numbering of undocumented barges allows the Coast Guard to identify the owners of abandoned barges. This rulemaking supports the Coast Guard's broad role and responsibility of protecting natural resources.

Timetable:

Action	Date	FR Cite
Request for Comments.	10/18/94	59 FR 52646
Comment Period End.	01/17/95	
ANPRM	07/06/98	63 FR 36384
ANPRM Comment Period End.	11/03/98	
NPRM	01/11/01	66 FR 2385
NPRM Comment Period End.	04/11/01	
NPRM Reopening of Comment Period.	08/12/04	69 FR 49844
NPRM Reopening Comment Period End.	11/10/04	
Supplemental NPRM.	08/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Denise Harmon, Project Manager, Department of Homeland Security, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson Drive, Falling Waters, WV 25419, *Phone:* 304 271–2506, *Email: denise.e.harmon@uscg.mil*.

RIN: 1625–AA14

174. Updates to Maritime Security

Legal Authority: 33 U.S.C. 1226; 33 U.S.C. 1231; 46 U.S.C. 701; 50 U.S.C. 191 and 192; EO 12656; 3 CFR 1988 Comp p 585; 33 CFR 1.05–1; 33 CFR 6.04–11; 33 CFR 6.14; 33 CFR 6.16; 33 CFR 6.19; DHS Delegation No 0170.1

Abstract: The Coast Guard proposes certain additions, changes, and amendments to 33 CFR, subchapter H. Subchapter H is comprised of parts 101 through 106. Subchapter H implements the major provisions of the Maritime Transportation Security Act of 2002 (MTSA). This rulemaking is the first major revision to subchapter H. The proposed changes would further the goals of domestic compliance and international cooperation by incorporating requirements from legislation implemented since the original publication of these regulations, such as the Security and Accountability for Every (SAFE) Port Act of 2006, and including international standards such as Standards of Training, Certification & Watchkeeping security training. This rulemaking has international interest because of the close relationship between subchapter H and the International Ship and Port Security Code (ISPS).

Timetable:

Action	Date	FR Cite
NPRM	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LCDR Loan O'Brien, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant, (CG–FAC–2), 2703 Martin Luther King Jr. Avenue SE., STOP 7501, Washington, DC 20593–7501, *Phone:* 202 372–1133, *Email: loan.t.o'brien@uscg.mil*.

RIN: 1625–AB38

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Final Rule Stage

175. Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System

Legal Authority: 33 U.S.C. 1223; 33 U.S.C. 1225; 33 U.S.C. 1231; 46 U.S.C. 3716; 46 U.S.C. 8502; 46 U.S.C. 701; sec 102 of Pub. L. 107–295; EO 12234

Abstract: This rulemaking would expand the applicability for Notice of Arrival and Departure (NOAD) and Automatic Identification System (AIS) requirements. These expanded requirements would better enable the Coast Guard to correlate vessel AIS data with NOAD data, enhance our ability to identify and track vessels, detect anomalies, improve navigation safety, and heighten our overall maritime domain awareness.

The NOAD portion of this rulemaking could expand the applicability of the NOAD regulations by changing the minimum size of vessels covered below the current 300 gross tons, require a notice of departure when a vessel is departing for a foreign port or place, and mandate electronic submission of NOAD notices to the National Vessel Movement Center. The AIS portion of this rulemaking would expand current AIS carriage requirements for the population identified in the Safety of Life at Sea (SOLAS) Convention and the Marine Transportation Marine Transportation Security Act (MTSA) of 2002.

Timetable:

Action	Date	FR Cite
NPRM	12/16/08	73 FR 76295
Notice of Public Meeting.	01/21/09	74 FR 3534
Notice of Second Public Meeting.	03/02/09	74 FR 9071

Action	Date	FR Cite
NPRM Comment Period End.	04/15/09	
Notice of Second Public Meeting Comment Period End.	04/15/09	
Final Rule	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LCDR Michael D. Lendvay, Program Manager, Office of Commercial Vessel, Foreign and Offshore Vessel Activities Div. (CG–CVC–2), Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., STOP 7501, Washington, DC 20593–7501, *Phone:* 202 372–1218, *Email: michael.d.lendvay@uscg.mil.*

Jorge Arroyo, Project Manager, Office of Navigation Systems (CG–NAV–1), Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., STOP 7418, Washington, DC 20593–7418, *Phone:* 202 372–1563, *Email: jorge.arroyo@uscg.mil.*

RIN: 1625–AA99

176. Inspection of Towing Vessels

Legal Authority: 46 U.S.C. 3103; 46 U.S.C. 3301; 46 U.S.C. 3306; 46 U.S.C. 3308; 46 U.S.C. 3316; 46 U.S.C. 3703; 46 U.S.C. 8104; 46 U.S.C. 8904; DHS Delegation No 0170.1

Abstract: This rulemaking would implement a program of inspection for certification of towing vessels, which were previously uninspected. It would prescribe standards for safety management systems and third-party auditors and surveyors, along with standards for construction, operation, vessel systems, safety equipment, and recordkeeping.

Timetable:

Action	Date	FR Cite
NPRM	08/11/11	76 FR 49976
Notice of Public Meetings.	09/09/11	76 FR 55847
NPRM Comment Period End.	12/09/11	
Final Rule	03/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ken Doyle, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant (CG–OES–2), 2703 Martin Luther King Jr. Avenue SE., STOP 7509, Washington, DC 20593–7509, *Phone:* 202 372–1421, *Email: kenneth.j.doyle@uscg.mil.*

RIN: 1625–AB06

177. Transportation Worker Identification Credential (TWIC); Card Reader Requirements

Legal Authority: 33 U.S.C. 1226; 33 U.S.C. 1231; 46 U.S.C. 701; 50 U.S.C. 191; 50 U.S.C. 192; EO 12656

Abstract: The Coast Guard is establishing electronic card reader requirements for maritime facilities and vessels to be used in combination with TSA's Transportation Worker Identification Credential (TWIC). Congress enacted several statutory requirements within the Security and Accountability for Every (SAFE) Port Act of 2006 to guide regulations pertaining to TWIC readers, including the need to evaluate TSA's final pilot program report as part of the TWIC reader rulemaking. During the rulemaking process, we will take into account the final pilot data and the various conditions in which TWIC readers may be employed. For example, we will consider the types of vessels and facilities that will use TWIC readers, locations of secure and restricted areas, operational constraints, and need for accessibility. Recordkeeping requirements, amendments to security plans, and the requirement for data exchanges (i.e., Canceled Card List) between TSA and vessel or facility owners/operators will also be addressed in this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	03/27/09	74 FR 13360
Notice of Public Meeting.	04/15/09	74 FR 17444
ANPRM Comment Period End.	05/26/09	
Notice of Public Meeting Comment Period End.	05/26/09	
NPRM	03/22/13	78 FR 20558
NPRM Comment Period Extended.	05/10/13	78 FR 27335
NPRM Comment Period Extended End.	06/20/13	
Final Rule	01/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LCDR Greg Callaghan, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant (CG–FAC–2), 2703 Martin Luther King Jr Avenue SE., STOP 7501, Washington, DC 20593–7501, *Phone:* 202 372–1168, *Email: gregory.a.callaghan@uscg.mil.*

RIN: 1625–AB21

178. MARPOL Annex 1 Update

Legal Authority: 33 U.S.C. 1902; 46 U.S.C. 3306

Abstract: In this rulemaking, the Coast Guard would amend the regulations in subchapter O (Pollution) of title 33 of the CFR, including regulations on vessels carrying oil, oil pollution prevention, oil transfer operations, and rules for marine environmental protection regarding oil tank vessels, to reflect changes to international oil pollution standards adopted since 2004. Additionally, this regulation would update shipping regulations in title 46 to require Material Safety Data Sheets, in accordance with international agreements, to protect the safety of mariners at sea.

Timetable:

Action	Date	FR Cite
NPRM	04/09/12	77 FR 21360
NPRM Comment Period End.	07/26/12	
Comment Period Extended.	09/07/12	77 FR 43741
Final Rule	05/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: LCDR William Nabach, Project Manager, Office of Design & Engineering Standards, CG–OES–2, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., STOP 7509, Washington, DC 20593–7509, *Phone:* 202 372–1386, *Email: william.a.nabach@uscg.mil.*

RIN: 1625–AB57

179. Lifesaving Devices Uninspected Vessels Commercial Barges and Sailing Vessels (Section 610 Review)

Legal Authority: 46 U.S.C. 2103; 46 U.S.C. 4102; Department of Homeland Security Delegation No 0170.1(92)(a), (92)(b)

Abstract: The Coast Guard proposed aligning its regulations with the 2010 Coast Guard Authorization Act. Before 2010, uninspected commercial barges and uninspected commercial sailing vessels fell outside the scope of a statute requiring the regulation of lifesaving devices on uninspected vessels. Lifesaving devices were required on these vessels only if they carried passengers for hire. The 2010 Act brought these vessels within the scope of the statutory requirement to carry lifesaving devices even if they carry no passengers. The Coast Guard proposed requiring the use of wearable personal flotation devices for individuals on board uninspected commercial barges and sailing vessels, and amending

several regulatory tables to reflect that requirement. This rulemaking promotes the Coast Guard's maritime safety mission.

Timetable:

Action	Date	FR Cite
NPRM	07/17/13	78 FR 42739
NPRM Comment Period End.	10/15/13	
Final Rule	05/00/14	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Martin L. Jackson, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant (CG–ENG–4), 2703 Martin Luther King Jr. Avenue SE., STOP 7509, Washington, DC 20593–7509, *Phone:* 202 372–1391, *Email: martin.l.jackson@uscg.mil.*

RIN: 1625–AB83

180. Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation

Legal Authority: Pub. L. 111–281; title VI (Marine Safety)

Abstract: The Coast Guard is implementing those requirements of 2010 and 2012 legislation that pertain to uninspected commercial fishing industry vessels and that took effect upon enactment of the legislation but that, to be implemented, require amendments to Coast Guard regulations affecting those vessels. The applicability of the regulations is being changed, and new requirements are being added to safety training, equipment, vessel examinations, vessel safety standards, the documentation of maintenance, and the termination of unsafe operations. This rulemaking promotes the Coast Guard maritime safety mission.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jack Kemerer, Project Manager, CG–CVC–43, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., STOP 7501, Washington, DC 20593–7501, *Phone:* 202 372–1249, *Email: jack.a.kemerer@uscg.mil.*

RIN: 1625–AB85

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Long-Term Actions

181. Outer Continental Shelf Activities

Legal Authority: 43 U.S.C. 1333(d)(1); 43 U.S.C. 1348(c); 43 U.S.C. 1356; DHS Delegation No 0170.1

Abstract: The Coast Guard is the lead Federal agency for workplace safety and health on facilities and vessels engaged in the exploration for, or development, or production of, minerals on the Outer Continental Shelf (OCS), other than for matters generally related to drilling and production that are regulated by the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE). This project would revise the regulations on OCS activities by: 1) Adding new requirements, for OCS units for lifesaving, fire protection, training, hazardous materials used as stores, and accommodation spaces; 2) adding standards for electrical and machinery installations in hazardous locations; 3) providing regulations for dynamic positioning systems; 4) providing for USCG acceptance and approval of specified classification society plan reviews, inspections, audits, and surveys; and 5) requiring foreign vessels engaged in OCS activities to comply with rules similar to those imposed on U.S. vessels similarly engaged. This project would affect the owners and operators of facilities and vessels engaged in offshore activities.

Timetable:

Action	Date	FR Cite
Request for Comments.	06/27/95	60 FR 33185
Comment Period End.	09/25/95	
NPRM	12/07/99	64 FR 68416
NPRM Correction	02/22/00	65 FR 8671
NPRM Comment Period Extended.	03/16/00	65 FR 14226
NPRM Comment Period Extended.	06/30/00	65 FR 40559
NPRM Comment Period End.	11/30/00	
Supplemental NPRM.	06/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dan Lawrence, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant (CG–OES–2), 2703 Martin Luther King Jr. Avenue SE., STOP 7509, Washington, DC 20593–7509, *Phone:* 202 372–1382, *Email: james.d.lawrence@uscg.mil.*

RIN: 1625–AA18

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Coast Guard (USCG)

Completed Actions

182. Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978

Legal Authority: 46 U.S.C. 2103; 46 U.S.C. 71; 46 U.S.C. 73; DHS Delegation No. 0170.1

Abstract: The International Maritime Organization (IMO) comprehensively amended the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978, in 1995 and 2010. The 1995 amendments came into force on February 1, 1997. This project implements those amendments by revising current rules to ensure that the United States complies with their requirements on: The training of merchant mariners, the documenting of their qualifications, and watch-standing and other arrangements aboard seagoing merchant ships of the United States. In addition, the Coast Guard has identified the need for additional changes to the interim rule issued in 1997. This project supports the Coast Guard's broad role and responsibility of maritime safety. It also supports the roles and responsibilities of the Coast Guard of reducing deaths and injuries of crew members on domestic merchant vessels and eliminating substandard vessels from the navigable waters of the United States. The Coast Guard published an NPRM on November 17, 2009, and Supplemental NPRMs (SNPRM) on March 23, 2010 and August 1, 2011.

At a June 2010 diplomatic conference, the IMO adopted additional amendments to the STCW convention which change the minimum training requirements for seafarers. In response to feedback and to the adoption of those amendments, the Coast Guard developed a second Supplemental NPRM to incorporate the 2010 Amendments into the 1990 interim rule.

Timetable:

Action	Date	FR Cite
Notice of Meeting	08/02/95	60 FR 39306
Supplemental NPRM Comment Period End.	09/29/95	
Notice of Inquiry	11/13/95	60 FR 56970

Action	Date	FR Cite
Comment Period End.	01/12/96	
NPRM	03/26/96	61 FR 13284
Notice of Public Meetings.	04/08/96	61 FR 15438
NPRM Comment Period End.	07/24/96	
Notice of Intent	02/04/97	62 FR 5197
Interim Final Rule	06/26/97	62 FR 34505
Interim Final Rule Effective.	07/28/97	
NPRM	11/17/09	74 FR 59353
NPRM Comment Period End.	02/16/10	
Supplemental NPRM.	03/23/10	75 FR 13715
Supplemental NPRM.	08/01/11	76 FR 45908
Public Meeting Notice.	08/02/11	76 FR 46217
Supplemental NPRM Comment Period End.	09/30/11	
Final Rule	12/24/13	78 FR 77795

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mark Gould, Project Manager, CG–OES–1, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., STOP 7509, Washington, DC 20593–7509, *Phone:* 202 372–1409, *Email: mark.c.gould@uscg.mil.*

RIN: 1625–AA16

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Customs and Border Protection (USCBP)

Final Rule Stage

183. Importer Security Filing and Additional Carrier Requirements (Section 610 Review)

Legal Authority: Pub. L. 109–347, sec 203; 5 U.S.C. 301; 19 U.S.C. 66; 19 U.S.C. 1431; 19 U.S.C. 1433 to 1434; 19 U.S.C. 1624; 19 U.S.C. 2071 (note); 46 U.S.C. 60105

Abstract: This final rule implements the provisions of section 203 of the Security and Accountability for Every Port Act of 2006. On November 25, 2008, CBP published an interim final rule (CBP Dec. 08–46) in the **Federal Register** (73 FR 71730), that finalized most of the provisions proposed in the NPRM. The interim final rule did not finalize six data elements that were identified as areas of potential concern for industry during the rulemaking process and, for which, CBP provided some type of flexibility for compliance with those data elements. CBP solicited public comment on these six data elements, is conducting a structured review, and also invited comments on the revised Regulatory Assessment and Final Regulatory Flexibility Analysis. [See 73 FR 71782–85 for regulatory text and 73 CFR 71733–34 for general discussion.] The remaining requirements of the rule were adopted as final. CBP plans to issue a final rule after CBP completes a structured review of the flexibilities and analyzes the comments.

Timetable:

Action	Date	FR Cite
NPRM	01/02/08	73 FR 90
NPRM Comment Period End.	03/03/08	
NPRM Comment Period Extended.	02/01/08	73 FR 6061
NPRM Comment Period End.	03/18/08	
Interim Final Rule	11/25/08	73 FR 71730
Interim Final Rule Effective.	01/26/09	
Interim Final Rule Comment Period End.	06/01/09	
Correction	07/14/09	74 FR 33920
Correction	12/24/09	74 FR 68376
Final Action	02/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Craig Clark, Program Manager, Vessel Manifest & Importer Security Filing, Office of Cargo and Conveyance Security, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229, Phone: 202 344–3052, *Email: craig.clark@cbp.dhs.gov.*

RIN: 1651–AA70

184. Implementation of the GUAM–CNMI Visa Waiver Program (Section 610 Review)

Legal Authority: Pub. L. 110–229, sec 702

Abstract: The IFR (or the final rule planned for the coming year) rule amends Department of Homeland Security (DHS) regulations to implement section 702 of the Consolidated Natural Resources Act of 2008 (CNRA). This law extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a joint visa waiver program for travel to Guam and the CNMI. This rule implements section 702 of the CNRA by amending the regulations to replace the current Guam Visa Waiver Program with a new Guam-CNMI Visa Waiver Program. The amended regulations set forth the requirements for nonimmigrant visitors who seek admission for business or pleasure and solely for entry into and stay on Guam or the CNMI without a visa. This rule also establishes six ports of entry in the CNMI for purposes of administering and enforcing the Guam-CNMI Visa Waiver Program. Section 702 of the Consolidated Natural Resources Act of 2008 (CNRA), subject to a transition period, extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a visa waiver program for travel to Guam and/or the CNMI. On January 16, 2009, the Department of Homeland Security (DHS), Customs and Border Protection (CBP), issued an interim final rule in the **Federal Register** replacing the then-existing Guam Visa Waiver Program with the Guam-CNMI Visa Waiver Program and setting forth the requirements for nonimmigrant visitors seeking admission into Guam and/or the CNMI under the Guam-CNMI Visa Waiver Program. As of November 28, 2009, the Guam-CNMI Visa Waiver Program is operational. This program allows nonimmigrant visitors from eligible countries to seek admission for business or pleasure for entry into Guam and/or the CNMI without a visa for a period of authorized stay not to exceed forty-five days. This rulemaking would finalize the January 2009 interim final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/16/09	74 FR 2824
Interim Final Rule Effective.	01/16/09	
Interim Final Rule Comment Period End.	03/17/09	
Technical Amendment; Change of Implementation Date.	05/28/09	74 FR 25387
Final Action	02/00/15	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Paul Minton, CBP Officer (Program Manager), Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229, *Phone:* 202 344–2723, *Email: paul.a.minton@cbp.dhs.gov.*

RIN: 1651–AA77

DEPARTMENT OF HOMELAND SECURITY (DHS)

Transportation Security Administration (TSA)

Proposed Rule Stage

185. General Aviation Security and Other Aircraft Operator Security

Legal Authority: 6 U.S.C. 469; 18 U.S.C. 842; 18 U.S.C. 845; 46 U.S.C. 70102 to 70106; 46 U.S.C. 70117; 49 U.S.C. 114; 49 U.S.C. 114(f)(3); 49 U.S.C. 5103; 49 U.S.C. 5103a; 49 U.S.C. 40113; 49 U.S.C. 44901 to 44907; 49 U.S.C. 44913 to 44914; 49 U.S.C. 44916 to 44918; 49 U.S.C. 44932; 49 U.S.C. 44935 to 44936; 49 U.S.C. 44942; 49 U.S.C. 46105

Abstract: On October 30, 2008 (73 FR 64790), the Transportation Security Administration (TSA) issued a Notice of Proposed Rulemaking (NPRM), proposing to amend current aviation transportation security regulations to enhance the security of general aviation by expanding the scope of current requirements, and by adding new requirements for certain large aircraft operators and airports serving those aircraft. TSA also proposed that all aircraft operations, including corporate and private charter operations, with aircraft having a maximum certificated takeoff weight (MTOW) above 12,500 pounds (large aircraft) be required to adopt a large aircraft security program. TSA also proposed to require certain airports that serve large aircraft to adopt security programs.

After considering comments received on the NPRM and sponsoring public meetings with stakeholders, TSA decided to revise the original proposal to tailor security requirements to the general aviation industry. TSA is preparing a supplemental NPRM (SNPRM), which will include a comment period for public comments. TSA is considering the following proposed provisions in the SNPRM: (1) security measures for foreign aircraft operators commensurate with measures for U.S. operators, (2) the type of aircraft subject to TSA regulation, (3) compliance oversight, (4) watch list matching of passengers, (5) prohibited items, (6) scope of the background check requirements and the procedures used to implement the requirement, and (7) other issues.

Timetable:

Action	Date	FR Cite
NPRM	10/30/08	73 FR 64790
NPRM Comment Period End.	12/29/08	
Notice—NPRM Comment Period Extended.	11/25/08	73 FR 71590
NPRM Extended Comment Period End.	02/27/09	
Notice—Public Meetings; Requests for Comments.	12/18/08	73 FR 77045
Supplemental NPRM.	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zach Carder, Engagement Manager, General Aviation, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, TSA–28, HQ, E, 601 South 12th Street, Arlington, VA 22304, *Phone:* 571 227–2995, *Email: zach.carder@tsa.dhs.gov*.

Monica Grasso Ph.D., Manager, Economic Analysis Branch–Cross Modal Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, TSA–28, HQ, E10, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–3329, *Email: monica.grasso@tsa.dhs.gov*.

Denise Daniels, Attorney, Regulations and Security Standards Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12, 601 South 12th Street, Arlington, VA 20598–6002, *Phone:* 571 227–3443, Fax: 571 227–1381, *Email: denise.daniels@tsa.dhs.gov*.

RIN: 1652–AA53

186. Security Training for Surface Mode Employees

Legal Authority: 49 U.S.C. 114; Pub. L. 110–53, secs 1408, 1517, and 1534

Abstract: The Transportation Security Administration (TSA) intends to propose a new regulation to address the security of freight railroads, public transportation, passenger railroads, and over-the-road buses in accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act). As required by the 9/11 Act, the rulemaking will propose that certain railroads, public transportation agencies, and over-the-road bus companies provide security training to their frontline employees in the areas of security awareness, operational security, incident prevention and response, and security exercises that test effectiveness of training. The rulemaking will also propose extending security coordinator and reporting security incident requirements applicable to rail operators under current 49 CFR part 1580 to the non-rail transportation components of covered public transportation agencies and over-the-road buses. The regulation will take into consideration any current security training requirements or best practices.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Chandru (Jack) Kalro, Deputy Director, Surface Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, TSA–28, HQ, E, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–1145, *Fax:* 571 227–2935, *Email: jack.kalro@tsa.dhs.gov*.

Monica Grasso Ph.D., Manager, Economic Analysis Branch–Cross Modal Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, TSA–28, HQ, E10, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–3329, *Email: monica.grasso@tsa.dhs.gov*.

David Kasminoff, Senior Counsel, Regulations and Security Standards Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12, 601 South 12th Street, Arlington, VA 20598–6002, *Phone:* 571 227–3583, *Fax:* 571 227–1378, *Email: david.kasminoff@tsa.dhs.gov*.

Traci Klemm, Senior Counsel, Regulations and Security Standards Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12, 601 South 12th Street, Arlington, VA 20598–6002, *Phone:* 571 227–3596, *Email: traci.klemm@tsa.dhs.gov*.

RIN: 1652–AA55

187. Standardized Vetting, Adjudication, and Redress Services

Legal Authority: 49 U.S.C. 114, 5103A, 44903 and 44936; 46 U.S.C. 70105; 6 U.S.C. 469; Pub. L. 110–53, secs 1411, 1414, 1520, 1522 and 1602

Abstract: The Transportation Security Administration (TSA) intends to propose new regulations to revise and standardize the procedures, adjudication criteria, and fees for most of the security threat assessments (STA)

of individuals for which TSA is responsible. The scope of the rulemaking will include transportation workers from all modes of transportation who are required to undergo an STA, including surface maritime and aviation workers. In accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act), the notice of proposed rulemaking (NPRM) will address STAs for frontline employees for public transportation agencies and railroad.

In addition, TSA will propose fees to cover the cost of all STAs. TSA plans to improve efficiencies in processing STAs and streamline existing regulations by simplifying language and removing redundancies.

As part of this proposed rule, TSA will propose revisions to the Alien Flight Student Program (AFSP) regulations. TSA published an interim final rule for ASFP on September 20, 2004. TSA regulations require aliens seeking to train at Federal Aviation Administration-regulated flight schools to complete an application and undergo an STA prior to beginning flight training. There are four categories under which students currently fall; the nature of the STA depends on the student's category. TSA is considering changes to the AFSP that would improve the equity among fee payers and enable the implementation of new technologies to support vetting.

Timetable:

Action	Date	FR Cite
NPRM	02/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hao–y Tran Froemling, Acting Director, Program Management Division, Department of Homeland Security, Transportation Security Administration, Office of Intelligence and Analysis, TSA–10, HQ, E6, 601 South 12th Street, Arlington, VA 20598–6010, *Phone:* 571 227–2782, *Email: haoy.froemling@tsa.dhs.gov*.

Monica Grasso Ph.D., Manager, Economic Analysis Branch–Cross Modal Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, TSA–28, HQ, E10, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–3329, *Email: monica.grasso@tsa.dhs.gov*.

John Vergelli, Attorney, Regulations and Security Standards Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12, 601 South 12th Street, Arlington, VA 20598–6002, *Phone:* 571 227–4416, *Fax:* 571 227–1378, *Email: john.vergelli@tsa.dhs.gov*.

RIN: 1652–AA61

DEPARTMENT OF HOMELAND SECURITY (DHS)

Transportation Security Administration (TSA)

Completed Actions

188. Aircraft Repair Station Security

Legal Authority: 49 U.S.C. 114; 49 U.S.C. 44924

Abstract: With the Final Rule, TSA requires certain repair stations located on or adjacent to an airport to adopt limited security measures to prevent the unauthorized operation of large aircraft left unattended. All repair stations certificated under part 145 of FAA's regulations must submit to security inspections and audits and implement security directives if issued by TSA.

Timetable:

Action	Date	FR Cite
Notice—Public Meeting; Request for Comments.	02/24/04	69 FR 8357
Report to Congress.	08/24/04	
NPRM	11/18/09	74 FR 59873
NPRM Comment Period End.	01/19/10	
NPRM Comment Period Extended.	12/29/09	74 FR 68774
NPRM Extended Comment Period End.	02/19/10	
Final Rule	01/13/14	79 FR 2119
Final Rule Effective.	02/27/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shawn Gallagher, Regional Security Inspector, Compliance Programs, Repair Stations, Department of Homeland Security, Transportation Security Administration, Office of Security Operations, TSA–29, HQ, E5, 601 South 12th Street, Arlington, VA 20598–6029, *Phone:* 571 227–3378, *Email: shawn.gallagher@tsa.dhs.gov*.

Monica Grasso Ph.D., Manager, Economic Analysis Branch–Cross Modal Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, TSA–28, HQ, E10, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–3329, *Email: monica.grasso@tsa.dhs.gov*.

Linda L. Kent, Assistant Chief Counsel, Regulations and Security Standards Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12, 601 South 12th Street, Arlington, VA 20598–6002, *Phone:* 571 227–2675, *Fax:* 571 227–1381, *Email: linda.kent@tsa.dhs.gov*.

RIN: 1652–AA38

189. Modification of the Aviation Security Infrastructure Fee (ASIF) (Market Share)

Legal Authority: 49 U.S.C. 44901; 49 U.S.C. 44924

Abstract: This rulemaking is no longer needed, because section 601(a) of the Bipartisan Budget Act of 2013, Div. A., Public Law 113–67 (127 Stat. 1165, Dec. 26, 2013) repeals the Aviation Security Infrastructure Fee (ASIF) effective as of October 1, 2014. Accordingly, TSA is withdrawing this rulemaking.

Timetable:

Action	Date	FR Cite
Notice; Requesting Comment—Imposition of the Aviation Security Infrastructure Fee (ASIF).	11/05/03	68 FR 62613
Notice—Imposition of ASIF; Comment Period End.	01/05/04	
Notice—Imposition of ASIF; Comment Period Extended.	12/31/03	68 FR 75611
Notice—Imposition of ASIF; Extended Comment Period End.	02/05/04	
Withdrawn	02/11/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael Gambone, Deputy Director, Office of Revenue, Department of Homeland Security, Transportation Security Administration, Office of Finance and Administration, TSA–14, HQ, W12, 601 South 12th Street, Arlington, VA 20598–6014, *Phone:* 571 227–1081, *Fax:* 571 227–2904, *Email: michael.gambone@tsa.dhs.gov*.

Monica Grasso Ph.D., Manager, Economic Analysis Branch—Cross Modal Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry

Engagement, TSA–28, HQ, E10, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–3329, *Email: monica.grasso@tsa.dhs.gov.*

Traci Klemm, Senior Counsel, Regulations and Security Standards Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12, 601 South 12th Street, Arlington, VA 20598–6002, *Phone:* 571 227–3596, *Email: traci.klemm@tsa.dhs.gov.*

RIN: 1652–AA43

DEPARTMENT OF HOMELAND SECURITY (DHS)

U.S. Immigration and Customs Enforcement (USICE)

Completed Actions

190. Standards To Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities

Legal Authority: 5 U.S.C. 301; 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1103; 8 U.S.C. 1182; . . .

Abstract: The Department of Homeland Security (DHS) is finalizing regulations setting detention standards to prevent, detect, and respond to sexual abuse and assault in DHS confinement facilities. These regulations address and respond to public comments received on the notice of proposed rulemaking published December 19, 2012, at 77 FR 75300.

Timetable:

Action	Date	FR Cite
NPRM	12/19/12	77 FR 75300
NPRM Comment Period Extended.	02/07/13	78 FR 8987
NPRM Comment Period End.	02/19/13	
NPRM Extended Comment Period End.	02/26/13	
Final Rule	03/07/14	79 FR 13099
Final Rule Effective.	05/06/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alexander Hartman, Regulatory Coordinator, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW., Washington, DC 20536, *Phone:* 202 732–6202, *Email: alexander.hartman@ice.dhs.gov.*

RIN: 1653–AA65

[FR Doc. 2014–13122 Filed 6–12–14; 8:45 am]

BILLING CODE 9110–9B–P

FEDERAL REGISTER

Vol. 79 Friday,

No. 114 June 13, 2014

Part X

Department of the Interior

Semiannual Regulatory Agenda

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

36 CFR Ch. I

43 CFR Subtitle A, Chs. I and II

48 CFR Ch. 14

50 CFR Chs. I and IV

Semiannual Regulatory Agenda

AGENCY: Office of the Secretary, Interior.

ACTION: Semiannual regulatory agenda.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between spring 2014 and spring 2015. The Regulatory Flexibility Act and Executive Order 12866 require publication of the agenda.

ADDRESSES: Unless otherwise indicated, all agency contacts are located at the Department of the Interior, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Direct all comments and inquiries to the appropriate agency contact. Direct general comments relating to the agenda to the Office of Executive Secretariat and Regulatory Affairs, Department of the Interior, at the address above or at 202–208–5257 or 202–208–3071.

SUPPLEMENTARY INFORMATION: With this publication, the Department satisfies the requirement of Executive Order 12866 that the Department publish an agenda of rules that we have issued or expect to issue and of currently effective rules that we have scheduled for review.

Simultaneously, the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) to publish an agenda in April and October of each year identifying rules that will have significant economic effects on a substantial number of small entities. We have specifically identified in the agenda rules that will have these effects.

Mark Lawyer,

Federal Register Liaison Officer.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
191	Blowout Prevention Systems	1014–AA11

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
192	Production Safety Systems and Lifecycle Analysis	1014–AA10

UNITED STATES FISH AND WILDLIFE SERVICE—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
193	National Wildlife Refuge System; Oil and Gas Regulations	1018–AX36

UNITED STATES FISH AND WILDLIFE SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
194	Injurious Wildlife Evaluation; Constrictor Species From Python, Boa, and Eunectes Genera	1018–AV68

NATIONAL PARK SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
195	Non-Federal Oil and Gas Rights	1024–AD78

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
196	Stream Protection Rule	1029–AC63

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Safety and Environmental Enforcement (BSEE)

Proposed Rule Stage

191. Blowout Prevention Systems

Legal Authority: 30 U.S.C. 1751; 31 U.S.C. 9701; 43 U.S.C. 1334

Abstract: This proposed rule would revise regulations related to blowout preventers (BOPs). BSEE regulations for BOPs currently consist of: (1) Field pressure and functions tests, (2) performance statements related to BOP capabilities, and (3) several industry practices related to inspection and maintenance. The industry has developed new standards for BOP design and testing that contain significant improvements to existing documents. By incorporating these new requirements into regulations and other supplemental requirements, the regulatory oversight over this critical equipment will be increased.

Timetable:

Action	Date	FR Cite
NPRM	11/00/14	
Final Action	07/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy White, Chief, Regulations and Standards Branch, Department of the Interior, 381 Elden Street, Herndon, VA 20170, *Phone:* 703 787–1665, *Fax:* 703 787–1555, *Email: amy.white@bsee.gov*.

RIN: 1014–AA11

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Safety and Environmental Enforcement (BSEE)

Final Rule Stage

192. Production Safety Systems and Lifecycle Analysis

Legal Authority: 31 U.S.C. 9701; 43 U.S.C. 1334

Abstract: This proposed rule would amend and update the regulations regarding oil and natural gas production. This rewrite of subpart H regulations would address issues such as production safety systems, subsurface safety devices, and safety device testing. The rule has been expanded to differentiate the requirements for operating dry tree and wet tree production systems on the Outer Continental Shelf (OCS). This rule would also propose an expanded use of lifecycle analysis of critical equipment.

Timetable:

Action	Date	FR Cite
NPRM	08/22/13	78 FR 52240
NPRM Comment Period End.	12/05/13	
Final Action	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy White, Chief, Regulations and Standards Branch, Department of the Interior, 381 Elden Street, Herndon, VA 20170, *Phone:* 703 787–1665, *Fax:* 703 787–1555, *Email: amy.white@bsee.gov*.

RIN: 1014–AA10

BILLING CODE 4310–VH–P

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Prerule Stage

193. National Wildlife Refuge System; Oil and Gas Regulations

Legal Authority: 16 U.S.C. 668dd to ee; 42 U.S.C. 7401 *et seq.*; 16 U.S.C. 1131 to 1136; 40 CFR 51.300 to 51.309

Abstract: We propose regulations that ensure that all operators conducting oil or gas operations within a National Wildlife Refuge System unit do so in a manner as to prevent or minimize damage to National Wildlife Refuge System resources, visitor values, and management objectives. FWS does not intend these regulations to result in a taking of a property interest, but rather to impose reasonable controls on operations that affect Federally-owned or controlled lands, and/or waters.

Timetable:

Action	Date	FR Cite
ANPRM	02/24/14	79 FR 10080
ANPRM Comment Period End.	04/25/14	
ANPRM Comment Period Re-opened.	05/00/14	
NPRM	08/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Salem, Conservation Policy Analyst, Department of the Interior, United States Fish and Wildlife Service, 4401 North Fairfax Drive, Arlington, VA 22203, *Phone:* 703 358–2397, *Email: brian_salem@fws.gov*.

Scott Covington, Refuge Energy Program Coordinator, Department of the Interior, United States Fish and Wildlife Service, National Wildlife Refuge System, 4401 North Fairfax Drive, Arlington, VA 22203, *Phone:* 703 358–2427, *Email: scott_covington@fws.gov*.

Paul Steblein, Refuge Program Specialist, Department of the Interior, United States Fish and Wildlife Service, Suite 670, 4401 North Fairfax Drive, Arlington, VA 22203, *Phone:* 703 358–2678, *Fax:* 703 358–1929, *Email: paul_steblein@fws.gov*.

RIN: 1018–AX36

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Proposed Rule Stage

194. Injurious Wildlife Evaluation; Constrictor Species From Python, Boa, and Eunectes Genera

Legal Authority: 18 U.S.C. 42

Abstract: We are making a final determination on the listing of five species of large constrictor snakes as injurious wildlife under the Lacey Act: Reticulated python, DeSchauensee's anaconda, green anaconda, Beni anaconda, and boa constrictor.

Timetable:

Action	Date	FR Cite
ANPRM	01/31/08	73 FR 5784
ANPRM Comment Period End.	04/30/08	
NPRM	03/12/10	75 FR 11808
NPRM Comment Period End.	05/11/10	
NPRM Comment Period Re-opened.	07/01/10	75 FR 38069
NPRM Comment Period Re-opened End.	08/02/10	
Final Action	01/23/12	77 FR 3330
Final Action Effective.	03/23/12	
NPRM Comment Period Reopening.	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mike Weimer, Chief, Division of Fish and Aquatic Conservation, Department of the Interior, United States Fish and Wildlife Service, Suite 700E, 4401 North Fairfax Drive, Arlington, VA 22203, *Phone:* 703 358–2279, *Email: mike_weimer @fws.gov*.

RIN: 1018–AV68

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Proposed Rule Stage

195. Non-Federal Oil and Gas Rights

Legal Authority: 16 U.S.C. 1 *et seq.*; 16 U.S.C. 1901 *et seq.*

Abstract: This rule would accommodate new technology and industry practices, eliminate regulatory exemptions, update requirements, remove caps on bond amounts, and allow NPS to recover administrative costs. The changes make the regulations more effective and efficient and maintain the highest level of protection compatible with park resources and values.

Timetable:

Action	Date	FR Cite
ANPRM	11/25/09	74 FR 61596
ANPRM Comment Period End.	01/25/10	
NPRM	08/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ed Kassman, Regulatory Specialist, Department of the Interior, National Park Service, 12795 West Alameda Parkway, Lakewood, CA 80225, *Phone:* 303 969–2146, *Email:* *edward_kassman@nps.gov.*

RIN: 1024–AD78

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Proposed Rule Stage

196. Stream Protection Rule

Legal Authority: 30 U.S.C. 1201 *et seq.*

Abstract: On August 12, 2009, the U.S. District Court for the District of Columbia denied the Government's request that the court vacate and remand the Excess Spoil/Stream Buffer Zone rule published on December 12, 2008. Therefore, the Department intends to initiate notice and comment rulemaking to address issues arising from previous rulemakings. The agency also intends to prepare a new environmental impact statement.

Timetable:

Action	Date	FR Cite
ANPRM	11/30/09	74 FR 62664
ANPRM Comment Period End.	12/30/09	
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dennis Rice, Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240, *Phone:* 202 208–2829, *Email:* *drice@osmre.gov.*

RIN: 1029–AC63

[FR Doc. 2014–13123 Filed 6–12–14; 8:45 am]

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FEDERAL REGISTER

Vol. 79 Friday,

No. 114 June 13, 2014

Part XI

Department of Justice

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE

8 CFR Ch. V

21 CFR Ch. I

27 CFR Ch. II

28 CFR Ch. I, V

Regulatory Agenda

AGENCY: Department of Justice.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Justice is publishing its spring 2014 regulatory agenda pursuant to Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. sections 601 to 612 (1988).

FOR FURTHER INFORMATION CONTACT: Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of Justice, Room 4252, 950 Pennsylvania Avenue NW., Washington, DC 20530, (202) 514–8059.

SUPPLEMENTARY INFORMATION: Beginning with the fall 2007 edition, the Internet has been the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Justice's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet.

Dated: March 13, 2014.

Elana Tyrangiel,

Principal Deputy Assistant Attorney General, Office of Legal Policy.

DRUG ENFORCEMENT ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
197	Disposal of Controlled Substances	1117–AB18

DEPARTMENT OF JUSTICE

Drug Enforcement Administration (DEA)

Final Rule Stage

197. Disposal of Controlled Substances

Legal Authority: 21 U.S.C. 821; 21 U.S.C. 822; 21 U.S.C. 823; 21 U.S.C. 827; 21 U.S.C. 828; 21 U.S.C. 871; 21 U.S.C. 958

This action would finalize requirements governing the safe and secure disposal of controlled substances by DEA registrants and ultimate users. This final rule would implement the Secure and Responsible Drug Disposal Act of 2010 by providing ultimate users safe and convenient options to transfer controlled substances for the purpose of disposal. The rule would reorganize and consolidate existing regulations concerning disposal (including the role of reverse distributors) and establish a comprehensive regulatory framework for the collection and destruction of controlled substances consistent with the Controlled Substances Act.

Timetable:

Action	Date	FR Cite
ANPRM	01/21/09	74 FR 3480
ANPRM Comment Period End.	03/23/09	
Notice of Public Meeting.	12/22/10	75 FR 80536
NPRM	12/21/12	77 FR 75784
NPRM Comment Period End.	02/19/13	
Final Action	05/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ruth A. Carter, Chief, Policy Evaluation and Analysis Section, Office of Diversion Control, Department of Justice, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152, *Phone:* 202 598–6812.

RIN: 1117–AB18

[FR Doc. 2014–13124 Filed 6–12–14; 8:45 am]

BILLING CODE 4410–BP–P

FEDERAL REGISTER

Vol. 79 Friday,

No. 114 June 13, 2014

Part XII

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, VII, and IX

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Department of Labor.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Internet has become the means for disseminating the entirety of the Department of Labor's semiannual regulatory agenda. However, the Regulatory Flexibility Act requires publication of a regulatory flexibility agenda in the **Federal Register**. This **Federal Register** Notice contains the regulatory flexibility agenda.

FOR FURTHER INFORMATION CONTACT: Kathleen Franks, Director, Office of Regulatory Policy, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW., Room S–2312, Washington, DC 20210; (202) 693–5959.

Note: Information pertaining to a specific regulation can be obtained from the agency contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12866 requires the semiannual publication of an agenda of regulations that contains a listing of all the regulations the Department of Labor expects to have under active consideration for promulgation, proposal, or review during the coming one-year period. The entirety of the Department's semiannual agenda is available online at www.reginfo.gov.

The Regulatory Flexibility Act (5 U.S.C. 602) requires DOL to publish in the **Federal Register** a regulatory flexibility agenda. The Department's Regulatory Flexibility Agenda published with this notice, includes only those rules on its semiannual agenda that are likely to have a significant economic impact on a substantial number of small entities, and those rules identified for periodic review in keeping with the requirements of section 610 of the Regulatory Flexibility Act. Thus, the regulatory flexibility agenda is a subset of the Department's semiannual regulatory agenda.

Occupational Safety and Health Administration

Bloodborne Pathogens (RIN 1218–AC34)

All interested members of the public are invited and encouraged to let departmental officials know how our regulatory efforts can be improved, and are invited to participate in and comment on the review or development of the regulations listed on the Department's agenda.

Thomas E. Perez,

Secretary of Labor.

WAGE AND HOUR DIVISION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
198	Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees.	1235–AA11

EMPLOYEE BENEFITS SECURITY ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
199	Ninety-Day Waiting Period Limitation and Technical Amendments to Certain Health Coverage Requirements Under the Affordable Care Act.	1210–AB56

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
200	Bloodborne Pathogens **(Section 610 Review)**	1218–AC34
201	Combustible Dust	1218–AC41
202	Infectious Diseases	1218–AC46
203	Preventing Backover Injuries and Fatalities	1218–AC51

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
204	Occupational Exposure to Crystalline Silica	1218–AB70
205	Occupational Exposure to Beryllium	1218–AB76

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
206	Confined Spaces in Construction	1218–AB47

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
207	Injury and Illness Prevention Program	1218–AC48

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
208	Electric Power Transmission and Distribution; Electrical Protective Equipment	1218–AB67

DEPARTMENT OF LABOR (DOL)

Wage and Hour Division (WHD)

Proposed Rule Stage

198. • Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees

Legal Authority: Fair Labor Standards Act 29 U.S.C. 213(a)(1)

Abstract: The Fair Labor Standards Act (FLSA) section 13(a)(1) provides a minimum wage and overtime exemption for any employee employed in a bona fide executive, administrative, professional capacity, or in the capacity of an outside salesperson. President Barack Obama issued a memorandum to the Secretary of Labor on March 13, 2014, directing the Secretary to modernize and streamline the existing overtime regulations for executive, administrative, and professional employees. The Department of Labor last updated these regulations in 2004.

Timetable:

Action	Date	FR Cite
NPRM	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Ziegler, Director, Division of Regulations, Legislation, and Interpretation, Department of Labor, 200 Constitution Avenue NW., FP Building, Room S–3502, Washington, DC 20210, *Phone:* 202 693–0406, *Fax:* 202 693–1387.

RIN: 1235–AA11

DEPARTMENT OF LABOR (DOL)

Employee Benefits Security Administration (EBSA)

Completed Actions

199. Ninety-Day Waiting Period Limitation and Technical Amendments to Certain Health Coverage Requirements Under the Affordable Care Act

Legal Authority: 29 U.S.C. 1185d

Abstract: The Patient and Affordable Care Act of 2010 (the Affordable Care Act) amended title I of the Employment Retirement Income Security Act (ERISA), by adding a new section 715 which encompasses various health reform provisions of the Public Health Service (PHS) Act. These regulations provide guidance on the 90-day waiting period limitation under section 2708 of the PHS Act and makes technical amendments to regulations to conform to Affordable Care Act provisions already in effect, as well as those that will become effective beginning 2014.

Timetable:

Action	Date	FR Cite
NPRM	03/21/13	78 FR 17313
NPRM Comment Period End.	05/20/13	
Final Rule	02/24/14	79 FR 10296
Final Rule Effective.	04/25/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Amy J. Turner, Senior Advisor, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., FP Building, Room N–5653, Washington, DC 20210, *Phone:* 202 693–8335, *Fax:* 202 219–1942.

RIN: 1210–AB56

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Prerule Stage

200. Bloodborne Pathogens (Section 610 Review)

Legal Authority: 5 U.S.C. 533; 5 U.S.C. 610; 29 U.S.C. 655(b)

Abstract: OSHA will undertake a review of the Bloodborne Pathogen Standard (29 CFR 1910.1030) in accordance with the requirements of the Regulatory Flexibility Act and section 5 of Executive Order 12866. The review will consider the continued need for the rule; whether the rule overlaps, duplicates, or conflicts with other Federal, State or local regulations; and the degree to which technology, economic conditions, or other factors may have changed since the rule was evaluated.

Timetable:

Action	Date	FR Cite
Begin Review	10/22/09	
Request for Comments Published.	05/14/10	75 FR 27237
Comment Period End.	08/12/10	
End Review and Issue Findings.	07/00/14	

Regulatory Flexibility Analysis Required: No.

Agency Contact: John Hermanson, Acting Director, Directorate of Evaluation and Analysis, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N–3641, Washington, DC 20210, *Phone:* 202 693–2400, *Fax:* 202 693–1641, *Email:* *hermanson.john@dol.gov*.

RIN: 1218–AC34

201. Combustible Dust

Legal Authority: 29 U.S.C. 655(b); 29 U.S.C. 657

Abstract: Occupational Safety and Health Administration (OSHA) has

commenced rulemaking to develop a combustible dust standard for general industry. The U.S. Chemical Safety Board (CSB) completed a study of combustible dust hazards in late 2006, which identified 281 combustible dust incidents between 1980 and 2005 that killed 119 workers and injured another 718. Based on these findings, the CSB recommended the Agency pursue a rulemaking on this issue. OSHA has previously addressed aspects of this risk. For example, on July 31, 2005, OSHA published the Safety and Health Information Bulletin, ''Combustible Dust in Industry: Preventing and Mitigating the Effects of Fire and Explosions.'' Additionally, OSHA implemented a Combustible Dust National Emphasis Program (NEP) on March 11, 2008, launched a new Web page, and issued several other guidance documents. However, the Agency does not have a comprehensive standard that addresses combustible dust hazards.

OSHA will use the information gathered from the NEP to assist in the development of this rule. OSHA published an ANPRM October 21, 2009. Additionally, stakeholder meetings were held in Washington, DC, on December 14, 2009, in Atlanta, GA, on February 17, 2010, and in Chicago, IL, on April 21, 2010. A webchat for combustible dust was also held on June 28, 2010, and an expert forum was convened on May 13, 2011.

Timetable:

Action	Date	FR Cite
ANPRM	10/21/09	74 FR 54333
Stakeholder Meetings.	12/14/09	
ANPRM Comment Period End.	01/19/10	
Stakeholder Meetings.	02/17/10	
Stakeholders Meetings.	03/09/10	75 FR 10739
Initiate SBREFA	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Acting Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov*.

RIN: 1218–AC41

202. Infectious Diseases

Legal Authority: 5 U.S.C. 533; 29 U.S.C. 657 and 658; 29 U.S.C. 660; 29 U.S.C. 666; 29 U.S.C. 669; 29 U.S.C. 673; . . .

Abstract: Employees in health care and other high-risk environments face long-standing infectious disease hazards such as tuberculosis (TB), varicella disease (chickenpox, shingles), and measles (rubeola), as well as new and emerging infectious disease threats, such as Severe Acute Respiratory Syndrome (SARS) and pandemic influenza. Health care workers and workers in related occupations, or who are exposed in other high-risk environments, are at increased risk of contracting TB, SARS, Methicillin-resistant Staphylococcus aureus (MRSA), and other infectious diseases that can be transmitted through a variety of exposure routes. OSHA is concerned about the ability of employees to continue to provide health care and other critical services without unreasonably jeopardizing their health. OSHA is considering the need for a standard to ensure that employers establish a comprehensive infection control program and control measures to protect employees from infectious disease exposures to pathogens that can cause significant disease. Workplaces where such control measures might be necessary include: Health care, emergency response, correctional facilities, homeless shelters, drug treatment programs, and other occupational settings where employees can be at increased risk of exposure to potentially infectious people. A standard could also apply to laboratories, which handle materials that may be a source of pathogens, and to pathologists, coroners' offices, medical examiners, and mortuaries.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	05/06/10	75 FR 24835
RFI Comment Period End.	08/04/10	
Analyze Comments.	12/30/10	
Stakeholder Meetings.	07/29/11	
Initiate SBREFA	05/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Acting Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov*.

RIN: 1218–AC46

203. Preventing Backover Injuries and Fatalities

Legal Authority: 29 U.S.C. 655(b)

Abstract: OSHA published an RFI (77 FR 18973; March 29, 2012) that sought information on two subjects: (1) Preventing backover injuries; and (2) the hazards and risks of reinforcing concrete operations in construction, including post-tensioning.

Backing vehicles and equipment are common causes of struck-by injuries and can also cause caught-between injuries when backing vehicles and equipment pin a worker against an object. Struck-by injuries and caught-between injuries are two of the four leading causes of workplace fatalities. The Bureau of Labor Statistics reports that in 2011, 75 workers were fatally backed over while working. While many backing incidents can prove to be fatal, workers can suffer severe, non-fatal injuries as well. A review of OSHA's Integrated Management Information System (IMIS) database found that backing incidents can result in serious injury to the back and pelvis, fractured bones, concussions, amputations, and other injuries. Emerging technologies in the field of backing operations may prevent incidents. The technologies include cameras and proximity detection systems. The use of spotters and internal traffic control plans can also make backing operations safer. The Agency has held stakeholder meetings on backovers, and is conducting site visits to employers.

Current rules regarding reinforcing steel and post-tensioning activities may not adequately address worker hazards in work related to post-tensioning and reinforcing steel. Both are techniques for reinforcing concrete and are generally used in many types of construction. OSHA's IMIS data indicates that 31 workers died while performing work on or near post-tensioning operations or reinforcing steel between 2000 and 2009.

Currently, workers performing steel reinforcing suffer injuries caused by unsafe material handling, structural collapse, and impalement by protruding reinforcing steel dowels, among other causes. Employees involved in post-tensioning activities are at risk for incidents caused by the misuse of post-tensioning equipment and improper training. The Agency is continuing to seek information about injuries and hazards of reinforcing steel operations.

Timetable:

Action	Date	FR Cite
Request for Information.	03/29/12	77 FR 18973

Action	Date	FR Cite
Comment Period End.	07/27/12	
Analyze Comments (Concrete).	05/00/14	
Initiate SBREFA (Backovers).	08/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jim Maddux, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, FP Building, Room N–3468, 200 Constitution Avenue NW., Washington, DC 20210, *Phone:* 202 693–2020, *Fax:* 202 693–1689, *Email: maddux.jim@dol.gov*.

RIN: 1218–AC51

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Proposed Rule Stage

204. Occupational Exposure to Crystalline Silica

Legal Authority: 29 U.S.C. 655(b); 29 U.S.C. 657

Abstract: Crystalline silica is a significant component of the Earth's crust, and many workers in a wide range of industries are exposed to it, usually in the form of respirable quartz or, less frequently, cristobalite. Chronic silicosis is a uniquely occupational disease resulting from exposure of employees over long periods of time (10 years or more). Exposure to high levels of respirable crystalline silica causes acute or accelerated forms of silicosis that are ultimately fatal. The current Occupational Safety and Health Administration (OSHA) permissible exposure limit (PEL) for general industry is based on a formula proposed by the American Conference of Governmental Industrial Hygienists (ACGIH) in 1968 (PEL = 10mg/cubic meter/(% silica + 2), as respirable dust). The current PEL for construction and shipyards (derived from ACGIH's 1970 Threshold Limit Value) is based on particle counting technology, which is considered obsolete. National Institute for Occupational Safety and Health (NIOSH) and ACGIH recommend 50μg/m3 and 25μg/m3 exposure limits, respectively, for respirable crystalline silica.

Both industry and worker groups have recognized that a comprehensive standard for crystalline silica is needed to provide for exposure monitoring, medical surveillance, and worker training. ASTM International has published recommended standards for addressing the hazards of crystalline silica. The Building Construction Trades Department of the AFL–CIO has also developed a recommended comprehensive program standard. These standards include provisions for methods of compliance, exposure monitoring, training, and medical surveillance.

Timetable:

Action	Date	FR Cite
Completed SBREFA Report.	12/19/03	
Initiated Peer Review of Health Effects and Risk Assessment.	05/22/09	
Completed Peer Review.	01/24/10	
NPRM	09/12/13	78 FR 56274
NPRM Comment Period Extended; Notice of Intention to Appear at Pub Hearing; Scheduling Pub Hearing.	10/31/13	78 FR 65242
NPRM Comment Period Extended.	01/29/14	79 FR 4641
Informal Public Hearing.	03/18/14	
Post Hearing Comment Period Ends.	07/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Acting Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov*.

RIN: 1218–AB70

205. Occupational Exposure to Beryllium

Legal Authority: 29 U.S.C. 655(b); 29 U.S.C. 657

Abstract: In 1999 and 2001, OSHA was petitioned to issue an emergency temporary standard for permissible exposure limit (PEL) to beryllium by the United Steel Workers (formerly the Paper Allied-Industrial, Chemical, and Energy Workers Union), Public Citizen Health Research Group, and others. The Agency denied the petitions but stated its intent to begin data gathering to collect needed information on beryllium's toxicity, risks, and patterns of usage.

On November 26, 2002, OSHA published a Request for Information (RFI) (67 FR 70707) to solicit information pertinent to occupational exposure to beryllium, including: Current exposures to beryllium; the relationship between exposure to beryllium and the development of adverse health effects; exposure assessment and monitoring methods; exposure control methods; and medical surveillance. In addition, the Agency conducted field surveys of selected worksites to assess current exposures and control methods being used to reduce employee exposures to beryllium. OSHA convened a Small Business Advocacy Review Panel under the Small Business Regulatory Enforcement Fairness Act (SBREFA) and completed the SBREFA Report in January 2008. OSHA also completed a scientific peer review of its draft risk assessment.

Timetable:

Action	Date	FR Cite
Request for Information.	11/26/02	67 FR 70707
Request for Information Comment Period End.	02/24/03	
SBREFA Report Completed.	01/23/08	
Initiated Peer Review of Health Effects and Risk Assessment.	03/22/10	
Complete Peer Review.	11/19/10	
NPRM	07/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Acting Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov*.

RIN: 1218–AB76

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Final Rule Stage

206. Confined Spaces in Construction

Legal Authority: 29 U.S.C. 655(b); 40 U.S.C. 333

Abstract: In 1993, OSHA issued a rule to protect employees who enter confined spaces while engaged in general industry work (29 CFR 1910.146). This standard has not been extended to cover employees entering confined spaces while engaged in construction work because of unique characteristics of construction worksites. Pursuant to discussions with the United Steel Workers of America that led to a settlement agreement regarding the general industry standard, OSHA agreed to issue a proposed rule to protect construction workers in confined spaces.

Timetable:

Action	Date	FR Cite
SBREFA Panel Report.	11/24/03	
NPRM	11/28/07	72 FR 67351
NPRM Comment Period End.	01/28/08	
NPRM Comment Period Extended.	02/28/08	73 FR 3893
Public Hearing	07/22/08	
Close Record	10/23/08	
Final Rule	08/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jim Maddux, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, FP Building, Room N–3468, 200 Constitution Avenue NW., Washington, DC 20210, *Phone:* 202 693–2020, *Fax:* 202 693–1689, *Email: maddux.jim@dol.gov*.

RIN: 1218–AB47

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Long-Term Actions

207. Injury and Illness Prevention Program

Legal Authority: 29 U.S.C. 653; 29 U.S.C. 655(b); 29 U.S.C. 657

Abstract: OSHA is developing a rule requiring employers to implement an Injury and Illness Prevention Program. It involves planning, implementing, evaluating, and improving processes and activities that protect employee safety and health. OSHA has substantial data on reductions in injuries and illnesses from employers who have implemented similar effective processes. The Agency currently has voluntary Safety and Health Program Management Guidelines (54 FR 3904 to 3916), published in 1989. An injury and illness prevention program rule would build on these guidelines as well as lessons learned from successful approaches and best practices under OSHA's Voluntary Protection Program, Safety and Health Achievement Recognition Program, and similar industry and international initiatives such as American National Standards Institute/American Industrial Hygiene Association Z10, and Occupational Health and Safety Assessment Series 18001.

Timetable:

Action	Date	FR Cite
Stakeholder Meetings.	06/03/10	75 FR 35360 and 75 FR 23637
Initiate SBREFA	01/06/12	
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Acting Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov*.

RIN: 1218–AC48

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Completed Actions

208. Electric Power Transmission and Distribution; Electrical Protective Equipment

Legal Authority: 29 U.S.C. 655(b); 40 U.S.C. 333

Abstract: Electrical hazards are a major cause of occupational death in the United States. The annual fatality rate for power line workers is about 50 deaths per 100,000 employees. The construction industry standard addressing the safety of these workers during the construction of electric power transmission and distribution lines is nearly 40 years old. Occupational Safety and Health Administration (OSHA) has developed a revision of this standard that will prevent many of these fatalities, add flexibility to the standard, and update and streamline the standard. OSHA also intends to amend the corresponding standard for general industry so that requirements for work performed during the maintenance of electric power transmission and distribution installations are the same as those for similar work in construction. In addition, OSHA will be revising a few miscellaneous general industry requirements primarily affecting electric transmission and distribution work, including provisions on electrical protective equipment and foot protection. This rulemaking also addresses fall protection in aerial lifts for work on power generation, transmission, and distribution installations.

Timetable:

Action	Date	FR Cite
SBREFA Report	06/30/03	
NPRM	06/15/05	70 FR 34821
NPRM Comment Period End.	10/13/05	
NPRM Comment Period Extended.	10/12/05	70 FR 59290
Notice of Informal Public Hearing.	10/12/05	70 FR 59290
Informal Public Hearing.	03/06/06	
Post Hearing Comment Period End.	07/14/06	
Reopen Record	10/22/08	73 FR 62942
Comment Period End.	11/21/08	
Second Reopening Record.	09/14/09	74 FR 46958
Comment Period End.	10/15/09	
Public Hearings	10/28/09	
Post Hearing Comment Period End.	02/10/10	
Final Rule	04/11/14	79 FR 20315
Final Rule Effective.	07/10/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: William Perry, Acting Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N–3718, Washington, DC 20210, *Phone:* 202 693–1950, *Fax:* 202 693–1678, *Email: perry.bill@dol.gov*.

RIN: 1218–AB67

[FR Doc. 2014–13126 Filed 6–12–14; 8:45 am]

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FEDERAL REGISTER

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Part XIII

Department of Transportation

Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I–III

23 CFR Chs. I–III

33 CFR Chs. I and IV

46 CFR Chs. I–III

48 CFR Ch. 12

49 CFR Subtitle A, Chs. I–VI, and Chs. X–XII

[OST Docket 99–5129]

Department Regulatory Agenda; Semiannual Summary

AGENCY: Office of the Secretary, DOT.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Regulatory Agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. The intent of the Agenda is to provide the public with information about the Department of Transportation's regulatory activity planned for the next 12 months. It is expected that this information will enable the public to be more aware of and allow it to more effectively participate in the Department's regulatory activity. The public is also invited to submit comments on any aspect of this Agenda.

FOR FURTHER INFORMATION CONTACT:

General

You should direct all comments and inquiries on the Agenda in general to Kathryn Sinniger, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590; (202) 366–4723.

Specific

You should direct all comments and inquiries on particular items in the Agenda to the individual listed for the regulation or the general rulemaking contact person for the operating administration in appendix B. Individuals who use a telecommunications device for the deaf (TDD) may call (202) 755–7687.

Table of Contents

Supplementary Information:
- Background
- Significant/Priority Rulemakings
- Explanation of Information on the Agenda
- Request for Comments
- Purpose
- Appendix A—Instructions for Obtaining Copies of Regulatory Documents
- Appendix B—General Rulemaking Contact Persons
- Appendix C—Public Rulemaking Dockets
- Appendix D—Review Plans for Section 610 and Other Requirements

SUPPLEMENTARY INFORMATION:

Background

Improvement of our regulations is a prime goal of the Department of Transportation (Department or DOT). Our regulations should be clear, simple, timely, fair, reasonable, and necessary. They should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed. To view additional information about the Department's regulatory activities online, go to *http://www.dot.gov/regulations*. Among other things, this Web site provides a report, updated monthly, on the status of the DOT significant rulemakings listed in the semiannual regulatory agenda.

To help the Department achieve these goals and in accordance with Executive Order (EO) 12866, ''Regulatory Planning and Review,'' (58 FR 51735; Oct. 4, 1993) and the Department's Regulatory Policies and Procedures (44 FR 11034; Feb. 26, 1979), the Department prepares a semiannual regulatory agenda. It summarizes all current and projected rulemaking, reviews of existing regulations, and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding 12 months or such longer period as may be anticipated or for which action has been completed since the last Agenda.

On January 17, 2014, President Obama signed into law the Consolidated Appropriations Act, 2014 (Pub. L. 113–76), which included language transferring the powers and duties, functions, authorities, and personnel of the Research and Innovative Technology Administration (RITA) to the Office of the Assistant Secretary for Research and Technology (OST–R) in the Office of the Secretary. Thus, the Office of the Assistant Secretary for Research and Technology is now an office within the Office of the Secretary. The bill contained language that any reference in law, regulation, judicial proceeding or elsewhere to RITA shall be deemed a reference to the OST–R. Thus, all current and future rulemaking actions related to RITA will be published using an OST–R regulatory identification number (RIN).

The Agendas are based on reports submitted by the offices initiating the rulemaking and are reviewed by the Department Regulations Council.

The Internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at *www.reginfo.gov*, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), DOT's printed Agenda entries include only:

1. The agency's Agenda preamble;
2. Rules that are in the agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and
3. Any rules that the agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. These elements are: Sequence Number; Title; Section 610 Review, if applicable; Legal Authority; Abstract; Timetable; Regulatory Flexibility Analysis Required; Agency Contact; and Regulation Identifier Number (RIN). Additional information (for detailed list, see section heading ''Explanation of Information on the Agenda'') on these entries is available in the Unified Agenda published on the Internet.

Significant/Priority Rulemakings

The Agenda covers all rules and regulations of the Department. We have classified rules as a DOT agency priority in the Agenda if they are, essentially, very costly, beneficial, controversial, or of substantial public interest under our Regulatory Policies and Procedures. All DOT agency priority rulemaking documents are subject to review by the Secretary of Transportation. If the Office of Management and Budget (OMB) decide a rule is subject to its review under Executive Order 12866, we have classified it as significant in the Agenda.

Explanation of Information on the Agenda

An Office of Management and Budget memorandum, dated February 4, 2014, requires the format for this Agenda.

First, the Agenda is divided by initiating offices. Then, the Agenda is divided into five categories: (1) Prerule

stage, (2) proposed rule stage, (3) final rule stage, (4) long-term actions, and (5) completed actions. For each entry, the Agenda provides the following information: (1) its ''significance''; (2) a short, descriptive title; (3) its legal basis; (4) the related regulatory citation in the Code of Federal Regulations; (5) any legal deadline and, if so, for what action (e.g., NPRM, final rule); (6) an abstract; (7) a timetable, including the earliest expected date for a decision on whether to take the action; (8) whether the rulemaking will affect small entities and/or levels of Government and, if so, which categories; (9) whether a Regulatory Flexibility Act (RFA) analysis is required (for rules that would have a significant economic impact on a substantial number of small entities); (10) a listing of any analyses an office will prepare or has prepared for the action (with minor exceptions, DOT requires an economic analysis for all its rulemakings); (11) an agency contact office or official who can provide further information; (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the Agenda and facilitate tracing further action on the issue; (13) whether the action is subject to the Unfunded Mandates Reform Act; (14) whether the action is subject to the Energy Act; and (15) whether the action is major under the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act. If there is information that does not fit in the other categories, it will be included under a separate heading entitled ''Additional Information.'' One such example of this is the letters ''SB,'' ''IC,'' and ''SLT.'' These refer to information used as part of our required reports on Retrospective Review of DOT rulemakings. A ''Y'' or an ''N,'' for yes and no, respectively, follow the letters to indicate whether or not a particular rulemaking would have effects on: small businesses (SB); information collections (IC); or State, local, or tribal (SLT) governments.

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules), to keep those requirements operationally current, we only include the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations; we do not list individual regulations.

In the ''Timetable'' column, we use abbreviations to indicate the particular documents being considered. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, and NPRM for Notice of Proposed Rulemaking. Listing a future date in this column does not mean we have made a decision to issue a document; it is the earliest date on which we expect to make a decision on whether to issue it. In addition, these dates are based on current schedules. Information received subsequent to the issuance of this Agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

Finally, a dot (•) preceding an entry indicates that the entry appears in the Agenda for the first time.

Request for Comments

General

Our agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information, as well as make the Agenda easier to use. We would like you, the public, to make suggestions or comments on how the Agenda could be further improved.

Reviews

We also seek your suggestions on which of our existing regulations you believe need to be reviewed to determine whether they should be revised or revoked. We particularly draw your attention to the Department's review plan in appendix D. In response to Executive Order 13563 ''Retrospective Review and Analysis of Existing Rules,'' we have prepared a retrospective review plan providing more detail on the process we use to conduct reviews of existing rules, including changes in response to Executive Order 13563. We provided the public opportunities to comment at *www.regulations.gov* and Idea Scale on both our process and any existing DOT rules the public thought needed review. The plan and the results of our review can be found at *http://www.dot.gov/regulations* and *http://www.dot.gov/mission/open/open-government*.

Regulatory Flexibility Act

The Department is especially interested in obtaining information on requirements that have a ''significant economic impact on a substantial number of small entities'' and, therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please submit them to us, along with your explanation of why they should be reviewed.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that we have targeted for review under section 610 of the Act. The phrase (sec. 610 Review) appears at the end of the title for these reviews. Please see appendix D for the Department's section 610 review plans.

Consultation With State, Local, and Tribal Governments

Executive Orders 13132 and 13175 require us to develop an accountable process to ensure ''meaningful and timely input'' by State, local, and tribal officials in the development of regulatory policies that have federalism or tribal implications. These policies are defined in the Executive Orders to include regulations that have ''substantial direct effects'' on States or Indian tribes, on the relationship between the Federal Government and them, or on the distribution of power and responsibilities between the Federal Government and various levels of Government or Indian tribes. Therefore, we encourage State and local Governments or Indian tribes to provide us with information about how the Department's rulemakings impact them.

Purpose

The Department is publishing this regulatory Agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity and should result in more effective public participation. This publication in the **Federal Register** does not impose any binding obligation on the Department or any of the offices within the Department with regard to any specific item on the Agenda. Regulatory action, in addition to the items listed, is not precluded.

Dated: February 25, 2014.

Anthony R. Foxx,

Secretary of Transportation.

Appendix A—Instructions for Obtaining Copies of Regulatory Documents

To obtain a copy of a specific regulatory document in the Agenda, you should communicate directly with the contact person listed with the regulation at the address below. We note that most, if not all, such documents, including the Semiannual Regulatory Agenda, are available through the Internet at *http://www.regulations.gov*. See appendix C for more information.

(Name of contact person), (Name of the DOT agency), 1200 New Jersey Avenue SE.,

Washington, DC 20590. (For the Federal Aviation Administration, substitute the following address: Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591).

Appendix B—General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

FAA—Mark Bury, Chief Counsel, International Law, Legislation and Regulations Division, 800 Independence Avenue SW., Room 915A, Washington, DC 20591; telephone (202) 267–3110.

FHWA—Jennifer Outhouse, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–0761.

FMCSA—Steven J. LaFreniere, Regulatory Ombudsman, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–0596.

NHTSA—Steve Wood, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–2992.

FRA—Kathryn Shelton, Office of Chief Counsel, 1200 New Jersey Avenue SE., Room W31–214, Washington, DC 20590; telephone (202) 493–6063.

FTA—Bonnie Graves, Office of Chief Counsel, 1200 New Jersey Avenue SE., Room E56–308, Washington, DC 20590; telephone (202) 366–0675.

SLSDC—Carrie Mann Lavigne, Chief Counsel, 180 Andrews Street, Massena, NY 13662; telephone (315) 764–3200.

PHMSA—Karin Christian, Office of Chief Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–4400.

MARAD—Christine Gurland, Office of Chief Counsel, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–5157.

OST—Kathryn Sinniger, Office of Regulation and Enforcement, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–4723.

Appendix C—Public Rulemaking Dockets

All comments via the Internet are submitted through the Federal Docket Management System (FDMS) at the following address: *http://www.regulations.gov*. The FDMS allows the public to search, view, download, and comment on all Federal agency rulemaking documents in one central online system. The above referenced Internet address also allows the public to sign up to receive notification when certain documents are placed in the dockets.

The public also may review regulatory dockets at, or deliver comments on proposed rulemakings to, the Dockets Office at 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, 1–800–647–5527. Working Hours: 9:00 a.m. to 5:00 p.m.

Appendix D—Review Plans for Section 610 and Other Requirements

Part I—The Plan

General

The Department of Transportation has long recognized the importance of regularly reviewing its existing regulations to determine whether they need to be revised or revoked. Our 1979 Regulatory Policies and Procedures require such reviews. We also have responsibilities under Executive Order 12866, ''Regulatory Planning and Review,'' and section 610 of the Regulatory Flexibility Act to conduct such reviews. This includes the use of plain language techniques in new rules and considering its use in existing rules when we have the opportunity and resources to permit its use. We are committed to continuing our reviews of existing rules and, if needed, will initiate rulemaking actions based on these reviews.

In accordance with Executive Order 13563, ''Improving Regulation and Regulatory Review,'' issued by the President on January 18, 2011, the Department has added other elements to its review plan. The Department has decided to improve its plan by adding special oversight processes within the Department; encouraging effective and timely reviews, including providing additional guidance on particular problems that warrant review; and expanding opportunities for public participation. These new actions are in addition to the other steps described in this appendix.

Section 610 Review Plan

Section 610 requires that we conduct reviews of rules that: (1) have been published within the last 10 years, and (2) have a ''significant economic impact on a substantial number of small entities'' (SEIOSNOSE). It also requires that we publish in the **Federal Register** each year a list of any such rules that we will review during the next year. The Office of the Secretary and each of the Department's Operating Administrations have a 10-year review plan. These reviews comply with section 610 of the Regulatory Flexibility Act.

Changes to the Review Plan

Some reviews may be conducted earlier than scheduled. For example, to the extent resources permit, the plain language reviews will be conducted more quickly. Other events, such as accidents, may result in the need to conduct earlier reviews of some rules. Other factors may also result in the need to make changes; for example, we may make changes in response to public comment on this plan or in response to a presidentially mandated review. If there is any change to the review plan, we will note the change in the following Agenda. For any section 610 review, we will provide the required notice prior to the review.

Part II—The Review Process

The Analysis

Generally, the agencies have divided their rules into 10 different groups and plan to analyze one group each year. For purposes of these reviews, a year will coincide with the fall-to-fall schedule for publication of the Agenda. Thus, Year 1 (2008) begins in the fall of 2008 and ends in the fall of 2009; Year 2 (2009) begins in the fall of 2009 and ends in the fall of 2010, and so on. We request public comment on the timing of the reviews. For example, is there a reason for scheduling an analysis and review for a particular rule earlier than we have? Any comments concerning the plan or particular analyses should be submitted to the regulatory contacts listed in Appendix B, General Rulemaking Contact Persons.

Section 610 Review

The agency will analyze each of the rules in a given year's group to determine whether any rule has a SEIOSNOSE and, thus, requires review in accordance with section 610 of the Regulatory Flexibility Act. The level of analysis will, of course, depend on the nature of the rule and its applicability. Publication of agencies' section 610 analyses listed each fall in this Agenda provides the public with notice and an opportunity to comment consistent with the requirements of the Regulatory Flexibility Act. We request that public comments be submitted to us early in the analysis year concerning the small entity impact of the rules to help us in making our determinations.

In each fall Agenda, the agency will publish the results of the analyses it has completed during the previous year. For rules that had a negative finding on SEIOSNOSE, we will give a short explanation (e.g., ''these rules only establish petition processes that have no cost impact'' or ''these rules do not apply to any small entities''). For parts, subparts, or other discrete sections of rules that do have a SEIOSNOSE, we will announce that we will be conducting a formal section 610 review during the following 12 months. At this stage, we will add an entry to the Agenda in the prerulemaking section describing the review in more detail. We also will seek public comment on how best to lessen the impact of these rules and provide a name or docket to which public comments can be submitted. In some cases, the section 610 review may be part of another unrelated review of the rule. In such a case, we plan to clearly indicate which parts of the review are being conducted under section 610.

Other Reviews

The agency will also examine the specified rules to determine whether any other reasons exist for revising or revoking the rule or for rewriting the rule in plain language. In each fall Agenda, the agency will also publish information on the results of the examinations completed during the previous year.

Part III—List of Pending Section 610 Reviews

The Agenda identifies the pending DOT section 610 Reviews by inserting ''(Section 610 Review),'' after the title for the specific entry. For further information on the pending reviews, see the Agenda entries at *www.reginfo.gov*. For example, to obtain a list of all entries that are in section 610 Reviews under the Regulatory Flexibility Act, a user would select the desired responses on the search screen (by selecting ''advanced

search'') and, in effect, generate the desired ''index'' of reviews.

OFFICE OF THE SECRETARY
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 91 through 99 and 14 CFR parts 200 through 212	2008	2009
2	48 CFR parts 1201 through 1253 and new parts and subparts	2009	2010
3	14 CFR parts 213 through 232	2010	2011
4	14 CFR parts 234 through 254	2011	2012
5	14 CFR parts 255 through 298 and 49 CFR part 40	2012	2013
6	14 CFR parts 300 through 373	2013	2014
7	14 CFR parts 374 through 398	2014	2015
8	14 CFR part 399 and 49 CFR parts 1 through 11	2015	2016
9	49 CFR parts 17 through 28	2016	2017
10	49 CFR parts 29 through 39 and parts 41 through 89	2017	2018

Year 1 (fall 2008) List of rules with ongoing analysis

49 CFR part 91—International Air Transportation Fair Competitive Practices
49 CFR part 92—Recovering Debts to the United States by Salary Offset
49 CFR part 98—Enforcement of Restrictions on Post-Employment Activities
49 CFR part 99—Employee Responsibilities and Conduct
14 CFR part 200—Definitions and Instructions
14 CFR part 201—Air Carrier Authority Under Subtitle VII of Title 49 of the United States Code [Amended]
14 CFR part 203—Waiver of Warsaw Convention Liability Limits and Defenses
14 CFR part 204—Data To Support Fitness Determinations
14 CFR part 205—Aircraft Accident Liability Insurance
14 CFR part 206—Certificates of Public Convenience and Necessity: Special Authorizations and Exemptions
14 CFR part 207—Charter Trips by U.S. Scheduled Air Carriers
14 CFR part 208—Charter Trips by U.S. Charter Air Carriers
14 CFR part 211—Applications for Permits to Foreign Air Carriers
14 CFR part 212—Charter Rules for U.S. and Foreign Direct Air Carriers

Year 3 (fall 2010) List of rules with ongoing analysis

14 CFR part 213—Terms, Conditions, and Limitations of Foreign Air Carrier Permits
14 CFR part 214—Terms, Conditions, and Limitations of Foreign Air Carrier Permits Authorizing Charter Transportation Only
14 CFR part 215—Use and Change of Names of Air Carriers, Foreign Air Carriers, and Commuter Air Carriers
14 CFR part 216—Commingling of Blind Sector Traffic by Foreign Air Carriers
14 CFR part 217—Reporting Traffic Statistics by Foreign Air Carriers in Civilian Scheduled, Charter, and Nonscheduled Services
14 CFR part 218—Lease by Foreign Air Carrier or Other Foreign Person of Aircraft With Crew
14 CFR part 221—Tariffs
14 CFR part 222—Intermodal Cargo Services by Foreign Air Carriers
14 CFR part 223—Free and Reduced-Rate Transportation
14 CFR part 232—Transportation of Mail, Review of Orders of Postmaster General

Year 4 (fall 2011) List of rules with ongoing analysis

14 CFR part 240—Inspection of Accounts and Property
14 CFR part 241—Uniform System of Accounts and Reports for Large Certificated Air Carriers
14 CFR part 243—Passenger Manifest Information
14 CFR part 247—Direct Airport-to-Airport Mileage Records
14 CFR part 248—Submission of Audit Reports
14 CFR part 249—Preservation of Air Carrier Records

Year 5 (fall 2012) List of rules with ongoing analysis

14 CFR part 255—Airline Computer Reservations Systems
14 CFR part 256—[Reserved]
14 CFR part 271—Guidelines for Subsidizing Air Carriers Providing Essential Air Transportation
14 CFR part 272—Essential Air Service to the Freely Associated States
14 CFR part 291—Cargo Operations in Interstate Air Transportation
14 CFR part 292—International Cargo Transportation
14 CFR part 293—International Passenger Transportation
14 CFR part 294—Canadian Charter Air Taxi Operators
14 CFR part 296—Indirect Air Transportation of Property
14 CFR part 297—Foreign Air Freight Forwarders and Foreign Cooperative Shippers Associations
14 CFR part 298—Exemptions for Air Taxi and Commuter Air Carrier Operations

Year 6 (2013) List of rules that will be analyzed during the next year

14 CFR part 300—Rules of Conduct in DOT Proceedings Under This Chapter
14 CFR part 302—Rules of Practice in Proceedings
14 CFR part 303—Review of Air Carrier Agreements
14 CFR part 305—Rules of Practice in Informal Nonpublic Investigations
14 CFR part 313—Implementation of the Energy Policy and Conservation Act
14 CFR part 323—Terminations, Suspensions, and Reductions of Service
14 CFR part 325—Essential Air Service Procedures
14 CFR part 330—Procedures for Compensation of Air Carriers
14 CFR part 372—Overseas Military Personnel Charters

Federal Aviation Administration

Section 610 Review Plan

The FAA has elected to use the two-step, 2-year process used by most DOT modes in past plans. As such, the FAA has divided its rules into 10 groups as displayed in the table below. During the first year (the ''*analysis year*''), all rules published during the previous 10 years within a 10 percent block of the regulations will be *analyzed* to identify those with a SEIOSNOSE. During the second year (the ''*review year*''), each rule identified in the analysis year as having a SEIONOSE will be *reviewed* in accordance with Section 610(b) to determine if it should be continued without change or changed to minimize impact on small entities. Results of those reviews will be published in the DOT Semiannual Regulatory Agenda.

Year	Regulations to be reviewed	Analysis year	Review year
1	14 CFR parts 119 through 129 and parts 150 through 156	2008	2009
2	14 CFR parts 133 through 139 and parts 157 through 169	2009	2010
3	14 CFR parts 141 through 147 and parts 170 through 187	2010	2011

Year	Regulations to be reviewed	Analysis year	Review year
4	14 CFR parts 189 through 198 and parts 1 through 16	2011	2012
5	14 CFR parts 17 through 33	2012	2013
6	14 CFR parts 34 through 39 and parts 400 through 405	2013	2014
7	14 CFR parts 43 through 49 and parts 406 through 415	2014	2015
8	14 CFR parts 60 through 77	2015	2016
9	14 CFR parts 91 through 105	2016	2017
10	14 CFR parts 417 through 460	2017	2018

Year 6 (2013) List of rules analyzed and summary of results

14 CFR Part 34—Fuel Venting and Exhaust Emission Requirements for Turbine Engine Powered Airplanes
- Section 610: The agency conducted a Section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR Part 35—Airworthiness Standards: Propellers
- Section 610: The agency conducted a Section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR Part 36—Noise Standards: Aircraft Type and Airworthiness Certification
- Section 610: The agency conducted a Section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR Part 39—Airworthiness Directives
- Section 610: No amendments to the codified text of this part were promulgated during the period of review, thus there is no SEIOSNOSE.
- General: No changes are needed.

14 CFR Part 400—Basis and Scope
- Section 610: The agency conducted a Section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR Part 401—Organization and Definitions
- Section 610: The agency conducted a Section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR Part 404—Regulations and Licensing Requirements
- Section 610: The agency conducted a Section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

14 CFR Part 405—Investigations and Enforcement
- Section 610: The agency conducted a Section 610 review of this part and found no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FAA's plain language review of these rules indicates no need for substantial revision.

Year 7 (2014) List of rules that will be analyzed during the next year

14 CFR part 43—Maintenance, Preventive Maintenance, Rebuilding, and Alteration
14 CFR part 45—Identification and Registration Marking
14 CFR part 47—Aircraft Registration
14 CFR part 49—Recording of Aircraft Titles and Security Documents
14 CFR part 406—Investigations, Enforcement, and Administrative Review
14 CFR part 413—License Application Procedures
14 CFR part 414—Safety Approvals
14 CFR part 415—Launch License

FEDERAL HIGHWAY ADMINISTRATION SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	None	2008	2009
2	23 CFR parts 1 to 260	2009	2010
3	23 CFR parts 420 to 470	2010	2011
4	23 CFR part 500	2011	2012
5	23 CFR parts 620 to 637	2012	2013
6	23 CFR parts 645 to 669	2013	2014
7	23 CFR parts 710 to 924	2014	2015
8	23 CFR parts 940 to 973	2015	2016
9	23 CFR parts 1200 to 1252	2016	2017
10	New parts and subparts	2017	2018

Federal-Aid Highway Program

The Federal Highway Administration (FHWA) has adopted regulations in title 23 of the CFR, chapter I, related to the Federal-Aid Highway Program. These regulations implement and carry out the provisions of Federal law relating to the administration of Federal aid for highways. The primary law authorizing Federal aid for highways is chapter I of title 23 of the U.S.C. section 145 of title 23 expressly provides for a federally assisted State program. For this reason, the regulations adopted by the FHWA in title 23 of the CFR primarily relate to the requirements that States must meet to receive Federal funds for the construction and other work related to highways. Because the regulations in title 23 primarily relate to States, which are not defined as small entities under the Regulatory Flexibility Act, the FHWA believes that its regulations in title 23 do not have a significant economic impact on a substantial number of small entities. The FHWA solicits public comment on this preliminary conclusion.

Year 5 (fall 2012) List of rules analyzed and a summary of results

23 CFR part 620—Engineering
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 625—Design Standards for Highways

- Section 610: No SEIOSNOSE. No small entities are affected.
- General: These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision. The FHWA will update Section 625.4 (Standards, Policies, and Standard Specifications) to reflect the most current information.

23 CFR part 626—Pavement Policy
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 627—Value Engineering
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision. These regulations are being updated to incorporate changes made to this part by MAP–21.

23 CFR part 630—Preconstruction Procedures
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 633—Required Contract Provisions
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 635—Construction and Maintenance
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

23 CFR part 636—Design-Build Contracting
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision. These regulations are being updated at 23 CFR 636.209 to allow proposers to submit technical and price proposals based on their preapproved alternative technical concepts without submitting a base proposal to encourage a wider use of alternative technical concepts in design-build project delivery.

23 CFR part 637—Construction Inspection and Approval
- Section 610: No SEIOSNOSE. No small entities are affected.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FHWA's plain language review of these rules indicates no need for substantial revision.

Year 6 (fall 2013) List of rules that will be analyzed during the next year

23 CFR part 645—Utilities
23 CFR part 646—Railroads
23 CFR part 650—Bridges, structures, and hydraulics
23 CFR part 652—Pedestrian and bicycle accommodations and projects
23 CFR part 655—Traffic Operations
23 CFR part 656—Carpool and vanpool projects
23 CFR part 657—Certification of size and weight enforcement
23 CFR part 658—Truck size and weight, route designations—length, width, and weight limitations
23 CFR part 660—Special programs (Direct Federal)
23 CFR part 661—Indian Reservation Road Bridge Program
23 CFR part 667—[Reserved]
23 CFR part 668—Emergency relief program
23 CFR part 669—Enforcement of heavy vehicle use tax

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR part 372, subpart A	2008	2009
2	49 CFR part 386	2009	2010
3	49 CFR parts 325 and 390 (General)	2010	2011
4	49 CFR parts 390 (Small Passenger-Carrying Vehicles), 391 to 393 and 396 to 399	2011	2012
5	49 CFR part 387	2012	2013
6	49 CFR parts 356, 367, 369 to 371, 372 (subparts B and C)	2013	2014
7	49 CFR parts 373, 374, 376, and 379	2014	2015
8	49 CFR parts 360, 365, 366, and 368	2015	2016
9	49 CFR parts 377, 378	2016	2017
10	49 CFR part 395	2017	2018

Year 3 (fall 2010) List of rules with ongoing analysis

49 CFR part 325—Compliance With Interstate Motor Carrier Noise Emission
49 CFR part 390—Federal Motor Carrier Safety Regulations, General

Year 4 (fall 2011) List of rules with ongoing analysis

49 CFR part 390—Definition of Commercial Motor Vehicle (CMV)—Requirements for Operators of Small Passenger-Carrying CMVs.
- *This rule was moved up from Year 4 as a result of the Department's Retrospective Regulatory Review.*

49 CFR part 391—Driver Qualifications
49 CFR part 392—Driving of Commercial Motor Vehicles
49 CFR part 393—Parts and Accessories Necessary for Safe Operation
49 CFR part 396—Inspection, Repair and Maintenance of Commercial Motor Vehicles
49 CFR part 397—Transportation of Hazardous Materials; Driving and Parking Rules
49 CFR part 398—Transportation of Migrant Workers
49 CFR part 399—Employee Safety and Health Standards

Year 5 (fall 2012) List of rule(s) with ongoing analysis

49 CFR part 387—Minimum Levels of Financial Responsibility for Motor Carriers

Year 6 (fall 2013) List of rule(s) that will be analyzed this year

49 CFR part 356—Motor Carrier Routing Regulations
49 CFR part 367—Standards for Registration With States
49 CFR part 369—Reports of Motor Carriers
49 CFR part 370—Principles and Practices for the Investigation and Voluntary Disposition of Loss and Damage Claims and Processing Salvage
49 CFR part 371—Brokers of Property
49 CFR part 372 (subparts B and C)—Exemptions, Commercial Zones and Terminal Areas

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 571.223 through 571.500, and parts 575 and 579	2008	2009
2	23 CFR parts 1200 through 1300	2009	2010
3	49 CFR parts 501 through 526 and 571.213	2010	2011
4	49 CFR parts 571.131, 571.217, 571.220, 571.221, and 571.222	2011	2012
5	49 CFR parts 571.101 through 571.110, and 571.135, 571.138, and 571.139	2012	2013
6	49 CFR parts 529 through 578, except parts 571 and 575	2013	2014
7	49 CFR parts 571.111 through 571.129 and parts 580 through 588	2014	2015
8	49 CFR parts 571.201 through 571.212	2015	2016
9	49 CFR parts 571.214 through 571.219, except 571.217	2016	2017
10	49 CFR parts 591 through 595 and new parts and subparts	2017	2018

Year 5 (fall 2012) List of rules analyzed and a summary of the results

49 CFR part 571.101—Controls and Displays
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.102—Transmission Shift Position Sequence, Starter Interlock, and Transmission Braking Effect
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.103—Windshield Defrosting and Defogging Systems
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.104—Windshield Wiping and Washing Systems
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.105—Hydraulic and Electric Brake Systems
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.106—Brake Hoses
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.108—Lamps, Reflective Devices, and Associated Equipment
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.109—New Pneumatic and Certain Specialty Tires
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.110—Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 Kilograms (10,000 Pounds) or Less
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.135—Light Vehicle Brake Systems
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.138—Tire Pressure Monitoring Systems
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

49 CFR part 571.139—New Pneumatic Radial Tires for Light Vehicles
- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. NHTSA's plain language review of these rules indicates no need for substantial revision.

Year 6 (fall 2013) List of rules that will be analyzed during the next year

49 CFR part 529—Manufacturers of Multistage Automobiles
49 CFR part 531—Passenger Automobile Average Fuel Economy Standards
49 CFR part 533—Light Truck Fuel Economy Standards
49 CFR part 534—Rights and Responsibilities of Manufacturers in the Context of Changes in Corporate Relationships
49 CFR part 535— Medium- and Heavy-Duty Vehicle Fuel Efficiency Program
49 CFR part 536—Transfer and Trading of Fuel Economy Credits
49 CFR part 537—Automotive Fuel Economy Reports
49 CFR part 538—Manufacturing Incentives for Alternative Fuel Vehicles
49 CFR part 541—New Pneumatic and Certain Specialty Tires
49 CFR part 542—Procedures for Selecting Light Duty Truck Lines to be Covered by the Theft Prevention Standard
49 CFR part 543—Exemption from Vehicle Theft Prevention Standard
49 CFR part 544—Insurer Reporting Requirements
49 CFR part 545—Federal Motor Vehicle Theft Prevention Standard Phase-in and Small-Volume Line Reporting Requirements
49 CFR part 551—Procedural Rules
49 CFR part 552—Petitions for Rulemaking, Defect, and Noncompliance Orders
49 CFR part 553—Rulemaking Procedures
49 CFR part 554—Standards Enforcement and Defects Investigation
49 CFR part 555—Temporary Exemption From Motor Vehicle Safety and Bumper Standards
49 CFR part 556—Exemption for Inconsequential Defect or Noncompliance
49 CFR part 557—Petitions for Hearings on Notification and Remedy of Defects
49 CFR part 563—Event Data Recorders
49 CFR part 564—Replaceable Light Source and Sealed Beam Headlamp Information
49 CFR part 565—Vehicle Identification Number (VIN) Requirements
49 CFR part 566—Manufacturer Identification
49 CFR part 567—Certification
49 CFR part 568—Vehicles Manufactured in Two or More Stages-All Incomplete, Intermediate and Final-Stage Manufacturers of Vehicles Manufactured in Two or More Stages
49 CFR part 569—Regrooved Tires
49 CFR part 570—Vehicle In Use Inspection Standards
49 CFR part 572—Anthropomorphic Test Devices
49 CFR part 573—Defect and Noncompliance Responsibility and Reports
49 CFR part 574—Tire Identification and Recordkeeping
49 CFR part 576—Record Retention
49 CFR part 577—Defect and Noncompliance Notification

49 CFR part 578—Civil and Criminal Penalties

FEDERAL RAILROAD ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 200 and 201	2008	2009
2	49 CFR parts 207, 209, 211, 215, 238, and 256	2009	2010
3	49 CFR parts 210, 212, 214, 217, and 268	2010	2011
4	49 CFR part 219	2011	2012
5	49 CFR parts 218, 221, 241, and 244	2012	2013
6	49 CFR parts 216, 228, and 229	2013	2014
7	49 CFR parts 223 and 233	2014	2015
8	49 CFR parts 224, 225, 231, and 234	2015	2016
9	49 CFR parts 222, 227, 235, 236, 250, 260, and 266	2016	2017
10	49 CFR parts 213, 220, 230, 232, 239, 240, and 265	2017	2018

Year 5 (fall 2012) List of rules analyzed and a summary of results

49 CFR part 218—Railroad Operating Practices

- Section 610: There is no SEIOSNOSE.
- General: The rule prescribes minimum requirements for railroad operating rules and practices. No changes are needed. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 221—Rear End Marking Device—Passenger, Commuter, and Freight Trains

- Section 610: There is no SEIOSNOSE.
- General: Since the rule prescribes minimum requirements for railroads to equip the rear car of passenger, commuter, and freight trains with highly visible markers it will provide safety and security not only for railroad employees but also for the general public. No changes are needed. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 241—United States Locational Requirement for Dispatching of United States Rail Operations

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. These regulations are cost effective and impose the least burden. FRA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 244—Regulations on Safety Integration Plans Governing Railroad Consolidations, Mergers, and Acquisitions of Control

- Section 610: There is no SEIOSNOSE.
- General: No changes are needed. FRA's plain language review of this rule indicates no need for substantial revision.

Year 6 (fall 2013) List of rule(s) that will be analyzed during next year

49 CFR part 216—Special Notice and Emergency Order Procedures: Railroad Track, Locomotive, and Equipment

49 CFR part 228—Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters

49 CFR part 229—Railroad Locomotive Safety Standards

FEDERAL TRANSIT ADMINISTRATION
SECTION 610 AND OTHER REVIEWS

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR parts 604, 605, and 633	2008	2009
2	49 CFR parts 661 and 665	2009	2010
3	49 CFR part 633	2010	2011
4	49 CFR parts 609 and 611	2011	2012
5	49 CFR parts 613 and 614	2012	2013
6	49 CFR part 622	2013	2014
7	49 CFR part 630	2014	2015
8	49 CFR part 639	2015	2016
9	49 CFR parts 659 and 663	2016	2017
10	49 CFR part 665	2017	2018

Year 4 (fall 2011) List of rules analyzed and summary of results

49 CFR part 609—Transportation for Elderly and Handicapped Persons

- Section 610: The agency has determined that the rule does not have a significant effect on a substantial number of small entities.
- General: This rule was promulgated to enact the statutory requirements of sections 49 U.S.C. 5307(d) and 5308(b) to establish requirements for determining the maximum fare that can assessed for the transportation of elderly persons and persons with disabilities during a public transportation's period of off-peak hours. Recently, Congress enacted the Moving Ahead for Progress in the 21st Century Act (MAP–21), Public Law 112–141, (2012). The underlying purpose for the rule was unchanged by Map-21; however, the reference to maximum fares in section 5308(b) was repealed long ago and MAP–21 amended 49 U.S.C. section 5307. Therefore, in Fiscal Year 2014, FTA plans to issue a rulemaking to implement technical corrections to the authority and applicability sections of 49 CFR part 609.

49 CFR part 611—Major Capital Investment Projects

- Section 610: The agency has determined that the rule does not have a significant effect on a substantial number of small entities. FTA recently revised the rule and evaluated the likely effects of the final rule on small entities and requested public comment during the rulemaking process. FTA determined that the rule does not have a significant economic impact on a substantial number of small entities because small entities do not generally undertake the development of major capital projects. There were no public comments submitted on this issue during the rulemaking process.
- General: FTA revised part 611 via a final rule in January 2013, in order to implement recent MAP–21 amendments to 49 U.S.C. section 5309 (*see* 78 FR 1992). The ''New Starts'' and ''Small Starts'' programs authorized by section 5309 are FTA's primary capital funding

programs for new or extended transit systems. Part 611 of the Code of Federal Regulations outlines the process by which FTA rates and evaluates grants proposals for these programs. With the revised rule, FTA has significantly streamlined its evaluation process for both programs.

Year 5 (fall 2012) List of rule(s) analyzed and summary of results

49 CFR part 613—Planning Assistance and Standards

- Section 610: The Agency has determined that the rule does not have a significant effect on a substantial number of small entities because it is only applicable to States and metropolitan planning organizations that are not included in the definition of small entity as set forth in 5 U.S.C. 601.
- General: The rule was promulgated to govern the development of metropolitan transportation plans and programs for urbanized areas, State transportation plans and programs, and the congestion management process. Recently, Congress amended the planning statutes when it enacted the Moving Ahead for Progress in the 21st Century Act (MAP–21), Public Law 112–141, (2012). In Fiscal Year 2014, FTA will undertake a joint notice of proposed rulemaking with FHWA in order to revise the regulations consistent with current statutory requirements. In doing so, FHWA and FTA will propose establishing a performance-based approach to transportation decisionmaking.

49 CFR part 614—Transportation Infrastructure Management

- Section 610: The Agency has determined that the rule does not have a significant effect on a substantial number of small entities as it only cross-references 23 CFR part 500, a FHWA regulation that is applicable to States.
- General: No changes are needed at this time. However, FTA will continue to work with FHWA to assess whether or not technology will warrant revisions to the regulation.

Year 6: List of rules that will be analyzed during the next year

49 CFR part 622—Environmental Impact and Related Procedures

Maritime Administration
Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	46 CFR parts 201 through 205	2008	2009
2	46 CFR parts 221 through 232	2009	2010
3	46 CFR parts 249 through 296	2010	2011
4	46 CFR parts 221, 298, 308, and 309	2011	2012
5	46 CFR parts 307 through 309	2012	2013
6	46 CFR part 310	2013	2014
7	46 CFR parts 315 through 340	2014	2015
8	46 CFR parts 345 through 381	2015	2016
9	46 CFR parts 382 through 389	2016	2017
10	46 CFR parts 390 through 393	2017	2018

Year 4 (fall 2011) List of rules with ongoing analysis

46 CFR part 381—Cargo Preference—U.S.-Flag Vessels

46 CFR part 383—Cargo Preference—Compromise, Assessment, Mitigation, Settlement, and Collection of Civil Penalties

46 CFR part 221—Foreign Transfer Regulations

46 CFR part 249—Approval of Underwriters for Marine Hull Insurance

46 CFR part 272—Requirements and Procedures for Conducting Condition Surveys and Administering Maintenance and Repair Subsidy

46 CFR part 287—Establishment of Construction Reserve Funds

46 CFR part 295—Maritime Security Program (MSP)

46 CFR part 296—Maritime Security Program (MSP)

Year 5 (2012) List of rules with ongoing analysis

46 CFR part 307—Mandatory Position Report System for Vessels

46 CFR part 308—War Risk Insurance

46 CFR part 309—War Risk Ship Valuation

Year 6 (2013) List of rules that will be analyzed during the next year

46 CFR part 310—Merchant Marine Training

Pipeline and Hazardous Materials Safety Administration (PHMSA)
Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	49 CFR part 178	2008	2009
2	49 CFR parts 178 through 180	2009	2010
3	49 CFR parts 172 and 175	2010	2011
4	49 CFR part 171, sections 171.15 and 171.16	2011	2012
5	49 CFR parts 106, 107, 171, 190, and 195	2012	2013
6	49 CFR parts 174, 177, 191, and 192	2013	2014
7	49 CFR parts 176 and 199	2014	2015
8	49 CFR parts 172 through 178	2015	2016
9	49 CFR parts 172, 173, 174, 176, 177, and 193	2016	2017
10	49 CFR parts 173 and 194	2017	2018

Year 5 (fall 2012) List of rules analyzed and a summary of results

49 CFR part 106—Rulemaking Procedures

49 CFR part 107—Hazardous Materials Program Procedures

49 CFR part 171—General Information, Regulations, and Definitions

- Section 610: There is no SEIOSNOSE. On May 9, 2013 (78 FR 27169) PHMSA published the intent to review and analyze regulations in its Unified Agenda and Regulatory Plan to identify requirements that may have a significant impact on a substantial number of small entities. Specifically, PHMSA provided an initial review and requested comments on the impact of the rules in

49 CFR parts 106, 107, and 171 on small businesses. In addition, PHMSA asked the following questions of small businesses:

1. How and to what degree these rules affect you;
2. Any complaints or comments you may have concerning the covered rules;
3. The complexity of the covered rules;
4. The extent to which the rules overlap, duplicate, or conflict with other Federal rules, and to the extent feasible, with State and local Government rules; and
5. The extent of the economic impact on you and why you believe the economic impact is significant.

Two comments were received in response to the notice (notice and comments are available for review at: *http://www.regulations.gov*; under Docket No. PHMSA–2013–0027). The comments did not directly relate to the rules under review or the impacts of those rules on small businesses. Based on PHMSA's initial review of these rules and evaluation of the comments received, the Agency has determined that the rules do not have a significant effect on a substantial number of small entities.

- General: No changes are needed. These regulations are cost effective and impose the least burden. PHMSA's plain language review of this rule indicates no need for substantial revision.

49 CFR part 190—Pipeline Safety Programs and Rulemaking Procedures

- Section 610: There is no SEIOSNOSE. Based on regulated entities, PHMSA found that the majority of operators are not small businesses. Therefore, though some small entities may be affected, the economic impact on small entities will not be significant.
- General: No changes are needed. These regulations are cost effective and impose the least burden. PHMSA's plain language review indicates no need for substantial revision.

49 CFR part 195—Transportation of Hazardous Liquids by Pipeline

- Section 610: There is no SEIOSNOSE. Based on regulated entities, PHMSA found that the majority of operators are not small businesses. Therefore, though some small entities may be affected, the economic impact on small entities will not be significant.
- General: No changes are needed. These regulations are cost effective and impose the least burden. PHMSA's plain language review indicates no need for substantial revision.

Year 6 (Fall 2013) List of rules that will be analyzed during the next year

49 CFR part 174—Carriage by Rail

49 CFR part 177—Carriage by Public Highway

49 CFR part 191—Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports

49 CFR part 192—Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards

Research and Innovative Technology Administration (RITA)
Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	14 CFR part 241, form 41	2008	2009
2	14 CFR part 241, schedule T–100, and part 217	2009	2010
3	14 CFR part 298	2010	2011
4	14 CFR part 241, section 19–7	2011	2012
5	14 CFR part 291	2012	2013
6	14 CFR part 234	2013	2014
7	14 CFR part 249	2014	2015
8	14 CFR part 248	2015	2016
9	14 CFR part 250	2016	2017
10	14 CFR part 374a, ICAO	2017	2018

Year 1 (fall 2008) List of rules with ongoing analysis

14 CFR part 241—Uniform System of Accounts and Reports for Large Certificated Air Carriers, Form 41

Year 3 (fall 2010) List of rules with ongoing analysis

14 CFR part 298, subpart f—Exemptions for Air Taxi and Commuter Air Carrier Operations—Reporting Requirements

Year 4 (fall 2011) List of rules with ongoing analysis

14 CFR part 241, section 19–7—Passenger Origin-Destination Survey

Year 5 (fall 2012) List of rules with ongoing analysis

14 CFR part 291—Cargo Operations in Interstate Air Transportation

Year 6 (fall 2013) List of rules that will be analyzed during the next year

14 CFR Part 234—Airline Service Quality Performance Reports

Saint Lawrence Seaway Development Corporation
Section 610 and Other Reviews

Year	Regulations to be reviewed	Analysis year	Review year
1	33 CFR parts 401 through 403	2008	2009

Year 1 (fall 2008) List of rules with ongoing analysis

33 CFR part 401—Seaway Regulations and Rules

33 CFR part 402—Tariff of Tolls

33 CFR part 403—Rules of Procedure of the Joint Tolls Review Board

OFFICE OF THE SECRETARY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
209	+ Airline Pricing Transparency and Other Consumer Protection Issues	2105–AE11

+ DOT-designated significant regulation

FEDERAL AVIATION ADMINISTRATION—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
210	+ Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States.	2120–AK09

+ DOT-designated significant regulation

FEDERAL AVIATION ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
211	+Operation and Certification of Small Unmanned Aircraft Systems (sUAS)	2120–AJ60
212	+ Flight Simulation Training Device (FSTD) Qualification Standards for Extended Envelope and Adverse Weather Event Training.	2120–AK08

+ DOT-designated significant regulation

FEDERAL AVIATION ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
213	+ Flight Crewmember Mentoring, Leadership and Professional Development (HR 5900)	2120–AJ87

+ DOT-designated significant regulation

FEDERAL AVIATION ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
214	+ Air Ambulance and Commercial Helicopter Operations; Safety Initiatives and Miscellaneous Amendments.	2120–AJ53

+ DOT-designated significant regulation

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
215	+ Carrier Safety Fitness Determination	2126–AB11
216	+ Commercial Driver's License Drug and Alcohol Clearinghouse (MAP–21)	2126–AB18
217	+ Electronic Logging Devices and Hours of Service Supporting Documents (MAP–21)	2126–AB20

+ DOT-designated significant regulation

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
218	+ Lease and Interchange of Vehicles; Motor Carriers of Passengers	2126–AB44
219	+ Inspection, Repair, and Maintenance; Driver-Vehicle Inspection Report (RRR)	2126–AB46

+ DOT-designated significant regulation

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
220	+ Minimum Training Requirements for Entry Level Commercial Motor Vehicle Operations (MAP–21)	2126–AB06

+ DOT-designated significant regulation

FEDERAL RAILROAD ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
221	+ Training Standards for Railroad Employees	2130–AC06

+ DOT-designated significant regulation

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
222	+ Pipeline Safety: Safety of On-Shore Liquid Hazardous Pipelines	2137–AE66
223	Pipeline Safety: Issues Related to the use of Plastic Pipe in Gas Pipeline Industry	2137–AE93

+ DOT-designated significant regulation

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
224	+ Hazardous Materials: Revisions to Requirements for the Transportation of Lithium Batteries	2137–AE44

+ DOT-designated significant regulation

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
225	+ Pipeline Safety: Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Changes (RRR).	2137–AE94
226	+ Pipeline Safety: Amendments to Parts 192 and 195 to Require Valve Installation and Minimum Rupture Detection Standards.	2137–AF06

+ DOT-designated significant regulation

MARITIME ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
227	+ Cargo Preference	2133–AB74

+ DOT-designated significant regulation

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST)

Proposed Rule Stage

209. +Airline Pricing Transparency and Other Consumer Protection Issues

Legal Authority: 49 U.S.C. 41712; 49 U.S.C. 40101; 49 U.S.C. 41702

Abstract: The Department is seeking comment on a number of proposals to enhance protections for air travelers and to improve the air travel environment, including a proposal to clarify and codify the Department's interpretation of the statutory definition of ''ticket agent.'' This NPRM would also require airlines and ticket agents to disclose at all points of sale the fees for certain basic ancillary services associated with the air transportation consumers are buying or considering buying. Other proposals in this NPRM to enhance airline passenger protections include: Expanding the pool of ''reporting'' carriers; requiring enhanced reporting by mainline carriers for their domestic code-share partner operations; requiring large travel agents to adopt minimum customer service standards; codifying the statutory requirements that carriers and ticket agents disclose any code-share arrangements on their Web sites; and prohibiting unfair and deceptive practices such as undisclosed biasing and post-purchase price increases. The Department is also considering whether to require ticket agents to disclose the carriers whose tickets they sell in order to avoid having consumers mistakenly believe they are searching all possible flight options for a particular city-pair market when in fact there may be other options available. Additionally, this NPRM would correct drafting errors and make minor changes to the Department's second Enhancing Airline Passenger Protections rule to conform to quidance issued by the Department's Office of Aviation Enforcement and Proceedings (Enforcement Office) regarding its interpretation of the rule.

Timetable:

Action	Date	FR Cite
NPRM	05/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Blane A Workie, Acting Assistant General Counsel, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–9342, *TDD Phone:* 202 755–7687, *Fax:* 202 366–5944, *Email: blane.workie@dot.gov.*

RIN: 2105–AE11

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Prerule Stage

210. +Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States

Legal Authority: 14 CFR; 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44707; 49 U.S.C. 44709; 49 U.S.C. 44717

Abstract: This rulemaking is required by the FAA Modernization and Reauthorization Act of 2012. It would require controlled substance testing of some employees working in repair stations located outside the United States. The intended effect is to increase participation by companies outside of the United States in testing of employees who perform safety critical functions and testing standards similar to those used in the repair stations located in the United States. This action is necessary to increase the level of safety of the flying public.

Timetable:

Action	Date	FR Cite
ANPRM	03/17/14	79 FR 14621
ANPRM Comment Period Extended.	05/01/14	79 FR 24631
ANPRM Comment Period End.	05/16/14	
ANPRM Comment Period Extended End.	07/17/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vicky Dunne, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591, *Phone:* 202 267–8522, *Email: vicky.dunne@faa.gov.*

RIN: 2120–AK09

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Proposed Rule Stage

211. +Operation and Certification of Small Unmanned Aircraft Systems (SUAS)

Legal Authority: 49 U.S.C. 44701; Pub. L. 112–95

Abstract: This rulemaking would adopt specific rules for the operation of small unmanned aircraft systems (sUAS) in the national airspace system. These changes would address the classification of small unmanned aircraft, certification of their pilots and visual observers, registration, approval of operations, and operational limits in order to increase the safety and efficiency of the national airspace system.

Timetable:

Action	Date	FR Cite
NPRM	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lance Nuckolls, Certification and General Aviation Operations, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591, *Phone:* 202 267–8212, *Email: lance.nuckolls@faa.gov.*

RIN: 2120–AJ60

212. +Flight Simulation Training Device (FSTD) Qualification Standards for Extended Envelope and Adverse Weather Event Training

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701; Pub. L. 111–216

Abstract: This rulemaking would amend evaluation qualifications for simulators to ensure the simulators are technically capable of performing new flight training tasks as identified in the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Pub. L. 111–216) and that are included in a separate rulemaking (2120–AJ00). By ensuring the simulators provide an accurate and realistic simulation, this rulemaking would allow for training on the following tasks: (1) Full/aerodynamic stall, and (2) upset recognition and recovery, as identified in Pub. L. 111–216. Furthermore, this rulemaking would improve the minimum FSTD evaluation requirements for gusting crosswinds (takeoff/landing), engine and airframe icing, and bounced landing recovery methods in response to NTSB and Aviation Rulemaking Committee recommendations. The intended effect is to ensure an adequate level of simulator fidelity.

Timetable:

Action	Date	FR Cite
NPRM	08/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Larry McDonald, Department of Transportation, Federal Aviation Administration, PO Box 20636, Atlanta, GA 30320, *Phone:* 404 474–5620, *Email: larry.e.mcdonald@faa.gov.*

RIN: 2120–AK08

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Long-Term Actions

213. +Flight Crewmember Mentoring, Leadership and Professional Development (HR 5900)

Legal Authority: 49 U.S.C. 44701(a)(5); Pub. L. 111–216, sec 206

Abstract: This rulemaking would amend the regulations for air carrier training programs under part 121. The action is necessary to ensure that air carriers establish or modify training programs that address mentoring, leadership, and professional development of flight crewmembers in part 121 operations. The amendments are intended to contribute significantly to airline safety by reducing aviation accidents and respond to the mandate in Public Law 111–216.

Timetable: Next Action Undetermined.

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deke Abbott, Department of Transportation, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591, *Phone:* 202 267–8266, *Email: deke.abbott@faa.gov.*

RIN: 2120–AJ87

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Completed Actions

214. +Air Ambulance and Commercial Helicopter Operations; Safety Initiatives and Miscellaneous Amendments

Legal Authority: 49 U.S.C. 106(g); 49 U.S.C. 1155; 49 U.S.C. 40101 to 40103; 49 U.S.C. 40120; 49 U.S.C. 41706; 49 U.S.C. 41721; 49 U.S.C. 44101; 49 U.S.C. 44106; 49 U.S.C. 44111; 49 U.S.C. 46306; 49 U.S.C. 46315; 49 U.S.C. 46316; 49 U.S.C. 46504; 49 U.S.C. 46506; 49 U.S.C. 46507; 49 U.S.C. 47122; 49 U.S.C. 47508; 49 U.S.C. 47528 to 47531; 49 U.S.C. 44701

Abstract: This rulemaking would change equipment and operating requirements for commercial helicopter operations, including many specifically for helicopter air ambulance operations. This rulemaking is necessary to increase crew, passenger, and patient safety. The intended effect is to implement National Transportation Safety Board, Aviation Rulemaking Committee, and internal FAA recommendations.

Timetable:

Action	Date	FR Cite
NPRM	10/12/10	75 FR 62640
NPRM Comment Period End.	01/10/11	
Final Rule	02/21/14	79 FR 9932

Action	Date	FR Cite
Final Action Effective.	04/22/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andy Pierce, Department of Transportation, Federal Aviation Administration, 800 Independence Ave, SW., Washington, DC 20591, *Phone:* 202 267–8238, *Email: andy.pierce@faa.gov.*

RIN: 2120–AJ53

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Proposed Rule Stage

215. +Carrier Safety Fitness Determination

Legal Authority: Sec. 4009 of TEA–21

Abstract: FMCSA proposes to amend the Federal Motor Carrier Safety Regulations (FMCSRs) to adopt revised methodologies that would result in a safety fitness determination (SFD). The proposed methodologies would determine when a motor carrier is not fit to operate commercial motor vehicles (CMVs) in or affecting interstate commerce based on (1) the carrier's performance in relation to five of the Agency's Behavioral Analysis and Safety Improvement Categories (BASICs); (2) an investigation; or (3) a combination of on-road safety data and investigation information. The intended effect of this action is to reduce crashes caused by CMV drivers and motor carriers, resulting in death, injuries, and property damage on U.S. highways, by more effectively using FMCSA data and resources to identify unfit motor carriers, and to remove them from the Nation's roadways.

Timetable:

Action	Date	FR Cite
NPRM	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Miller, Regulatory Development Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–5370, *Email: fmcsaregs@dot.gov.*

RIN: 2126–AB11

216. +Commercial Driver's License Drug and Alcohol Clearinghouse (MAP–21)

Legal Authority: 49 U.S.C. 31306

Abstract: This rulemaking would create a central database for verified positive controlled substances and alcohol test results for commercial driver´s license (CDL) holders and refusals by such drivers to submit to testing. This rulemaking would require employers of CDL holders and service agents to report positive test results and refusals to test into the Clearinghouse. Prospective employers, acting on an application for a CDL driver position with the applicant´s written consent to access the Clearinghouse, would query the Clearinghouse to determine if any specific information about the driver applicant is in the Clearinghouse before allowing the applicant to be hired and to drive CMVs. This rulemaking is intended to increase highway safety by ensuring CDL holders, who have tested positive or have refused to submit to testing, have completed the U.S. DOT´s return-to-duty process before driving CMVs in interstate or intrastate commerce. It is also intended to ensure that employers are meeting their drug and alcohol testing responsibilities. Additionally, provisions in this rulemaking would also be responsive to requirements of the Moving Ahead for Progress in the 21st Century (MAP–21) Act. MAP–21 requires creation of the Clearinghouse by 10/1/14.

Timetable:

Action	Date	FR Cite
NPRM	02/20/14	79 FR 9703
NPRM Comment Period End.	04/21/14	
Analyzing Comments.	05/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Juan Moya, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave. SE., Washington, DC 20590, *Phone:* 202 366–4844, *Email: juan.moya@dot.gov.*

RIN: 2126–AB18

217. +Electronic Logging Devices and Hours of Service Supporting Documents (MAP–21)

Legal Authority: 49 U.S.C. 31502; 31136(a); Pub. L. 103.311; 49 U.S.C. 31137(a)

Abstract: This SNPRM would establish: (1) Minimum performance and design standards for hours-of-service (HOS) electronic logging devices (ELDs); (2) requirements for the mandatory use of these devices by drivers currently required to prepare HOS records of duty status (RODS); (3) requirements concerning HOS supporting documents; and (4) measures to address concerns about harassment resulting from the mandatory use of ELDs. This rulemaking supplements the Agency's February 1, 2011, Notice of Proposed Rulemaking (NPRM) and addresses issues raised by the U.S. Court of Appeals for the Seventh Circuit in its 2011 decision vacating the Agency's April 5, 2010, final rule concerning ELDs as well as subsequent statutory developments. The proposed requirements for ELDs would improve compliance with the HOS rules.

Timetable:

Action	Date	FR Cite
NPRM	02/01/11	76 FR 5537
NPRM Comment Period End.	02/28/11	
Comment Period Extended.	03/10/11	76 FR 13121
Extended Comment Period End.	05/23/11	
Supplemental NPRM.	03/28/14	79 FR 17656
SNPRM Comment Period End.	05/27/14	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deborah M. Freund, Senior Transportation Specialist, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–5370, *Email: deborah.freund@dot.gov.*

RIN: 2126–AB20

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Final Rule Stage

218. +Lease and Interchange of Vehicles; Motor Carriers of Passengers

Legal Authority: 49 U.S.C. 31502; 49 U.S.C. 13301; 49 U.S.C. 31136

Abstract: FMCSA proposes to adopt regulations governing the lease and interchange of passenger-carrying commercial motor vehicles (CMVs) to: (1) Identify the motor carrier operating a passenger-carrying CMV and responsible for compliance with the Federal Motor Carrier Safety Regulations (FMCSRs) and all other applicable Federal regulations; (2) ensure that a lessor surrenders control of the CMV for the full term of the lease or temporary exchange of CMVs and drivers; and (3) require motor carriers subject to a prohibition on operating in interstate commerce to notify the FMCSA in writing before leasing or otherwise transferring control of their vehicles to other carriers. This action is necessary to ensure that unsafe passenger carriers cannot evade FMCSA oversight and enforcement by operating under the authority of another carrier that exercises no actual control over those operations. This action will enable the FMCSA, the National Transportation Safety Board (NTSB), and our Federal and State partners to identify motor carriers transporting passengers in interstate commerce, and correctly assign responsibility to these entities for regulatory violations during inspections, compliance investigations, and crash studies. It also provides the general public with the means to identify the responsible motor carrier at the time of transportation. While detailed lease and interchange regulations for cargo-carrying vehicles have been in effect since 1950, these proposed rules for passenger-carrying CMVs are focused entirely on operational safety.

Timetable:

Action	Date	FR Cite
NPRM	09/20/13	78 FR 57822
NPRM Comment Period End.	11/19/13	

Action	Date	FR Cite
Final Rule	04/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Miller, Regulatory Development Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–5370, *Email: fmcsaregs@dot.gov*.

RIN: 2126–AB44

219. +Inspection, Repair, and Maintenance; Driver-Vehicle Inspection Report (RRR)

Legal Authority: 49 U.S.C. 31502(b)

Abstract: This rulemaking would rescind the requirement that commercial motor vehicle (CMV) drivers operating in interstate commerce submit, and motor carriers retain, driver-vehicle inspection reports when the driver has neither found nor been made aware of any vehicle defects or deficiencies. Specifically, this rulemaking would remove a significant information collection burden without adversely impacting safety. This rulemaking responds in part to the President´s January 2012 Regulatory Review and Reform initiative.

Timetable:

Action	Date	FR Cite
NPRM	08/07/13	78 FR 48125
Comment Period End.	10/07/13	
Final Rule	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sean Gallagher, MC–PRR, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave. SE., Washington, DC 20590, *Phone:* 202 366–3740, *Email: sean.gallagher@dot.gov*.

RIN: 2126–AB46

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Motor Carrier Safety Administration (FMCSA)

Completed Actions

220. +Minimum Training Requirements for Entry Level Commercial Motor Vehicle Operations (MAP–21)

Legal Authority: 49 U.S.C. 31136; 49 CFR 1.73; 49 U.S.C. 31502

Abstract: This rulemaking would require behind-the-wheel and classroom training for persons who must hold a commercial driver´s license to operate commercial motor vehicles. This action is in response to the U.S. Court of Appeals for the District of Columbia Circuit´s December 2005 decision remanding the May 21, 2004, Final Rule, Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators to the Agency for further consideration. The rulemaking will consider the effectiveness of Commercial Motor Vehicle (CMV) driver training in reducing crashes, the appropriate types and levels of training that should be mandated, and related costs. Additionally, provisions in this rulemaking would also be responsive to requirements of the Moving Ahead for Progress in the 21st Century (MAP–21) Act. MAP–21 requires a final rule by October 1, 2013. This rulemaking was withdrawn to allow time to further study this issue.

Timetable:

Action	Date	FR Cite
NPRM	12/26/07	72 FR 73226
NPRM Comment Period Extended.	03/24/08	73 FR 15471
NPRM Comment Period End.	03/25/08	
NPRM Comment Period Extension End.	05/23/08	
NPRM; Notice of Withdrawal.	09/19/13	78 FR 57585

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Thomas Yager, Driver and Carrier Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–4325, *Email: tom.yager@dot.gov*.

RIN: 2126–AB06

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Railroad Administration (FRA)

Final Rule Stage

221. +Training Standards for Railroad Employees

Legal Authority: Pub. L. 110–432, Div A, 122 Stat 4848 *et seq.;* Railroad Safety Improvement Act of 2008; sec 401 (49 U.S.C. 20162)

Abstract: This rulemaking would: (1) Establish minimum training standards for each class or craft of safety-related employee and equivalent railroad contractor and subcontractor employee by requiring railroads, contractors, and subcontractors to qualify and document the proficiency of such employees on their knowledge and ability to comply with Federal railroad safety laws and regulations, and railroad rules, and procedures intended to implement those laws and regulations, etc.; (2) require submission of the training and qualification programs for FRA approval; and (3) establish a minimum training curriculum, and ongoing training criteria, testing, and skills evaluation measures.

Timetable:

Action	Date	FR Cite
NPRM	02/07/12	77 FR 6412
NPRM Comment Period End.	04/09/12	
Final Rule	05/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kathryn Shelton, Trial Attorney, Department of Transportation, Federal Railroad Administration, 1200 New Jersey Ave. SE., Washington, DC 20590, *Phone:* 202 493–6063, *Email: kathryn.shelton@fra.dot.gov*.

RIN: 2130–AC06

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Proposed Rule Stage

222. +Pipeline Safety: Safety of On-Shore Liquid Hazardous Pipelines

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: This rulemaking would address effective procedures that hazardous liquid operators can use to improve the protection of High Consequence Areas (HCA) and other vulnerable areas along their hazardous liquid onshore pipelines. PHMSA is considering whether changes are needed to the regulations covering hazardous liquid onshore pipelines, whether other areas should be included as HCAs for integrity management (IM) protections, what the repair timeframes should be for areas outside the HCAs that are assessed as part of the IM program, whether leak detection standards are necessary, valve spacing requirements are needed on new construction or existing pipelines, and PHMSA should extend regulation to certain pipelines currently exempt from regulation. The agency would also address the public safety and environmental aspects of any new requirements, as well as the cost implications and regulatory burden.

Timetable:

Action	Date	FR Cite
ANPRM	10/18/10	75 FR 63774
ANPRM Comment Period End.	01/18/11	
ANPRM Comment Period Extended.	01/04/11	76 FR 303
ANPRM Extended Comment Period End.	02/18/11	
NPRM	07/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John A Gale, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–0434, *Email: john.gale@dot.gov*.

RIN: 2137–AE66

223. Pipeline Safety: Issues Related to the Use of Plastic Pipe in Gas Pipeline Industry

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: This rulemaking would address a number of topics related to the use of plastic pipe in the gas pipeline industry. These

topics include: PE, PA11, PA12, 50-year markings, design factors, risers, incorporation by reference of certain plastic pipe related standards, and tracking and traceability.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cameron H. Satterthwaite, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–8553, *Email: cameron.satterthwaite@dot.gov.*

RIN: 2137–AE93

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Final Rule Stage

224. +Hazardous Materials: Revisions to Requirements for the Transportation of Lithium Batteries

Legal Authority: 49 U.S.C. 5101 *et seq.*

Abstract: This rulemaking would amend the Hazardous Materials Regulations to comprehensively address the safe transportation of lithium cells and batteries. The intent of the rulemaking is to strengthen the current regulatory framework by imposing more effective safeguards, including design testing to address risks related to internal short circuits, and enhanced packaging, hazard communication, and operational measures for various types and sizes of lithium batteries in specific transportation contexts. The rulemaking would respond to several recommendations issued by the National Transportation Safety Board.

Timetable:

Action	Date	FR Cite
NPRM	01/11/10	75 FR 1302
NPRM Comment Period End.	03/12/10	
Notice	04/11/12	77 FR 21714
Comment Period End.	05/11/12	
NPRM; Request for Additional Comments.	01/07/13	78 FR 1119
Comment Period End.	03/08/13	
Final Rule	05/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kevin Leary, Transportation Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–8553, *Email: kevin.leary@dot.gov.*

RIN: 2137–AE44

DEPARTMENT OF TRANSPORTATION (DOT)

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Long-Term Actions

225. +Pipeline Safety: Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Changes (RRR)

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: This rulemaking would address miscellaneous issues that have been raised because of the reauthorization of the pipeline safety program in 2012, and petitions for rulemaking from many affected stakeholders. Some of the issues that this rulemaking would address include: renewal process for special permits, cost recovery for design reviews, and incident reporting.

Timetable:

Action	Date	FR Cite
NPRM	05/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John A Gale, Transportation Regulations Specialist, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–0434, *Email: john.gale@dot.gov.*

RIN: 2137–AE94

226. +Pipeline Safety: Amendments to Parts 192 and 195 To Require Valve Installation and Minimum Rupture Detection Standards

Legal Authority: 49 U.S.C. 60101 *et seq.*

Abstract: This proposed rule would require mandatory installation of automatic shutoff valves, remote controlled valves, or equivalent technology, and establish performance-based meaningful metrics for rupture detection for gas and liquid transmission pipelines. The overall intent is that rupture detection metrics will be integrated with ASV and RCV placement, with the objective of improving overall incident response. Rupture response metrics would focus on mitigating large, unsafe, uncontrolled release events that have a greater potential consequence. The areas proposed to be covered include High Consequence Areas (HCA) for hazardous liquids and HCA, Class 3 and 4 for natural gas (including could affect areas).

Timetable:

Action	Date	FR Cite
NPRM	05/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lawrence White, Attorney-Advisor, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street SW., Washington, DC 20590, *Phone:* 202 366–4400, *Fax:* 292 366–7041.

RIN: 2137–AF06

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MARAD)

Long-Term Actions

227. +Cargo Preference

Legal Authority: 49 CFR 1.66; 46 app U.S.C. 1101; 46 app U.S.C. 1241; 46 U.S.C. 2302 (e)(1); Pub. L. 91–469

Abstract: This rulemaking would revise and clarify the cargo preference regulations that have not been revised substantially since 1971. The rulemaking would also implement statutory changes, including section 3511, Public Law 110 to 417, of The National Defense Authorization Act for FY 2009, which provides enforcement authority.

Timetable: Next Action Undetermined.

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Christine Gurland, Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, *Phone:* 202 366–5157, *Email: christine.gurland@dot.gov.*

RIN: 2133–AB74

[FR Doc. 2014–13127 Filed 6–12–14; 8:45 am]

BILLING CODE 4910–81–P

FEDERAL REGISTER

Vol. 79 Friday,

No. 114 June 13, 2014

Part XIV

Department of the Treasury

Semiannual Regulatory Agenda

DEPARTMENT OF THE TREASURY

31 CFR Subtitles A and B

Semiannual Agenda

AGENCY: Department of the Treasury.

ACTION: Semiannual regulatory agenda.

SUMMARY: This notice is given pursuant to the requirements of the Regulatory Flexibility Act and Executive Order 12866 (''Regulatory Planning and Review''), which require the publication by the Department of a semiannual agenda of regulations.

FOR FURTHER INFORMATION CONTACT: The Agency contact identified in the item relating to that regulation.

SUPPLEMENTARY INFORMATION: The semiannual regulatory agenda includes regulations that the Department has issued or expects to issue and rules currently in effect that are under departmental or bureau review.

Beginning with the fall 2007 edition, the Internet has been the primary medium for disseminating the Unified Agenda. The complete Unified Agenda will be available online at www.reginfo.gov and www.regulations.gov, in a format that offers users an enhanced ability to obtain information from the agenda database. Because publication in the **Federal Register** is mandated for the regulatory flexibility agenda required by the Regulatory Flexibility Act (5 U.S.C. 602), Treasury's printed agenda entries include only:

(1) Rules that are in the regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that have been identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements. Additional information on these entries is available in the Unified Agenda available on the Internet.

The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda format developed by the Regulatory Information Service Center (RISC).

Dated: February 28, 2014.

Brian J. Sonfield,

Deputy Assistant General Counsel for General Law and Regulation.

CUSTOMS REVENUE FUNCTION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
228	Documentation Related to Goods Imported From U.S. Insular Possessions	1515–AD97

INTERNAL REVENUE SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
229	Reporting and Notice Requirements Under Section 6056	1545–BL26

DEPARTMENT OF THE TREASURY (TREAS)

Customs Revenue Function (CUSTOMS)

Long-Term Actions

228. Documentation Related to Goods Imported From U.S. Insular Possessions

Legal Authority: 19 U.S.C. 66; 19 U.S.C. 1202 (General Note 3(a)(iv) and (i), Harmonized Tariff Schedule of the United States (HTSUS)); 19 U.S.C. 1623; 19 U.S.C. 1624; 48 U.S.C. 1406i; . . .

Abstract: Amendment to the U.S. Customs and Border Protection (CBP) regulations (title 19 of the Code of Federal Regulations (19 CFR part 7)) to eliminate the requirement that a customs officer at the port of export verify and sign CBP Form 3229, Certificate of Origin for U.S. Insular Possessions, and to require instead that the importer present this form, upon CBP's request, rather than submit it with each entry as the current regulations require. CBP believes that this amendment will streamline the entry process by making it more efficient as it will reduce the overall administrative burden on importers as well as CBP. The importer must maintain CBP Form 3229 in its possession or be subject to a recordkeeping penalty.

Timetable:

Action	Date	FR Cite
NPRM	01/14/14	79 FR 2397
NPRM Comment Period End.	03/17/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Seth Mazze, *Phone:* 202 863–6567, *Email: seth.mazze@cbp.dhs.gov.*

RIN: 1515–AD97

BILLING CODE 4810–01–P

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Completed Actions

229. Reporting and Notice Requirements Under Section 6056

Legal Authority: 26 U.S.C. 7805; 26 U.S.C. 6056

Abstract: Proposed regulations under section 6056 of the Internal Revenue Code, as enacted by the Affordable Care Act, to provide guidance on rules that require applicable large employers to file certain information with the Internal Revenue Service on coverage under an eligible employer-sponsored health plan and furnish to individuals statements that set forth the information required to be reported to the Internal Revenue Service.

Completed:

Reason	Date	FR Cite
Final Rule	03/10/14	79 FR 13231
Final Rule Effective.	03/10/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ligeia M. Donis, *Phone:* 202 622–0047, *Fax:* 202 622–5697, *Email: ligeia.m.donis@irscounsel.treas.gov*.

R. Lisa Mojiri-Azad, *Phone:* 202 622–6060, *Email: lisa.mojiri-azad@irscounsel.treas.gov*.

RIN: 1545–BL26

[FR Doc. 2014–13128 Filed 6–12–14; 8:45 am]

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FEDERAL REGISTER

Vol. 79 Friday,

No. 114 June 13, 2014

Part XV

Architectural and Transportation Barriers Compliance Board

Semiannual Regulatory Agenda

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Ch. XI

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Architectural and Transportation Barriers Compliance Board submits the following agenda of proposed regulatory activities, which may be conducted by the agency during the next 12 months. This regulatory agenda may be revised by the agency during the coming months as a result of action taken by the Board.

ADDRESSES: Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., Suite 1000, Washington, DC 20004–1111.

FOR FURTHER INFORMATION CONTACT: For information concerning Board regulations and proposed actions, contact Lisa Fairhall, Deputy General Counsel, (202) 272–0046 (voice) or (202) 272–0064 (TTY).

Lisa Fairhall,

Deputy General Counsel.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
230	Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way	3014–AA26

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
231	Americans With Disabilities Act (ADA) Accessibility Guidelines for Passenger Vessels	3014–AA11

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Final Rule Stage

230. Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way

Legal Authority: 42 U.S.C. 12204, Americans With Disabilities Act; 29 U.S.C. 792, Rehabilitation Act

Abstract: This rulemaking would establish accessibility guidelines to ensure that sidewalks, pedestrian street crossings, pedestrian signals, and other facilities for pedestrian circulation and use constructed or altered in the public right-of-way by State or local governments are accessible to and usable by individuals with disabilities. The rulemaking in RIN 3014–AA41 that would establish accessibility guidelines for shared use paths that are designed for bicyclists and pedestrians and are used for transportation and recreation purposes is merged with this rulemaking. A second notice of proposed rulemaking (Second NPRM) proposed to add provisions for shared use paths to the accessibility guidelines for pedestrian facilities in the public right-of-way. The U.S. Department of Justice, U.S. Department of Transportation, and other Federal agencies are expected to adopt the accessibility guidelines for pedestrian facilities in the public right-of-way as enforceable standards in separate rulemakings for the construction and alteration of facilities covered by the Americans With Disabilities Act, section 504 of the Rehabilitation Act, and the Architectural Barriers Act.

Timetable:

Action	Date	FR Cite
Notice of Intent to Form Advisory Committee.	08/12/99	64 FR 43980
Notice of Appointment of Advisory Committee Members.	10/20/99	64 FR 56482
Availability of Draft Guidelines.	06/17/02	67 FR 41206
Availability of Draft Guidelines.	11/23/05	70 FR 70734
NPRM	07/26/11	76 FR 44664
NPRM Comment Period End.	11/23/11	
Notice Reopening Comment Period.	12/05/11	76 FR 75844
NPRM Comment Period End.	02/02/12	
Second NPRM	02/13/13	78 FR 10110
Second NPRM Comment Period End.	05/14/13	
Final Action	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Raggio, General Counsel, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., Suite 1000, Washington, DC 20004–1111, *Phone:* 202 272–0040, *TDD Phone:* 202 272–0062, *Fax:* 202 272–0081, *Email:* *raggio@access-board.gov*.

RIN: 3014–AA26

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Long-Term Actions

231. Americans With Disabilities Act (ADA) Accessibility Guidelines for Passenger Vessels

Legal Authority: 42 U.S.C. 12204, Americans With Disabilities Act of 1990

Abstract: This rulemaking would establish accessibility guidelines to ensure that newly constructed and altered passenger vessels covered by the Americans With Disabilities Act (ADA) are accessible to and usable by individuals with disabilities. The U.S. Department of Transportation and U.S. Department of Justice are expected to adopt the guidelines as enforceable standards in separate rulemakings for the construction and alteration of passenger vessels covered by the ADA.

Timetable:

Action	Date	FR Cite
Notice of Intent to Establish Advisory Committee.	03/30/98	63 FR 15175
Establishment of Advisory Committee.	08/12/98	63 FR 43136
Availability of Draft Guidelines.	11/26/04	69 FR 69244
ANPRM	11/26/04	69 FR 69246
Comment Period Extended.	03/22/05	70 FR 14435
ANPRM Comment Period End.	07/28/05	

Action	Date	FR Cite
Availability of Draft Guidelines.	07/07/06	71 FR 38563
Notice of Intent to Establish Advisory Committee.	06/25/07	72 FR 34653
Establishment of Advisory Committee.	08/13/07	72 FR 45200
NPRM	06/25/13	78 FR 38102
NPRM Comment Period Extended.	08/13/13	78 FR 49248
NPRM Comment Period End.	01/24/14	
Final Action	07/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Raggio, General Counsel, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., Suite 1000, Washington, DC 20004–1111, *Phone:* 202 272–0040, *TDD Phone:* 202 272–0062, *Fax:* 202 272–0081, *Email: raggio@access-board.gov*.

RIN: 3014–AA11

[FR Doc. 2014–13129 Filed 6–12–14; 8:45 am]

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FEDERAL REGISTER

Vol. 79 Friday,
No. 114 June 13, 2014

Part XVI

Environmental Protection Agency

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[EPA–HQ–OW–2012–0813, EPA–HQ–OAR–2013–0642; FRL 9907–33–OP]

Spring 2014 Regulatory Agenda

AGENCY: Environmental Protection Agency.

ACTION: Semiannual regulatory flexibility agenda and semiannual regulatory agenda.

SUMMARY: The Environmental Protection Agency (EPA) publishes the semiannual regulatory agenda online (the e-Agenda) at *http://www.reginfo.gov* and at *www.regulations.gov* to update the public about:

- Regulations and major policies currently under development,
- Reviews of existing regulations and major policies, and
- Rules and major policymakings completed or canceled since the last agenda.

Definitions

''E-Agenda,'' ''online regulatory agenda,'' and ''semiannual regulatory agenda'' all refer to the same comprehensive collection of information that, until 2007, was published in the **Federal Register** but now is only available through an online database.

''Regulatory Flexibility Agenda'' refers to a document that contains information about regulations that may have a significant impact on a substantial number of small entities. We continue to publish it in the **Federal Register** because it is required by the Regulatory Flexibility Act of 1980.

''Unified Regulatory Agenda'' refers to the collection of all agencies' agendas with an introduction prepared by the Regulatory Information Service Center facilitated by the General Services Administration.

''Regulatory Agenda Preamble'' refers to the document you are reading now. It appears as part of the Regulatory Flexibility Agenda and introduces both the Regulatory Flexibility Agenda and the e-Agenda.

''Regulatory Development and Retrospective Review Tracker'' refers to an online portal to EPA's priority rules and retrospective reviews of existing regulations. More information about the Regulatory Development and Retrospective Review Tracker appears in section H of this preamble.

FOR FURTHER INFORMATION CONTACT: If you have questions or comments about a particular action, please get in touch with the agency contact listed in each agenda entry. If you have general questions about the semiannual regulatory agenda, please contact: Caryn Muellerleile (*muellerleile.caryn@epa.gov*; 202–564–2855).

Table of Contents

A. Links to EPA's Regulatory Information
B. What key statutes and executive orders guide EPA's rule and policymaking process?
C. How can you be involved in EPA's rule and policymaking process?
D. What actions are included in the E-Agenda and the Regulatory Agenda?
E. How is the E-Agenda organized?
F. What information is in the Regulatory Flexibility Agenda and the E-Agenda?
G. How can you find out about rulemakings that start up after the Regulatory Agenda is signed?
H. What tools are available for mining Regulatory Agenda data and for finding more about EPA rules and policies?
I. Reviews of Rules With Significant Impacts on a Substantial Number of Small Entities
J. What other special attention does EPA give to the impacts of rules on small businesses, small governments, and small nonprofit organizations?
K. Thank You for Collaborating With Us

SUPPLEMENTARY INFORMATION:

A. Links to EPA's Regulatory Information

- Semiannual Regulatory Agenda: *www.reginfo.gov/* and *www.regulations.gov*
- Semiannual Regulatory Flexibility Agenda: *http://www.gpo.gov/fdsys/search/home.action*
- Regulatory Development and Retrospective Review Tracker: *www.epa.gov/regdarrt/*

B. What key statutes and executive orders guide EPA's rule and policymaking process?

A number of environmental laws authorize EPA's actions, including but not limited to:

- Clean Air Act (CAA),
- Clean Water Act (CWA),
- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, or Superfund),
- Emergency Planning and Community Right-to-Know Act (EPCRA),
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),
- Resource Conservation and Recovery Act (RCRA),
- Safe Drinking Water Act (SDWA), and
- Toxic Substances Control Act (TSCA).

Not only must EPA comply with environmental laws, but also administrative legal requirements that apply to the issuance of regulations, such as: the Administrative Procedure Act (APA), the Regulatory Flexibility Act (RFA) as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), the Unfunded Mandates Reform Act (UMRA), the Paperwork Reduction Act (PRA), the National Technology Transfer and Advancement Act (NTTAA), and the Congressional Review Act (CRA).

EPA also meets a number of requirements contained in numerous Executive Orders: 12866, ''Regulatory Planning and Review'' (58 FR 51735, Oct. 4, 1993), as supplemented by Executive Order 13563, ''Improving Regulation and Regulatory Review'' (76 FR 3821, Jan. 21, 2011); 12898, ''Environmental Justice'' (59 FR 7629, Feb. 16, 1994); 13045, ''Children's Health Protection'' (62 FR 19885, Apr. 23, 1997); 13132, ''Federalism'' (64 FR 43255, Aug. 10, 1999); 13175, ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, Nov. 9, 2000); 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001).

In addition to meeting its mission goals and priorities as described above, EPA has begun reviewing its existing regulations under Executive Order (EO) 13563, ''Improving Regulation and Regulatory Review.'' This EO provides for periodic retrospective review of existing significant regulations and is intended to determine whether any such regulations should be modified, streamlined, expanded, or repealed, so as to make the Agency's regulatory program more effective or less burdensome in achieving the regulatory objectives.

C. How can you be involved in EPA's rule and policymaking process?

You can make your voice heard by getting in touch with the contact person provided in each agenda entry. EPA encourages you to participate as early in the process as possible. You may also participate by commenting on proposed rules published in the **Federal Register** (FR).

Instructions on how to submit your comments are provided in each Notice of Proposed Rulemaking (NPRM). To be most effective, comments should contain information and data that support your position and you also should explain why EPA should incorporate your suggestion in the rule or other type of action. You can be particularly helpful and persuasive if

you provide examples to illustrate your concerns and offer specific alternatives.

EPA believes its actions will be more cost effective and protective if the development process includes stakeholders working with us to help identify the most practical and effective solutions to problems. EPA encourages you to become involved in its rule and policymaking process. For more information about public involvement in EPA activities, please visit *www.epa.gov/open*.

D. What actions are included in the E-Agenda and the Regulatory Flexibility Agenda?

EPA includes regulations and certain major policy documents in the e-Agenda. However, there is no legal significance to the omission of an item from the agenda, and EPA generally does not include the following categories of actions:

- Administrative actions such as delegations of authority, changes of address, or phone numbers;
- Under the CAA: Revisions to state implementation plans; equivalent methods for ambient air quality monitoring; deletions from the new source performance standards source categories list; delegations of authority to states; area designations for air quality planning purposes;
- Under FIFRA: Registration-related decisions, actions affecting the status of currently registered pesticides, and data call-ins;
- Under the Federal Food, Drug, and Cosmetic Act: Actions regarding pesticide tolerances and food additive regulations;
- Under RCRA: Authorization of State solid waste management plans; hazardous waste delisting petitions;
- Under the CWA: State Water Quality Standards; deletions from the section 307(a) list of toxic pollutants; suspensions of toxic testing requirements under the National Pollutant Discharge Elimination System (NPDES); delegations of NPDES authority to States;
- Under SDWA: Actions on State underground injection control programs.

The Regulatory Flexibility Agenda includes:

- Actions likely to have a significant economic impact on a substantial number of small entities.
- Rules the Agency has identified for periodic review under section 610 of the RFA.

EPA has two 610 reviews ongoing at this time.

E. How is the E-Agenda organized?

You can choose how to organize the agenda entries online by specifying the characteristics of the entries of interest in the desired individual data fields for both the *www.reginfo.gov* and *www.regulations.gov* versions of the e-Agenda. You can sort based on the following characteristics: EPA subagency; stage of rulemaking, which is explained below; alphabetically by title; and by the Regulation Identifier Number (RIN), which is assigned sequentially when an action is added to the agenda. Each entry in the Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. Prerule Stage—This section includes EPA actions generally intended to determine whether the agency should initiate rulemaking. Prerulemakings may include anything that influences or leads to rulemaking, such as Advance Notices of Proposed Rulemaking (ANPRMs), studies, or analyses of the possible need for regulatory action.
2. Proposed Rule Stage—This section includes EPA rulemaking actions that are within a year of proposal (publication of Notices of Proposed Rulemakings [NPRMs]).
3. Final Rule Stage—This section includes rules that will be issued as a final rule within a year.
4. Long-Term Actions—This section includes rulemakings for which the next scheduled regulatory action is after April 2015. We urge you to explore becoming involved even if an action is listed in the Long-Term category. By the time an action is listed in the Proposed Rules category you may have missed the opportunity to participate in certain public meetings or policy dialogues.
5. Completed Actions—This section contains actions that have been promulgated and published in the **Federal Register** since publication of the fall 2013 Agenda. It also includes actions that EPA is no longer considering and has elected to ''withdraw.'' EPA also announces the results of any RFA section 610 review in this section of the agenda.

F. What information is in the Regulatory Flexibility Agenda and the E-Agenda?

The Regulatory Flexibility Agenda entries include only the nine categories of information that are required by the Regulatory Flexibility Act of 1980 and by **Federal Register** Agenda printing requirements: Sequence Number, RIN, Title, Description, Statutory Authority, Section 610 Review, if applicable, Regulatory Flexibility Analysis Required, Schedule, and Contact Person. Note that the electronic version of the Agenda (E-Agenda) has more extensive information on each of these actions.

E-Agenda entries include:

Title: A brief description of the subject of the regulation. The notation ''Section 610 Review'' follows the title if we are reviewing the rule as part of our periodic review of existing rules under section 610 of the RFA (5 U.S.C. 610).

Priority: Entries are placed into one of five categories described below.

a. Economically Significant: Under Executive Order 12866, a rulemaking that may have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

b. Other Significant: A rulemaking that is not economically significant but is considered significant for other reasons. This category includes rules that may:

1. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
2. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients; or
3. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles in Executive Order 12866.

c. Substantive, Nonsignificant: A rulemaking that has substantive impacts but is not Significant, Routine and Frequent, or Informational/Administrative/Other.

d. Routine and Frequent: A rulemaking that is a specific case of a recurring application of a regulatory program in the Code of Federal Regulations (e.g., certain State Implementation Plans, National Priority List updates, Significant New Use Rules, State Hazardous Waste Management Program actions, and Tolerance Exemptions). If an action that would normally be classified Routine and Frequent is reviewed by the Office of Management and Budget under E.O. 12866, then we would classify the action as either ''Economically Significant'' or ''Other Significant.''

e. Informational/Administrative/Other: An action that is primarily informational or pertains to an action outside the scope of E.O. 12866.

Major: A rule is ''major'' under 5 U.S.C. 801 (Pub. L. 104–121) if it has resulted or is likely to result in an annual effect on the economy of $100

million or more or meets other criteria specified in that Act.

Unfunded Mandates: Whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than $100 million in 1 year.

Legal Authority: The sections of the United States Code (U.S.C.), Public Law (Pub. L.), Executive Order (E.O.), or common name of the law that authorizes the regulatory action.

CFR Citation: The sections of the Code of Federal Regulations that would be affected by the action.

Legal Deadline: An indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to a Notice of Proposed Rulemaking, a Final Action, or some other action.

Abstract: A brief description of the problem the action will address.

Timetable: The dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 10/00/14 means the agency is predicting the month and year the action will take place but not the day it will occur. For some entries, the timetable indicates that the date of the next action is ''to be determined.''

Regulatory Flexibility Analysis Required: Indicates whether EPA has prepared or anticipates that it will be preparing a regulatory flexibility analysis under section 603 or 604 of the RFA. Generally, such an analysis is required for proposed or final rules subject to the RFA that EPA believes may have a significant economic impact on a substantial number of small entities.

Small Entities Affected: Indicates whether the rule is anticipated to have any effect on small businesses, small governments, or small nonprofit organizations.

Government Levels Affected: Indicates whether the rule may have any effect on levels of government and, if so, whether the governments are State, local, tribal, or Federal.

Federalism Implications: Indicates whether the action is expected to 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.

Energy Impacts: Indicates whether the action is a significant energy action under E.O. 13211.

Sectors Affected: Indicates the main economic sectors regulated by the action. The regulated parties are identified by their North American Industry Classification System (NAICS) codes. These codes were created by the Census Bureau for collecting, analyzing, and publishing statistical data on the U.S. economy. There are more than 1,000 NAICS codes for sectors in agriculture, mining, manufacturing, services, and public administration.

International Trade Impacts: Indicates whether the action is likely to have international trade or investment effects, or otherwise be of international interest.

Agency Contact: The name, address, phone number, and email address, if available, of a person who is knowledgeable about the regulation.

Additional Information: Other information about the action including docket information.

URLs: For some actions, the Internet addresses are included for reading copies of rulemaking documents, submitting comments on proposals, and getting more information about the rulemaking and the program of which it is a part. (**Note:** To submit comments on proposals, you can go to the associated electronic docket, which is housed at *www.regulations.gov*. Once there, follow the online instructions to access the docket in question and submit comments. A docket identification [ID] number will assist in the search for materials.)

RIN: The Regulation Identifier Number is used by OMB to identify and track rulemakings. The first four digits of the RIN identify the EPA office with lead responsibility for developing the action.

G. How can you find out about rulemakings that start up after the Regulatory Agenda is signed?

EPA posts monthly information of new rulemakings that the Agency's senior managers have decided to develop. This list is also distributed via email. You can find the current list, known as the Action Initiation List (AIL), at *http://www2.epa.gov/laws-regulations/actions-initiated-month* where you will also find information about how to get an email notification when a new list is posted.

H. What tools are available for mining Regulatory Agenda data and for finding more about EPA rules and policies?

1. The http://www.reginfo.gov/Searchable Database

The Regulatory Information Service Center and Office of Information and Regulatory Affairs have a Federal regulatory dashboard that allows users to view the Regulatory Agenda database (*http://www.reginfo.gov/public/do/eAgendaMain*), which includes search, display, and data transmission options.

2. Subject Matter EPA Web Sites

Some actions listed in the Agenda include a URL that provides additional information about the action.

3. Public Dockets

When EPA publishes either an Advance Notice of Proposed Rulemaking (ANPRM) or a Notice of Proposed Rulemaking (NPRM) in the **Federal Register**, the Agency typically establishes a docket to accumulate materials throughout the development process for that rulemaking. The docket serves as the repository for the collection of documents or information related to a particular Agency action or activity. EPA most commonly uses dockets for rulemaking actions, but dockets may also be used for RFA section 610 reviews of rules with significant economic impacts on a substantial number of small entities and for various non-rulemaking activities, such as **Federal Register** documents seeking public comments on draft guidance, policy statements, information collection requests under the Paperwork Reduction Act (PRA), and other non-rule activities. Docket information should be in that action's agenda entry. All of EPA's public dockets can be located at *www.regulations.gov*.

4. EPA's Regulatory Development and Retrospective Review Tracker

EPA's Regulatory Development and Retrospective Review Tracker (*www.epa.gov/regdarrt/*) serves as a portal to EPA's priority rules, providing you with earlier and more frequently updated information about Agency regulations than is provided by the Regulatory Agenda. It also provides information about retrospective reviews of existing regulations. Not all of EPA's Regulatory Agenda entries appear on Reg DaRRT; only priority rulemakings can be found on this Web site.

I. Reviews of Rules With Significant Impacts on a Substantial Number of Small Entities

Section 610 of the RFA requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities. EPA has two 610 reviews ongoing at this time.

Review title	RIN	Docket ID #
Section 610 Review of Control of Emissions of Air Pollution from Nonroad Diesel Engines and Fuel	2060–AR91	EPA–HQ–OAR–2013–0642.
Section 610 Review of National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitations Guidelines Standards for Concentrated Animal Feeding Operations.	2040–AF46	EPA–HQ–OW–2012–0813.

EPA established an official public dockets for each 610 review under the docket identification (ID) numbers indicated above. All documents in the dockets are listed on the *www.regulations.gov* Web site. 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 either electronically through *www.regulations.gov* or in hard copy at the Air or Water dockets, EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20460. 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.

J. What other special attention does EPA give to the impacts of rules on small businesses, small governments, and small nonprofit organizations?

For each of EPA's rulemakings, consideration is given whether there will be any adverse impact on any small entity. EPA attempts to fit the regulatory requirements, to the extent feasible, to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulation.

Under RFA as amended by SBREFA, the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel (proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a significant economic impact on a substantial number of small entities. For more detailed information about the Agency's policy and practice with respect to implementing RFA/SBREFA, please visit the RFA/SBREFA Web site at *http://www.epa.gov/sbrefa/*.

K. Thank You for Collaborating With Us

Finally, we would like to thank those of you who choose to join with us in making progress on the complex issues involved in protecting human health and the environment. Collaborative efforts such as EPA's open rulemaking process are a valuable tool for addressing the problems we face, and the regulatory agenda is an important part of that process.

Dated: February 28, 2014.

Sandra Connors,

Acting Principal Deputy Associate Administrator, Office of Policy.

10—Prerule Stage

Sequence No.	Title	Regulation Identifier No.
232	Section 610 Review of Control of Emissions of Air Pollution From Nonroad Diesel Engines and Fuel **(Section 610 Review)**.	2060–AR91

10—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
233	National Emission Standards for Hazardous Air Pollutants (NESHAP): Brick and Structural Clay Products Manufacturing and Clay Ceramics Manufacturing.	2060–AP69
234	Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2.	2060–AS16

10—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
235	Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces, and New Residential Masonry Heaters.	2060–AP93

10—Completed Actions

Sequence No.	Title	Regulation Identifier No.
236	Control of Air Pollution From Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards	2060–AQ86

35—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
237	Formaldehyde Emissions Standards for Composite Wood Products	2070–AJ92

60—Long-Term Actions

Sequence No.	Title	Regulation Identifier No.
238	Financial Responsibility Requirements Under CERCLA Section 108(b) for Classes of Facilities in the Hard Rock Mining Industry.	2050–AG61

70—Prerule Stage

Sequence No.	Title	Regulation Identifier No.
239	Section 610 Review of National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitations Guidelines Standards for Concentrated Animal Feeding Operations **(Section 610 Review)**.	2040–AF46

ENVIRONMENTAL PROTECTON AGENCY (EPA)

10

Prerule Stage

232. Section 610 Review of Control of Emissions of Air Pollution From Nonroad Diesel Engines and Fuel (Section 610 Review)

Legal Authority: 5 U.S.C. 610

Abstract: The rulemaking ''Control of Emissions of Air Pollution From Nonroad Diesel Engines and Fuel'' was finalized by EPA in June 2004 (69 FR 38958, June 29, 2004). This program set new emission standards for nonroad diesel engines, and fuel standards requiring sulfur reductions in nonroad diesel fuel. EPA developed a Small Entity Compliance Guide, which provides descriptions of the regulations and small entity provisions, Q&As, and other helpful compliance information. This entry in the regulatory agenda describes EPA's review of this action pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610) to determine if the provisions that could affect small entities should be continued without change, or should be rescinded or amended to minimize adverse economic impacts on small entities. As part of this review, EPA is considering comments on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received from the public concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. The results of EPA's review will be summarized in a report and placed in the rulemaking docket at the conclusion of this review. This review's Docket ID number is EPA–HQ–OAR–2013–0642; the docket can be accessed at *www.regulations.gov.*

Timetable:

Action	Date	FR Cite
Final Rule	06/29/04	69 FR 38958
Begin Review	01/07/14	79 FR 1216
End Review	05/00/14	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Tad Wysor, Environmental Protection Agency, Air and Radiation, USEPA, Ann Arbor, MI 48105, *Phone:* 734 214–4332, *Fax:* 734 214–4816, *Email: wysor.tad@epamail.epa.gov.*

RIN: 2060–AR91

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10

Proposed Rule Stage

233. National Emission Standards for Hazardous Air Pollutants (NESHAP): Brick and Structural Clay Products Manufacturing and Clay Ceramics Manufacturing

Legal Authority: Clean Air Act

Abstract: This rulemaking will establish emission limits for hazardous air pollutants (hydrogen flouride (HF), hydrogen chloride (HCl) and metals) emitted from brick and clay ceramics kilns, as well as dryers and glazing operations at clay ceramics production facilities. The brick and structural clay products industry primarily includes facilities that manufacture brick, clay, pipe, roof tile, extruded floor and wall tile, and other extruded dimensional clay products from clay, shale, or a combination of the two. The manufacturing of brick and structural clay products involves mining, raw material processing (crushing, grinding, and screening), mixing, forming, cutting or shaping, drying, and firing. Ceramics are defined as a class of inorganic, nonmetallic solids that are subject to high temperature in manufacture and/or use. The clay ceramics manufacturing source category includes facilities that manufacture traditional ceramics, which include ceramic tile, dinnerware,

sanitary ware, pottery, and porcelain. The primary raw material used in the manufacture of these traditional ceramics is clay. The manufacturing of clay ceramics involves raw material processing (crushing, grinding, and screening), mixing, forming, shaping, drying, glazing, and firing.

Timetable:

Action	Date	FR Cite
NPRM	09/00/14	
Final Rule	07/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Telander, Environmental Protection Agency, Air and Radiation, D243–02, Research Triangle Park, NC 27711, *Phone:* 919 541–5427, *Fax:* 919 541–5600, *Email: telander.jeff@epamail.epa.gov.*

Keith Barnett, Environmental Protection Agency, Air and Radiation, D243–04, Research Triangle Park, NC 27711, *Phone:* 919 541–5605, *Fax:* 919 541–5450, *Email: barnett.keith@epa.gov.*

RIN: 2060–AP69

234. • Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2

Legal Authority: Clean Air Act sec 202(a)

Abstract: During the President's second term, EPA and the Department of Transportation, in close coordination with the California Air Resources Board, plan to develop a comprehensive National Program for Medium- and Heavy-Duty Vehicle Greenhouse Gas Emission and Fuel Efficiency Standards for model years beyond 2018. This action will follow the first ever Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles (75 FR September 15, 2011). The second set of standards would further reduce greenhouse gas emissions and fuel consumption from a wide range of on-road vehicles from semi-trucks and their trailers to the largest pickup trucks and vans, and all types and sizes of work trucks and buses. This action would be in continued response to the President's directive to take coordinated steps to produce a new generation of clean vehicles.

Timetable:

Action	Date	FR Cite
NPRM	03/00/15	
Final Action	03/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Matt Spears, Environmental Protection Agency, Air and Radiation, Mail Code: ASD1, Ann Arbor, MI 48105, *Phone:* 734 214–4921, *Fax:* 734 214–4816, *Email: spears.mattew@epa.gov.*

Charles Moulis, Environmental Protection Agency, Air and Radiation, NFEVL, Ann Arbor, MI 48105, *Phone:* 734 214–4826.

RIN: 2060–AS16

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10

Final Rule Stage

235. Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces, and New Residential Masonry Heaters

Legal Authority: CAA sec 111(b)(1)(B)

Abstract: On February 3, 2014, EPA published proposed revisions to the New Source Performance Standards (NSPS) for new residential wood heaters. This action is necessary because it updates the 1988 NSPS to reflect significant advancements in wood heater technologies and design, broadens the range of residential wood-heating appliances covered by the regulation, and improves and streamlines implementation procedures. This rule is expected to require manufacturers to redesign wood heaters to be cleaner and lower emitting. In general, the design changes would also make the heaters perform better and be more efficient. The revisions are also expected to streamline the process for testing new model lines by allowing the use of International Standards Organization (ISO)-accredited laboratories and certifying bodies, which will expand the number of facilities that can be used for testing and certification of the new model lines. This action is expected to include the following new residential wood-heating appliances: Adjustable burn rate wood heaters, pellet stoves, single burn rate wood heaters, outdoor hydronic heaters (outdoor wood boilers), indoor hydronic heaters (indoor wood boilers), wood-fired forced air furnaces, and masonry heaters. These standards would apply only to new residential wood heaters and not to existing residential wood-heating appliances. The final rule is expected to be promulgated in February 2015.

Timetable:

Action	Date	FR Cite
NPRM	02/03/14	79 FR 6329
Final Rule	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gil Wood, Environmental Protection Agency, Air and Radiation, C404–05, Research Triangle Park, NC 27711, *Phone:* 919 541–5272, *Fax:* 919 541–0242, *Email: wood.gil@epa.gov.*

David Cole, Environmental Protection Agency, Air and Radiation, C404–05, Research Triangle Park, NC 27711, *Phone:* 919 541–5565, *Fax:* 919 541–0242, *Email: cole.david@epa.gov.*

RIN: 2060–AP93

ENVIRONMENTAL PROTECTION AGENCY (EPA)

10

Completed Actions

236. Control of Air Pollution From Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards

Legal Authority: Clean Air Act sec 202(a); Clean Air Act sec 202(k); Clean Air Act sec 211(c)

Abstract: This action establishes more stringent vehicle emissions standards and reduces the sulfur content of gasoline as part of a systems approach to addressing the impacts of motor vehicles and fuels on air quality and public health. The rule is expected to result in significant reductions in pollutants such as ozone, particulate matter, and air toxics across the country and help state and local agencies in their efforts to attain and maintain health-based National Ambient Air Quality Standards. These final vehicle standards harmonize with California's Low Emission Vehicle program with a few exceptions. The vehicle standards also coordinate with the light-duty vehicle greenhouse gas standards for model years 2017–2025, creating a nationwide alignment of vehicle programs for criteria pollutant and greenhouse gases.

Timetable:

Action	Date	FR Cite
NPRM	05/21/13	78 FR 29815
NPRM Comment Period Extended.	05/29/13	78 FR 32223
Final Rule	04/28/14	79 FR 23413
Final Rule Effective.	06/27/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Catherine Yanca, Environmental Protection Agency, Air and Radiation, NVFEL S87, Ann Arbor, MI 48105, *Phone:* 734 214–4769, *Email: yanca.catherine@epamail.epa.gov.*

Kathryn Sargeant, Environmental Protection Agency, Air and Radiation, NVFEL S77, Ann Arbor, MI 48105, *Phone:* 734 214–4441, *Email: sargeant.kathryn@epamail.epa.gov.*

RIN: 2060–AQ86

ENVIRONMENTAL PROTECTION AGENCY (EPA)

35

Final Rule Stage

237. Formaldehyde Emissions Standards for Composite Wood Products

Legal Authority: 15 U.S.C. 2697; TSCA sec 601

Abstract: On July 7, 2010, the Formaldehyde Standards for Composite Wood Products Act was enacted as Title VI of Toxic Substances Control Act (TSCA), 15 U.S.C. 2697, and requires that EPA promulgate implementing regulations to establish specific formaldehyde emission limits for hardwood plywood, particleboard, and medium-density fiberboard, which limits are identical to the California emission limits for these products. On June 10, 2013, EPA proposed regulations to implement emissions standards established by TSCA title VI for composite wood products sold, supplied, offered for sale, or manufactured in the United States. Pursuant to TSCA section 3(7), the definition of ''manufacture'' includes import. As required by title VI, these regulations apply to hardwood plywood, medium-density fiberboard, and particleboard. TSCA title VI also directs EPA to promulgate supplementary provisions to ensure compliance with the emissions standards, including provisions related to labeling; chain of custody requirements; sell-through provisions; ULEF resins; no-added formaldehyde-based resins; finished goods; third-party testing and certification; auditing and reporting of third-party certifiers; recordkeeping; enforcement; laminated products; and exceptions from the requirements of regulations promulgated pursuant to this subsection for products and components containing de minimis amounts of composite wood products. A separate Regulatory Agenda entry (RIN 2070–AJ44) addresses requirements for accrediting bodies and third-party certifiers.

Timetable:

Action	Date	FR Cite
NPRM	06/10/13	78 FR 34820
NPRM Comment Period End.	07/23/13	78 FR 44089
Final Rule	10/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cindy Wheeler, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7404T, Washington, DC 20460, *Phone:* 202 566–0484, *Email: wheeler.cindy@epa.gov.*

Lynn Vendinello, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 7404T, Washington, DC 20460, *Phone:* 202 566–0514, *Email: vendinello.lynn@epa.gov.*

RIN: 2070–AJ92

ENVIRONMENTAL PROTECTION AGENCY (EPA)

60

Long-Term Actions

238. Financial Responsibility Requirements Under CERCLA Section 108(B) for Classes of Facilities in the Hard Rock Mining Industry

Legal Authority: 42 U.S.C. 9601 *et seq.;* 42 U.S.C. 9608(b)

Abstract: Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, establishes certain authorities concerning financial responsibility requirements. The Agency has identified classes of facilities within the Hard Rock mining industry as those for which financial responsibility requirements will be first developed. EPA intends to include requirements for financial responsibility, as well as notification and implementation.

Timetable:

Action	Date	FR Cite
Notice	07/28/09	74 FR 37213
NPRM	08/00/16	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ben Lesser, Environmental Protection Agency, Solid Waste and Emergency Response, 5302P, Washington, DC 20460, *Phone:* 703 308–0314, *Email: lesser.ben@epa.gov.*

David Hockey, Environmental Protection Agency, Solid Waste and Emergency Response, 5303P, Washington, DC 20460, *Phone:* 703 308–8846, *Email: hockey.david@epa.gov.*

RIN: 2050–AG61

ENVIRONMENTAL PROTECTION AGENCY (EPA)

70

Prerule Stage

239. Section 610 Review of National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitations Guidelines Standards for Concentrated Animal Feeding Operations (Section 610 Review)

Legal Authority: 5 U.S.C. 610

Abstract: EPA promulgated revised regulations for Concentrated Animal Feeding Operations (CAFOs) on February 12, 2003 (68 FR 7175). The ''2003 CAFO Rule'' expanded the number of operations covered by the CAFO regulations and included requirements to address the land application of manure from CAFOs. The 2003 CAFO Rule required all CAFOs to seek NPDES permit coverage. EPA developed a Final Regulatory Flexibility Analysis (FRFA) for the 2003 CAFO Rule. EPA took several steps to minimize the impacts of the 2003 CAFO Rule on small businesses, including regulatory revisions designed to focus on the largest producers, eliminating the 'mixed' animal calculation for operations with more than a single animal type for determining which Animal Feeding Operations (AFOs) are CAFOs, raising the duck threshold for dry manure handling duck operations, and adopting a dry-litter chicken threshold higher than proposed. There have been a number of changes to the 2003 regulations due to court decisions based on legal challenges to the rulemaking, however, this action only pertains to the 2003 rule. Pursuant to section 610 of the Regulatory Flexibility Act, on October 31, 2012, the EPA initiated a review of the 2003 CAFO rule to determine if the provisions as they relate to small entities should be continued without change, or should be rescinded or amended to minimize adverse economic impacts on small entities (77 FR 65840). EPA has solicited comments on, and will consider, the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received from the public concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

After publication, EPA received requests for additional time to submit comments and extended the public comment period until March 1, 2013 (78 FR 277). The results of the EPA's review will be summarized in a report and placed in the rulemaking docket at the conclusion of this review. This review's Docket ID number is EPA–HQ–OW–2012–0813; the docket can be accessed at *www.regulations.gov.*

Timetable:

Action	Date	FR Cite
Final Rule	02/12/03	68 FR 7176
Begin Review	10/31/12	77 FR 65840
Comment Period Extended.	01/03/13	78 FR 277
End Review	05/00/14	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Hema Subramanian, Environmental Protection Agency, Water, 4203M, Washington, DC 20460, *Phone:* 202 564–5041, *Fax:* 202 564–6384, *Email: subramanian.hema@epa.gov.*

Katherine Telleen, Environmental Protection Agency, Washington, DC 20460, *Phone:* 202 564–7933, *Email: telleen.katherine@epa.gov.*

RIN: 2040–AF46

[FR Doc. 2014–13130 Filed 6–12–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL REGISTER

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Part XVII

General Services Administration

Semiannual Regulatory Agenda

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 102 and 303

48 CFR Chapter 5

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: General Services Administration (GSA).

ACTION: Semiannual Regulatory Agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those that were completed since the fall 2013 edition. This agenda was developed under the guidelines of Executive Order 12866 ''Regulatory Planning and Review.'' GSA's purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process. GSA also invites interested persons to recommend existing significant regulations for review to determine whether they should be modified or eliminated. Proposed rules may be reviewed in their entirety at the Government's rulemaking Web site at *http://www.regulations.gov.*

Since the fall 2007 edition, the Internet has been the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at www.reginfo.gov, in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), GSA's printed agenda entries include only:

(1) Rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including GSA's regulatory plan.

FOR FURTHER INFORMATION CONTACT: Hada Flowers, Division Director, Regulatory Secretariat Division at (202) 501–4755.

Dated: March 7, 2014.

Anne Rung,

Associate Administrator, Office of Governmentwide Policy.

GENERAL SERVICES ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
240	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013–G502, Federal Supply Schedule Contracting (Administrative Changes).	3090–AJ41
241	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2010–G511, Purchasing by Non-Federal Entities.	3090–AJ43

GENERAL SERVICES ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
242	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2012–G501; Electronic Contracting Initiative.	3090–AJ36

GENERAL SERVICES ADMINISTRATION (GSA)

Proposed Rule Stage

240. • General Services Administration Acquisition Regulation (GSAR); GSAR Case 2013–G502, Federal Supply Schedule Contracting (Administrative Changes)

Legal Authority: 5 U.S.C. 5738; 20 U.S.C. 905(a); EO 11609

Abstract: General Services Administration is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to update and streamline the text addressing GSAR Part 515, Contracting by Negotiation; GSAR Part 538, Federal Supply Schedule Contracting; and corresponding provisions and clauses in GSAR Part 552, Solicitation Provisions and Contract Clauses. The passage of time since the last rewrite of the General Service Acquisition Manual necessitates several changes, additions, and/or deletions to the regulations.

Timetable:

Action	Date	FR Cite
Proposed Rule	05/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dana L. Munson, Procurement Analyst, General Services Administration, 1800 F Street NW., Washington, DC 20405, *Phone:* 202 357–9652, *Email: dana.munson@gsa.gov.*

RIN: 3090–AJ41

241. • General Services Administration Acquisition Regulation (GSAR); GSAR Case 2010–G511, Purchasing by Non-Federal Entities

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) is issuing a proposed rule amending the General Services Administration Acquisition Regulation (GSAR) part 511, Describing Agency Needs, to implement the Federal Supply Schedules Usage Act of 2010 (Pub. L. 111–263) (FSSUA), the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 (Pub. L. 110–411) (NAHASDA), the John Warner National Defense Authorization Act for Fiscal Year 2007 (Pub. L. 109–364) (NDAA), and the Local Preparedness Acquisition Act for Fiscal Year 2008 (Pub. L. 110–248) (LPAA). GSA is also amending GSAR part 538, Federal Supply Schedule Contracting, and GSAR part 552, Solicitation Provisions and Contract Clauses, in regard to this statutory implementation.

The FSSUA provided increased access to GSA's Federal Supply Schedules (Schedules). Specifically, section 2 of the Act added subsection 40 U.S.C. 502(e), authorizing the use of the Schedules by the American National Red Cross and other qualified organizations in certain circumstances.

Further, section 3 of the FSSUA added subsection 40 U.S.C. 502(f), which requires all users of the Schedules, including non-Federal users, to use the contracts in accordance with the ordering guidance provided by the Administrator of the General Services. GSA encourages non-Federal users to follow the Schedules ordering procedures set forth in the Federal Acquisition Regulation (FAR) 8.4; however, non-Federal users may use different established competitive ordering procedures if such procedures are needed to satisfy their state or local acquisition regulations and/or organizational policies.

Finally, section 4 of the FSSUA further amended 40 U.S.C. 502 to include additional purchasing authority for state or local governments by inserting ''to facilitate disaster preparedness or response,'' after ''Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121, *et seq.*.)'' in 40 U.S.C. 502(d)(1).

In terms of other authorities, GSA is amending the GSAR to implement section 101 of NAHASDA, codified at 25 U.S.C. 4111(j), which provides that certain tribes or tribally designated housing entities may access GSA's sources of supply.

Additionally, GSA is amending GSAR parts 511, 538, and 552 to implement Section 833 of the NDAA, which amended 40 U.S.C 502(d)(1) to authorize the Administrator of General Services to provide to state or local governments the use of GSA's Schedules for the purchase of goods or services to be used to facilitate recovery from a declared major disaster, terrorism, or nuclear, biological, chemical, or radiological attack.

Finally, the LPAA amended 40 U.S.C. 502(c), by authorizing the Administrator of General Services to provide to state or local governments the use of GSA's Schedules for the acquisition of law enforcement, security, and certain other related items.

Timetable:

Action	Date	FR Cite
NPRM	05/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dana L. Munson, Procurement Analyst, General Services Administration, 1800 F Street NW., Washington, DC 20405, *Phone:* 202 357–9652, *Email: dana.munson@gsa.gov.*

RIN: 3090–AJ43

GENERAL SERVICES ADMINISTRATION (GSA)

Completed Actions

242. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2012–G501; Electronic Contracting Initiative

Legal Authority: 40 U.S.C. 121(c)

Abstract: The General Services Administration (GSA) issued a proposed rule to amend the General Services Administration Acquisition Regulation to add clause 552.238–81, Modifications (Federal Supply Schedule), and an Alternate I version of the clause that will require electronic submission of modifications under Federal Supply Schedule contracts managed by GSA. The public reporting burdens associated with both the basic and Alternate I clauses are also being updated.

Completed:

Reason	Date	FR Cite
Final Rule	03/13/14	79 FR 14182
Correction	04/11/14	79 FR 20106
Correction Effective.	04/14/14	
Final Rule Effective.	04/14/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dana L. Munson, *Phone:* 202 357–9652, *Email: dana.munson@gsa.gov.*

RIN: 3090–AJ36

[FR Doc. 2014–13131 Filed 6–12–14; 8:45 am]

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Vol. 79 Friday,

No. 114 June 13, 2014

Part XVIII

National Aeronautics and Space Administration

Semiannual Regulatory Agenda

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: NASA's regulatory agenda describes those regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of the knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

ADDRESSES: Director, Office of Internal Controls and Management Systems, Office of Mission Support Directorate, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Cheryl E. Parker, 202 358–0252.

SUPPLEMENTARY INFORMATION: OMB guidelines dated February 4, 2014, ''Spring 2014 Unified Agenda of Federal Regulatory and Deregulatory Actions,'' require a regulatory agenda of those regulations under development and review to be published in the **Federal Register** each spring and fall.

Dated: February 28, 2014.

Nancy Anne Baugher,

Director, Office of Internal Controls and Management Systems.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
243	Nondiscrimination on Basis of Handicap **(Section 610 Review)**	2700–AD85

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Proposed Rule Stage

243. Nondiscrimination on Basis of Handicap (Section 610 Review)

Legal Authority: 29 U.S.C. 794, sec 504 of the Rehabilitation Act of 1973, amended

Abstract: This proposed rule will amend 14 CFR 1251 to align with the Department of Justice's (DOJ) implementing regulations incorporating the new accessibility standards. Other amendments include updates to organizational information, use of the term ''disability'' in lieu of the term ''handicap,'' changes to definitions, and other sections based on the Americans With Disabilities Act of 2008.

Part 1251 implements the federally assisted provisions of section 504 of the Rehabilitation Act of 1973 (section 504), as amended, 29 U.S.C. section 794, which prohibits discrimination on the basis of disability by recipients of Federal Financial Assistance from NASA. Under Executive Order 12250, the United States Attorney General has the authority to coordinate the implementation and enforcement of a variety of civil rights statutes by Federal agencies such as NASA, including section 504.

The revisions to this rule are part of NASA's retrospective plan under Executive Order 13563, completed in August 2011. NASA's full plan can be accessed at: *http://www.nasa.gov/open.*

Timetable:

Action	Date	FR Cite
NPRM	10/00/14	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Robert W. Cosgrove, External Compliance Manager, National Aeronautics and Space Administration, 300 E Street SW., Washington, DC 20546, *Phone:* 202 358–0446, *Fax:* 202 358–3336, *Email: robert.cosgrove@nasa.gov.*

RIN: 2700–AD85

[FR Doc. 2014–13132 Filed 6–12–14; 8:45 am]

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Part XIX

Small Business Administration

Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This Regulatory Agenda is a semiannual summary of all current and projected rulemakings and completed actions of the Small Business Administration (SBA). SBA expects that this summary information will enable the public to be more aware of, and effectively participate in, SBA's regulatory activity. SBA invites the public to submit comments on any aspect of this Agenda.

FOR FURTHER INFORMATION CONTACT:

General: Please direct general comments or inquiries to Imelda A. Kish, Law Librarian, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416; (202) 205–6849, *imelda.kish@sba.gov.*

Specific: Please direct specific comments and inquiries on individual regulatory activities identified in this Agenda to the individual listed in the summary of the regulation as the point of contact for that regulation.

SUPPLEMENTARY INFORMATION: SBA provides this notice under the requirements of the Regulatory Flexibility Act, 5 U.S.C. sections 601 to 612 and Executive Order 12866, ''Regulatory Planning and Review,'' which require each agency to publish a semiannual agenda of regulations. The Regulatory Agenda is a summary of all current and projected Agency rulemakings, as well as actions completed since the publication of the last Regulatory Agenda. SBA's last Semiannual Regulatory Agenda was published on January 7, 2014, at 79 FR 1228. The Semiannual Agenda of the SBA conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

Beginning with the fall 2007 edition, the Unified Agenda has been disseminated via the Internet. The complete Unified Agenda will be available online at *www.reginfo.gov* in a format that greatly enhances a user's ability to obtain information about the rules in SBA's Agenda.

The Regulatory Flexibility Act requires federal agencies to publish their regulatory flexibility agendas in the **Federal Register**. Therefore, SBA's printed agenda entries include regulatory actions that are in the SBA's regulatory flexibility agenda because they are likely to have a significant economic impact on a substantial number of small entities. Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet.

Dated: February 27, 2014.

Marianne O'Brien Markowitz,

Acting Administrator.

SMALL BUSINESS ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
244	Small Business Development Centers (SBDC) Program Revisions	3245–AE05
245	SBA Express Loan Program; Export Express Program	3245–AF85
246	Implementation of Small Business Disaster Response and Loan Improvement Act: Expedited Disaster Assistance Program.	3245–AF88
247	Implementation of Small Business Disaster Response and Loan Improvement Act: Private Loan Disaster Program.	3245–AF99
248	Women's Business Center Program	3245–AG02
249	Small Business Size Standards; Alternative Size Standard for 7(a), 504, and Disaster Loan Programs	3245–AG16
250	Small Business Mentor-Protege Programs	3245–AG24
251	Small Business HUBZone Program	3245–AG38
252	Agent Revocation and Suspension Procedures	3245–AG40
253	Small Business Size Standards: Employee Based Size Standards for Wholesale Trade and Retail Trade	3245–AG49
254	Small Business Size Standards for Manufacturing	3245–AG50
255	Small Business Size Standards for Other Industries With Employee-Based Size Standards Not Part of Manufacturing Wholesale Trade or Retail Trade.	3245–AG51
256	Small Business Government Contracting and Timber Sales Amendments	3245–AG58
257	Advisory Small Business Size Decisions	3245–AG59

SMALL BUSINESS ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
258	Lender Oversight Program	3245–AE14
259	504 and 7(a) Loan Programs Updates	3245–AG04
260	Small Business Size Standards; Inflation Adjustment to Monetary-Based Size Standards	3245–AG60

SMALL BUSINESS ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
261	Small Business Technology Transfer (STTR) Policy Directive	3245–AF45
262	Small Business Innovation Research (SBIR) Program Policy Directive	3245–AF84
263	Small Business Size Standards for Utilities	3245–AG25
264	Small Business Size Standards: Construction	3245–AG37

SMALL BUSINESS ADMINISTRATION (SBA)

Proposed Rule Stage

244. Small Business Development Centers (SBDC) Program Revisions

Legal Authority: 15 U.S.C. 634(b)(6); 15 U.S.C. 648

Abstract: Updates the SBDC program regulations by amending the (1) procedures for approving applications for new Host SBDCs; (2) approval procedures for travel outside the continental U.S. and U.S. territories; (3) procedures and requirements regarding findings and disputes resulting from financial exams, programmatic reviews, accreditation reviews, and other SBA oversight activities; (4) requirements for new or renewal applications for SBDC grants, including the requirements for electronic submission through the approved electronic Government submission facility; and (5) provisions regarding the collection and use of the individual SBDC client data.

Timetable:

Action	Date	FR Cite
NPRM	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John C. Lyford, Deputy Associate Administrator, Office of Small Development Centers, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7159, *Fax:* 202 481–2613, *Email: chancy.lyford@sba.gov*.

RIN: 3245–AE05

245. SBA Express Loan Program; Export Express Program

Legal Authority: 15 U.S.C. 636(a)(31) and (35)

Abstract: SBA plans to issue regulations for the SBA Express loan program codified in section 7(a)(31) of the Small Business Act. The SBA Express loan program reduces the number of Government mandated forms and procedures, streamlines the processing and reduces the cost of smaller, less complex SBA loans. Particular features of the SBA Express loan program include: (1) SBA Express loans carry a maximum SBA guaranty of 50 percent; (2) a response to an SBA Express loan application will be given within 36 hours; (3) lenders and borrowers can negotiate the interest rate, which may not exceed SBA maximums; and (4) qualified lenders may be granted authorization to make eligibility determinations. SBA also plans to issue regulations for the Export Express Program codified at 7(a)(35) of the Small Business Act. The Export Express Program, made permanent by the Small Business Jobs Act, makes guaranteed financing available for export development activities.

Timetable:

Action	Date	FR Cite
NPRM	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Linda Rusche, Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–6396, *Email: linda.rusche@sba.gov*.

RIN: 3245–AF85

246. Implementation of Small Business Disaster Response and Loan Improvement Act: Expedited Disaster Assistance Program

Legal Authority: 15 U.S.C. 636j

Abstract: This proposed rule would establish and implement an expedited disaster assistance business loan program under which the SBA will guarantee short-term loans made by private lenders to eligible small businesses located in a catastrophic disaster area. The maximum loan amount is $150,000, and SBA will guarantee timely payment of principal and interest to the lender. The maximum loan term will be 180 days, and the interest rate will be limited to 300 basis points over the Federal funds rate.

Timetable:

Action	Date	FR Cite
NPRM	07/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Linda Rusche, Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–6396, *Email: linda.rusche@sba.gov*.

RIN: 3245–AF88

247. Implementation of Small Business Disaster Response and Loan Improvement Act: Private Loan Disaster Program

Legal Authority: 15 U.S.C. 636(c)

Abstract: This proposed rule would establish and implement a private disaster loan program under which SBA will guarantee loans made by qualified lenders to eligible small businesses and homeowners located in a catastrophic disaster area. Private disaster loans made under this programs will have the same terms and conditions as SBA's direct disaster loans. In addition, SBA will guarantee timely payment of principal and interest to the lender. SBA may guarantee up to 85 percent of any loan under this program and the maximum loan amount is $2 million.

Timetable:

Action	Date	FR Cite
NPRM	08/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Linda Rusche, Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–6396, *Email: linda.rusche@sba.gov*.

RIN: 3245–AF99

248. Women's Business Center Program

Legal Authority: 15 U.S.C. 631; 15 U.S.C. 656

Abstract: SBA's Office of Women's Business Ownership (OWBO) oversees a network of SBA-funded Women's Business Centers (WBCs) throughout the United States and its territories. WBCs provide management and technical assistance to small business concerns both nascent and established, with a focus on such businesses that are owned and controlled by women, or on women planning to start a business, especially women who are economically or socially disadvantaged. The training and counseling provided by the WBCs encompass a comprehensive array of topics, such as finance, management and marketing in various languages. This rule would propose to codify the requirements and procedures that govern the delivery, funding and evaluation of the management and technical assistance provided under the WBC Program. The rule would address, among other things, the eligibility criteria for selection as a WBC, use of Federal funds, standards for effectively carrying out program duties and responsibilities, and the requirements for reporting on financial and programmatic performance.

Timetable:

Action	Date	FR Cite
NPRM	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Bruce D. Purdy, Deputy Assistant Administrator, Office of Women's Business Ownership, Small Business Administration, Washington, DC 20416, *Phone:* 202 205–7532, *Email: bruce.purdy@sba.gov*.

RIN: 3245–AG02

249. Small Business Size Standards; Alternative Size Standard for 7(A), 504, and Disaster Loan Programs

Legal Authority: Pub. L. 111–240, sec 1116

Abstract: SBA will amend its size eligibility criteria for Business Loans, community development company (CDC) loans under title V of the Small Business Investment Act (504) and economic injury disaster loans (EIDL). For the SBA 7(a) Business Loan Program and the 504 program, the amendments will provide an alternative size standard for loan applicants that do not meet the small business size standards for their industries. The Small Business Jobs Act of 2010 (Jobs Act) established alternative size standards that apply to both of these programs until SBA's Administrator establishes other alternative size standards. For the disaster loan program, the amendments will provide an alternative size standard for loan applicants that do not meet the Small Business Size Standard for their industries. These alternative size standards do not affect other Federal Government programs, including Federal procurement.

Timetable:

Action	Date	FR Cite
NPRM	08/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov*.

RIN: 3245–AG16

250. Small Business Mentor-Protege Programs

Legal Authority: Pub. L. 111–240; sec 1347; 15 U.S.C. 657r

Abstract: SBA currently has a mentor-protege program for the 8(a) Business Development Program that is intended to enhance the capabilities of the protege and to improve its ability to successfully compete for Federal contracts. The Small Business Jobs Act authorized SBA to use this model to establish similar mentor-protege programs for the Service Disabled Veteran-Owned, HUBZone, and Women-Owned Small Federal Contract Business Programs and the National Defense Authorization Act for Fiscal Year 2013 authorized this for all small businesses. This authority is consistent with recommendations issued by an interagency task force created by President Obama on Federal Contracting Opportunities for Small Businesses. During the next 12 months, SBA will make it a priority to issue regulations establishing the three newly authorized mentor-protege programs and set out the standards for participating as a mentor or protege in each. As is the case with the current mentor-protege program, the various forms of assistance that a mentor will be expected to provide to a protege include technical and/or management assistance; financial assistance in the form of equity investment and/or loans; subcontracts; and/or assistance in performing prime contracts with the Government in the form of joint venture arrangements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dean R. Koppel, Assistant Director, Office of Policy and Research, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7322, *Fax:* 202 481–1540, *Email: dean.koppel@sba.gov*.

RIN: 3245–AG24

251. Small Business Hubzone Program

Legal Authority: 15 U.S.C. 657a

Abstract: SBA has been reviewing its processes and procedures for implementing the HUBZone program and has determined that several of the regulations governing the program should be amended in order to resolve certain issues that have arisen. As a result, the proposed rule would constitute a comprehensive revision of part 126 of SBA's regulations to clarify current HUBZone Program regulations, and implement various new procedures. The amendments will make it easier for participants to comply with the program requirements and enable them to maximize the benefits afforded by participation. In developing this proposed rule, SBA will focus on the principles of Executive Order 13563 to determine whether portions of regulations should be modified, streamlined, expanded or repealed to make the HUBZone program more effective and/or less burdensome on small business concerns. At the same time, SBA will maintain a framework that helps identify and reduce waste, fraud, and abuse in the program.

Timetable:

Action	Date	FR Cite
NPRM	08/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mariana Pardo, Director, Office of Hubzone, Small Business Administration, 409 3rd Street SW., Washington, DC 20416, *Phone:* 202 205–2985, *Email: mariana.pardo@sba.gov*.

RIN: 3245–AG38

252. Agent Revocation and Suspension Procedures

Legal Authority: 15 U.S.C. 634; 15 U.S.C. 642

Abstract: These changes to 13 CFR sections 103, 134, and 2 CFR 2700 lay out a procedural process for SBA's revocation of the privilege of agents to conduct business with the Agency. Included in this process are procedure for proposed revocation, the opportunity to object to the proposed revocation, the revocation decision, as well as requests for reconsideration. These procedures also provide for suspension of the privilege to conduct business with the Agency pending a revocation action. In addition, these changes remove Office of Hearings and Appeals review of suspension, revocation, and debarment actions by SBA.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Debra Mayer, Chief, Supervision and Enforcement, Office of Credit Risk Management, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7577, *Email: debra.mayer@sba.gov*.

RIN: 3245–AG40

253. Small Business Size Standards: Employee Based Size Standards for Wholesale Trade and Retail Trade

Legal Authority: 15 U.S.C. 632(a)

Abstract: SBA is conducting a comprehensive review of all small business size standards to determine whether the existing size standards should be retained or revised. As part of this effort, SBA has evaluated each industry in North American Industry Classification System (NAICS) Sector 42, Wholesale Trade, and Sector 44–45, Retail Trade and revised these employee-based size standards for certain industries in those sectors. This

is one of the rules that will examine industries grouped by an NAICS Sector. SBA has applied its ''Size Standards Methodology,'' which is available on its Web site at *http://www.sba.gov/size,* to this purposed rule.

Note: The title for this rule has been changed since the rule was first reported in the Regulatory Agenda on January 8, 2013, from ''Small Business Size Standards for Wholesale Trade'' to ''Small Business Size Standards: Employee Based Size Standards for Wholesale Trade and Retail Trade.'' The title was changed to make it clear that the rule also addresses industries with employee based size standards in Retail Trade.

Timetable:

Action	Date	FR Cite
NPRM	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG49

254. Small Business Size Standards for Manufacturing

Legal Authority: 15 U.S.C. 632(a)

Abstract: SBA is conducting a comprehensive review of all small business size standards to determine whether the existing size standards should be retained or revised. As part of this effort, SBA has evaluated each industry in North American Industry Classification System (NAICS) Sector 31–33, Manufacturing, and revised these employee-based size standards for certain industries in the sector. This is one of the rules that will examine industries grouped by an NAICS Sector. SBA has applied its ''Size Standards Methodology,'' which is available on its Web site at *http://www.sba.gov/size,* to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG50

255. Small Business Size Standards for Other Industries With Employee-Based Size Standards Not Part of Manufacturing Wholesale Trade or Retail Trade

Legal Authority: 15 U.S.C. 632(a)

Abstract: SBA is conducting a comprehensive review of all small business size standards to determine whether the existing size standards should be retained or revised. As part of this effort, SBA has evaluated each industry that has an employee-based standard but is not part of North American Industry Classification System (NAICS) Sector 31–33, Manufacturing, Sector 42, Wholesale Trade, or Sector 44–45, Retail Trade and revised size standards for some of those industries. This is one of the rules that will examine industries grouped by an NAICS Sector. SBA has applied its ''Size Standards Methodology,'' which is available on its Web site at *http://www.sba.gov/size,* to this proposed rule.

Please Note: The title for this rule has been changed since it was first announced in the Regulatory Agenda on January 8, 2013, to add the words ''or Retail Trade'' at the end of the previous title. This change makes it clear that industries in the retail trade with employee based size standards are also not addressed in the rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG51

256. Small Business Government Contracting and Timber Sales Amendments

Legal Authority: 15 U.S.C. 631; Pub. L. 112–239

Abstract: The rule would propose various small business related amendments authorized by various sections of the NDAA of 2013 with respect to the limitations on subcontracting and non-manufacturer rules that apply to set aside contracts. SBA would propose amendments concerning joint ventures, the applicability of the non-manufacturer rule to the purchase of software; recertification of size; process for making size determinations with respect to the payment of reduced user fees to the Food and Drug Administration; the calculation of cost and market share for purposes of small business timber sales; affiliation in the context of Small Innovation Research program; the definition of a construction contract for purposes of an adverse impact analysis in connection with 8(a) Business Development program contract; Procurement Center Representative responsibilities; small business subcontracting assistance and reporting; Certificates of Competency; and penalties for violations of the subcontracting limitations and protection for small businesses that acted in good faith in connection with such limitations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dean R. Koppel, Assistant Director, Office of Policy and Research, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7322, *Fax:* 202 481–1540, *Email: dean.koppel@sba.gov.*

RIN: 3245–AG58

257. Advisory Small Business Size Decisions

Legal Authority: 15 U.S.C. 645(d)(3)

Abstract: The purpose of the statute is to provide a ''safe harbor'' for firms that violate the prohibition against misrepresenting themselves as small businesses in cases where the firms first obtain advisory opinions concluding that they satisfy the relevant size standards from either Small Business Development Centers (SBDCs) (SBA grantees) or Procurement Technical Assistance Centers (PTACs) (DOD grantees). This rule would provide guidance to SBDCs and PTACs regarding the minimum requirements that small business status advisory opinions must meet in order to be deemed adequate by SBA. The rule would also require the SBDC or PTAC issuing the advisory opinion to remit a copy of the opinion to SBA for review, and establish a 10 day deadline by which SBA must either accept or reject the advisory opinion. If SBA rejects the advisory opinion, the Agency will notify the entity which issued the opinion and the firm to which it applies, after which time the firm is no longer entitled to rely upon the opinion or invoke the safe harbor provisions of the statute. If SBA accepts the advisory opinion, then the

firm may rely on the SBDC or PTAC advisory opinion and is entitled to invoke the safe harbor provision as a defense to punishments imposed under 15 U.S.C. section 645, Offenses and Penalties, which prescribes fines and imprisonment for false statements. The rule would also make clear that SBA has the authority to initiate a formal size determination of a firm that is the subject of a small business status advisory opinion where the Agency concludes that opinion contains information that calls into question the firm's small business status.

Timetable:

Action	Date	FR Cite
NPRM	05/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kevin Harber, Attorney Advisor, Office of General Counsel, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 619–1602, *Email: kevin.harber@sba.gov*.

RIN: 3245–AG59

SMALL BUSINESS ADMINISTRATION (SBA)

Final Rule Stage

258. Lender Oversight Program

Legal Authority: 15 U.S.C. 634(b)(6), (b)(7), (b)(14), (h) and note; 687(f), 697e(c)(8), and 650

Abstract: This rule implements the Small Business Administration's (SBA) statutory authority under the Small Business Act to regulate Small Business Lending Companies (SBLCs) and non-federally regulated lenders (NFRLs). It also conforms SBA rules for the section 7(a) Business Loan Program and the Certified Development Company (CDC) Program.

In particular, this rule: (1) Defines SBLCs and NFRLs; (2) clarifies SBA's authority to regulate SBLCs and NFRLs; (3) authorizes SBA to set certain minimum capital standards for SBLCs, to issue cease and desist orders, and revoke or suspend lending authority of SBLCs and NFRLs; (4) establishes the Bureau of Premier Certified Lender Program Oversight in the Office of Credit Risk Management; (5) transfers existing SBA enforcement authority over CDCs from the Office of Financial Assistance to the appropriate official in the Office of Capital Access; and (6) defines SBA's oversight and enforcement authorities relative to all SBA lenders participating in the 7(a) and CDC programs and intermediaries in the Microloan program.

Timetable:

Action	Date	FR Cite
NPRM	10/31/07	72 FR 61752
NPRM Comment Period Extended.	12/20/07	72 FR 72264
NPRM Comment Period End.	02/29/08	
Interim Final Rule	12/11/08	73 FR 75498
Interim Final Rule Comment Period End.	03/11/09	
Interim Final Rule Effective.	01/12/09	
Final Rule	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brent Ciurlino, Director, Office of Credit Risk Management, Small Business Administration, 409 3rd Street SW., Washington, DC 20416, *Phone:* 202 205–6538, *Email: brent.ciurlino@sba.gov*.

RIN: 3245–AE14

259. 504 and 7(A) Loan Programs Updates

Legal Authority: 15 U.S.C. 695 *et seq.,* 15 U.S.C. 636(a)

Abstract: The 7(a) Loan Program and 504 Loan Program are SBA's two primary business loan programs authorized under the Small Business Act and the Small Business Investment Act of 1958, respectively. The 7(a) Loan Program's main purpose is to help eligible small businesses obtain credit when they cannot obtain ''credit elsewhere.'' This program is also an important engine for job creation. On the other hand, the core mission of the 504 Loan Program is to provide long-term fixed asset financing to small businesses to facilitate the creation of jobs and local economic development. The purpose of this proposed rulemaking is to reinvigorate these programs as vital tools for creating and preserving American jobs. SBA proposes to strip away regulatory restrictions that detract from the 504 Loan Program's core job creation mission as well as the 7(a) Loan Program's positive job creation impact on the American economy. The proposed changes would enhance job creation through increasing eligibility for loans under SBA's business loan programs and by modifying certain program participant requirements applicable to these two programs. The major changes that SBA is proposing include changes relating to the personal resources test, the 9-month rule for the 504 Loan Program, and CDC operational and organizational requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/25/13	78 FR 12633
NPRM Comment Period End.	04/26/13	
Final Rule	03/21/14	79 FR 15641
Final Rule Effective.	04/21/14	
Final Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John P. Kelley, Senior Advisor to the Associate Administrator, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–0067, *Fax:* 202 292–3844, *Email: patrick.kelley@sba.gov*.

RIN: 3245–AG04

260. Small Business Size Standards; Inflation Adjustment to Monetary-Based Size Standards

Legal Authority: 15 U.S.C. 632(a)

Abstract: SBA intends to issue an interim final rule with request for comments to adjust its monetary small business size standards (i.e., receipts, net income, net worth, and financial assets), for the effects of inflation that have occurred since the last inflation adjustment, which was effective August 19, 2008. The interim final rule will restore small business eligibility to businesses that have lost their small business status due to inflation. The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to review and adjust (as necessary) all size standards within five years of its enactment. SBA's Small Business Size Regulations at 13 CFR 121.102(c) require the same quinquennial (or less) review and adjustment. The rule will not increase the $750,000 size standard for agricultural enterprises, which is established by the Small Business Act (§ 3(a)(1)).

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW., Washington, DC 20416, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov*.

RIN: 3245–AG60

SMALL BUSINESS ADMINISTRATION (SBA)

Completed Actions

261. Small Business Technology Transfer (STTR) Policy Directive

Legal Authority: 15 U.S.C. 638(p); Pub. L. 112–81, sec 5001, *et seq.*

Abstract: The amendments to the Small Business Technology Transfer (STTR) Policy Directive cover, in general: Extension of the program through 2017; increase in percentage of extramural research and development budget reserved for program; annual adjustment of award guidelines for inflation; authority for SBIR awardees to receive STTR awards and vice versa; prevention of duplicate awards; requirements for agencies to allow business concerns owned by multiple venture capital operating companies, hedge funds or private equity firms to participate in the program; authority for small businesses to contract with Federal laboratory and restrictions on advanced payment to laboratories; technical assistance amendments; commercialization readiness and commercialization readiness pilot for civilian agencies; additional annual report and data collection requirements; and funding for administration and oversight of programs.

Completed:

Reason	Date	FR Cite
Notice	01/08/14	79 FR 1309

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edsel M. Brown, *Phone:* 202 205–6450, *Email: edsel.brown@sba.gov.*

RIN: 3245–AF45

262. Small Business Innovation Research (SBIR) Program Policy Directive

Legal Authority: 15 U.S.C. 638(j); Pub. L. 112–81, sec 5001, *et seq.*

Abstract: The amendments to the Small Business Innovation Research Policy Directive cover, in general: Extension of the program through 2017; increase in percentage of extramural research and development budget reserved for program; annual adjustment of award guidelines for inflation; authority for SBIR awardees to receive STTR awards and vice versa; prevention of duplicate awards; requirements for agencies to allow business concerns owned by multiple venture capital operating companies, hedge funds, or private equity firms to participate in the program; authority for small businesses to contract with Federal laboratory and restrictions on advanced payment to laboratories; technical assistance amendments; commercialization readiness and commercialization readiness pilot for civilian agencies; additional annual report and data collection requirements; and funding for administration and oversight of programs.

Completed:

Reason	Date	FR Cite
Notice	01/08/14	79 FR 1303

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edsel M. Brown, *Phone:* 202 205–6450, *Email: edsel.brown@sba.gov.*

RIN: 3245–AF84

263. Small Business Size Standards for Utilities

Legal Authority: 15 U.S.C. 632(a)

Abstract: SBA issued a proposed rule in the **Federal Register** on July 19, 2012 to revise small business size standards for nine industries in North American Industry Classification System Sector 22, Utilities. After evaluating comments the Agency received, SBA issued a final rule on December 23, 2013 effective January 22, 2014. The final rule modified 13 size standards in Sector 22 (the increased number being due to the restructuring of various industries in this sector by OMB). SBA increased receipts based size standards for three industries and changed the basis for measuring business size from megawatt hours to number of employees for the 10 electric power generation, transmission, and distribution industries. In addition, SBA removed Footnote 1 from SBA's Table of Size Standards that had applied to all NAICS codes that describe electric power generation, transmission, and distribution.

Completed:

Reason	Date	FR Cite
Final Rule	12/23/13	78 FR 77343
Final Rule Effective.	01/22/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Khem Raj Sharma, *Phone:* 202 205–7189, *Fax:* 202 205–6390, *Email: khem.sharma@sba.gov.*

RIN: 3245–AG25

264. Small Business Size Standards: Construction

Legal Authority: 15 U.S.C. 632(a)

Abstract: SBA issued a proposed rule in the **Federal Register** on July 18, 2012 to revise two small business size standards in Sector 23, Construction. After evaluating the 25 comments the Agency received, SBA issued a final rule on December 23, 2013, effective January 22, 2014. The final rule modified two standards, Land Subdivision and Drudging and Surface Cleanup Activities.

Completed:

Reason	Date	FR Cite
Final Rule	12/23/13	78 FR 77334
Final Rule Effective.	01/22/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Khem Raj Sharma, *Phone:* 202 205–6390, *Fax:* 202 205–6390.

RIN: 3245–AG37

[FR Doc. 2014–13133 Filed 6–12–14; 8:45 am]

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Part XX

Department of Defense

General Services Administration

National Aeronautics and Space Administration

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. 1

Semiannual Regulatory Agenda

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in compliance with Executive Order 12866 ''Regulatory Planning and Review.'' This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process.

The Regulatory Secretariat Division has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions; however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing.

Published proposed rules may be reviewed in their entirety at the Government's rulemaking Web site at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Hada Flowers, Division Director, Regulatory Secretariat Division, 1800 F Street NW., Washington, DC 20405, 202–501–4755.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the FAR through periodic issuance of changes published in the **Federal Register** and produced electronically as Federal Acquisition Circulars (FACs). The electronic version of the FAR, including changes, can be accessed on the FAR Web site at *http://www.acquisition.gov/far.*

Dated: March 10, 2014.

William Clark,

Acting Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

DOD/GSA/NASA (FAR)—Proposed Rule Stage

Sequence No.	Title	Regulation Identifier No.
265	Federal Acquisition Regulation (FAR); FAR Case 2013–022, Extension of Limitations on Contractor Employee Personal Conflicts of Interest.	9000–AM69

DOD/GSA/NASA (FAR)—Final Rule Stage

Sequence No.	Title	Regulation Identifier No.
266	Federal Acquisition Regulation (FAR); FAR Case 2011–001; Organizational Conflicts of Interest	9000–AL82
267	Federal Acquisition Regulation; FAR Case 2009–016; Federal Contracting Programs for Minority-Owned and Other Small Businesses.	9000–AM05
268	Federal Acquisition Regulation (FAR); FAR Case 2011–020; Basic Safeguarding of Contractor Information Systems.	9000–AM19
269	Federal Acquisition Regulation (FAR); FAR Case 2012–028; Contractor Comment Period—Past Performance Evaluations.	9000–AM40
270	Federal Acquisition Regulation (FAR); FAR Case 2012–014; Small Business Protests and Appeals	9000–AM46
271	Federal Acquisition Regulation (FAR); FAR Case 2012–024; Commercial and Government Entity Code	9000–AM49
272	Federal Acquisition Regulation (FAR); FAR Case 2012–016; Defense Base Act	9000–AM50
273	Federal Acquisition Regulation (FAR); FAR Case 2011–023, Irrevocable Letters of Credit	9000–AM53
274	Federal Acquisition Regulation; FAR Case 2012–023, Uniform Procurement Identification	9000–AM60
275	Federal Acquisition Regulation: Allowability of Legal Costs for Whistleblower Proceedings (FAR Case 2013–017).	9000–AM64
276	Federal Acquisition Regulation; FAR Case 2012–032, Higher-Level Contract Quality Requirements	9000–AM65

DOD/GSA/NASA (FAR)—Completed Actions

Sequence No.	Title	Regulation Identifier No.
277	Federal Acquisition Regulation (FAR); FAR Case 2010–010; Service Contracts Reporting Requirements	9000–AM06
278	Federal Acquisition Regulation (FAR); FAR Case 2011–024, Set-Asides for Small Business	9000–AM12
279	Federal Acquisition Regulation (FAR); FAR Case 2012–031; Accelerated Payments to Small Business Subcontractors.	9000–AM37
280	Federal Acquisition Regulation (FAR); FAR Case 2013–005, Terms of Service and Open-Ended Indemnification, and Unenforceability of Unauthorized Obligations.	9000–AM45

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Proposed Rule Stage

265. • Federal Acquisition Regulation (FAR); Far Case 2013–022, Extension of Limitations on Contractor Employee Personal Conflicts of Interest

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation to implement a section of the National Defense Authorization Act (NDAA) for Fiscal Year 2013 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 and contracts for personal services.

Timetable:

Action	Date	FR Cite
NPRM	07/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia Davis, Program Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov.*

RIN: 9000–AM69

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Final Rule Stage

266. Federal Acquisition Regulation (FAR); FAR Case 2011–001; Organizational Conflicts of Interest

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued a proposed rule to amend the Federal Acquisition Regulation (FAR) to provide revised regulatory coverage on organizational conflicts of interest (OCIs), and add related provisions and clauses. Coverage on contractor access to protected information has been moved to a new proposed rule, FAR Case 2012–029.

Section 841 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110–417) required a review of the FAR coverage on OCIs. This proposed rule was developed as a result of a review conducted in accordance with section 841 by the Civilian Agency Acquisition Council, the Defense Acquisition Regulations Council, and the Office of Federal Procurement Policy, in consultation with the Office of Government Ethics. This proposed rule was preceded by an Advance Notice of Proposed Rulemaking, under FAR Case 2007–018 (73 FR 15962), to gather comments from the public with regard to whether and how to improve the FAR coverage on OCIs. This case is included in the FAR retrospective review of existing regulations under Executive Order 13563. Additional information is located in the FAR final plan (2014), available at: *https://www.acquisition.gov/.*

Timetable:

Action	Date	FR Cite
NPRM	04/26/11	76 FR 23236
NPRM Comment Period End.	06/27/11	
NPRM Comment Period Extended.	06/29/11	76 FR 38089
Comment Period End.	07/27/11	
Final Rule	10/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deborah Erwin, Attorney—Advisor in the Office of Governmentwide Policy, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–2164, *Email: deborah.erwin@gsa.gov.*

RIN: 9000–AL82

267. Federal Acquisition Regulation; FAR Case 2009–016; Federal Contracting Programs for Minority-Owned and Other Small Businesses

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to remove certain coverage involving procurements with small disadvantaged business concerns and certain institutions of higher education that is based on authority which has expired and been found to be unconstitutional by the Court of Appeals for the Federal Circuit in Rothe Development Corporation vs. the DoD and the U.S. Department of the Air Force. These changes harmonize the FAR with current statutory authorities.

Timetable:

Action	Date	FR Cite
NPRM	09/09/11	76 FR 55849
NPRM Comment Period End.	11/08/11	
Final Rule	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Karlos Morgan, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–2364, *Email: karlos.morgan@gsa.gov.*

RIN: 9000–AM05

268. Federal Acquisition Regulation (FAR); FAR Case 2011–020; Basic Safeguarding of Contractor Information Systems

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation to add a new subpart and contract clause for the safeguarding of contractor information systems that contain information provided by the Government (other than public information) or generated for the Government that will be resident on or transiting through contractor information systems.

Timetable:

Action	Date	FR Cite
NPRM	07/26/12	77 FR 51496
NPRM Comment Period End.	10/23/12	
Final Rule	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marissa Petrusek, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–0136, *Email: marissa.petrusek@gsa.gov.*

RIN: 9000–AM19

269. Federal Acquisition Regulation (FAR); FAR Case 2012–028; Contractor Comment Period—Past Performance Evaluations

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to revise the Federal Acquisition Regulation (FAR) to implement section 853 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 (Pub. L. 112–239, enacted January 2, 2013) and section 806 of the NDAA for FY 2012 (Pub. L. 112–81, enacted December 31, 2011, 10 U.S.C. 2302 Note). Section 853, entitled ''Inclusion of Data on Contractor Performance in Past Performance Databases for Executive Agency Source Selection Decisions,'' and section 806,

entitled ''Inclusion of Data on Contractor Performance in Past Performance Databases for Source Selection Decisions,'' require revisions to the acquisition regulations on past performance evaluations so that contractors are provided ''up to 14 calendar days . . . from the date of delivery'' of past performance evaluations ''to submit comments, rebuttals, or additional information pertaining to past performance'' for inclusion in the database. In addition, paragraph (c) of both sections 853 and 806 requires that agency evaluations of contractor performance, including any information submitted by contractors, be ''included in the relevant past performance database not later than the date that is 14 days after the date of delivery of the information'' (section 853(c)) to the contractor. The Governmentwide application of the statue will ensure that the Government has current performance information about contractors to help source selection officials make better award decisions. This case is included in the FAR retrospective review of existing regulations under Executive Order 13563. Additional information is located in the FAR final plan (2014), available at: *https://www.acquisition.gov/.*

Timetable:

Action	Date	FR Cite
NPRM	08/07/13	78 FR 48123
NPRM Comment Period End.	10/07/13	
Final Rule	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Curtis Glover, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–1448, *Email: curtis.glover@gsa.gov.*

RIN: 9000–AM40

270. Federal Acquisition Regulation (FAR); FAR Case 2012–014; Small Business Protests and Appeals

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued a proposed rule to amend the Federal Acquisition Regulation (FAR) to implement the Small Business Administration's revision of the small business size and small business status protest and appeal procedures.

Timetable:

Action	Date	FR Cite
NPRM	03/07/13	78 FR 14746
NPRM Comment Period End.	05/06/13	
Final Rule	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Karlos Morgan, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–2364, *Email: karlos.morgan@gsa.gov.*

RIN: 9000–AM46

271. Federal Acquisition Regulation (FAR); FAR Case 2012–024; Commercial and Government Entity Code

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued a proposed rule to amend the Federal Acquisition Regulation (FAR) to require the use of Commercial and Government Entity (CAGE) codes, including North Atlantic Treaty Organization (NATO) CAGE (NCAGE) codes for foreign entities, for awards valued at greater than the micro-purchase threshold. The CAGE code is a five-character identification number used extensively within the Federal Government. The proposed rule will also require offerors, if owned or controlled by another business entity, to identify that entity during System For Award Management registration.

Timetable:

Action	Date	FR Cite
NPRM	04/18/13	78 FR 23194
NPRM Comment Period End.	06/17/13	
Final Rule	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Loeb, Program Manager, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–0650, *Email: edward.loeb@gsa.gov.*

RIN: 9000–AM49

272. Federal Acquisition Regulation (FAR); FAR Case 2012–016; Defense Base Act

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued a proposed rule to amend the Federal Acquisition Regulation to clarify contractor and subcontractor responsibilities to obtain workers' compensation insurance or to qualify as a self-insurer, and other requirements, under the terms of the Longshore and Harbor Workers' Compensation Act as extended by the Defense Base Act.

Timetable:

Action	Date	FR Cite
NPRM	03/20/13	78 FR 17176
NPRM Comment Period End.	05/20/13	
Final Rule	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Chambers, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–3221, *Email: edward.chambers@gsa.gov.*

RIN: 9000–AM50

273. Federal Acquisition Regulation (FAR); FAR Case 2011–023, Irrevocable Letters of Credit

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued a proposed rule to amend the Federal Acquisition Regulation to remove all references to Office of Federal Procurement Policy Pamphlet No. 7, Use of Irrevocable Letters of Credit, and also provide updated sources of data required to verify the credit worthiness of a financial entity issuing or confirming an irrevocable letter of credit.

Timetable:

Action	Date	FR Cite
NPRM	05/07/13	78 FR 26573
NPRM Comment Period End.	07/08/13	
Final Action	08/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cecelia Davis, Program Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 219–0202, *Email: cecelia.davis@gsa.gov.*

RIN: 9000–AM53

274. Federal Acquisition Regulation; FAR Case 2012–023, Uniform Procurement Identification

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued a proposed rule to amend the Federal Acquisition Regulation (FAR) to implement a uniform Procurement Instrument Identification numbering system, which will require the use of Activity Address Codes as the unique identifier for contracting offices and other offices, in order to standardize procurement transactions across the Federal Government. This proposed rule continues and strengthens efforts at standardization accomplished under a previous FAR case.

Timetable:

Action	Date	FR Cite
NPRM	06/06/13	78 FR 34020
NPRM Comment Period End.	08/05/13	
Final Rule	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Loeb, Program Manager, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–0650, *Email: edward.loeb@gsa.gov.*

RIN: 9000–AM60

275. Federal Acquisition Regulation: Allowability of Legal Costs for Whistleblower Proceedings (FAR Case 2013–017)

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing an interim rule amending the Federal Acquisition Regulation to implement a section of the National Defense Authorization Act for Fiscal Year 2013 that addresses the allowability of legal costs incurred by a contractor or subcontractor related to a whistleblower proceeding commenced by the submission of a complaint of reprisal by the contractor or subcontractor employee.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/13	78 FR 60173
Interim Final Rule Comment Period End.	11/29/13	
Final Rule	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Chambers, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–3221, *Email: edward.chambers@gsa.gov.*

RIN: 9000–AM64

276. • Federal Acquisition Regulation; FAR Case 2012–032, Higher-Level Contract Quality Requirements

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation to clarify when to use higher level quality standards in solicitations and contracts, and to update the examples of higher-level quality standards by revising obsolete standards and adding two new industry standards that pertain to quality assurance for avoidance of counterfeit items. These standards will be used to help minimize and mitigate counterfeit items or suspect counterfeit items in Government contracting.

Timetable:

Action	Date	FR Cite
NPRM	12/03/13	78 FR 72620
NPRM Comment Period End.	02/03/14	
Final Rule	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marissa Petrusek, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW., Washington, DC 20405, *Phone:* 202 501–0136, *Email: marissa.petrusek@gsa.gov.*

RIN: 9000–AM65

DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Completed Actions

277. Federal Acquisition Regulation (FAR); FAR Case 2010–010; Service Contracts Reporting Requirements

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issued a final rule amending the Federal Acquisition Regulation (FAR) to implement a section of the Consolidated Appropriations Act, 2010. This final rule amends the FAR to require service contractors for executive agencies, except where DoD has fully funded the contract or order, to submit information annually in support of agency-level inventories for service contracts.

Completed:

Reason	Date	FR Cite
Final Rule	12/31/13	78 FR 80369
Correction	01/29/14	79 FR 4630

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Loeb, *Phone:* 202 501–0650, *Email: edward.loeb@gsa.gov.*

RIN: 9000–AM06

278. Federal Acquisition Regulation (FAR); FAR Case 2011–024, Set-Asides for Small Business

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued an interim rule amending the Federal Acquisition Regulation to implement section 1331 of the Small Business Jobs Act of 2010 (Jobs Act). Section 1331 addresses set-asides of task and delivery orders under multiple-award contracts, partial set-asides under multiple-award contracts, and the reserving of one or more multiple-award contracts that are awarded using full and open competition. Within this same context, section 1331 also addresses the Federal Supply Schedules Program managed by the General Services Administration. DoD, GSA, and NASA are coordinating with the Small Business Administration (SBA) on the development of an SBA rule that will provide greater detail regarding implementation of section 1331 authorities. This case is included in the FAR retrospective review of existing regulations under Executive Order 13563. Additional information is located in the FAR final plan (2013), available at: *https://www.acquisition.gov/.*

Completed:

Reason	Date	FR Cite
Withdrawn	03/10/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Karlos Morgan, *Phone:* 202 501–2364, *Email: karlos.morgan@gsa.gov.*

RIN: 9000–AM12

279. Federal Acquisition Regulation (FAR); FAR Case 2012–031; Accelerated Payments to Small Business Subcontractors

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement the temporary policy provided by Office of Management and Budget (OMB) Policy Memorandum M–12–16, dated July 11, 2012, by adding a new clause to provide for the accelerated payments to small business subcontractors. This temporary policy was extended another year by OMB Policy Memorandum M–13–15, dated July 11, 2013. This case is included in the FAR retrospective review of existing regulations under Executive Order 13563. Additional information is located in the FAR final plan (2013), available at: *https://www.acquisition.gov/.*

Completed:

Reason	Date	FR Cite
Final Rule	11/25/13	78 FR 70477

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edward Chambers, *Phone:* 202 501–3221, *Email: edward.chambers@gsa.gov.*

RIN: 9000–AM37

280. Federal Acquisition Regulation (FAR); FAR Case 2013–005, Terms of Service and Open-Ended Indemnification, and Unenforceability of Unauthorized Obligations

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA issued an interim rule amending the Federal Acquisition Regulation to address concerns raised in an opinion from the U.S. Department of Justice Office of Legal Counsel involving the use of unrestricted, open-ended indemnification clauses in acquisitions for social media applications. See March 27, 2012, Memorandum for Barbara S. Fredericks, Assistant General Counsel for Administration, United States Department of Commerce, available at *http://www.justice.gov/olc/2012/aag-ada-impls-of-consent-by-govt-empls.pdf.*

Completed:

Reason	Date	FR Cite
Final Rule	12/31/13	78 FR 80382

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Marissa Petrusek, *Phone:* 202 501–0136, *Email: marissa.petrusek@gsa.gov.*

RIN: 9000–AM45

[FR Doc. 2014–13134 Filed 6–12–14; 8:45 am]

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FEDERAL REGISTER

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Part XXI

Bureau of Consumer Financial Protection

Semiannual Regulatory Agenda

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Ch. X

Semiannual Regulatory Agenda

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Bureau of Consumer Financial Protection (CFPB or Bureau) is publishing this Agenda as part of the Spring 2014 Unified Agenda of Federal Regulatory and Deregulatory Actions. The CFPB reasonably anticipates having the regulatory matters identified below under consideration during the period from April 1, 2014 to March 31, 2015. The next agenda will be published in the fall of 2014 and will update this agenda through the fall of 2015. Publication of this agenda is in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

DATES: This information is current as of February 28, 2014.

ADDRESSES: Bureau of Consumer Financial Protection, 1700 G Street NW., Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: A staff contact is included for each regulatory item listed herein.

SUPPLEMENTARY INFORMATION: The CFPB is publishing its spring 2014 agenda as part of the Spring 2014 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget under Executive Order 12866. The CFPB's participation in the Unified Agenda is voluntary. The complete Unified Agenda will be available to the public at the following Web site: *http://www.reginfo.gov.*

Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (Dodd-Frank Act), the CFPB has rulemaking, supervisory, enforcement, and other authorities relating to consumer financial products and services. These authorities include the ability to issue regulations under more than a dozen Federal consumer financial laws, which transferred to the CFPB from seven Federal agencies on July 21, 2011. The CFPB also is working on a wide range of initiatives to address issues in markets for consumer financial products and services that are not reflected in this notice because the Unified Agenda is limited to rulemaking activities.

The CFPB reasonably anticipates having the regulatory matters identified below under consideration during the period from April 1, 2014, to March 31, 2015.[1] Among the Bureau's more significant regulatory efforts are the following.

Implementing Dodd-Frank Act Mortgage Protections

First, the CFPB is continuing its regulatory efforts to implement critical consumer protections under the Dodd-Frank Act. For instance, in November 2013 the Bureau issued a Final Rule to consolidate Federal mortgage disclosures under the Truth in Lending Act (TILA) and Real Estate Settlement Procedures Act (RESPA). The new ''Know Before You Owe'' mortgage forms will replace the existing Federal disclosures and help consumers understand their options, choose the deal that's best for them, and avoid costly surprises at the closing table. This rule will be effective August 1, 2015, and in the coming months, the Bureau will provide additional regulatory implementation support information to help industry understand and implement the rule.

The Bureau is also continuing rulemaking activities to assist in the full implementation of, and facilitate compliance with, various mortgage-related final rules issued by the Bureau in January 2013, strengthening consumer protections involving the origination and servicing of mortgages. These rules, implementing requirements under the Dodd-Frank Act, were all effective by January 2014, however the Bureau is planning to engage in further rulemaking to consider certain additional refinements to these rules.

In addition, the Bureau has begun work in preparation to implement Dodd-Frank Act amendments to the Home Mortgage Disclosure Act (HMDA) that require, among other things, supplementation of existing data reporting requirements regarding housing-related loans and applications for such loans.

Bureau Regulatory Efforts in Other Consumer Markets

Second, the CFPB is working on and considering a number of rulemakings to address important consumer protection issues in other markets for consumer financial products and services. For instance, the Bureau is reviewing comments received in response to an Advance Notice of Proposed Rulemaking on debt collection, and has been engaged in extensive research and analysis concerning payday loans, deposit advance products, and bank and credit union overdraft programs, building on Bureau white papers issued in April and June 2013.

The Bureau is also continuing work on a number of earlier initiatives concerning consumer payment services. For instance, following on an earlier Advance Notice of Proposed Rulemaking concerning general purpose reloadable prepaid cards, the Bureau expects to issue a Notice of Proposed Rulemaking concerning prepaid cards in mid-2014. The Bureau also expects to issue a proposal shortly to consider whether to extend the sunset of a provision of the Dodd-Frank Act allowing depository institutions to estimate certain items on disclosures concerning consumer remittance transfers to foreign countries.

Third, the Bureau is continuing rulemaking activities that will further establish the Bureau's nonbank supervisory authority by defining larger participants of certain markets for consumer financial products and services. Larger participants of such markets, as the Bureau defines by rule, are subject to the Bureau's supervisory authority.

Bureau Regulatory Streamlining Efforts

Fourth, the Bureau is continuing work to consider opportunities to modernize and streamline regulations that it inherited from other agencies pursuant to a transfer of rulemaking authority under the Dodd-Frank Act. This work includes implementing the consolidation and streamlining of Federal mortgage disclosure forms discussed earlier, and exploring opportunities to reduce unwarranted regulatory burden as part of the HMDA rulemaking. The Bureau is also expecting to issue a Notice of Proposed Rulemaking shortly to explore whether to modify certain requirements under the Gramm-Leach-Bliley Act to provide annual notices regarding financial institutions' data sharing practices.

Finally, the Bureau is continuing to assess timelines for other rulemakings mandated by the Dodd-Frank Act or inherited from other agencies and to conduct outreach and research to assess issues in various other markets for consumer financial products and services. As this work continues, the Bureau will evaluate possible policy responses, including possible rulemaking actions, taking into account the critical need for and effectiveness of various policy tools. The Bureau will update its regulatory agenda in fall 2014 to reflect the results of this further prioritization and planning.

[1] The listing does not include certain routine, frequent, or administrative matters. Further, certain of the information fields for the listing are not applicable to independent regulatory agencies, including the CFPB, and, accordingly, the CFPB has indicated responses of ''no'' for such fields.

Dated: February 28, 2014.

Meredith Fuchs,

General Counsel, Bureau of Consumer Financial Protection.

CONSUMER FINANCIAL PROTECTION BUREAU—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
281	Home Mortgage Disclosure Act (Regulation C)	3170–AA10

CONSUMER FINANCIAL PROTECTION BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
282	Business Lending Data (Regulation B)	3170–AA09
283	The Expedited Funds Availability Act (Regulation CC)	3170–AA31

CONSUMER FINANCIAL PROTECTION BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
284	Integrated Mortgage Disclosures Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth in Lending Act (Regulation Z).	3170–AA19

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Prerule Stage

281. Home Mortgage Disclosure Act (Regulation C)

Legal Authority: 12 U.S.C. 2801 to 2810

Abstract: Section 1094 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amended the Home Mortgage Disclosure Act (HMDA), which requires certain financial institutions to collect and report information in connection with housing-related loans and applications they receive for such loans. The amendments made by the Dodd-Frank Act, among other things, expand the scope of information relating to mortgage applications and loans that must be compiled, maintained, and reported under HMDA, including the ages of loan applicants and mortgagors, information relating to the points and fees payable at origination, the difference between the annual percentage rate associated with the loan and benchmark rates for all loans, the term of any prepayment penalty, the value of the property to be pledged as collateral, the term of the loan and of any introductory interest rate for the loan, the presence of contract terms allowing non-amortizing payments, the application channel, and the credit scores of applicants and mortgagors. The Dodd-Frank Act also provides authority for the CFPB to require other information, including identifiers for loans, parcels, and loan originators. The CFPB expects to complete the SBREFA process and begin developing a proposed rule concerning the data to be collected and appropriate format, procedures, information safeguards, and privacy protections for information compiled and reported under HMDA. The CFPB is considering additional revisions to its regulations to effectuate the purposes of HMDA.

Timetable:

Action	Date	FR Cite
Prerule Activities	05/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joan Kayagil, Office of Regulations, Consumer Financial Protection Bureau, *Phone:* 202 435–7700.

RIN: 3170–AA10

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Long-Term Actions

282. Business Lending Data (Regulation B)

Legal Authority: 15 U.S.C. 1691c–2

Abstract: Section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amends the Equal Credit Opportunity Act (ECOA) to require financial institutions to report information concerning credit applications made by women- or minority-owned businesses and small businesses. The amendments made by the Dodd-Frank Act require that certain data be collected and maintained under ECOA, including the number of the application and date the application was received; the type and purpose of loan or credit applied for; the amount of credit applied for and approved; the type of action taken with regard to each application and the date of such action; the census tract of the principal place of business; the gross annual revenue; and the race, sex, and ethnicity of the principal owners of the business. The CFPB expects to begin developing proposed regulations concerning the data to be collected and appropriate procedures, information safeguards, and privacy protections for information-gathering under this section.

Timetable:

Action	Date	FR Cite
CFPB Expects Further Action.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Honig, Office of Regulations, Consumer Financial Protection Bureau, *Phone:* 202 435–7700.

RIN: 3170–AA09

283. The Expedited Funds Availability Act (Regulation CC)

Legal Authority: 12 U.S.C. 4001 *et seq.*

Abstract: The Expedited Funds Availability Act (EFA Act), implemented by Regulation CC, governs availability of funds after a check deposit and check collection and return processes. Section 1086 of the Dodd-Frank Wall Street Reform and Consumer Protection Act amended the EFA Act to provide the CFPB with joint rulemaking authority with the Board of Governors of the Federal Reserve System (Board) over certain consumer-related EFA Act provisions. The Board proposed amendments to Regulation CC in March 2011, to facilitate the banking industry's ongoing transition to fully-electronic interbank check collection and return. The Board's proposal includes some provisions that are subject to the CFPB's joint rulemaking authority, including the period for funds availability and revising model form disclosures. In addition, in December 2013, the Board proposed revised amendments to certain Regulation CC provisions that are not subject to the CFPB's authority. The CFPB will work with the Board to issue jointly a final rule that includes provisions within the CFPB's authority.

Timetable:

Action	Date	FR Cite
NPRM	03/25/11	76 FR 16862
NPRM Comment Period End.	06/03/11	
Final Rule	06/00/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joseph Baressi, Office of Regulations, Consumer Financial Protection Bureau, *Phone:* 202 435–7700.

RIN: 3170–AA31

CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)

Completed Actions

284. Integrated Mortgage Disclosures Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth in Lending Act (Regulation Z)

Legal Authority: 12 U.S.C. 2617; 12 U.S.C. 3806; 15 U.S.C. 1604; 15 U.S.C. 1637(c)(5); 15 U.S.C. 1639(l); 12 U.S.C. 5532

Abstract: Sections 1032(f), 1098, and 1100A of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) direct the CFPB to issue proposed rules and forms that combine certain disclosures that consumers receive in connection with a mortgage loan under the Truth in Lending Act and the Real Estate Settlement Procedures Act. Consistent with this requirement, the CFPB has proposed to amend Regulation X (Real Estate Settlement Procedures Act) and Regulation Z (Truth in Lending) to establish new disclosure requirements and forms in Regulation Z for most closed-end consumer credit transactions secured by real property. In addition to combining the existing disclosure requirements and implementing new requirements in the Dodd-Frank Act, the CFPB's proposed rule provides extensive guidance regarding compliance with those requirements. The proposal had two comment periods. Comments on the proposed revisions to the definition of the finance charge and the proposed compliance date for the new Dodd-Frank Act disclosures were initially due September 7, 2012. Comments on all other aspects of the proposal were due November 6, 2012. On September 6, 2012, the CFPB issued a notice extending the comment period to November 6, 2012, for the proposed revisions to the definition of the finance charge. The CFPB published a final rule on December 31, 2013.

Timetable:

Action	Date	FR Cite
NPRM	08/23/12	77 FR 51116
NPRM Comment Period Extended.	09/06/12	77 FR 54843
NPRM Comment Period End.	11/06/12	
Final Rule	12/31/13	78 FR 79730

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andy Arculin, Office of Regulations, Consumer Financial Protection Bureau, *Phone:* 202 435–7700.

RIN: 3170–AA19

[FR Doc. 2014–13135 Filed 6–12–14; 8:45 am]

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Part XXII

Consumer Product Safety Commission

Semiannual Regulatory Agenda

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Semiannual Regulatory Agenda

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: In this document, the Commission publishes its semiannual regulatory flexibility agenda. In addition, this document includes an agenda of regulatory actions that the Commission expects to be under development or review by the agency during the next year. This document meets the requirements of the Regulatory Flexibility Act and Executive Order 12866.

DATES: The Commission welcomes comments on each subject area of the agenda, particularly from small businesses, small organizations, and other small entities. Written comments concerning the agenda should be received in the Office of the Secretary by June 22, 2014.

ADDRESSES: Comments on the regulatory flexibility agenda should be captioned, ''Regulatory Flexibility Agenda,'' and be emailed to: *cpsc-os@cpsc.gov*, or filed by fax to: 301 504–0127. Comments may also be mailed or delivered to the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East-West Highway, Bethesda, MD 20814–4408.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact Eileen Williams, Office of the General Counsel, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814–4408; *ewilliams@cpsc.gov*. For further information regarding a particular item on the agenda, consult the individual listed in the column headed, ''Contact,'' for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 to 612) contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the RFA (5 U.S.C. 602) requires each agency to publish, twice each year, a regulatory flexibility agenda containing a brief description of the subject area of any rule expected to be proposed or promulgated, which is likely to have a significant economic impact on a substantial number of small entities. The agency must also provide a summary of the nature of the rule and a schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking.

The regulatory flexibility agenda is also required to contain the name and address of the agency official knowledgeable about the items listed. Furthermore, agencies are required to provide notice of their agendas to small entities and to solicit comments from small entities by direct notification or by inclusion in publications likely to be obtained by such entities.

Additionally, Executive Order 12866 requires each agency to publish, twice each year, a regulatory agenda of regulations under development or review during the next year. The executive order states that such an agenda may be combined with the agenda published in accordance with the RFA. The regulatory flexibility agenda lists the regulatory activities expected to be under development or review during the next 12 months. It includes all such activities, whether or not the activities may have a significant economic impact on a substantial number of small entities. This agenda also includes regulatory activities that appeared in the fall 2013 agenda and have been completed by the Commission before publication of this agenda. Although CPSC, as an independent regulatory agency, is not required to comply with Executive Orders, the Commission does follow Executive Order 12866 with respect to the publication of its regulatory agenda.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda.

Beginning in fall 2007, the Internet became the basic means of disseminating the Unified Agenda (the compilation of the Commission's and other federal agencies' agendas). The complete Unified Agenda will be available online at: *www.reginfo.gov*, in a format that offers users a greatly enhanced ability to obtain information from the Unified Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Commission's **Federal Register** agenda entries include only:

(1) Rules that are in the agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act because these rules are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

The **Federal Register** entries are limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet.

Dated: February 28, 2014.

Todd A. Stevenson,

Secretary, U.S. Consumer Product Safety Commission.

CONSUMER PRODUCT SAFETY COMMISSION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
285	Standard for Bedside Sleepers	3041–AC91
286	Standard for Soft Infant and Toddler Carriers	3041–AD15
287	Standard for Handheld Infant Carriers	3041–AD16
288	Standard for Carriages and Strollers	3041–AD17

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Completed Actions

285. Standard for Bedside Sleepers

Legal Authority: Pub. L. 110–314, sec 104

Abstract: Section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the Commission to issue consumer product safety standards for durable infant or toddler products. The Commission is directed to assess the effectiveness of applicable voluntary standards, and in accordance with the Administrative Procedure Act, promulgate consumer product safety standards that are substantially the same as the voluntary standard or more stringent than the voluntary standard if the Commission determines that more stringent standards would further reduce the risk of injury associated with the product. The CPSIA requires that not later than August 14, 2009, the Commission begin rulemaking for at least two categories of durable infant or toddler products and promulgate two such standards every 6 months thereafter. The Commission published a notice of proposed rulemaking (NPRM) on December 10, 2012, for bedside sleepers as part of this series of standards for durable infant and toddler products. The proposed standard is based on ASTM F2906–12, Standard Consumer Product Safety Specification for Bedside Sleepers, with additions. The comment period ended on February 25, 2013. Staff reviewed comments and sent to the Commission a briefing package on the final rule on December 4, 2013. The Commission voted unanimously (3–0) to approve publication of the notice in the **Federal Register** issuing a final rule for bedside sleepers. The effective date of the final rule is July 15, 2014.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission.	10/17/12	
Commission Decision.	11/28/12	
NPRM	12/10/12	77 FR 73345
NPRM Comment Period End.	02/25/13	
Staff Sends Final Rule Briefing Package to the Commission.	12/04/13	
Commission Decision.	01/08/14	
Final Rule	01/15/14	79 FR 2581
Final Rule Effective.	07/15/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Douglas A. Lee, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2073, *Email: dlee@cpsc.gov*.

RIN: 3041–AC91

286. Standard for Soft Infant and Toddler Carriers

Legal Authority: Pub. L. 110–314, sec 104

Abstract: Section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the Commission to issue consumer product safety standards for durable infant or toddler products. The Commission is directed to assess the effectiveness of applicable voluntary standards, and in accordance with the Administrative Procedure Act, promulgate consumer product safety standards that are substantially the same as the voluntary standard or more stringent than the voluntary standard if the Commission determines that more stringent standards would further reduce the risk of injury associated with the product. The CPSIA requires that not later than August 14, 2009, the Commission begin rulemaking for at least two categories of durable infant or toddler products and promulgate two such standards every 6 months thereafter. The Commission proposed a consumer product safety standard for soft infant and toddler carriers as part of this series of standards for durable infant and toddler products. Staff sent a briefing package with a draft notice of proposed rulemaking (NPRM) to the Commission on March 13, 2013. The Commission voted 2–1 to approve publication in the **Federal Register**. The comment period ended on June 19, 2013. Staff sent to the Commission for consideration a briefing package with a draft final rule on February 19, 2014. The Commission approved publication of the final rule on March 21, 2014. The final rule was published on March 28, 2014.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission.	03/13/13	
Commission Decision.	03/27/13	
NPRM	04/05/13	78 FR 20511
NPRM Comment Period End.	06/19/13	
Staff Sends Final Rule Briefing Package to Commission.	02/19/14	
Commission Decision.	03/21/14	
Final Rule	03/28/14	79 FR 17422
Final Rule Effective.	09/29/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Vincent Amodeo, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, 5 Research Place, Rockville, MD 20850, *Phone:* 301 504–7570, *Email: vamodeo@cpsc.gov*.

RIN: 3041–AD15

287. Standard for Handheld Infant Carriers

Legal Authority: Pub. L. 110–314, sec 104

Abstract: Section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the Commission to issue consumer product safety standards for durable infant or toddler products. The Commission is directed to assess the effectiveness of applicable voluntary standards, and in accordance with the Administrative Procedure Act, promulgate consumer product safety standards that are substantially the same as the voluntary standard or more stringent than the voluntary standard if the Commission determines that more stringent standards would further reduce the risk of injury associated with the product. The CPSIA requires that not later than August 14, 2009, the Commission begin rulemaking for at least two categories of durable infant or toddler products and promulgate two such standards every 6 months thereafter. The Commission proposed a consumer product safety standard for handheld infant carriers as part of this series of standards for durable infant and toddler products. Staff sent a briefing package with a draft notice of proposed rulemaking (NPRM) to the Commission on November 8, 2012. The Commission voted unanimously to approve publication in the **Federal Register** of the amended NPRM for the safety standard for handheld infant carriers. The comment period ended on February 25, 2013. Staff reviewed the comments and sent to the Commission a final rule briefing package with a recommendation to incorporate by reference ASTM F2050–13a, ''Standard Consumer Safety Specification for Hand-Held Infant Carriers.'' The Commission approved publication of the draft final rule on November 22, 2013. The effective date of the final rule is June 6, 2014.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission.	11/08/12	
Commission Decision.	11/28/12	
NPRM	12/10/12	77 FR 73354
NPRM Comment Period End.	02/25/13	
Staff Sends Final Rule Briefing Package to Commission.	10/30/13	
Commission Decision.	11/22/13	
Final Rule	12/06/13	78 FR 73415

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Patricia L. Edwards, Project Manager, Consumer Product Safety Commission, Directorate for Engineering Sciences, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2224, *Email: pedwards@cpsc.gov*.

RIN: 3041–AD16

288. Standard for Carriages and Strollers

Legal Authority: Pub. L. 110–314, sec 104

Abstract: Section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the Commission to issue consumer product safety standards for durable infant or toddler products. The Commission is directed to assess the effectiveness of applicable voluntary standards and, in accordance with the Administrative Procedure Act, promulgate consumer product safety standards that are substantially the same as the voluntary standard or more stringent than the voluntary standard if the Commission determines that more stringent standards would further reduce the risk of injury associated with the product. The CPSIA requires that not later than August 14, 2009, the Commission begin rulemaking for at least two categories of durable infant or toddler products and promulgate two such standards every 6 months thereafter. The Commission proposed a consumer product safety standard for carriages and strollers as part of this series of standards for durable infant and toddler products. Staff sent a briefing package with a draft notice of proposed rulemaking (NPRM) to the Commission for consideration on April 17, 2013. The Commission voted unanimously on May 8, 2013, to approve publication in the **Federal Register** of the draft proposed rule, with changes. The comment period ended on August 5, 2013. Staff reviewed the comments and sent to the Commission a final rule briefing package with a recommendation to incorporate the ASTM F833–13b, ''Standard Consumer Safety Performance Specification for Carriages and Strollers,'' with one modification. On March 3, 2014, the Commission voted to approve publication of the final rule. The final rule was published on March 10, 2014.

Timetable:

Action	Date	FR Cite
Staff Sends Briefing Package to Commission.	04/17/13	
Commission Decision.	05/08/13	
NPRM	05/20/13	78 FR 29279
NPRM Comment Period End.	08/05/13	
Staff Sends Briefing Package to Commission.	01/22/14	
Commission Decision.	03/04/14	
Final Rule	03/10/14	79 FR 13208
Final Rule Effective.	09/10/15	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rana Balci-Sinha, Project Manager, Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2584, *Email: rbalcisinha@cpsc.gov*.

RIN: 3041–AD17

[FR Doc. 2014–13136 Filed 6–12–14; 8:45 am]

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Part XXIII

Federal Communcations Commission

Semiannual Regulatory Agenda

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulatory and Deregulatory Actions—Spring 2014

AGENCY: Federal Communications Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: Twice a year, in spring and fall, the Commission publishes in the **Federal Register** a list in the Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act (See 5 U.S.C. 602). The Unified Agenda also provides the Code of Federal Regulations citations and legal authorities that govern these proceedings.

ADDRESS: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Maura McGowan, Telecommunications Specialist, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, (202) 418–0990.

SUPPLEMENTARY INFORMATION:

Unified Agenda of Major and Other Significant Proceedings

The Commission encourages public participation in its rulemaking process. To help keep the public informed of significant rulemaking proceedings, the Commission has prepared a list of important proceedings now in progress. The General Services Administration publishes the Unified Agenda in the **Federal Register** in the spring and fall of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

Docket Number—assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry concerning the matter under consideration. The Commission has used docket numbers since January 1, 1978. Docket numbers consist of the last two digits of the calendar year in which the docket was established plus a sequential number that begins at 1 with the first docket initiated during a calendar year (e.g., Docket No. 96–1 or Docket No. 99–1). The abbreviation for the responsible bureau usually precedes the docket number, as in ''MM Docket No. 96–222,'' which indicates that the responsible bureau is the Mass Media Bureau (now the Media Bureau). A docket number consisting of only five digits (e.g., Docket No. 29622) indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI)—issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rulemaking (NPRM)—issued by the Commission when it is proposing a specific change to Commission rules and regulations. Before any changes are actually made, interested parties may submit written comments on the proposed revisions.

Further Notice of Proposed Rulemaking (FNPRM)—issued by the Commission when additional comment in the proceeding is sought.

Memorandum Opinion and Order (MO&O)—issued by the Commission to deny a petition for rulemaking, conclude an inquiry, modify a decision, or address a petition for reconsideration of a decision.

Rulemaking (RM) Number—assigned to a proceeding after the appropriate bureau or office has reviewed a petition for rulemaking, but before the Commission has taken action on the petition.

Report and Order (R&O)—issued by the Commission to state a new or amended rule or state that the Commission rules and regulations will not be revised.

Marlene H. Dortch,

Secretary, Federal Communications Commission.

CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
289	Implementation of the Telecommunications Act of 1996; Access to Telecommunications Service, Telecommunications Equipment, and Customer Premises Equipment by Persons With Disabilities.	3060–AG58
290	Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278).	3060–AI14
291	Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123).	3060–AI15
292	Consumer Information and Disclosure and Truth in Billing and Billing Format	3060–AI61
293	Closed-Captioning of Video Programming **(Section 610 Review)**	3060–AI72
294	Accessibility of Programming Providing Emergency Information	3060–AI75
295	Empowering Consumers to Avoid Bill Shock (Docket No. 10–207)	3060–AJ51
296	Contributions to the Telecommunications Relay Services Fund (CG Docket No. 11–47)	3060–AJ63
297	Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges (''Cramming'')	3060–AJ72
298	Implementation of the Middle Class Tax Relief and Job Creation Act of 2012/Establishment of a Public Safety Answering Point Do-Not-Call Registry.	3060–AJ84
299	Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CG Docket No. 10–213).	3060–AK00
300	Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services.	3060–AK01

OFFICE OF ENGINEERING AND TECHNOLOGY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
301	New Advanced Wireless Services (ET Docket No. 00–258)	3060–AH65
302	Exposure to Radiofrequency Electromagnetic Fields	3060–AI17
303	Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186)	3060–AI52

OFFICE OF ENGINEERING AND TECHNOLOGY—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
304	Fixed and Mobile Services in the Mobile Satellite Service (ET Docket No. 10–142)	3060–AJ46
305	Innovation in the Broadcast Television Bands (ET Docket No. 10–235)	3060–AJ57
306	Radio Experimentation and Market Trials Under Part 5 of the Commission's Rules and Streamlining Other Related Rules (ET Docket No. 10–236).	3060–AJ62
307	Operation of Radar Systems in the 76–77 GHz Band (ET Docket No. 11–90)	3060–AJ68
308	WRC–07 Implementation (ET Docket No. 12–338)	3060–AJ93
309	Federal Earth Stations—Non-Federal Fixed Satellite Service Space Stations; Spectrum for Non-Federal Space Launch Operations; ET Docket No. 13–115.	3060–AK09
310	Authorization of Radiofrequency Equipment; ET Docket No. 13–44	3060–AK10

INTERNATIONAL BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
311	Space Station Licensing Reform (IB Docket No. 02–34)	3060–AH98
312	Reporting Requirements for U.S. Providers of International Telecommunications Services (IB Docket No. 04–112).	3060–AI42
313	Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees Under Section 310(b)(4) of the Communications Act of 1934, as Amended (IB Docket No. 11–133).	3060–AJ70
314	International Settlements Policy Reform (IB Docket No. 11–80)	3060–AJ77
315	Revisions to Parts 2 and 25 of the Commission's Rules to Govern the Use of Earth Stations Aboard Aircraft (IB Docket No. 12–376).	3060–AJ96
316	Reform of Rules and Policies on Foreign Carrier Entry Into the U.S. Telecommunications Market (IB Docket 12–299).	3060–AJ97
317	Comprehensive Review of Licensing and Operating Rules for Satellite Services (IB Docket No. 12–267)	3060–AJ98
318	Expanding Broadband and Innovation through Air-Ground Mobile Broadband Secondary Service for Passengers Aboard Aircraft in the 14.0–14.5 GHz Band; GN Docket No. 13–114.	3060–AK02
319	Terrestrial Use of the 2473–2495 MHz Band for Low-Power Mobile Broadband Networks; Amendments to Rules of Mobile Satellite Service System; IB Docket No. 13–213.	3060–AK16

INTERNATIONAL BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
320	Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310–2360 MHz Frequency Band; IB Docket No. 95–91; GEN Docket No. 90–357.	3060–AF93
321	Amendment of the Commission's Rules To Allocate Spectrum and Adopt Service Rules and Procedures To Govern the Use of Vehicle-Mounted Earth Stations (IB Docket No. 07–101).	3060–AI90

MEDIA BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
322	Competitive Availability of Navigation Devices (CS Docket No. 97–80)	3060–AG28
323	Broadcast Ownership Rules	3060–AH97
324	Establishment of Rules for Digital Low-Power Television, Television Translator, and Television Booster Stations (MB Docket No. 03–185).	3060–AI38
325	Joint Sales Agreements in Local Television Markets (MB Docket No. 04–256)	3060–AI55
326	Program Access Rules—Sunset of Exclusive Contracts Prohibition and Examination of Programming Tying Arrangements (MB Docket Nos. 12–68, 07–198).	3060–AI87
327	Broadcast Localism (MB Docket No. 04–233)	3060–AJ04
328	Creating a Low Power Radio Service (MM Docket No. 99–25)	3060–AJ07
329	Promoting Diversification of Ownership in the Broadcast Services (MB Docket No. 07–294)	3060–AJ27
330	Amendment of the Commission's Rules Related to Retransmission Consent (MB Docket No. 10–71)	3060–AJ55
331	Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No.11–43).	3060–AJ56
332	Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No. 11–154).	3060–AJ67
333	Noncommercial Educational Station Fundraising for Third-Party Nonprofit Organizations (MB Docket No. 12–106).	3060–AJ79
334	Accessibility of User Interfaces and Video Programming Guides and Menus (MB Docket No. 12–108)	3060–AK11

MEDIA BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
335	Policies To Promote Rural Radio Service and To Streamline Allotment and Assignment Procedures (MB Docket No. 09–52).	3060–AJ23

OFFICE OF MANAGING DIRECTOR—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
336	Assessment and Collection of Regulatory Fees	3060–AI79
337	Amendment of Part 1 of the Commission's Rules, Concerning Practice and Procedure, Amendment of CORES Registration System; MD Docket No. 10–234.	3060–AJ54

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
338	Revision of the Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems	3060–AG34
339	Enhanced 911 Services for Wireline	3060–AG60
340	In the Matter of the Communications Assistance for Law Enforcement Act	3060–AG74
341	Development of Operational, Technical, and Spectrum Requirements for Public Safety Communications Requirements.	3060–AG85
342	Implementation of 911 Act (CC Docket No. 92–105, WT Docket No. 00–110)	3060–AH90
343	E911 Requirements for IP-Enabled Service Providers (Dockets Nos. GN 11–117, PS 07–114, WC 05–196, WC 04–36).	3060–AI62
344	Commercial Mobile Alert System	3060–AJ03
345	Wireless E911 Location Accuracy Requirements; PS Docket No. 07–114	3060–AJ52
346	Private Land Radio Services/Miscellaneous Wireless Communications Services	3060–AJ99

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
347	Stolen Vehicle Recovery System (SVRS)	3060–AJ01

WIRELESS TELECOMMUNICATIONS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
348	Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers	3060–AH83
349	Review of Part 87 of the Commission's Rules Concerning Aviation (WT Docket No. 01–289)	3060–AI35
350	Implementation of the Commercial Spectrum Enhancement Act (CSEA) and Modernization of the Commission's Competitive Bidding Rules and Procedures (WT Docket No. 05–211).	3060–AI88
351	Facilitating the Provision of Fixed and Mobile Broadband Access, Educational, and Other Advanced Services in the 2150–2162 and 2500–2690 MHz Bands.	3060–AJ12
352	Amendment of the Rules Regarding Maritime Automatic Identification Systems (WT Docket No. 04–344)	3060–AJ16
353	Service Rules for Advanced Wireless Services in the 2155–2175 MHz Band; WT Docket No. 13–185	3060–AJ19
354	Service Rules for Advanced Wireless Services in the 1915 to 1920 MHz, 1995 to 2000 MHz, 2020 to 2025 MHz, and 2175 to 2180 MHz Bands.	3060–AJ20
355	Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698–806 MHz Band (WT Docket No. 08–166) Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary.	3060–AJ21
356	Amendment of the Commission's Rules To Improve Public Safety Communications in the 800 MHz Band, and To Consolidate the 800 MHz and 900 MHz Business and Industrial/Land Transportation Pool Channels.	3060–AJ22
357	Amendment of Part 101 to Accommodate 30 MHz Channels in the 6525–6875 MHz Band and Provide Conditional Authorization on Channels in the 21.8–22.0 and 23.0–23.2 GHz Band (WT Docket No. 04–114).	3060–AJ28
358	In the Matter of Service Rules for the 698 to 746, 747 to 762, and 777 to 792 MHz Bands	3060–AJ35
359	National Environmental Act Compliance for Proposed Tower Registrations; In the Matter of Effects on Migratory Birds.	3060–AJ36
360	Amendment of Part 90 of the Commission's Rules	3060–AJ37
361	Amendment of Part 101 of the Commission's Rules for Microwave Use and Broadcast Auxiliary Service Flexibility.	3060–AJ47
362	2004 and 2006 Biennial Regulatory Reviews—Streamlining and Other Revisions of the Commission's Rules Governing Construction, Marking, and Lighting of Antenna Structures.	3060–AJ50
363	Universal Service Reform Mobility Fund (WT Docket No. 10–208)	3060–AJ58

WIRELESS TELECOMMUNICATIONS BUREAU—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
364	Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHz and 1626.5–1660.5 MHz, 1610–1626.5 MHz and 2483.5–2500 MHz, and 2000–2020 MHz and 2180–2200 MHz.	3060–AJ59
365	Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-Based 800 MHz Specialized Mobile Radio Licensees (WT Docket Nos. 12–64 and 11–110).	3060–AJ71
366	Service Rules for Advanced Wireless Services in the 2000–2020 MHz and 2180–2200 MHz Bands	3060–AJ73
367	Promoting Interoperability in the 700 MHz Commercial Spectrum; Interoperability of Mobile User Equipment Across Paired Commercial Spectrum Blocks in the 700 MHz Band.	3060–AJ78
368	Service Rules for Advanced Wireless Services of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915–1920 MHz and 1995–2000 MHz Bands (WT Docket No. 12–357).	3060–AJ86
369	Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission's Rules to Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10–4).	3060–AJ87
370	Amendment of the Commission's Rules Governing Certain Aviation Ground Station Equipment (Squitter) (WT Docket Nos. 10–61 and 09–42).	3060–AJ88
371	Amendment of the Commission's Rules Concerning Commercial Radio Operators (WT Docket No. 10–177).	3060–AJ91
372	Radiolocation Operations in the 78–81 GHz Band; WT Docket No. 11–202	3060–AK04
373	Amendment of Part 90 of the Commission's Rules to Permit Terrestrial Trunked Radio (TETRA) Technology; WT Docket No. 11–6.	3060–AK05
374	Promoting Technological Solutions to Combat Wireless Device Use in Correctional Facilities	3060–AK06

WIRELINE COMPETITION BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
375	Implementation of the Universal Service Portions of the 1996 Telecommunications Act	3060–AF85
376	2000 Biennial Regulatory Review—Telecommunications Service Quality Reporting Requirements	3060–AH72
377	Access Charge Reform and Universal Service Reform	3060–AH74
378	National Exchange Carrier Association Petition	3060–AI47
379	IP-Enabled Services; WC Docket No. 04–36	3060–AI48
380	Establishing Just and Reasonable Rates for Local Exchange Carriers (WC Docket No. 07–135)	3060–AJ02
381	Jurisdictional Separations	3060–AJ06
382	Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering (WC Docket Nos. 08–190, 07–139, 07–204, 07–273, 07–21).	3060–AJ14
383	Form 477; Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans.	3060–AJ15
384	Preserving the Open Internet; Broadband Industry Practices	3060–AJ30
385	Local Number Portability Porting Interval and Validation Requirements (WC Docket No. 07–244)	3060–AJ32
386	Electronic Tariff Filing System (WC Docket No. 10–141)	3060–AJ41
387	Implementation of Section 224 of the Act; A National Broadband Plan for Our Future (WC Docket No. 07–245, GN Docket No. 09–51).	3060–AJ64
388	Rural Call Completion; WC Docket No. 13–39	3060–AJ89
389	Rates for Inmate Calling Services; WC Docket No. 12–375	3060–AK08

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Consumer and Governmental Affairs Bureau

Long-Term Actions

289. Implementation of the Telecommunications Act of 1996; Access to Telecommunications Service, Telecommunications Equipment, and Customer Premises Equipment by Persons With Disabilities

Legal Authority: 47 U.S.C. 255; 47 U.S.C. 251(a)(2)

Abstract: These proceedings implement the provisions of sections 255 and 251(a)(2) of the Communications Act and related sections of the Telecommunications Act of 1996 regarding the accessibility of telecommunications equipment and services to persons with disabilities.

Timetable:

Action	Date	FR Cite
R&O	08/14/96	61 FR 42181
NOI	09/26/96	61 FR 50465
NPRM	05/22/98	63 FR 28456
R&O	11/19/99	64 FR 63235
Further NOI	11/19/99	64 FR 63277
Public Notice	01/07/02	67 FR 678
R&O	08/06/07	72 FR 43546
Petition for Waiver	11/01/07	72 FR 61813
Public Notice	11/01/07	72 FR 61882
Final Rule	04/21/08	73 FR 21251
Public Notice	08/01/08	73 FR 45008
Extension of Waiver.	05/15/08	73 FR 28057
Extension of Waiver.	05/06/09	74 FR 20892
Public Notice	05/07/09	74 FR 21364
Extension of Waiver.	07/29/09	74 FR 37624
NPRM	03/14/11	76 FR 13800
NPRM Comment Period Extended.	04/12/11	76 FR 20297
FNPRM	12/30/11	76 FR 82240
Comment Period End.	03/14/12	
R&O	12/30/11	76 FR 82354
Announcement of Effective Date.	04/25/12	77 FR 24632
2nd R&O	05/22/13	78 FR 30226
FNPRM	12/20/13	78 FR 77074
FNPRM Comment Period End.	02/18/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cheryl J. King, Deputy Chief, Disability Rights Office,

Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2284, *TDD Phone:* 202 418–0416, *Fax:* 202 418–0037, *Email: cheryl.king@fcc.gov*.

RIN: 3060–AG58

290. Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278)

Legal Authority: 47 U.S.C. 227

Abstract: On July 3, 2003, the Commission released a Report and Order establishing, along with the FTC, a national do-not-call registry. The Commission's Report and Order also adopted rules on the use of predictive dialers, the transmission of caller ID information by telemarketers, and the sending of unsolicited fax advertisements.

On September 21, 2004, the Commission released an Order amending existing safe harbor rules for telemarketers subject to the do-not-call registry to require such telemarketers to access the do-not-call list every 31 days, rather than every 3 months.

On April 5, 2006, the Commission adopted a Report and Order and Third Order on Reconsideration amending its facsimile advertising rules to implement the Junk Fax Protection Act of 2005. On October 14, 2008, the Commission released an Order on Reconsideration addressing certain issues raised in petitions for reconsideration and/or clarification of the Report and Order and Third Order on Reconsideration.

On January 4, 2008, the Commission released a Declaratory Ruling, clarifying that autodialed and prerecorded message calls to wireless numbers that are provided by the called party to a creditor in connection with an existing debt are permissible as calls made with the ''prior express consent'' of the called party.

Following a December 4, 2007 NPRM, on June 17, 2008, the Commission released a Report and Order amending its rules to require sellers and/or telemarketers to honor registrations with the National Do-Not-Call Registry indefinitely, unless the registration is cancelled by the consumer or the number is removed by the database administrator.

Following a January 22, 2010, NPRM, the Commission released a Report and Order (on February 15, 2012) requiring telemarketers to obtain prior express written consent, including by electronic means, before making an autodialed or prerecorded telemarketing call to a wireless number or before making a prerecorded telemarketing call to a residential line; eliminating the ''established business relationship'' exemption to the consent requirement for prerecorded telemarketing calls to residential lines; requiring telemarketers to provide an automated, interactive ''opt-out'' mechanism during autodialed or prerecorded telemarketing calls to wireless numbers and during prerecorded telemarketing calls to residential lines; and requiring that the abandoned call rate for telemarketing calls be calculated on a ''per-campaign'' basis.

On November 29, 2012, the Commission released a Declaratory Ruling clarifying that sending a one-time text message confirming a consumer's request that no further text messages be sent does not violate the Telephone Consumer Protection Act (TCPA) or the Commission's rules as long as the confirmation text only confirms receipt of the consumer's opt-out request, and does not contain marketing, solicitations, or an attempt to convince the consumer to reconsider his or her opt-out decision. The ruling applies only when the sender of the text messages has obtained prior express consent, as required by the TCPA and Commission rules, from the consumer to be sent text messages using an automatic telephone dialing system.

On May 9, 2013, the Commission released a declaratory ruling clarifying that while a seller does not generally ''initiate'' calls made through a third-party telemarketer, within the meaning of the Telephone Consumer Protection Act (TCPA), it nonetheless may be held vicariously liable under Federal common law principles of agency for violations of either section 227(b) or section 227(c) that are committed by third-party telemarketers.

Timetable:

Action	Date	FR Cite
NPRM	10/08/02	67 FR 62667
FNPRM	04/03/03	68 FR 16250
Order	07/25/03	68 FR 44144
Order Effective	08/25/03	
Order on Recon	08/25/03	68 FR 50978
Order	10/14/03	68 FR 59130
FNPRM	03/31/04	69 FR 16873
Order	10/08/04	69 FR 60311
Order	10/28/04	69 FR 62816
Order on Recon	04/13/05	70 FR 19330
Order	06/30/05	70 FR 37705
NPRM	12/19/05	70 FR 75102
Public Notice	04/26/06	71 FR 24634
Order	05/03/06	71 FR 25967
NPRM	12/14/07	72 FR 71099
Declaratory Ruling	02/01/08	73 FR 6041
R&O	07/14/08	73 FR 40183
Order on Recon	10/30/08	73 FR 64556
NPRM	03/22/10	75 FR 13471
R&O	06/11/12	77 FR 34233
Public Notice	06/30/10	75 FR 34244
Public Notice (Recon Petitions Filed).	10/03/12	77 FR 60343
Announcement of Effective Date.	10/16/12	77 FR 63240
Opposition End Date.	10/18/12	
Rule Corrections	11/08/12	77 FR 66935
Declaratory Ruling (Release Date).	11/29/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kurt Schroeder, Chief, Consumer Policy Division, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0966, *Email: kurt.schroeder@fcc.gov*.

RIN: 3060–AI14

291. Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

Abstract: This proceeding established a new docket flowing from the previous telecommunications relay service (TRS) history, CC Docket No. 98–67. This proceeding continues the Commission's inquiry into improving the quality of TRS and furthering the goal of functional equivalency, consistent with Congress' mandate that TRS regulations encourage the use of existing technology and not discourage or impair the development of new technology. In this docket, the Commission explores ways to improve emergency preparedness for TRS facilities and services, new TRS technologies, public access to information and outreach, and issues related to payments from the Interstate TRS Fund.

Timetable:

Action	Date	FR Cite
NPRM	08/25/03	68 FR 50993
R&O, Order on Recon.	09/01/04	69 FR 53346
FNPRM	09/01/04	69 FR 53382
Public Notice	02/17/05	70 FR 8034
Declaratory Ruling/Interpretation.	02/25/05	70 FR 9239
Public Notice	03/07/05	70 FR 10930
Order	03/23/05	70 FR 14568
Public Notice/Announcement of Date.	04/06/05	70 FR 17334
Order	07/01/05	70 FR 38134
Order on Recon	08/31/05	70 FR 51643

Action	Date	FR Cite
R&O	08/31/05	70 FR 51649
Order	09/14/05	70 FR 54294
Order	09/14/05	70 FR 54298
Public Notice	10/12/05	70 FR 59346
R&O/Order on Recon.	12/23/05	70 FR 76208
Order	12/28/05	70 FR 76712
Order	12/29/05	70 FR 77052
NPRM	02/01/06	71 FR 5221
Declaratory Ruling/Clarification.	05/31/06	71 FR 30818
FNPRM	05/31/06	71 FR 30848
FNPRM	06/01/06	71 FR 31131
Declaratory Ruling/Dismissal of Petition.	06/21/06	71 FR 35553
Clarification	06/28/06	71 FR 36690
Declaratory Ruling on Recon.	07/06/06	71 FR 38268
Order on Recon	08/16/06	71 FR 47141
MO&O	08/16/06	71 FR 47145
Clarification	08/23/06	71 FR 49380
FNPRM	09/13/06	71 FR 54009
Final Rule; Clarification.	02/14/07	72 FR 6960
Order	03/14/07	72 FR 11789
R&O	08/06/07	72 FR 43546
Public Notice	08/16/07	72 FR 46060
Order	11/01/07	72 FR 61813
Public Notice	01/04/08	73 FR 863
R&O/Declaratory Ruling.	01/17/08	73 FR 3197
Order	02/19/08	73 FR 9031
Order	04/21/08	73 FR 21347
R&O	04/21/08	73 FR 21252
Order	04/23/08	73 FR 21843
Public Notice	04/30/08	73 FR 23361
Order	05/15/08	73 FR 28057
Declaratory Ruling	07/08/08	73 FR 38928
FNPRM	07/18/08	73 FR 41307
R&O	07/18/08	73 FR 41286
Public Notice	08/01/08	73 FR 45006
Public Notice	08/05/08	73 FR 45354
Public Notice	10/10/08	73 FR 60172
Order	10/23/08	73 FR 63078
2nd R&O and Order on Recon.	12/30/08	73 FR 79683
Order	05/06/09	74 FR 20892
Public Notice	05/07/09	74 FR 21364
NPRM	05/21/09	74 FR 23815
Public Notice	05/21/09	74 FR 23859
Public Notice	06/12/09	74 FR 28046
Order	07/29/09	74 FR 37624
Public Notice	08/07/09	74 FR 39699
Order	09/18/09	74 FR 47894
Order	10/26/09	74 FR 54913
Public Notice	05/12/10	75 FR 26701
Order Denying Stay Motion (Release Date).	07/09/10	
Order	08/13/10	75 FR 49491
Order	09/03/10	75 FR 54040
NPRM	11/02/10	75 FR 67333
NPRM	05/02/11	76 FR 24442
Order	07/25/11	76 FR 44326
Final Rule (Order)	09/27/11	76 FR 59551
Final Rule; Announcement of Effective Date.	11/22/11	76 FR 72124
Proposed Rule (Public Notice).	02/28/12	77 FR 11997
Proposed Rule (FNPRM).	02/01/12	77 FR 4948
First R&O	07/25/12	77 FR 43538
Public Notice	10/29/12	77 FR 65526
Order on Reconsideration.	12/26/12	77 FR 75894
Order	02/05/13	78 FR 8030
Order (Interim Rule).	02/05/13	78 FR 8032
NPRM	02/05/13	78 FR 8090
Announcement of Effective Date.	03/07/13	78 FR 14701
NPRM Comment Period End.	03/13/13	
FNPRM	07/05/13	78 FR 40407
FNPRM Comment Period End.	09/18/13	
R&O	07/05/13	78 FR 40582
R&O	08/15/13	78 FR 49693
FNPRM	08/15/13	78 FR 49717
FNPRM Comment Period End.	09/30/13	
R&O	08/30/13	78 FR 53684
FNPRM	09/03/13	78 FR 54201
NPRM	10/23/13	78 FR 63152
FNPRM Comment Period End.	11/18/13	
Petiton for Recon; Request for Comment.	12/16/13	78 FR 76096
Petition for Recon Request for Comment.	12/16/13	78 FR 76097
Request for Clarification; Request for Comment; Correction.	12/30/13	78 FR 79362
Petition for Recon Comment Period End.	01/10/14	
NPRM Comment Period End.	01/21/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Karen Peltz Strauss, Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2388, *Email: karen.strauss@fcc.gov*.

RIN: 3060–AI15

292. Consumer Information and Disclosure and Truth in Billing and Billing Format

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 258

Abstract: In 1999, the Commission adopted truth-in-billing rules to address concerns that there is consumer confusion relating to billing for telecommunications services. On March 18, 2005, the Commission released an Order and Further Notice of Proposed Rulemaking (FNPRM) to further facilitate the ability of telephone consumers to make informed choices among competitive service offerings.

On August 28, 2009, the Commission released a Notice of Inquiry that asks questions about information available to consumers at all stages of the purchasing process for all communications services, including: (1) choosing a provider; (2) choosing a service plan; (3) managing use of the service plan; and (4) deciding whether and when to switch an existing provider or plan.

On October 14, 2010, the Commission released a Notice of Proposed Rulemaking (NPRM) proposing rules that would require mobile service providers to provide usage alerts and information that will assist consumers in avoiding unexpected charges on their bills.

On July 12, 2011, the Commission released an NPRM proposing rules that would assist consumers in detecting and preventing the placement of unauthorized charges on their telephone bills, an unlawful and fraudulent practice, commonly referred to as ''cramming.''

On April 27, 2012, the Commission adopted rules to address ''cramming'' on wireline telephone bills and released an FNPRM seeking comment on additional measures to protect wireline and wireless consumers from unauthorized charges.

Timetable:

Action	Date	FR Cite
FNPRM	05/25/05	70 FR 30044
R&O	05/25/05	70 FR 29979
NOI	08/28/09	
Public Notice	05/20/10	75 FR 28249
Public Notice	06/11/10	75 FR 33303
NPRM	11/26/10	75 FR 72773
NPRM	08/23/11	76 FR 52625
NPRM Comment Period End.	11/21/11	
Order (Reply Comment Period Extended).	11/30/11	76 FR 74017
Reply Comment Period End.	12/05/11	
R&O	05/24/12	77 FR 30915
FNPRM	05/24/12	77 FR 30972
FNPRM Comment Period End.	07/09/12	
Order (Comment Period Extended).	07/17/12	77 FR 41955
Comment Period End.	07/20/12	
Announcement of Effective Dates.	10/26/12	77 FR 65230
Correction of Final Rule.	11/30/12	77 FR 71353
Correction of Final Rule.	11/30/12	77 FR 71354
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John B. Adams, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2854, *Email: johnb.adams@fcc.gov*.

RIN: 3060–AI61

293. Closed-Captioning of Video Programming (Section 610 Review)

Legal Authority: 47 U.S.C. 613

Abstract: The Commission's closed-captioning rules are designed to make video programming more accessible to deaf and hard-of-hearing Americans. This proceeding resolves some issues regarding the Commission's closed-captioning rules that were raised for comment in 2005, and also seeks comment on how a certain exemption from the closed-captioning rules should be applied to digital multicast broadcast channels.

Timetable:

Action	Date	FR Cite
NPRM	02/03/97	62 FR 4959
R&O	09/16/97	62 FR 48487
Order on Recon	10/20/98	63 FR 55959
NPRM	09/26/05	70 FR 56150
Order and Declaratory Ruling.	01/13/09	74 FR 1594
NPRM	01/13/09	74 FR 1654
Final Rule Correction.	09/11/09	74 FR 46703
Final Rule Announcement of Effective Date.	02/19/10	75 FR 7370
Order	02/19/10	75 FR 7368
Order Suspending Effective Date.	02/19/10	75 FR 7369
Waiver Order	10/04/10	75 FR 61101
Public Notice	11/17/10	75 FR 70168
Interim Final Rule (Order).	11/01/11	76 FR 67376
Final Rule (MO&O).	11/01/11	76 FR 67377
NPRM	11/01/11	76 FR 67397
NPRM Comment Period End.	12/16/11	
Public Notice	05/04/12	77 FR 26550
Public Notice	12/15/12	77 FR 72348
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Consumer & Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2235, *Email: eliot.greenwald@fcc.gov*.

RIN: 3060–AI72

294. Accessibility of Programming Providing Emergency Information

Legal Authority: 47 U.S.C. 613

Abstract: In this proceeding, the Commission adopted rules detailing how video programming distributors must make emergency information accessible to persons with hearing and visual disabilities.

Timetable:

Action	Date	FR Cite
FNPRM	01/21/98	63 FR 3070
NPRM	12/01/99	64 FR 67236
NPRM Correction	12/22/99	64 FR 71712
Second R&O	05/09/00	65 FR 26757
R&O	09/11/00	65 FR 54805
Final Rule; Correction.	09/20/00	65 FR 5680
NPRM	11/28/12	77 FR 70970
NPRM Comment Period Extended.	12/20/12	77 FR 75404
NPRM Comment Period Extension End.	01/07/13	
R&O	05/24/13	78 FR 31770
FNPRM	05/24/13	78 FR 31800
FNPRM	12/20/13	78 FR 77074
FNPRM Comment Period End.	02/18/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Eliot Greenwald, Consumer & Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2235, *Email: eliot.greenwald@fcc.gov*.

RIN: 3060–AI75

295. Empowering Consumers To Avoid Bill Shock (Docket No. 10–207)

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 303; 47 U.S.C. 332

Abstract: On October 14, 2010, the Commission released a Notice of Proposed Rulemaking which proposes a rule that would require mobile service providers to provide usage alerts and information that will assist consumers in avoiding unexpected charges on their bills.

Timetable:

Action	Date	FR Cite
Public Notice	05/20/10	75 FR 28249
NPRM	11/26/10	75 FR 72773
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard D. Smith, Special Counsel, Consumer Policy Divison, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 717 338–2797, *Fax:* 717 338–2574, *Email: richard.smith@fcc.gov*.

RIN: 3060–AJ51

296. Contributions to the Telecommunications Relay Services Fund (CG Docket No. 11–47)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225; 47 U.S.C. 616

Abstract: The Commission prescribes by regulation the obligations of each provider of interconnected and non-interconnected Voice over Internet Protocol (VoIP) service to participate in and contribute to the Interstate Telecommunications Relay Services Fund in a manner that is consistent with and comparable to such fund.

Timetable:

Action	Date	FR Cite
NPRM	04/04/11	76 FR 18490
NPRM Comment Period End.	05/04/11	
Final Rule	10/25/11	76 FR 65965
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rosaline Crawford, Attorney, Disability Rights Office, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2075, *Email: rosaline.crawford@fcc.gov*.

RIN: 3060–AJ63

297. Empowering Consumers To Prevent and Detect Billing for Unauthorized Charges (''Cramming'')

Legal Authority: 47 U.S.C. 201; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 332

Abstract: On July 12, 2011, the Commission released a Notice of Proposed Rulemaking proposing rules that would assist consumers in detecting and preventing the placement of unauthorized charges on telephone bills, an unlawful and fraudulent practice commonly referred to as ''cramming.''

On April 27, 2012, the Commission adopted rules to address ''cramming'' on wireline telephone bills and released a Further Notice of Proposed Rulemaking seeking comment on additional measures to protect wireline and wireless consumers from unauthorized charges.

Timetable:

Action	Date	FR Cite
NPRM	08/23/11	76 FR 52625
NPRM Comment Period End.	11/21/11	
Order (Extends Reply Comment Period).	11/30/11	76 FR 74017
NPRM Comment Period End.	12/05/11	
FNPRM	05/24/12	77 FR 30972

Action	Date	FR Cite
R&O	05/24/12	77 FR 30915
FNPRM Comment Period End.	07/09/12	
Order (Extends Reply Comment Period).	07/17/12	77 FR 41955
FNPRM Comment Period End.	07/20/12	
Announcement of Effective Dates.	10/26/12	77 FR 65230
Correction of Final Rule.	11/30/12	77 FR 71354
Correction of Final Rule.	11/30/12	77 FR 71353
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John B. Adams, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2854, *Email: johnb.adams@fcc.gov.*

RIN: 3060–AJ72

298. Implementation of the Middle Class Tax Relief and Job Creation Act of 2012/Establishment of a Public Safety Answering Point Do-Not-Call Registry

Legal Authority: Pub. L. 112–96 sec 6507

Abstract: The Commission issued, on May 22, 2012, an NPRM to initiate a proceeding to create a Do-Not-Call registry for public safety answer points (PSAPs), as required by section 6507 of the Middle Class Tax Relief and Job Creation Act of 2012. The statute requires the Commission to establish a registry that allows PSAPs to register their telephone numbers on a do-not-call list; prohibit the use of automatic dialing equipment to contact registered numbers; and implement a range of monetary penalties for disclosure of registered numbers and for use of automatic dialing equipment to contact such numbers. On October 17, 2012, the Commission adopted final rules implementing the statutory requirements described above.

Timetable:

Action	Date	FR Cite
NPRM	06/21/12	77 FR 37362
R&O	10/29/12	77 FR 71131
Correction Amendments.	02/13/13	78 FR 10099
Announcement of Effective Date.	03/26/13	78 FR 18246
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Richard D. Smith, Special Counsel, Consumer Policy Divison, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 717 338–2797, *Fax:* 717 338–2574, *Email: richard.smith@fcc.gov.*

RIN: 3060–AJ84

299. Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CG Docket No. 10–213)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 255; 47 U.S.C. 617; 47 U.S.C. 618; 47 U.S.C. 619

Abstract: These proceedings implement sections 716, 717, and 718 of the Communications Act, which were added by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), related to the accessibility of advanced communications services and equipment (section 716), recordkeeping and enforcement requirements for entities subject to sections 255, 716, and 718 (section 717); and accessibility of Internet browsers built into mobile phones (section 718).

Timetable:

Action	Date	FR Cite
NPRM	03/14/11	76 FR 13800
NPRM Comment Period Extended.	04/12/11	76 FR 20297
NPRM Comment Period End.	05/13/11	
FNPRM	12/30/11	76 FR 82240
R&O	12/30/11	76 FR 82354
FNPRM Comment Period End.	03/14/12	
Announcement of Effective Date.	04/25/12	77 FR 24632
2nd R&O	05/22/13	78 FR 30226
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rosaline Crawford, Attorney, Disability Rights Office, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2075, *Email: rosaline.crawford@fcc.gov.*

RIN: 3060–AK00

300. Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

Abstract: This FCC initiated this proceeding in its effort to ensure that IP CTS is available for eligible users only. In doing so, the FCC released an Interim Order and Notice of Proposed Rulemaking (NPRM) to address certain practices related to the provision and marketing of Internet Protocol Captioned Telephone Service (IP CTS). IP CTS is a form of relay service designed to allow people with hearing loss to speak directly to another party on a telephone call and to simultaneously listen to the other party and read captions of what that party is saying over an IP-enabled device. To ensure that IP CTS is provided efficiently to persons who need to use this service, this new Order establishes several requirements on a temporary basis from March 7, 2013 to September 3, 2013.

Timetable:

Action	Date	FR Cite
NPRM	02/05/13	78 FR 8090
Order (Interim Rule).	02/05/13	78 FR 8032
Order	02/05/13	78 FR 8030
Announcement of Effective Date.	03/07/13	78 FR 14701
NPRM Comment Period End.	03/12/13	
R&O	08/30/13	78 FR 53684
FNPRM	09/30/13	78FR 54201
FNPRM Comment Period End.	11/18/13	
Petition for Recon Request for Comment.	12/16/13	78 FR 76097
Petiton for Recon Comment Period End.	01/10/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Greg Hlibok, Chief, Disability Rights Office, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 559–5158, *TDD Phone:* 202 418–0413, *Email: gregory.hlibok@fcc.gov.*

RIN: 3060–AK01

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Engineering and Technology

Long-Term Actions

301. New Advanced Wireless Services (ET Docket No. 00–258)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 303(c); 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r)

Abstract: This proceeding explores the possible uses of frequency bands below 3 GHz to support the introduction

of new advanced wireless services, including third generations as well as future generations of wireless systems. Advanced wireless systems could provide for a wide range of voice data and broadband services over a variety of mobile and fixed networks.

The Third Notice of Proposed Rulemaking discusses the frequency bands that are still under consideration in this proceeding and invites additional comments on their disposition. Specifically, it addresses the Unlicensed Personal Communications Service (UPCS) band at 1910–1930 MHz, the Multipoint Distribution Service (MDS) spectrum at 2155–2160/62 MHz bands, the Emerging Technology spectrum, at 2160–2165 MHz, and the bands reallocated from MSS 91990–2000 MHz, 2020–2025 MHz, and 2165–2180 MHz. We seek comment on these bands with respect to using them for paired or unpaired Advance Wireless Service (AWS) operations or as relocation spectrum for existing services.

The seventh Report and Order facilitates the introduction of Advanced Wireless Service (AWS) in the band 1710–1755 MHz—an integral part of a 90 MHz spectrum allocation recently reallocated to allow for such new and innovative wireless services. We largely adopt the proposals set forth in our recent AWS Fourth NPRM in this proceeding that are designed to clear the 1710–1755 MHz band of incumbent Federal Government operations that would otherwise impede the development of new nationwide AWS services. These actions are consistent with previous actions in this proceeding and with the United States Department of Commerce, National Telecommunications and Information Administration (NTIA) 2002 Viability Assessment, which addressed relocation and reaccommodation options for Federal Government operations in the band.

The eighth Report and Order reallocated the 2155–2160 MHz band for fixed and mobile services and designates the 2155–2175 MHz band for Advanced Wireless Service (AWS) use. This proceeding continues the Commission's ongoing efforts to promote spectrum utilization and efficiency with regard to the provision of new services, including Advanced Wireless Services.

The Order requires Broadband Radio Service (BRS) licensees in the 2150–2160/62 MHz band to provide information on the construction status and operational parameters of each incumbent BRS system that would be the subject of relocation.

The Notice of Proposed Rule Making requested comments on the specific relocation procedures applicable to Broadband Radio Service (BRS) operations in the 2150–2160/62 MHz band, which the Commission recently decided will be relocated to the newly restructured 2495–2690 MHz band. The Commission also requested comments on the specific relocation procedures applicable to Fixed Microwave Service (FS) operations in the 2160–2175 MHz band.

The Office of Engineering and Technology (OET) and the Wireless Telecommunications Bureau (WTB) set forth the specific data that Broadband Radio Service (BRS) licensees in the 2150–2160/62 MHz band must file along with the deadline date and procedures for filing this data on the Commission's Universal Licensing System (ULS). The data will assist in determining future AWS licensees' relocation obligations.

The ninth Report and Order established procedures for the relocation of Broadband Radio Service (BRS) operations from the 2150–2160/62 MHz band, as well as for the relocation of Fixed Microwave Service (FS) operations from the 2160–2175 MHz band, and modified existing relocation procedures for the 2110–2150 MHz and 2175–2180 MHz bands. It also established cost-sharing rules to identify the reimbursement obligations for Advanced Wireless Service (AWS) and Mobile Satellite Service (MSS) entrants benefiting from the relocation of incumbent FS operations in the 2110–2150 MHz and 2160–2200 MHz bands and AWS entrants benefiting from the relocation of BRS incumbents in the 2150–2160/62 MHz band. The Commission continues its ongoing efforts to promote spectrum utilization and efficiency with regard to the provision of new services, including AWS. The Order dismisses a petition for reconsideration filed by the Wireless Communications Association International, Inc. (WCA) as moot.

Two petitions for Reconsideration were filed in response to the ninth Report and Order.

The Report and Orders and Declaratory Ruling concludes the Commission's longstanding efforts to relocate the Broadcast Auxiliary Service (BAS) from the 1990–2110 MHz band to the 2025–2110 MHz band, freeing up 35 megahertz of spectrum in order to foster the development of new and innovative services. This decision addresses the outstanding matter of Sprint Nextel Corporation's (Sprint Nextel) inability to agree with Mobile Satellite Service (MSS) operators in the band on the sharing of the costs to relocate the BAS incumbents. To resolve this controversy, the Commission applied its time-honored relocation principles for emerging technologies previously adopted for the BAS band to the instant relocation process, where delays and unanticipated developments have left ambiguities and misconceptions among the relocating parties. In the process, the Commission balances the responsibilities for and benefits of relocating incumbent BAS operations among all the new entrants in the different services that will operate in the band.

The Commission proposed to modify its cost-sharing requirements for the 2 GHz BAS band because the circumstances surrounding the BAS transition are very different than what was expected when the cost-sharing requirements were adopted. The Commission believed that the best course of action was to propose new requirements that would address the ambiguity of applying the literal language of the current requirements to the changed circumstances, as well as balance the responsibilities for and benefits of relocating incumbent BAS operations among all new entrants in the band based on the Commission's relocation policies set forth in the Emerging Technologies proceeding.

The Commission proposed to eliminate, as of January 1, 2009, the requirement that Broadcast Auxiliary Service (BAS) licensees in the thirty largest markets and fixed BAS links in all markets be transitioned before the Mobile Satellite Service (MSS) operators can begin offering service. The Commission also sought comments on how to mitigate interference between new MSS entrants and incumbent BAS licensees who had not completed relocation before the MSS entrants begin offering service. In addition, the Commission sought comments on allowing MSS operators to begin providing service in those markets where BAS incumbents have been transitioned.

In the Further Notice of Proposed Rule Making the Commission proposed to modify its cost sharing requirements for the 2 GHz BAS band because the circumstances surrounding the BAS transition are very different than what was expected when the cost sharing requirements were adopted. The Commission believes that the best course of action is to propose new requirements that will address the ambiguity of applying the literal language of the current requirements to the changed circumstances, as well as balance the responsibilities for and benefits of relocating incumbent BAS

operations among all new entrants in the band based on the Commission's relocation policies set forth in the Emerging Technologies proceeding.

Timetable:

Action	Date	FR Cite
NPRM	01/23/01	66 FR 7438
NPRM Comment Period End.	03/09/01	
Final Report	04/11/01	66 FR 18740
FNPRM	09/13/01	66 FR 47618
MO&O	09/13/01	66 FR 47591
First R&O	10/25/01	66 FR 53973
Petition for Recon	11/02/01	66 FR 55666
Second R&O	01/24/03	68 FR 3455
Third NPRM	03/13/03	68 FR 12015
Seventh R&O	12/29/04	69 FR 7793
Petition for Recon	04/13/05	70 FR 19469
Eighth R&O	10/26/05	70 FR 61742
Order	10/26/05	70 FR 61742
NPRM	10/26/05	70 FR 61752
Public Notice	12/14/05	70 FR 74011
Ninth R&O and Order.	05/24/06	71 FR 29818
Petition for Recon	07/19/06	71 FR 41022
FNPRM	03/31/08	73 FR 16822
R&O and NPRM	06/23/09	74 FR 29607
FNPRM	06/23/09	74 FR 29607
5th R&O, 11th R&O, 6th R&O, and Declaratory Ruling.	11/02/10	75 FR 67227
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rodney Small, Economist, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2452, *Fax:* 202 418–1944, *Email: rodney.small@fcc.gov*.

RIN: 3060–AH65

302. Exposure to Radiofrequency Electromagnetic Fields

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 302 and 303; 47 U.S.C. 309(j); 47 U.S.C. 336

Abstract: In the Report and Order the Commission resolved several issues regarding compliance with the Federal Communications Commission's (FCC's) regulations for conducting environmental reviews under the National Environmental Policy Act (NEPA) as they relate to the guidelines for human exposure to RF electromagnetic fields. More specifically, the Commission clarifies evaluation procedures and references to determine compliance with its limits, including specific absorption rate (SAR) as a primary metric for compliance, consideration of the pinna (outer ear) as an extremity, and measurement of medical implant exposure. The Commission also elaborates on mitigation procedures to ensure compliance with its limits, including labeling and other requirements for occupational exposure classification, clarification of compliance responsibility at multiple transmitter sites, and labeling of fixed consumer transmitters.

Timetable:

Action	Date	FR Cite
NPRM	09/08/03	68 FR 52879
NPRM Comment Period End.	12/08/03	
R&O	06/04/13	78 FR 33634
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ira Keltz, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0616, *Fax:* 202 418–1944, *Email: ikeltz@fcc.gov*.

RIN: 3060–AI17

303. Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 302; 47 U.S.C. 303(e) and 303(f); 47 U.S.C. 303(r); 47 U.S.C. 307

Abstract: The Commission adopted rules to allow unlicensed radio transmitters to operate in the broadcast television spectrum at locations where that spectrum is not being used by licensed services (this unused TV spectrum is often termed ''white spaces''). This action will make a significant amount of spectrum available for new and innovative products and services, including broadband data and other services for businesses and consumers. The actions taken are a conservative first step that includes many safeguards to prevent harmful interference to incumbent communications services. Moreover, the Commission will closely oversee the development and introduction of these devices to the market and will take whatever actions may be necessary to avoid, and if necessary, correct any interference that may occur.

The Second Memorandum Opinion and Order finalizes rules to make the unused spectrum in the TV bands available for unlicensed broadband wireless devices. This particular spectrum has excellent propagation characteristics that allow signals to reach farther and penetrate walls and other structures. Access to this spectrum could enable more powerful public Internet connections—super Wi-Fi hot spots—with extended range, fewer dead spots, and improved individual speeds as a result of reduced congestion on existing networks. This type of ''opportunistic use'' of spectrum has great potential for enabling access to other spectrum bands and improving spectrum efficiency. The Commission's actions here are expected to spur investment and innovation in applications and devices that will be used not only in the TV band, but eventually in other frequency bands as well.

This Order addressed five petitions for reconsideration of the Commission's decisions in the Second Memorandum Opinion and Order (''Second MO&O'') in this proceeding and modified rules in certain respects. In particular, the Commission: (1) Increased the maximum height above average terrain (HAAT) for sites where fixed devices may operate; (2) modified the adjacent channel emission limits to specify fixed rather than relative levels; and (3) slightly increased the maximum permissible power spectral density (PSD) for each category of TV bands device. These changes will result in decreased operating costs for fixed TVBDs and allow them to provide greater coverage, thus increasing the availability of wireless broadband services in rural and underserved areas without increasing the risk of interference to incumbent services. The Commission also revised and amended several of its rules to better effectuate the Commission's earlier decisions in this docket and to remove ambiguities.

Timetable:

Action	Date	FR Cite
NPRM	06/18/04	69 FR 34103
First R&O	11/17/06	71 FR 66876
FNPRM	11/17/06	71 FR 66897
R&O and MO&O	02/17/09	74 FR 7314
Petitions for Reconsideration.	04/13/09	74 FR 16870
Second MO&O	12/06/10	75 FR 75814
Petitions for Recon.	02/09/11	76 FR 7208
3rd MO&O and Order.	05/17/12	77 FR 28236
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes

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RIN: 3060–AI52

304. Fixed and Mobile Services in the Mobile Satellite Service (ET Docket No. 10–142)

Legal Authority: 47 U.S.C. 154(i) and 301; 47 U.S.C. 303(c) and 303(f); 47 U.S.C. 303(r) and 303(y); 47 U.S.C. 310

Abstract: The Notice of Proposed Rulemaking proposed to take a number of actions to further the provision of terrestrial broadband services in the MSS bands. In the 2 GHz MSS band, the Commission proposed to add co-primary Fixed and Mobile allocations to the existing Mobile-Satellite allocation. This would lay the groundwork for providing additional flexibility in use of the 2 GHz spectrum in the future. The Commission also proposed to apply the terrestrial secondary market spectrum leasing rules and procedures to transactions involving terrestrial use of the MSS spectrum in the 2 GHz, Big LEO, and L-bands in order to create greater certainty and regulatory parity with bands licensed for terrestrial broadband service.

The Commission also asked, in a Notice of Inquiry, about approaches for creating opportunities for full use of the 2 GHz band for stand-alone terrestrial uses. The Commission requested comment on ways to promote innovation and investment throughout the MSS bands while also ensuring market-wide mobile satellite capability to serve important needs like disaster recovery and rural access.

In the Report and Order, the Commission amended its rules to make additional spectrum available for new investment in mobile broadband networks while also ensuring that the United States maintains robust mobile satellite service capabilities. First, the Commission adds co-primary Fixed and Mobile allocations to the Mobile Satellite Service (MSS) 2 GHz band, consistent with the International Table of Allocations, allowing more flexible use of the band, including for terrestrial broadband services, in the future. Second, to create greater predictability and regulatory parity with the bands licensed for terrestrial mobile broadband service, the Commission extends its existing secondary market spectrum manager spectrum leasing policies, procedures, and rules that currently apply to wireless terrestrial services to terrestrial services provided using the Ancillary Terrestrial Component (ATC) of an MSS system.

Petitions for Reconsideration have been filed in the Commission's rulemaking proceeding concerning Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHz and 1626.5–1660.5 MHz, 1610–1626.5 MHz and 2483.5–2500 MHz, and 2000–2020 MHz and 2180–2200 MHz, and published pursuant to 47 CFR 1.429(e). See 1.4(b)(1) of the Commission's rules.

Timetable:

Action	Date	FR Cite
NPRM	08/16/10	75 FR 49871
NPRM Comment Period End.	09/15/10	
Reply Comment Period End.	09/30/10	
R&O	05/31/11	76 FR 31252
Petitions for Recon.	08/10/11	76 FR 49364
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nicholas Oros, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0636, *Email: nicholas.oros@fcc.gov*.

RIN: 3060–AJ46

305. Innovation in the Broadcast Television Bands (ET Docket No. 10–235)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303(e); 47 U.S.C. 303(f); 47 U.S.C. 303(r)

Abstract: The Commission initiated this proceeding to further its ongoing commitment to addressing America's growing demand for wireless broadband services, to spur ongoing innovation and investment in mobile technology, and to ensure that America keeps pace with the global wireless revolution by making a significant amount of new spectrum available for broadband. The approach proposed is consistent with the goal set forth in the National Broadband Plan (the Plan) to repropose up to 120 megahertz from the broadcast television bands for new wireless broadband uses through, in part, voluntary contributions of spectrum to an incentive auction. Reallocation of this spectrum as proposed will provide the necessary flexibility for meeting the requirements of these new applications.

In the Report and Order, the Commission took preliminary steps toward making a significant portion of the UHF and VHF frequency bands (U/V Bands) currently used by the broadcast television service available for new uses. This action serves to further address the Nation's growing demand for wireless broadband services, promote the ongoing innovation and investment in mobile communications, and ensure that the United States keeps pace with the global wireless revolution. At the same time, the approach helps preserve broadcast television as a healthy, viable medium and would be consistent with the general proposal set forth in the National Broadband Plan to repurpose spectrum from the U/V bands for new wireless broadband uses through, in part, voluntary contributions of spectrum to an incentive auction. This action is consistent with the recent enactment by Congress of new incentive auction authority for the Commission (Spectrum Act). Specifically, this item sets out a framework by which two or more television licensees may share a single six MHz channel in connection with an incentive auction.

However, the Report and Order did not act on the proposals in the Notice of Proposed Rulemaking to establish fixed and mobile allocations in the U/V bands or to improve TV service on VHF channels. The Report and Order stated that the Commission will undertake a broader rulemaking to implement the Spectrum Act's provisions relating to an incentive auction for U/V band spectrum, and that it believes it will be more efficient to act on new allocations in the context of that rulemaking. In addition, the record created in response to the Notice of Proposed Rulemaking does not establish a clear way forward to significantly increase the utility of the VHF bands for the operation of television services. The Report and Order states that the Commission will revisit this matter in a future proceeding.

Timetable:

Action	Date	FR Cite
NPRM	02/01/11	76 FR 5521
NPRM Comment Period End.	03/18/11	
R&O	05/23/12	77 FR 30423
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alan Stillwell, Deputy Chief, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2925, *Email: alan.stillwell@fcc.gov*.

RIN: 3060–AJ57

306. Radio Experimentation and Market Trials Under Part 5 of the Commission's Rules and Streamlining Other Related Rules (ET Docket No. 10–236)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 301 and 303

Abstract: The Commission initiated this proceeding to promote innovation and efficiency in spectrum use in the

Experimental Radio Service (ERS). For many years, the ERS has provided fertile ground for testing innovative ideas that have led to new services and new devices for all sectors of the economy. The Commission proposed to leverage the power of experimental radio licensing to accelerate the rate at which these ideas transform from prototypes to consumer devices and services. Its goal is to inspire researchers to dream, discover, and deliver the innovations that push the boundaries of the broadband ecosystem. The resulting advancements in devices and services available to the American public and greater spectrum efficiency over the long term will promote economic growth, global competitiveness, and a better way of life for all Americans.

In the Report and Order (R&O), the Commission revised and streamlined its rules to modernize the Experimental Radio Service (ERS). The rules adopted in the R&O updated the ERS to a more flexible framework to keep pace with the speed of modern technological change while continuing to provide an environment where creativity can thrive. To accomplish this transition, the Commission created three new types of ERS licenses—the program license, the medical testing license, and the compliance testing license—to benefit the development of new technologies, expedite their introduction to the marketplace, and unleash the full power of innovators to keep the United States at the forefront of the communications industry. The Commission's actions also modified the market trial rules to eliminate confusion and more clearly articulate its policies with respect to marketing products prior to equipment certification. The Commission believes that these actions will remove regulatory barriers to experimentation, thereby permitting institutions to move from concept to experimentation to finished product more rapidly and to more quickly implement creative problem-solving methodologies.

Timetable:

Action	Date	FR Cite
NPRM	02/08/11	76 FR 6928
NPRM Comment Period End.	03/10/11	
R&O	04/29/13	78 FR 25138
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nnake Nweke, Chief, Experimental Licensing Branch, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0785, *Email: nnake.nweke@fcc.gov*.

RIN: 3060–AJ62

307. Operation of Radar Systems in the 76–77 GHZ Band (ET Docket No. 11–90)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i); 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303(f)

Abstract: The Commission proposes to amend its rules to enable enhanced vehicular radar technologies in the 76–77 GHz band to improve collision avoidance and driver safety. Vehicular radars can determine the exact distance and relative speed of objects in front of, beside, or behind a car to improve the driver's ability to perceive objects under bad visibility conditions or objects that are in blind spots. These modifications to the rules will provide more efficient use of spectrum, and enable the automotive and fixed radar application industries to develop enhanced safety measures for drivers and the general public. The Commission takes this action in response to petitions for rulemaking filed by Toyota Motor Corporation (''TMC'') and Era Systems Corporation (''Era'').

This Report and Order amends the Commission's rules to provide a more efficient use of the 76–77 GHz band, and to enable the automotive and aviation industries to develop enhanced safety measures for drivers and the general public. Specifically, the Commission eliminated the in-motion and not-in-motion distinction for vehicular radars, and instead adopted new uniform emission limits for forward, side, and rear-looking vehicular radars. This will facilitate enhanced vehicular radar technologies to improve collision avoidance and driver safety. The Commission also amended its rules to allow the operation of fixed radars at airport locations in the 76–77 GHz band for purposes of detecting foreign object debris on runways and monitoring aircraft and service vehicles on taxiways and other airport vehicle service areas that have no public vehicle access. The Commission took this action in response to petitions for rulemaking filed by Toyota Motor Corporation (''TMC'') and Era Systems Corporation (''Era''). Petitions for Reconsideration were filed by Navtech Radar, Ltd. and Honeywell International Inc.

Timetable:

Action	Date	FR Cite
NPRM	06/16/11	76 FR 35176
R&O	08/13/12	77 FR 48097
Petition for Recon	11/11/12	77 FR 68722
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ68

308. WRC–07 Implementation (ET Docket No. 12–338)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 301; 47 U.S.C. 302(a); 47 U.S.C. 303

Abstract: In the Notice of Proposed Rulemaking (NPRM), the Commission proposed to amend parts 1, 2, 74, 78, 87, 90, and 97 of its rules to implement allocation decisions from the World Radiocommunication Conference (Geneva, 2007) (WRC 07) concerning portions of the radio frequency (RF) spectrum between 108 MHz and 20.2 GHz and to make certain updates to its rules in this frequency range. The NPRM follows the Commission's July 2010 WRC–07 Table Clean-up Order, 75 FR 62924, October 13, 2010, which made certain nonsubstantive, editorial revisions to the Table of Frequency Allocations (Allocation Table) and to other related rules. The Commission also addressed the recommendations for implementation of the WRC–07 Final Acts that the National Telecommunications and Information Administration (NTIA) submitted to the Commission in August 2009. As part of its comprehensive review of the Allocation Table, the Commission also proposed to make allocation changes that are not related to the WRC–07 Final Acts and update certain service rules, and requested comment on other allocation issues that concern portions of the RF spectrum between 137.5 kHz and 54.25 GHz.

Timetable:

Action	Date	FR Cite
NPRM	12/27/12	77 FR 76250
NPRM Comment Period End.	02/25/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ93

309. Federal Earth Stations—Non-Federal Fixed Satellite Service Space Stations; Spectrum for Non-Federal Space Launch Operations; ET Docket No. 13–115

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 302(a); 47 U.S.C. 303; 47 U.S.C. 336

Abstract: The Notice of Proposed Rulemaking proposes to make spectrum allocation proposals for three different space related purposes. The Commission makes two alternative proposals to modify the Allocation Table to provide interference protection for Fixed-Satellite Service (FSS) and Mobile-Satellite Service (MSS) earth stations operated by Federal agencies under authorizations granted by the National Telecommunications and Information Administration (NTIA) in certain frequency bands. The Commission also proposes to amend a footnote to the Allocation Table to permit a Federal MSS system to operate in the 399.9–400.05 MHz band; it also makes alternative proposals to modify the Allocation Table to provide access to spectrum on an interference protected basis to Commission licensees for use during the launch of launch vehicles (i.e. rockets). The Commission also seeks comment broadly on the future spectrum needs of the commercial space sector. The Commission expects that, if adopted, these proposals would advance the commercial space industry and the important role it will play in our nation's economy and technological innovation now and in the future.

Timetable:

Action	Date	FR Cite
NPRM	07/01/13	78 FR 39200
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nicholas Oros, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0636, *Email: nicholas.oros@fcc.gov*.

RIN: 3060–AK09

310. Authorization of Radiofrequency Equipment; ET Docket No. 13–44

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 301; 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 307(e); 47 U.S.C. 332

Abstract: The Commission is responsible for an equipment authorization program for radiofrequency (RF) devices under part 2 of its rules. This program is one of the primary means that the Commission uses to ensure that the multitude of RF devices used in the United States operate effectively without causing harmful interference and otherwise comply with the Commission rules. All RF devices subject to equipment authorization must comply with the Commission's technical requirement before they can be imported or marketed. The Commission or a Telecommunication Certification Body (TCB) must approve some of these devices before they can be imported or marketed, while others do not require such approval. The Commission last comprehensively reviewed its equipment authorization program more than ten years ago. The rapid innovation in equipment design since that time has led to ever-accelerating growth in the number of parties applying for equipment approval. The Commission therefore believes that the time is now right for us to comprehensively review our equipment authorization processes to ensure that they continue to enable this growth and innovation in the wireless equipment market. In May of 2012, the Commission began this reform process by issuing an Order to increase the supply of available grantee codes. With this Notice of Proposed Rulemaking (NPRM), the Commission continues its work to review and reform the equipment authorization processes and rules.

This Notice of Proposed Rulemaking proposes certain changes to the Commission's part 2 equipment authorization processes to ensure that they continue to operate efficiently and effectively. In particular, it addresses the role of TCBs in certifying RF equipment and post-market surveillance, as well as the Commission's role in assessing TCB performance. The NPRM also addressed the role of test laboratories in the RF equipment approval process, including accreditation of test labs and the Commission's recognition of laboratory accreditation bodies, and measurement procedures used to determine RF equipment compliance. Finally, it proposes certain modifications to the rules regarding TCBs that approve terminal equipment under part 68 of the rules that are consistent with our proposed modifications to the rules for TCBs that approve RF equipment. Specifically, the Commission proposes to recognize the National Institute for Standards and Technology (NIST) as the organization that designates TCBs in the United States and to modify the rules to reference the current International Organization for Standardization and International Electrotechnical Commission (ISO/IEC) guides used to accredit TCBs.

Timetable:

Action	Date	FR Cite
NPRM	05/03/13	78 FR 25916
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hugh Van Tuyl, Electronics Engineer, Federal Communications Commission, Office of Engineering and Technology, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7506, *Fax:* 202 418–1944, *Email: hugh.vantuyl@fcc.gov*.

RIN: 3060–AK10

FEDERAL COMMUNICATIONS COMMISSION (FCC)

International Bureau

Long-Term Actions

311. Space Station Licensing Reform (IB Docket No. 02–34)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 303(c); 47 U.S.C. 303(g)

Abstract: The Commission adopted a Notice of Proposed Rulemaking (NPRM) to streamline its procedures for reviewing satellite license applications. Before 2003, the Commission used processing rounds to review those applications. In a processing round, when an application is filed, the International Bureau (Bureau) issued a public notice establishing a cutoff date for other mutually exclusive satellite applications, and then considered all those applications together. In cases where sufficient spectrum to accommodate all the applications was not available, the Bureau directed the applicants to negotiate a mutually agreeable solution. Those negotiations took a long time, and delayed provision of satellite services to the public.

The NPRM invited comment on two alternatives for expediting the satellite application process. One alternative was to replace the processing round procedure with a ''first-come, first-served'' procedure that would allow the Bureau to issue a satellite license to the first party filing a complete, acceptable application. The other alternative was to streamline the processing round procedure by adopting one or more of the following proposals: (1) Place a time limit on negotiations; (2) establish criteria to select among competing

applicants; (3) divide the available spectrum evenly among the applicants.

In the First Report and Order in this proceeding, the Commission determined that different procedures were better-suited for different kinds of satellite applications. For most geostationary orbit (GSO) satellite applications, the Commission adopted a first-come, first-served approach. For most non-geostationary orbit (NGSO) satellite applications, the Commission adopted a procedure in which the available spectrum is divided evenly among the qualified applicants. The Commission also adopted measures to discourage applicants from filing speculative applications, including a bond requirement, payable if a licensee misses a milestone. The bond amounts originally were $5 million for each GSO satellite, and $7.5 million for each NGSO satellite system. These were interim amounts. Concurrently with the First Report and Order, the Commission adopted an FNPRM to determine whether to revise the bond amounts on a long-term basis.

In the Second Report and Order, the Commission adopted a streamlined procedure for certain kinds of satellite license modification requests.

In the Third Report and Order, the Commission adopted a standardized application form for satellite licenses, and adopted a mandatory electronic filing requirement for certain satellite applications.

In the Fourth Report and Order, the Commission revised the bond amounts based on the record developed in response to FNPRM. The bond amounts are now $3 million for each GSO satellite, and $5 million for each NGSO satellite system.

Timetable:

Action	Date	FR Cite
NPRM	03/19/02	67 FR 12498
NPRM Comment Period End.	07/02/02	
Second R&O (Release Date).	06/20/03	68 FR 62247
Second FNPRM (Release Date).	07/08/03	68 FR 53702
Third R&O (Release Date).	07/08/03	68 FR 63994
FNPRM	08/27/03	68 FR 51546
First R&O	08/27/03	68 FR 51499
FNPRM Comment Period End.	10/27/03	
Fourth R&O (Release Date).	04/16/04	69 FR 67790
Fifth R&O, First Order on Recon (Release Date).	07/06/04	69 FR 51586
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AH98

312. Reporting Requirements for U.S. Providers of International Telecommunications Services (IB Docket No. 04–112)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 161; 47 U.S.C. 201 to 205; . . .

Abstract: The FCC is reviewing the reporting requirements to which entities providing U.S.-international service are subject under 47 CFR Part 43. The FCC adopted a First Report and Order that eliminated certain of those requirements. Specifically, it eliminated the quarterly reporting requirements for large carriers and foreign-affiliated switch resale carriers, 47 CFR 43.61(b) and (c); the circuit addition report, 47 CFR 63.23(e); the division of telegraph tolls report, 47 CFR 43.53; and the requirement to report separately for U.S. offshore points, 43.61(a), 48.82(a). The FCC adopted Second Report and Order that made additional reforms to streamline further and modernize the reporting requirements, including requiring that entities providing international calling service via Voice over Internet Protocol (VoIP) connected to the public switched telephone network (PSTN) to submit data regarding their provision of international telephone service. The Voice on the Net Coalition (VON Coalition) filed a petition requesting that they reconsider requiring VoIP providers from reporting their international traffic and revenues.

Timetable:

Action	Date	FR Cite
NPRM	04/12/04	69 FR 29676
First R&O	05/12/11	76 FR 42567
FNPRM	05/12/11	76 FR 42613
FNPRM Comment Period End.	09/02/11	
Second R&O	01/15/13	78 FR 15615
Petition for Recon	07/01/13	78 FR 39232
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AI42

313. Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees Under Section 310(B)(4) of the Communications Act of 1934, as Amended (IB Docket No. 11–133)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154; 47 U.S.C. 211; 47 U.S.C. 303(r); 47 U.S.C. 309; 47 U.S.C. 310; 47 U.S.C. 403

Abstract: FCC seeks comment on changes and other options to revise and simplify its policies and procedures implementing section 310(b)(4) for common carrier and aeronautical radio station licensees while continuing to ensure that we have the information we need to carry out our statutory duties. (The NPRM does not address our policies with respect to the application of section 310(b)(4) to broadcast licensees.) The proposals are designed to reduce to the extent possible the regulatory costs and burdens imposed on wireless common carrier and aeronautical applicants, licensees, and spectrum lessees; provide greater transparency and more predictability with respect to the Commission's filing requirements and review process; and facilitate investment from new sources of capital, while continuing to protect important interests related to national security, law enforcement, foreign policy, and trade policy. The streamlining proposals in the NPRM may reduce costs and burdens currently imposed on licensees, including those licensees that are small entities, and accelerate the foreign ownership review process, while continuing to ensure that the Commission has the information it needs to carry out its statutory duties.

Timetable:

Action	Date	FR Cite
NPRM	08/09/11	76 FR 65472
NPRM Comment Period End.	01/04/12	
First R&O	08/22/12	77 FR 50628
Final Rule	07/10/13	78 FR 41314
Final Rule Effective.	08/09/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Ball, Chief, Policy Division, International Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0427, *Email: james.ball@fcc.gov*.

RIN: 3060–AJ70

314. International Settlements Policy Reform (IB Docket No. 11–80)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154; 47 U.S.C. 201 to 205; 47 U.S.C. 208; 47 U.S.C. 211; 47 U.S.C. 214; 47 U.S.C. 303(r); 47 U.S.C. 309; 47 U.S.C. 403

Abstract: FCC is reviewing the International Settlements Policy (ISP), which governs how U.S. carriers negotiate with foreign carriers for the exchange of international traffic and is the structure by which the Commission has sought to respond to concerns that foreign carriers with market power are able to take advantage of the presence of multiple U.S. carriers serving a particular market. In the NPRM, the FCC proposes to further deregulate the international telephony market and enable U.S. consumers to enjoy competitive prices when they make calls to international destinations. First, it proposes to remove the ISP from all international routes, except Cuba. Second, the FCC seeks comment on a proposal to enable the Commission to better protect U.S. consumers from the effects of anticompetitive conduct by foreign carriers in instances necessitating Commission intervention. Specifically, it seeks comments on proposals and issues regarding the application of the Commission's benchmarks policy.

Timetable:

Action	Date	FR Cite
NPRM	05/13/11	76 FR 42625
NPRM Comment Period End.	09/02/11	
Report and Order	02/15/13	78 FR 11109
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Ball, Chief, Policy Division, International Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0427, *Email: james.ball@fcc.gov*.

RIN: 3060–AJ77

315. Revisions to Parts 2 and 25 of the Commission's Rules To Govern the Use of Earth Stations Aboard Aircraft (IB Docket No. 12–376)

Legal Authority: 47 U.S.C. 154(i) and (j); 47 U.S.C. 157(a); 47 U.S.C. 302(a); 47 U.S.C. 303(c), (e), (f), (g), (j), (r) and (y)

Abstract: In this docket, the Commission provides for the efficient licensing of two-way in-flight broadband services, including Internet access, to passengers and flight crews aboard commercial airliners and private aircraft. The Report and Order establishes technical and licensing rules for Earth Stations Aboard Aircraft (ESAA), i.e., Earth stations on aircraft communicating with Fixed-Satellite Service (FSS) geostationary-orbit (GSO) space stations operating in the 10.95–11.2 GHz, 11.45–11.7 GHz, 11.7–12.2 GHz (space-to-Earth or downlink) and 14.0–14.5 GHz (Earth-to-space or uplink) frequency bands. The Notice of Proposed Rulemaking requests comment on a proposal to elevate the allocation status of ESAA in the 14.0–14.5 GHz band from secondary to primary, which would make the ESAA allocation equal to the allocations of Earth Stations on Vessels (ESV) and Vehicle-Mounted Earth Stations (VMES).

Timetable:

Action	Date	FR Cite
NPRM	04/20/05	70 FR 20508
R&O	03/08/13	78 FR 14920
NPRM	03/18/13	78 FR 14952
NPRM Comment Period End.	06/21/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

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RIN: 3060–AJ96

316. Reform of Rules and Policies on Foreign Carrier Entry Into the U.S. Telecommunications Market (IB Docket 12–299)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i) to (j); 47 U.S.C. 201 to 205

Abstract: FCC is considering proposed changes in the criteria under which it considers certain applications from foreign carriers or affiliates of foreign carriers for entry into the U.S. market for international telecommunications services. It proposes to eliminate, or in the alternative, simplify the effective competitive opportunities test (ECO Text) adopted in 1995 for Commission review of foreign carrier applications.

Timetable:

Action	Date	FR Cite
NPRM	11/26/12	77 FR 70400
NPRM Comment Period End.	12/26/12	
NPRM Reply Comment Period End.	01/15/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: James Ball, Chief, Policy Division, International Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0427, *Email: james.ball@fcc.gov*.

RIN: 3060–AJ97

317. Comprehensive Review of Licensing and Operating Rules for Satellite Services (IB Docket No. 12–267)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 161; 47 U.S.C. 303(c); 47 U.S.C. 303(g); 47 U.S.C. 303(r)

Abstract: The Commission adopted a Notice of Proposed Rulemaking (NPRM) as part of its ongoing efforts to update and streamline regulatory requirements. The NPRM initiated a comprehensive review of part 25 of the Commission's rules, which governs licensing and operation of space stations and Earth stations. The amendments proposed in the NPRM modernize the rules to better reflect evolving technology and reorganize and simplify existing requirements. Furthermore, the changes will remove unnecessary filing requirements for applicants requesting space and Earth station licenses, allowing applicants and licensees to save time, effort, and costs in preparing applications. Other changes are designed to remove unnecessary technical restrictions, enabling applicants to submit fewer waiver requests, which will ease administrative burdens in submitting and processing applications and reduce the amount of time spent on applications by applicants, licensees, and the Commission.

Timetable:

Action	Date	FR Cite
NPRM	11/25/12	77 FR 67172
NPRM Comment Period End.	12/24/12	
Reply Comment Period End.	01/22/13	
Report and Order	02/12/14	79 FR 8308
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrea Kelly, Associate Chief, Satellite Division, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202

418–7877, *Fax:* 202 418–0748, *Email: andrea.kelly@fcc.gov*.

RIN: 3060–AJ98

318. • Expanding Broadband and Innovation Through Air-Ground Mobile Broadband Secondary Service for Passengers Aboard Aircraft in the 14.0–14.5 GHZ Band; GN Docket No. 13–114

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i); 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303; 47 U.S.C. 324

Abstract: In this docket, the Commission establishes a secondary allocation for the Aeronautical Mobile Service in the 14.0–14.5 GHz band and establishes service, technical, and licensing rules for air-ground mobile broadband. The Notice of Proposed Rulemaking requests public comment on a secondary allocation and service, technical, and licensing rules for air-ground mobile broadband.

Timetable:

Action	Date	FR Cite
NPRM (release date).	05/09/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sean O'More, Attorney Advisor, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2453, *Email: sean.omore@fcc.gov*.

RIN: 3060–AK02

319. • Terrestrial Use of the 2473–2495 MHZ Band for Low-Power Mobile Broadband Networks; Amendments to Rules of Mobile Satellite Service System; IB Docket No. 13–213

Legal Authority: Not Yet Determined.

Abstract: In this docket, the Commission proposes modified rules for the operation of the Ancillary Terrestrial Component of the single Mobile-Satellite Service system operating in the Big GEO S band. The changes would allow Globalstar, Inc. to deploy a low power broadband network using its licensed spectrum at 2483.5–2495 MHz under certain limited technical criteria, and with the same equipment utilize spectrum in the adjacent 2473–2483.5 MHz band, pursuant to technical rules for unlicensed operations in that band.

Timetable:

Action	Date	FR Cite
NPRM (release date).	11/01/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lynne Montgomery, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2229, *Email: lynne.montgomery@fcc.gov*.

RIN: 3060–AK16

FEDERAL COMMUNICATIONS COMMISSION (FCC)

International Bureau

Completed Actions

320. Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310–2360 MHZ Frequency Band; IB Docket No. 95–91; GEN Docket No. 90–357

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 151(i); 47 U.S.C. 154(j); 47 U.S.C. 157; 47 U.S.C. 309(j)

Abstract: In 1997, the Commission adopted service rules for the satellite digital audio radio service (SDARS) in the 2320–2345 MHz frequency band and sought further comment on proposed rules governing the use of complementary SDARS terrestrial repeaters. The Commission released a second further notice of proposed rulemaking in January 2008, to consider new proposals for rules to govern terrestrial repeaters operations. The Commission released a Second Report and Order on May 20, 2010, which adopted rules governing the operation of SDARS terrestrial repeaters, including establishing a blanket licensing regime for repeaters operating up to 12 kilowatts average equivalent isotropically radiated power.

On October 17, 2012, the Commission released an Order on Reconsideration that addressed various petitions for reconsideration of the 2010 Second Report and Order.

Timetable:

Action	Date	FR Cite
NPRM	06/15/95	60 FR 35166
R&O	03/11/97	62 FR 11083
FNPRM	04/18/97	62 FR 19095
Second FNPRM	01/15/08	73 FR 2437
FNPRM Comment Period End.	03/17/08	
2nd R&O	05/20/10	75 FR 45058
Order on Recon	03/13/13	78 FR 2013

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jay Whaley, Attorney, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7184, *Fax:* 202 418–0748, *Email: jwhaley@fcc.gov*.

RIN: 3060–AF93

321. Amendment of the Commission's Rules To Allocate Spectrum and Adopt Service Rules and Procedures To Govern the Use of Vehicle-Mounted Earth Stations (IB Docket No. 07–101)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and (j); 47 U.S.C. 157(a); 47 U.S.C. 301; 47 U.S.C. 303(c); 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 303(y); 47 U.S.C. 308

Abstract: The Commission seeks comment on the proposed amendment of parts 2 and 25 of the Commission's rules to allocate spectrum for use with Vehicle-Mounted Earth Stations (VMES) in the Fixed-Satellite Service in the Ku-band uplink at 14.0–14.5 GHz and Ku-band downlink 11.72–12.2 GHz on a primary basis, and in the extended Ku-band downlink at 10.95–11.2 GHz and 11.45–11.7 GHz on a non-protected basis, and to adopt Ku-band VMES licensing and service rules modeled on the FCC's rules for Ku-band Earth Stations on Vessels (ESVs). The record in this proceeding will provide a basis for Commission action to facilitate introduction of this proposed service.

Timetable:

Action	Date	FR Cite
NPRM	07/08/07	72 FR 39357
NPRM Comment Period End.	09/04/07	
R&O	11/04/09	74 FR 57092
Petition for Reconsideration.	04/14/10	75 FR 19401
Order on Recon	02/11/13	78 FR 9602

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Howard Griboff, Deputy Chief, Policy Division, Federal Communications Commission, International Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0657, *Fax:* 202 418–2824, *Email: howard.griboff@fcc.gov*.

RIN: 3060–AI90

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Media Bureau

Long-Term Actions

322. Competitive Availability of Navigation Devices (CS Docket No. 97–80)

Legal Authority: 47 U.S.C. 549

Abstract: The Commission has adopted rules to address the mandate expressed in section 629 of the Communications Act to ensure the commercial availability of ''navigation devices,'' the equipment used to access video programming and other services from multichannel video programming systems.

Specifically, the Commission required MVPDs to make available by a security element (known as a ''cablecard'') separate from the basic navigation device (e.g., cable set-top boxes, digital video recorders, and television receivers with navigation capabilities). The separation of the security element from the host device required by this rule (referred to as the ''integration ban'') was designed to enable unaffiliated manufacturers, retailers, and other vendors to commercially market host devices while allowing MVPDs to retain control over their system security. Also, in this proceeding, the Commission adopted unidirectional ''plug and play'' rules to govern compatibility between MVPDs and navigation devices manufactured by consumer electronics manufacturers not affiliated with cable operators.

In the most recent action, the Commission made rule changes to improve the operation of the CableCard regime.

Timetable:

Action	Date	FR Cite
NPRM	03/05/97	62 FR 10011
R&O	07/15/98	63 FR 38089
Order on Recon	06/02/99	64 FR 29599
FNPRM & Declaratory Ruling.	09/28/00	65 FR 58255
FNPRM	01/16/03	68 FR 2278
Order and FNPRM.	06/17/03	68 FR 35818
Second R&O	11/28/03	68 FR 66728
FNPRM	11/28/03	68 FR 66776
Order on Recon	01/28/04	69 FR 4081
Second R&O	06/22/05	70 FR 36040
Third FNPRM	07/25/07	72 FR 40818
4th FNPRM	05/14/10	75 FR 27256
3rd R&O	07/08/11	76 FR 40263
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brendan Murray, Attorney Advisor, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1573, *Email: brendan.murray@fcc.gov.*

RIN: 3060–AG28

323. Broadcast Ownership Rules

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 309 and 310

Abstract: Section 202(h) of the Telecommunications Act of 1996 requires the Commission to review its ownership rules every four years and determine whether any such rules are necessary in the public interest as the result of competition.

In 2002, the Commission undertook a comprehensive review of its broadcast multiple and cross-ownership limits examining: Cross-ownership of TV and radio stations; local TV ownership limits; national TV cap; and dual network rule.

The Report and Order replaced the newspaper/broadcast cross-ownership and radio and TV rules with a tiered approach based on the number of television stations in a market. In June 2006, the Commission adopted a Further Notice of Proposed Rulemaking initiating the 2006 review of the broadcast ownership rules. The further notice also sought comment on how to address the issues raised by the Third Circuit. Additional questions are raised for comment in a Second Further Notice of Proposed Rulemaking.

In the Report and Order and Order on Reconsideration, the Commission adopted rule changes regarding newspaper/broadcast cross-ownership, but otherwise generally retained the other broadcast ownership rules currently in effect.

For the 2010 quadrennial review, five of the Commission's media rules are the subject of review: The local TV ownership rule; the local radio ownership rule; the newspaper broadcast cross-ownership rule; the radio/TV cross-ownership rule; and the dual network rule.

Timetable:

Action	Date	FR Cite
NPRM	10/05/01	66 FR 50991
R&O	08/05/03	68 FR 46286
Public Notice	02/19/04	69 FR 9216
FNPRM	08/09/06	71 FR 4511
Second FNPRM	08/08/07	72 FR 44539
R&O and Order on Recon.	02/21/08	73 FR 9481
Notice of Inquiry	06/11/10	75 FR 33227
NPRM	01/19/12	77 FR 2868
NPRM Comment Period End.	03/19/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hillary DeNigro, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7334, *Email: hillary.denigro@fcc.gov.*

RIN: 3060–AH97

324. Establishment of Rules for Digital Low–Power Television, Television Translator, and Television Booster Stations (MB Docket No. 03–185)

Legal Authority: 47 U.S.C. 309; 47 U.S.C. 336

Abstract: This proceeding initiates the digital television conversion for low-power television (LPTV) and television translator stations. The rules and policies adopted as a result of this proceeding provide the framework for these stations' conversion from analog to digital broadcasting. The Report and Order adopts definitions and permissible use provisions for digital TV translator and LPTV stations. The Second Report and Order takes steps to resolve the remaining issues in order to complete the low-power television digital transition.

Timetable:

Action	Date	FR Cite
NPRM	09/26/03	68 FR 55566
NPRM Comment Period End.	11/25/03	
R&O	11/29/04	69 FR 69325
FNPRM and MO&O.	10/18/10	75 FR 63766
2nd R&O	07/07/11	76 FR 44821
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Shaun Maher, Attorney, Video Division, Federal Communications Commission, Mass Media Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2324, *Fax:* 202 418–2827, *Email: shaun.maher@fcc.gov.*

RIN: 3060–AI38

325. Joint Sales Agreements in Local Television Markets (MB Docket No. 04–256)

Legal Authority: 47 U.S.C. 151 to 152(a); 47 U.S.C. 154(i); 47 U.S.C. 303; . . .

Abstract: A joint sales agreement (JSA) is an agreement with a licensee of a brokered station that authorizes a broker to sell some or all of the advertising time for the brokered station in return for a fee or percentage of revenues paid to the licensee. The Commission has sought comment on whether TV JSAs should be attributed for purposes of determining compliance with the Commission's multiple ownership rules.

Timetable:

Action	Date	FR Cite
NPRM	08/26/04	69 FR 52464

Action	Date	FR Cite
NPRM Comment Period End.	09/27/04	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hillary DeNigro, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7334, *Email: hillary.denigro@fcc.gov*.

RIN: 3060–AI55

326. Program Access Rules—Sunset of Exclusive Contracts Prohibition and Examination of Programming Tying Arrangements (MB Docket Nos. 12–68, 07–198)

Legal Authority: 47 U.S.C. 548

Abstract: The program access provisions of the Communications Act (section 628) generally prohibit exclusive contracts for satellite delivered programming between programmers in which a cable operator has an attributable interest (vertically integrated programmers) and cable operators. This limitation was set to expire on October 5, 2007, unless circumstances in the video programming marketplace indicate that an extension of the prohibition continues ''to be necessary to preserve and protect competition and diversity in the distribution of video programming.'' The October 2007 Report and Order concluded the prohibition continues to be necessary, and accordingly, retained it until October 5, 2012. The accompanying Notice of Proposed Rulemaking (NPRM) sought comment on revisions to the Commission's program access and retransmission consent rules. The associated Report and Order adopted rules to permit complainants to pursue program access claims regarding terrestrially delivered cable affiliated programming.

In October 2012, the Commission declined to extend the prohibition on exclusive contracts beyond the October 5, 2012, expiration date. The Commission also affirmed its expanded discovery procedures for program access complaints. In the accompanying FNPRM, the Commission sought comment on additional revisions to the program access rules.

Timetable:

Action	Date	FR Cite
NPRM	03/01/07	72 FR 9289
NPRM Comment Period End.	04/02/07	
R&O	10/04/07	72 FR 56645
Second NPRM	10/31/07	72 FR 61590
Second NPRM Comment Period End.	11/30/07	
R&O	03/02/10	75 FR 9692
NPRM	04/23/12	77 FR 24302
R&O	10/31/12	77 FR 66026
FNPRM	10/31/12	77 FR 66052
Petition for Recon	06/16/13	78 FR 34015
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Beth Murphy, Chief, Policy Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2132, *Email: marybeth.murphy@fcc.gov*.

RIN: 3060–AI87

327. Broadcast Localism (MB Docket No. 04–233)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 532; 47 U.S.C. 536

Abstract: The concept of localism has been a cornerstone of broadcast regulation. The Commission has consistently held that as temporary trustee of the public's airwaves, broadcasters are obligated to operate their stations to serve the public interest. Specifically, broadcasters are required to air programming responsive to the needs and issues of the people in their licensed communities. The Commission opened this proceeding to seek input on a number of issues related to broadcast localism.

Timetable:

Action	Date	FR Cite
Report and NPRM	02/13/08	73 FR 8255
NPRM Comment Period End.	03/14/08	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Beth Murphy, Chief, Policy Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2132, *Email: marybeth.murphy@fcc.gov*.

RIN: 3060–AJ04

328. Creating a Low Power Radio Service (MM Docket No. 99–25)

Legal Authority: 47 U.S.C. 151 to 152; 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 403; 47 U.S.C. 405

Abstract: This proceeding was initiated to establish a new noncommercial educational low power FM radio service for nonprofit community organizations and public safety entities. In January 2000, the Commission adopted a Report and Order establishing two classes of LPFM stations, 100 watt (LP100) and 10 watt (LP10) facilities, with service radii of approximately 3.5 miles and 1 to 2 miles, respectively. The Report and Order also established ownership and eligibility rules for the LPFM service. The Commission generally restricted ownership to entities with no attributable interest in any other broadcast station or other media. To choose among entities filing mutually exclusive applications for LPFM licenses, the Commission established a point system favoring local ownership and locally-originated programming. The Report and Order imposed separation requirements for LPFM with respect to full power stations operating on co-, first-, and second-adjacent and intermediate frequency (IF) channels.

In a Further Notice issued in 2005, the Commission reexamined some of its rules governing the LPFM service, noting that the rules may need adjustment in order to ensure that the Commission maximizes the value of the LPFM service without harming the interests of full-power FM stations or other Commission licensees. The Commission sought comment on a number of issues with respect to LPFM ownership restrictions and eligibility.

The Third Report and Order resolves issues raised in the Further Notice. The accompanying Second Further Notice of Proposed Rulemaking (FNPRM) considers rule changes to avoid the potential loss of LPFM stations.

In the third FNPRM, the Commission seeks comment on the impact of the Local Community Radio Act on the procedures previously adopted. The Fourth Report and Order adopts translator application necessary policies to effectuate the requirement of the Local Community Radio Act of 2010. In the Fifth Report and Order, the Commission modified rules to implement provisions of the Local Community Radio Act of 2010.

In the sixth Report and Order, the Commission adopted an LPFM service standard for second and adjacent channel spacing waivers. The Commission also adopted procedures for third adjacent channel interference complaints and remediation requirements

Timetable:

Action	Date	FR Cite
NPRM	02/16/99	64 FR 7577
R&O	02/15/00	65 FR 7616

Action	Date	FR Cite
MO&O and Order on Recon.	11/09/00	65 FR 67289
Second R&O	05/10/01	66 FR 23861
Second Order on Recon and FNPRM.	07/07/05	70 FR 3918
Third R&O	01/17/08	73 FR 3202
Second FNPRM	03/26/08	73 FR 12061
Third FNPRM	07/29/11	76 FR 454901
4th R&O	04/09/12	77 FR 21002
5th R&O	04/05/12	77 FR 20555
6th R&O	01/19/13	78 FR 2078
6th Order on Recon.	11/12/13	78 FR 67310
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Doyle, Chief, Audio Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2700, *Email: peter.doyle@fcc.gov*.

RIN: 3060–AJ07

329. Promoting Diversification of Ownership in the Broadcast Services (MB Docket No. 07–294)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i) and (j); 47 U.S.C. 257; 47 U.S.C. 303(r); 47 U.S.C. 307 to 310; 47 U.S.C. 336; 47 U.S.C. 534 and 535

Abstract: Diversity and competition are longstanding and important Commission goals. The measures proposed, as well as those adopted in this proceeding, are intended to promote diversity of ownership of media outlets. In the Report and Order and third FNPRM, measures are enacted to increase participation in the broadcasting industry by new entrants and small businesses, including minority- and women-owned businesses. In the Report and Order and fourth FNPRM, the Commission adopts improvements to its data collection in order to obtain an accurate and comprehensive assessment of minority and female broadcast ownership in the United States. The Memorandum Opinion & Order addressed petitions for reconsideration of the rules, and also sought comment on a proposal to expand the reporting requirements to nonattributable interests.

Pursuant to a remand from the Third Circuit, the measures adopted in the 2009 Diversity Order were put forth for comment in the NPRM for the 2010 review of the Commission's Broadcast Ownership rules.

Timetable:

Action	Date	FR Cite
R&O	05/16/08	73 FR 28361
3rd FNPRM	05/16/08	73 FR 28400
R&O	05/27/09	74 FR 25163
4th FNPRM	05/27/09	74 FR 25305
MO&O	10/30/09	74 FR 56131
NPRM	01/19/12	77 FR 2868
5th NPRM	01/15/13	78 FR 2934
6th FNPRM	01/15/13	78 FR 2925
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Hillary DeNigro, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7334, *Email: hillary.denigro@fcc.gov*.

RIN: 3060–AJ27

330. Amendment of the Commission's Rules Related To Retransmission Consent (MB Docket No. 10–71)

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 325; 47 U.S.C. 534

Abstract: Cable systems and other multichannel video programming distributors are not entitled to retransmit a broadcast station's signal without the station's consent. This consent is known as ''retransmission consent.'' Since Congress enacted the retransmission consent regime in 1992, there have been significant changes in the video programming marketplace. In this proceeding, comment is sought on a series of proposals to streamline and clarify the Commission's rules concerning or affecting retransmission consent negotiations.

Timetable:

Action	Date	FR Cite
NPRM	03/28/11	76 FR 17071
NPRM Comment Period End.	05/27/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Diana Sokolow, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2120, *Email: diana.sokolow@fcc.gov*.

RIN: 3060–AJ55

331. Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No. 11–43)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i); 47 U.S.C. 303

Abstract: The Twenty-First Century Communications and Video Accessibility Act of 2010 (''CVAA'') requires reinstatement of the video description rules adopted by the Commission in 2000. ''Video description,'' which is the insertion of narrated descriptions of a television program's key visual elements into natural pauses in the program's dialogue, makes video programming more accessible to individuals who are blind or visually impaired. This proceeding was initiated to enable compliance with the CVAA.

Timetable:

Action	Date	FR Cite
NPRM	03/18/11	76 FR 14856
NPRM Comment Period End.	04/18/11	
R&O	09/08/11	76 FR 55585
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Beth Murphy, Chief, Policy Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2132, *Email: marybeth.murphy@fcc.gov*.

RIN: 3060–AJ56

332. Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No. 11–154)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 303; 47 U.S.C. 330(b); 47 U.S.C. 613; 47 U.S.C. 617

Abstract: Pursuant to the Commission's responsibilities under the Twenty-First Century Communications and Video Accessibility Act of 2010, this proceeding was initiated to adopt rules to govern the closed captioning requirements for the owners, providers, and distributors of video programming delivered using Internet protocol.

Timetable:

Action	Date	FR Cite
NPRM	09/28/11	76 FR 59963
R&O	03/20/12	77 FR 19480
Order on Recon, FNPRM.	07/02/13	78 FR 39691
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Diana Sokolow, Attorney, Policy Division, Federal Communications Commission, Media Bureau, 445 12th Street SW.,

Washington, DC 20554, *Phone:* 202 418–2120, *Email: diana.sokolow@fcc.gov*.

RIN: 3060–AJ67

333. Noncommercial Educational Station Fundraising for Third-Party Nonprofit Organizations (MB Docket No. 12–106)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 399(b)

Abstract: The proceeding was initiated to analyze the Commission's longstanding policy prohibiting noncommercial educational broadcast stations from conducting on-air fundraising activities that interrupt regular programming for the benefit of third-party nonprofit organizations.

Timetable:

Action	Date	FR Cite
NPRM	06/22/12	77 FR 37638
NPRM Comment Period End.	07/23/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Mary Beth Murphy, Chief, Policy Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2132, *Email: marybeth.murphy@fcc.gov*.

RIN: 3060–AJ79

334. Accessibility of User Interfaces and Video Programming Guides and Menus (MB Docket No. 12–108)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 303(aa); 47 U.S.C. 303(bb)

Abstract: This proceeding was initiated to implement sections 204 and 205 of the Twenty-First Century Communications and Video Accessibility Act. These sections generally require that user interfaces on digital apparatus and navigation devices used to view video programming be accessible to and usable by individuals who are blind or visually impaired.

Timetable:

Action	Date	FR Cite
NPRM	06/18/13	78 FR 36478
NPRM Comment Period End.	07/15/13	
R&O	12/20/13	78 FR 77210
FNPRM	12/20/13	78 FR 77074
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Adam Copeland, Attorney, Policy Division Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2120, *Email: adam.copeland@fcc.gov*.

RIN: 3060–AK11

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Media Bureau

Completed Actions

335. Policies To Promote Rural Radio Service and To Streamline Allotment and Assignment Procedures (MB Docket No. 09–52)

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 307 and 309(j)

Abstract: This proceeding was commenced to consider a number of changes to the Commission's rules and procedures to carry out the statutory goal of distributing radio service fairly and equitably, and to increase the transparency and efficiency of radio broadcast auction and licensing processes. In the NPRM, comment is sought on specific proposals regarding the procedures used to award commercial broadcast spectrum in the AM and FM broadcast bands. The accompanying Report and Order adopts rules that provide tribes a priority to obtain broadcast radio licenses in tribal communities. The Commission concurrently adopted a Further Notice of Proposed Rulemaking seeking comment on whether to extend the tribal priority to tribes that do not possess tribal land.

The Commission adopted a second FNPRM in order to develop a more comprehensive record regarding measures to assist Federally recognized Native American tribes and Alaska native villages in obtaining commercial FM station authorizations. In the second R&O, the Commission adopted a number of procedures, procedural changes, and clarifications of existing rules and procedures, designed to promote ownership and programming diversity, especially by Native American tribes, and to promote the initiation and retention of radio service in and to smaller communities and rural areas.

In the Third R&O, the Commission adopted procedures to enable a tribe or tribal entity to qualify for tribal allotments added to the FM allotment table.

Timetable:

Action	Date	FR Cite
NPRM	05/13/09	74 FR 22498
First R&O	03/04/10	75 FR 9797
FNPRM	03/04/10	75 FR 9856
2nd FNPRM	03/16/11	76 FR 14362
2nd R&O	04/06/11	76 FR 18942
3rd R&O	01/20/12	77 FR 2916

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Doyle, Chief, Audio Division, Media Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2700, *Email: peter.doyle@fcc.gov*.

RIN: 3060–AJ23

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Office of Managing Director

Long-Term Actions

336. Assessment and Collection of Regulatory Fees

Legal Authority: 47 U.S.C. 159

Abstract: Section 9 of the Communications Act of 1934, as amended, 47 U.S.C. 159, requires the FCC to recover the cost of its activities by assessing and collecting annual regulatory fees from beneficiaries of the activities.

Timetable:

Action	Date	FR Cite
NPRM	04/06/06	71 FR 17410
R&O	08/02/06	71 FR 43842
NPRM	05/02/07	72 FR 24213
R&O	08/16/07	72 FR 45908
FNPRM	08/16/07	72 FR 46010
NPRM	05/28/08	73 FR 30563
R&O	08/26/08	73 FR 50201
FNPRM	08/26/08	73 FR 50285
2nd R&O	05/12/09	74 FR 22104
NPRM and Order	06/02/09	74 FR 26329
R&O	08/11/09	74 FR 40089
NPRM	04/26/10	75 FR 21536
R&O	07/19/10	75 FR 41932
NPRM	05/26/11	76 FR 30605
R&O	08/10/11	76 FR 49333
NPRM	05/17/12	77 FR 29275
R&O	08/03/12	77 FR 46307
NPRM	08/17/12	77 FR 49749
NPRM	06/10/13	78 FR 34612
R&O	08/23/13	78 FR 52433
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Roland Helvajian, Office of the Managing Director, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0444, *Email: roland.helvajian@fcc.gov*.

RIN: 3060–AI79

337. Amendment of Part 1 of the Commission's Rules, Concerning Practice and Procedure, Amendment of Cores Registration System; MD Docket No. 10–234

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 158(c)(2); 47 U.S.C. 159(c)(2); 47 U.S.C. 303(r); 5 U.S.C. 5514; 31 U.S.C. 7701(c)(1)

Abstract: This Notice of Proposed Rulemaking proposes revisions intended to make the Commission's Registration System (CORES) more feature-friendly and improve the Commission's ability to comply with various statutes that govern debt collection and the collection of personal information by the Federal Government. The proposed modifications to CORES partly include: Requiring entities and individuals to rely primarily upon a single FRN that may, at their discretion, be linked to subsidiary or associated accounts; allowing entities to identify multiple points of contact; eliminating some of our exceptions to the requirement that entities and individuals provide their Taxpayer Identification Number (TIN) at the time of registration; requiring FRN holders to provide their email addresses; modifying CORES log-in procedures; adding attention flags and automated notices that would inform FRN holders of their financial standing before the Commission; and adding data fields to enable FRN holders to indicate their tax-exempt status and notify the Commission of pending bankruptcy proceedings.

Timetable:

Action	Date	FR Cite
NPRM	02/01/11	76 FR 5652
NPRM Comment Period End.	03/03/11	
Public Notice	02/15/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Warren Firschein, Attorney, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0844, *Email: warren.firschein@fcc.gov*.

RIN: 3060–AJ54

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Public Safety and Homeland Security Bureau

Long-Term Actions

338. Revision of the Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems

Legal Authority: 47 U.S.C. 134(i); 47 U.S.C. 151; 47 U.S.C. 201; 47 U.S.C. 208; 47 U.S.C. 215; 47 U.S.C. 303; 47 U.S.C. 309

Abstract: In a series of orders in several related proceedings issued since 1996, the Federal Communications Commission has taken action to improve the quality and reliability of 911 emergency services for wireless phone users. Rules have been adopted governing the availability of basic 911 services and the implementation of enhanced 911 (E911) for wireless services.

Timetable:

Action	Date	FR Cite
FNPRM	08/02/96	61 FR 40374
R&O	08/02/96	61 FR 40348
MO&O	01/16/98	63 FR 2631
Second R&O	06/28/99	64 FR 34564
Third R&O	11/04/99	64 FR 60126
Second MO&O	12/29/99	64 FR 72951
Fourth MO&O	10/02/00	65 FR 58657
FNPRM	06/13/01	66 FR 31878
Order	11/02/01	66 FR 55618
R&O	05/23/02	67 FR 36112
Public Notice	07/17/02	67 FR 46909
Order to Stay	07/26/02	
Order on Recon	01/22/03	68 FR 2914
FNPRM	01/23/03	68 FR 3214
R&O, Second FNPRM.	02/11/04	69 FR 6578
Second R&O	09/07/04	69 FR 54037
NPRM	06/20/07	72 FR 33948
NPRM Comment Period End.	09/18/07	
R&O	02/14/08	73 FR 8617
Public Notice	09/25/08	73 FR 55473
Comment Period End.	10/18/08	
Public Notice	11/18/09	74 FR 59539
Comment Period End.	12/04/09	
FNPRM, NOI	11/02/10	75 FR 67321
Second R&O	11/18/10	75 FR 70604
Order, Comment Period Extension.	01/07/11	76 FR 1126
Comment Period End.	02/18/11	
Final Rule	04/28/11	76 FR 23713
NPRM	08/04/11	76 FR 47114
Second FNPRM	08/04/11	76 FR 47114
3rd R&O	09/28/11	76 FR 59916
NPRM Comment Period End.	11/02/11	
3rd FNPRM (release date).	02/21/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0952, *Email: tom.beers@fcc.gov*.

RIN: 3060–AG34

339. Enhanced 911 Services for Wireline

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201; 47 U.S.C. 222; 47 U.S.C. 251

Abstract: The rules generally will assist State governments in drafting legislation that will ensure that multiline telephone systems are compatible with the enhanced 911 network. The Public Notice seeks comment on whether the Commission, rather than States, should regulate multiline telephone systems, and whether part 68 of the Commission's rules should be revised.

Timetable:

Action	Date	FR Cite
NPRM	10/11/94	59 FR 54878
FNPRM	01/23/03	68 FR 3214
Second FNPRM	02/11/04	69 FR 6595
R&O	02/11/04	69 FR 6578
Public Notice	01/13/05	70 FR 2405
Comment Period End.	03/29/05	
NOI	01/13/11	76 FR 2297
NOI Comment Period End.	03/14/11	
Public Notice (Release Date).	05/21/12	
Public Notice Comment Period End.	08/06/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0952, *Email: tom.beers@fcc.gov*.

RIN: 3060–AG60

340. In the Matter of the Communications Assistance for Law Enforcement Act

Legal Authority: 47 U.S.C. 229; 47 U.S.C. 1001 to 1008

Abstract: All of the decisions in this proceeding thus far are aimed at implementation of provisions of the Communications Assistance for Law Enforcement Act.

Timetable:

Action	Date	FR Cite
NPRM	10/10/97	62 FR 63302
Order	01/13/98	63 FR 1943
FNPRM	11/16/98	63 FR 63639
R&O	01/29/99	64 FR 51462
Order	03/29/99	64 FR 14834
Second R&O	09/23/99	64 FR 51462
Third R&O	09/24/99	64 FR 51710
Order on Recon	09/28/99	64 FR 52244
Policy Statement	10/12/99	64 FR 55164
Second Order on Recon.	05/04/01	66 FR 22446
Order	10/05/01	66 FR 50841
Order on Remand	05/02/02	67 FR 21999
NPRM	09/23/04	69 FR 56976
First R&O	10/13/05	70 FR 59704
Second R&O	07/05/06	71 FR 38091
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0952, *Email: tom.beers@fcc.gov*.

RIN: 3060–AG74

341. Development of Operational, Technical, and Spectrum Requirements for Public Safety Communications Requirements

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 160; 47 U.S.C. 201 and 202; 47 U.S.C. 303; 47 U.S.C. 337(a); 47 U.S.C. 403

Abstract: This item takes steps toward developing a flexible regulatory framework to meet vital current and future public safety communications needs.

Timetable:

Action	Date	FR Cite
NPRM	10/09/97	62 FR 60199
Second NPRM	11/07/97	62 FR 60199
First R&O	11/02/98	63 FR 58645
Third NPRM	11/02/98	63 FR 58685
First MO&O	11/04/99	64 FR 60123
Second R&O	08/08/00	65 FR 48393
Fourth NPRM	08/25/00	65 FR 51788
Second MO&O	09/05/00	65 FR 53641
Third MO&O	11/07/00	65 FR 66644
Third R&O	11/07/00	65 FR 66644
Fifth NPRM	02/16/01	66 FR 10660
Fourth R&O	02/16/01	66 FR 10632
Fourth MO&O	09/27/02	67 FR 61002
Sixth NPRM	11/08/02	67 FR 68079
Fifth R&O	12/13/02	67 FR 76697
Seventh NPRM	04/27/05	70 FR 21726
Sixth R&O	04/27/05	70 FR 21671
Eighth NPRM	04/07/06	71 FR 17786
NPRM	09/21/06	71 FR 55149
Ninth NPRM	01/10/07	72 FR 1201
R&O and FNPRM	05/02/07	72 FR 24238
Second R&O	08/24/07	72 FR 48814
Second FNPRM	05/21/08	73 FR 29582
Third FNPRM	10/03/08	73 FR 57750
Third R&O	01/25/11	76 FR 51271
Fourth FNPRM	01/25/11	76 FR 51271
Fourth FNPRM Comment Period End.	05/10/11	
Fourth R&O	07/20/11	76 FR 62309
7th R&O & NPRM	04/19/13	78 FR 23529
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Marenco, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0838, *Email: brian.marenco@fcc.gov*.

RIN: 3060–AG85

342. Implementation of 911 Act (CC Docket No. 92–105, WT Docket No. 00–110)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 202; 47 U.S.C. 208; 47 U.S.C. 210; 47 U.S.C. 214; 47 U.S.C. 251(e); 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 308 to 309(j); 47 U.S.C. 310

Abstract: This proceeding was separate from the Commission's proceeding on Enhanced 911 Emergency Systems (E911) in that it intended to implement provisions of the Wireless Communications and Public Safety Act of 1999 through the promotion of public safety by the deployment of a seamless, nationwide emergency communications infrastructure that includes wireless communications services. More specifically, the chief goal of the proceeding is to ensure that all emergency calls are routed to the appropriate local emergency authority to provide assistance. The E911 proceeding goes a step further and was aimed at improving the effectiveness and reliability of wireless 911 dispatchers with additional information on wireless 911 calls.

Timetable:

Action	Date	FR Cite
Fourth R&O, Third NPRM.	09/19/00	65 FR 56752
NPRM	09/19/00	65 FR 56757
Fifth R&O, First R&O, and MO&O.	01/14/02	67 FR 1643
Final Rule	01/25/02	67 FR 3621
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0952, *Email: tom.beers@fcc.gov*.

RIN: 3060–AH90

343. E911 Requirements for IP-Enabled Service Providers (Dockets Nos. GN 11–117, PS 07–114, WC 05–196, WC 04–36)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 251(e); 47 U.S.C. 303(r)

Abstract: The notice seeks comment on what additional steps the Commission should take to ensure that providers of Voice over Internet Protocol services that interconnect with the public switched telephone network to provide ubiquitous and reliable enhanced 911 service.

Timetable:

Action	Date	FR Cite
NPRM	03/29/04	69 FR 16193
NPRM	06/29/05	70 FR 37307
R&O	06/29/05	70 FR 37273
NPRM Comment Period End.	09/12/05	
NPRM	06/20/07	72 FR 33948
NPRM Comment Period End.	09/18/07	
FNPRM, NOI	11/02/10	75 FR 67321
Order, Extension of Comment Period.	01/07/11	76 FR 1126
Comment Period End.	02/18/11	
2nd FNPRM, NPRM.	08/04/11	76 FR 47114
2nd FNPRM Comment Period End.	11/02/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0952, *Email: tom.beers@fcc.gov*.

RIN: 3060–AI62

344. Commercial Mobile Alert System

Legal Authority: Pub. L. 109–347 title VI; EO 13407; 47 U.S.C. 151; 47 U.S.C. 154(i)

Abstract: In the Notice of Proposed Rulemaking (NPRM), the Commission initiated a comprehensive rulemaking to establish a commercial mobile alert system under which commercial mobile service providers may elect to transmit emergency alerts to the public. The Commission has issued three orders adopting CMAS rules as required by

statute. Issues raised in an FNPRM regarding testing requirements for noncommercial educational and public broadcast television stations remain outstanding.

Timetable:

Action	Date	FR Cite
NPRM	01/03/08	73 FR 545
NPRM Comment Period End.	02/04/08	
First R&O	07/24/08	73 FR 43009
Second R&O	08/14/08	73 FR 47550
FNPRM	08/14/08	73 FR 47568
FNPRM Comment Period End.	09/15/08	
Third R&O	09/22/08	73 FR 54511
Order	02/25/13	78 FR 16806
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lisa Fowlkes, Deputy Bureau Chief, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7452, *Email: lisa.fowlkes@fcc.gov*.

RIN: 3060–AJ03

345. Wireless E911 Location Accuracy Requirements; PS Docket No. 07–114

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 332

Abstract: This is related to the proceedings in which the FCC has previously acted to improve the quality of all emergency services. Wireless carriers must provide specific automatic location information in connection with 911 emergency calls to Public Safety Answering Points (PSAPs). Wireless licensees must satisfy Enhanced 911 location accuracy standards at either a county-based or a PSAP-based geographic level.

Timetable:

Action	Date	FR Cite
NPRM	06/20/07	72 FR 33948
R&O	02/14/08	73 FR 8617
Public Notice	09/25/08	73 FR 55473
Public Notice	11/18/09	74 FR 59539
2nd R&O	11/18/10	75 FR 70604
Second NPRM	08/04/11	76 FR 47114
Second NPRM Comment Period End.	11/02/11	
FNPRM; NOI	11/02/10	75 FR 67321
Final Rule	04/28/11	76 FR 23713
NPRM, 3rd R&O, and 2nd FNPRM.	09/28/11	76 FR 59916
3rd FNPRM (release date).	02/21/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tom Beers, Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0952, *Email: tom.beers@fcc.gov*.

RIN: 3060–AJ52

346. Private Land Radio Services/ Miscellaneous Wireless Communications Services

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 309; Pub. L. 112–96

Abstract: This action proposes technical rules to protect against harmful radio frequency interference in the spectrum designated for public safety services under the Middle Class Tax Relief and Job Creation Act of 2012.

Timetable:

Action	Date	FR Cite
NPRM	04/24/13	78 FR 24138
NPRM Comment Period End.	05/24/13	
R&O	01/06/14	79 FR 588
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Hurley, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2220, *Email: brian.hurley@fcc.gov*.

RIN: 3060–AJ99

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Public Safety and Homeland Security Bureau

Completed Actions

347. Stolen Vehicle Recovery System (SVRS)

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 301 to 303

Abstract: The Report and Order amends 47 CFR 90.20(e)(6) governing stolen vehicle recovery system operations at 173.075 MHz, by increasing the radiated power limit for narrowband base stations; increasing the power output limit for narrowband base stations; increasing the power output limit for narrowband mobile transceivers; modifying the base station duty cycle; increasing the tracking duty cycle for mobile transceivers; and retaining the requirement for TV channel 7 interference studies and that such studies must be served on TV channel 7 stations.

Timetable:

Action	Date	FR Cite
NPRM	08/23/06	71 FR 49401
NPRM Comment Period End.	10/10/06	
R&O	10/14/08	73 FR 60631

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Zenji Nakazawa, Deputy Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7949, *Email: zenji.nakazaw@fcc.gov*.

RIN: 3060–AJ01

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireless Telecommunications Bureau

Long-Term Actions

348. Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152(n); 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 201(b); 47 U.S.C. 251(a); 47 U.S.C. 253; 47 U.S.C. 303(r); 47 U.S.C. 332(c)(1)(B); 47 U.S.C. 309

Abstract: This rulemaking considers whether the Commission should adopt an automatic roaming rule for voice services for Commercial Mobile Radio Services and whether the Commission should adopt a roaming rule for mobile data services.

Timetable:

Action	Date	FR Cite
NPRM	11/21/00	65 FR 69891
NPRM	09/28/05	70 FR 56612
NPRM	01/19/06	71 FR 3029
FNPRM	08/30/07	72 FR 50085
Final Rule	08/30/07	72 FR 50064
Final Rule	04/28/10	75 FR 22263
FNPRM	04/28/10	75 FR 22338
2nd R&O	05/06/11	76 FR 26199
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Trachtenberg, Associate Division Chief SCPD, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7369, *Email: peter.trachtenberg@fcc.gov*.

Christina Clearwater, Assistant Division Chief, SCPD, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1893, *Email: christina.clearwater@fcc.gov.*

RIN: 3060–AH83

349. Review of Part 87 of the Commission's Rules Concerning Aviation (WT Docket No. 01–289)

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 303; 47 U.S.C. 307(e)

Abstract: This proceeding is intended to streamline, consolidate, and revise our part 87 rules governing the Aviation Radio Service. The rule changes are designed to ensure these rules reflect current technological advances.

Timetable:

Action	Date	FR Cite
NPRM	10/16/01	66 FR 64785
NPRM Comment Period End.	03/14/02	
R&O and FNPRM	10/16/03	
FNPRM	04/12/04	69 FR 19140
FNPRM Comment Period End.	07/12/04	
R&O	06/14/04	69 FR 32577
NPRM	12/06/06	71 FR 70710
NPRM Comment Period End.	03/06/07	
Final Rule	12/06/06	71 FR 70671
3rd R&O	03/29/11	76 FR 17347
Stay Order	03/29/11	76 FR 17353
3rd FNPRM	01/30/13	78 FR 6276
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Tobias, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0680, *Email: jeff.tobias@fcc.gov.*

RIN: 3060–AI35

350. Implementation of the Commercial Spectrum Enhancement Act (CSEA) and Modernization of the Commission's Competitive Bidding Rules and Procedures (WT Docket No. 05–211)

Legal Authority: 15 U.S.C. 79; 47 U.S.C. 151; 47 U.S.C. 154(i) and (j); 47 U.S.C. 155; 47 U.S.C. 155(c); 47 U.S.C. 157; 47 U.S.C. 225; 47 U.S.C. 303(r); 47 U.S.C. 307; 47 U.S.C. 309; 47 U.S.C. 309(j); 47 U.S.C. 325(e); 47 U.S.C. 334; 47 U.S.C. 336; 47 U.S.C. 339; 47 U.S.C. 554

Abstract: This proceeding implements rules and procedures needed to comply with the Commercial Spectrum Enhancement Act (CSEA). It establishes a mechanism for reimbursing Federal agencies' out-of-spectrum auction proceeds for the cost of relocating their operations from certain ''eligible frequencies'' that have been reallocated from Federal to non-Federal use. It also seeks to improve the Commission's ability to achieve Congress' directives with regard to designated entities and to ensure that, in accordance with the intent of Congress, every recipient of its designated entity benefits is an entity that uses its licenses to directly provide facilities-based telecommunications services for the benefit of the public.

Timetable:

Action	Date	FR Cite
NPRM	06/14/05	70 FR 43372
NPRM Comment Period End.	08/26/05	
Declaratory Ruling	06/14/05	70 FR 43322
R&O	01/24/06	71 FR 6214
FNPRM	02/03/06	71 FR 6992
FNPRM Comment Period End.	02/24/06	
Second R&O	04/25/06	71 FR 26245
Order on Recon of Second R&O.	06/02/06	71 FR 34272
NPRM	06/21/06	71 FR 35594
NPRM Comment Period End.	08/21/06	
Reply Comment Period End.	09/19/06	
Second Order and Recon of Second R&O.	04/04/08	73 FR 18528
Order	02/01/12	77 FR 16470
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kelly Quinn, Assistant Chief, Auctions and Spectrum Access Division, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7384, *Email: kelly.quinn@fcc.gov.*

RIN: 3060–AI88

351. Facilitating the Provision of Fixed and Mobile Broadband Access, Educational, and Other Advanced Services in the 2150–2162 and 2500–2690 MHz Bands

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 301 to 303; 47 U.S.C. 307; 47 U.S.C. 309; 47 U.S.C. 332; 47 U.S.C. 336 and 337

Abstract: The Commission seeks comment on whether to assign Educational Broadband Service (EBS) spectrum in the Gulf of Mexico. It also seeks comment on how to license unassigned and available EBS spectrum. Specifically, we seek comment on whether it would be in the public interest to develop a scheme for licensing unassigned EBS spectrum that avoids mutual exclusivity; we ask whether EBS eligible entities could participate fully in a spectrum auction; we seek comment on the use of small business size standards and bidding credits for EBS if we adopt a licensing scheme that could result in mutually exclusive applications; we seek comment on the proper market size and size of spectrum blocks for new EBS licenses; and we seek comment on issuing one license to a State agency designated by the Governor to be the spectrum manager, using frequency coordinators to avoid mutually exclusive EBS applications, as well as other alternative licensing schemes. The Commission must develop a new licensing scheme for EBS in order to achieve the Commission's goal of facilitating the development of new and innovative wireless services for the benefit of students throughout the nation.

In addition, the Commission has sought comment on a proposal intended to make it possible to use wider channel bandwidths for the provision of broadband services in these spectrum bands. The proposed changes may permit operators to use spectrum more efficiently, and to provide higher data rates to consumers, thereby advancing key goals of the National Broadband Plan.

Timetable:

Action	Date	FR Cite
NPRM	04/02/03	68 FR 34560
NPRM Comment Period End.	09/08/03	
FNPRM	07/29/04	69 FR 72048
FNPRM Comment Period End.	01/10/03	
R&O	07/29/04	69 FR 72020
MO&O	04/27/06	71 FR 35178
FNPRM	03/20/08	73 FR 26067
FNPRM Comment Period End.	07/07/08	
MO&O	03/20/08	73 FR 26032
MO&O	09/28/09	74 FR 49335
FNPRM	09/28/09	74 FR 49356
FNPRM Comment Period End.	10/13/09	
R&O	06/03/10	75 FR 33729
FNPRM	05/27/11	76 FR 32901
FNPRM Comment Period End.	07/22/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0797, *Email: john.schauble@fcc.gov.*

RIN: 3060–AJ12

352. Amendment of the Rules Regarding Maritime Automatic Identification Systems (WT Docket No. 04–344)

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 302(a); 47 U.S.C. 303; 47 U.S.C. 306; 47 U.S.C. 307(e); 47 U.S.C. 332; 47 U.S.C. 154(i); 47 U.S.C. 161

Abstract: This action adopts additional measures for domestic implementation of Automatic Identification Systems (AIS), an advanced marine vessel tracking and navigation technology that can significantly enhance our Nation's homeland security as well as maritime safety.

Timetable:

Action	Date	FR Cite
Final Rule	01/29/09	74 FR 5117
Final Rule Effective.	03/02/09	
Petition for Recon	04/03/09	74 FR 15271
Final Rule	05/26/11	76 FR 33653
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Tobias, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0680, *Email: jeff.tobias@fcc.gov*.

RIN: 3060–AJ16

353. Service Rules for Advanced Wireless Services in the 2155–2175 MHz Band; WT Docket No. 13–185

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 214; 47 U.S.C. 301

Abstract: This proceeding explores the possible uses of the 2155–2175 MHz frequency band (AWS–3) to support the introduction of new advanced wireless services, including third generations as well as future generations of wireless systems. Advanced wireless systems could provide for a wide range of voice data and broadband services over a variety of mobile and fixed networks.

The Notice of Proposed Rulemaking (NPRM) sought comment on what service rules should be adopted in the AWS–3 band. We requested comment on rules for licensing this spectrum in a manner that will permit it to be fully and promptly utilized to bring advanced wireless services to American consumers. Our objective is to allow for the most effective and efficient use of the spectrum in this band, while also encouraging development of robust wireless broadband services. We proposed to apply our flexible, market-oriented rules to the band in order to meet this objective.

Thereafter, the Commission released a Further Notice of Proposed Rulemaking (FNPRM), seeking comment on the Commission's proposed AWS–3 rules, which include adding 5 megahertz of spectrum (2175–80 MHz) to the AWS–3 band, and requiring licensees of that spectrum to provide—using up to 25 percent of its wireless network capacity—free, two-way broadband Internet service at engineered data rates of at least 768 kbps downstream.

Timetable:

Action	Date	FR Cite
NPRM	11/14/07	72 FR 64013
NPRM Comment Period End.	01/14/08	
FNPRM	06/25/08	73 FR 35995
FNPRM Comment Period End.	08/11/08	
FNPRM	08/20/13	78 FR 51559
FNPRM Comment Period End.	10/16/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Daronco, Associate Division Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7235, *Email: peter.daronco@fcc.gov*.

RIN: 3060–AJ19

354. Service Rules for Advanced Wireless Services in the 1915 to 1920 MHz, 1995 to 2000 MHz, 2020 to 2025 MHz, and 2175 to 2180 MHz Bands

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 214; 47 U.S.C. 301; . . .

Abstract: This proceeding explores the possible uses of the 1915–1920 MHz, 1995–2000 MHz, 2020–2025 MHz, and 2175–2180 MHz Bands (collectively AWS–2) to support the introduction of new advanced wireless services, including third generations as well as future generations of wireless systems. Advanced wireless systems could provide for a wide range of voice data and broadband services over a variety of mobile and fixed networks.

The Notice of Proposed Rulemaking (NPRM) sought comment on what service rules should be adopted in the AWS–2 band. We requested comment on rules for licensing this spectrum in a manner that will permit it to be fully and promptly utilized to bring advanced wireless services to American consumers. Our objective is to allow for the most effective and efficient use of the spectrum in this band, while also encouraging development of robust wireless broadband services.

Thereafter, the Commission released a Further Notice of Proposed Rulemaking (FNPRM), seeking comment on the Commission's proposed rules for the 1915–1920 MHz and 1995–2000 MHz bands. In addition, the Commission proposed to add 5 megahertz of spectrum (2175–80 MHz band) to the 2155–2175 MHz band, and would require the licensee of the 2155–2180 MHz band to provide—using up to 25 percent of its wireless network capacity—free, two-way broadband Internet service at engineered data rates of at least 768 kbps downstream.

Timetable:

Action	Date	FR Cite
NPRM	11/02/04	69 FR 63489
NPRM Comment Period End.	01/24/05	
FNPRM	06/25/08	73 FR 35995
FNPRM Comment Period End.	08/11/08	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Peter Daronco, Associate Division Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7235, *Email: peter.daronco@fcc.gov*.

RIN: 3060–AJ20

355. Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698–806 MHz Band (WT Docket No. 08–166) Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 301 and 302(a); 47 U.S.C. 303; 47 U.S.C. 303(r); 47 U.S.C. 304; 47 U.S.C. 307 to 309; 47 U.S.C. 316; 47 U.S.C. 332; 47 U.S.C. 336 and 337

Abstract: On January 15, 2010, the Commission released a Report and Order that prohibits the distribution and sale of wireless microphones that operate in the 700 MHz Band (698–806 MHz, channels 52–69) and includes a number of provisions to clear these devices from that band. These actions help complete an important part of the DTV transition by clearing the 700 MHz

Band to enable the rollout of communications services for public safety and the deployment of next generation wireless devices.

On January 15, 2010, the Commission also released a Further Notice of Proposed Rulemaking seeking comment on the operation of low power auxiliary stations, including wireless microphones, in the core TV bands (channels 2–51, excluding channel 37). Among the issues the Commission is considering in the Further Notice are revisions to its rules to expand eligibility for licenses to operate wireless microphones under part 74; the operation of wireless microphones on an unlicensed basis in the core TV bands under part 15; technical rules to apply to low power wireless audio devices, including wireless microphones, operating in the core TV bands on an unlicensed basis under part 15 of the rules; and long-term solutions to address the operation of wireless microphones and the efficient use of the core TV spectrum.

On October 5, 2012, the Wireless Telecommunications Bureau and the Office of Engineering and Technology released a Public Notice asking that the record be refreshed on two issues in the Further Notice of Proposed Rulemaking: Whether the Commission should provide a limited expansion of license eligibility under part 74 of the rules applicable to low power auxiliary stations, and what steps the Commission should take to promote more efficient use of spectrum by wireless microphones.

Timetable:

Action	Date	FR Cite
NPRM	09/03/08	73 FR 51406
NPRM Comment Period End.	10/20/08	
R&O	01/22/10	75 FR 3622
FNPRM	01/22/10	75 FR 3682
FNPRM Comment Period End.	03/22/10	
Public Notice	10/05/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: G. William Stafford, Attorney, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0563, *Fax:* 202 418–3956, *Email: bill.stafford@fcc.gov*.

RIN: 3060–AJ21

356. Amendment of the Commission's Rules To Improve Public Safety Communications in the 800 MHz Band, and To Consolidate the 800 MHz and 900 MHz Business and Industrial/Land Transportation Pool Channels

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 309; 47 U.S.C. 332

Abstract: This action adopts rules that retain the current site-based licensing paradigm for the 900 MHz B/ILT ''white space''; adopts interference protection rules applicable to all licensees operating in the 900 MHz B/ILT spectrum; and lifts, on a rolling basis, the freeze placed on applications for new 900 MHz B/ILT licenses in September 2004—the lift being tied to the completion of rebanding in each 800 MHz National Public Safety Planning Advisory Committee (NPSPAC) region.

Timetable:

Action	Date	FR Cite
NPRM	03/18/05	70 FR 13143
NPRM Comment Period End.	06/12/05	70 FR 23080
Final Rule	12/16/08	73 FR 67794
Petition for Recon	03/12/09	74 FR 10739
Order on Recon	07/17/13	78 FR 42701
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joyce Jones, Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1327, *Email: joyce.jones@fcc.gov*.

RIN: 3060–AJ22

357. Amendment of Part 101 To Accommodate 30 MHz Channels in the 6525–6875 MHz Band and Provide Conditional Authorization on Channels in the 21.8–22.0 and 23.0–23.2 GHz Band (WT Docket No. 04–114)

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 214; 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 310; 47 U.S.C. 319; 47 U.S.C. 324; 47 U.S.C. 332 and 333

Abstract: The Commission seeks comments on modifying its rules to authorize channels with bandwidths of as much as 30 MHz in the 6525–6875 MHz band. We also propose to allow conditional authorization on additional channels in the 21.8–22.0 and 23.0–23.2 GHz bands.

Timetable:

Action	Date	FR Cite
NPRM	06/29/09	74 FR 36134
NPRM Comment Period End.	07/22/09	
R&O	06/11/10	75 FR 41767
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0797, *Email: john.schauble@fcc.gov*.

RIN: 3060–AJ28

358. In the Matter of Service Rules for the 698 to 746, 747 to 762, and 777 to 792 MHz Bands

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 309

Abstract: This is one of several docketed proceedings involved in the establishment of rules governing wireless licenses in the 698–806 MHz Band (the 700 MHz Band). This spectrum is being vacated by television broadcasters in TV channels 52–69. It is being made available for wireless services, including public safety and commercial services, as a result of the digital television (DTV) transition. This docket has to do with service rules for the commercial services, and is known as the 700 MHz Commercial Services proceeding.

Timetable:

Action	Date	FR Cite
NPRM	08/03/06	71 FR 48506
NPRM	09/20/06	
FNPRM	05/02/07	72 FR 24238
FNPRM Comment Period End.	05/23/07	
R&O	07/31/07	72 FR 48814
Order on Recon	09/24/07	72 FR 56015
Second FNPRM	05/14/08	73 FR 29582
Second FNPRM Comment Period End.	06/20/08	
Third FNPRM	09/05/08	73 FR 57750
Third FNPRM Comment Period End.	11/03/08	
Second R&O	02/20/09	74 FR 8868
Final Rule	03/04/09	74 FR 8868
Order on Recon	03/01/13	78 FR 19424
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Paul D'Ari, Spectrum and Competition Policy Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC

20554, *Phone:* 202 418–1550, *Fax:* 202 418–7447, *Email: paul.dari@fcc.gov.*

RIN: 3060–AJ35

359. National Environmental Act Compliance for Proposed Tower Registrations; In the Matter of Effects on Migratory Birds

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(q); 47 U.S.C. 303(r); 47 U.S.C. 309(g); 42 U.S.C. 4321 *et seq.*

Abstract: On April 14, 2009, American Bird Conservancy, Defenders of Wildlife, and National Audubon Society filed a Petition for Expedited Rulemaking and Other Relief. The petitioners request that the Commission adopt on an expedited basis a variety of new rules which they assert are necessary to comply with environmental statutes and their implementing regulations. This proceeding addresses the Petition for Expedited Rulemaking and Other Relief.

Timetable:

Action	Date	FR Cite
NPRM	11/22/06	71 FR 67510
NPRM Comment Period End.	02/20/07	
New NPRM Comment Period End.	05/23/07	
Order on Remand	01/26/12	77 FR 3935
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeff Steinberg, Deputy Chief, Spectrum and Competition Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0896, *Email: jeffrey.steinberg@fcc.gov.*

RIN: 3060–AJ36

360. Amendment of Part 90 of the Commission's Rules

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 303

Abstract: This proceeding considers rule changes impacting miscellaneous part 90 Private Land Mobile Radio rules.

Timetable:

Action	Date	FR Cite
NPRM	06/13/07	72 FR 32582
FNPRM	04/14/10	75 FR 19340
Order on Recon	05/27/10	75 FR 29677
5th R&O	05/16/13	78 FR 28749
Petition for Reconsideration.	07/23/13	78 FR 44091
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Rodney P. Conway, Engineer, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2904, *Fax:* 202 418–1944, *Email: rodney.conway@fcc.gov.*

RIN: 3060–AJ37

361. Amendment of Part 101 of the Commission's Rules for Microwave Use and Broadcast Auxiliary Service Flexibility

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and 157; 47 U.S.C. 160 and 201; 47 U.S.C. 214; 47 U.S.C. 301 to 303; 47 U.S.C. 307 to 310; 47 U.S.C. 319 and 324; 47 U.S.C. 332 and 333

Abstract: In this document, the Commission commences a proceeding to remove regulatory barriers to the use of spectrum for wireless backhaul and other point-to-point and point-to-multipoint communications.

Timetable:

Action	Date	FR Cite
NPRM	08/05/10	75 FR 52185
NPRM Comment Period End.	11/22/10	
R&O	09/27/11	76 FR 59559
FNPRM	09/27/11	76 FR 59614
FNPRM Comment Period End.	10/25/11	
R&O	09/05/12	77 FR 54421
FNPRM	09/05/12	77 FR 54511
FNPRM Comment Period End.	10/22/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0797, *Email: john.schauble@fcc.gov.*

RIN: 3060–AJ47

362. 2004 and 2006 Biennial Regulatory Reviews—Streamlining and Other Revisions of the Commission's Rules Governing Construction, Marking, and Lighting of Antenna Structures

Legal Authority: 47 U.S.C. 154(i)–(j) and 161; 47 U.S.C. 303(q)

Abstract: In this NPRM, in WT Docket no. 10–88, the Commission seeks comment on revisions to part 17 of the Commission's rules governing construction, marking, and lighting of antenna structures. The Commission initiated this proceeding to update and modernize the part 17 rules. These proposed revisions are intended to improve compliance with these rules and allow the Commission to enforce them more effectively, helping to better ensure the safety of pilots and aircraft passengers nationwide. The proposed revisions would also remove outdated and burdensome requirements without compromising the Commission's statutory responsibility to prevent antenna structures from being hazards or menaces to air navigation.

Timetable:

Action	Date	FR Cite
NPRM	05/21/10	75 FR 28517
NPRM Comment Period End.	07/20/10	
NPRM Reply Comment Period End.	08/19/10	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dan Abeyta, Attorney, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1538, *Email: dan.abeyta@fcc.gov.*

RIN: 3060–AJ50

363. Universal Service Reform Mobility Fund (WT Docket No. 10–208)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 155; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 205; 47 U.S.C. 225; 47 U.S.C. 254; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 303(c); 47 U.S.C. 303(f); 47 U.S.C. 303(r); 47 U.S.C. 303(y); 47 U.S.C. 309; 47 U.S.C. 310

Abstract: This proceeding establishes the Mobility Fund which provides an initial infusion of funds toward solving persistent gaps in mobile services through targeted, one-time support for the build-out of current and next-generation wireless infrastructure in areas where these services are unavailable.

Timetable:

Action	Date	FR Cite
NPRM	10/14/10	75 FR 67060
NPRM Comment Period End.	01/18/11	
R&O	11/29/11	76 FR 73830
FNPRM	12/16/11	76 FR 78384
R&O	12/28/11	76 FR 81562
2nd R&O	07/03/12	77 FR 39435
4th Order on Recon.	08/14/12	77 FR 48453
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Scott Mackoul, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0660.

RIN: 3060–AJ58

364. Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525–1559 MHz and 1626.5–1660.5 MHz, 1610–1626.5 MHz and 2483.5–2500 MHz, and 2000–2020 MHz and 2180–2200 MHz

Legal Authority: 47 U.S.C. 151 and 154; 47 U.S.C. 303 and 310

Abstract: The Commission proposes steps to make additional spectrum available for new investment in mobile broadband networks while ensuring that the United States maintains robust mobile satellite service capabilities. Mobile broadband is emerging as one of America's most dynamic innovation and economic platforms. Yet tremendous demand growth will soon test the limits of spectrum availability. 90 megahertz of spectrum allocated to the Mobile Satellite Service (MSS)—in the 2 GHz band, Big LEO band, and L-band—are potentially available for terrestrial mobile broadband use. The Commission seeks to remove regulatory barriers to terrestrial use, and to promote additional investments, such as those recently made possible by a transaction between Harbinger Capital Partners and SkyTerra Communications, while retaining sufficient market wide MSS capability. The Commission proposes to add co-primary Fixed and Mobile allocations to the 2 GHz band, consistent with the International Table of Allocations. This allocation modification is a precondition for more flexible licensing of terrestrial services within the band. Second, the Commission proposes to apply the Commission's secondary market policies and rules applicable to terrestrial services to all transactions involving the use of MSS bands for terrestrial services in order to create greater predictability and regulatory parity with bands licensed for terrestrial mobile broadband service. The Commission also requests comment on further steps we can take to increase the value, utilization, innovation, and investment in MSS spectrum generally.

Timetable:

Action	Date	FR Cite
NPRM	07/15/10	75 FR 49871
NPRM Comment Period End.	09/30/10	
R&O	04/06/11	76 FR 31252
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Blaise Scinto, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1380, *Email: bscinto@fcc.gov*.

RIN: 3060–AJ59

365. Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-Based 800 MHz Specialized Mobile Radio Licensees (WT Docket Nos. 12–64 and 11–110)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154; 47 U.S.C. 301; 47 U.S.C. 302(a); 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 308

Abstract: This proceeding was initiated to allow EA-based 800 MHz SMR Licensees in 813.5–824/858.5–869 MHz to exceed the channel spacing and bandwidth limitation in section 90.209 of the Commission's rules, subject to conditions.

Timetable:

Action	Date	FR Cite
NPRM	03/29/12	77 FR 18991
NPRM Comment Period End.	04/13/12	
R&O	05/24/12	77 FR 33972
Petition for Recon Public Notice.	08/16/12	77 FR 53163
Petition for Recon PN Comment Period End.	09/27/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brian Regan, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2849, *Email: brian.regan@fcc.gov*.

RIN: 3060–AJ71

366. Service Rules for Advanced Wireless Services in the 2000–2020 MHz and 2180–2200 MHz Bands

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 153; 47 U.S.C. 154(i); 47 U.S.C. 227; 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 308; 47 U.S.C. 309; 47 U.S.C. 310; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 324; 47 U.S.C. 332; 47 U.S.C. 333

Abstract: In the Report and Order, the Commission increased the Nation's supply of spectrum for mobile broadband by removing unnecessary barriers to flexible use of spectrum currently assigned to the Mobile Satellite Service (MSS) in the 2 GHz band. This action carries out a recommendation in the National Broadband Plan that the Commission enable the provision of stand-alone terrestrial services in this spectrum. We do so by adopting service, technical, assignment, and licensing rules for this spectrum. These rules are designed to provide for flexible use of this spectrum, to encourage innovation and investment in mobile broadband, and to provide a stable regulatory environment in which broadband deployment could develop.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End.	04/17/12	
NPRM	04/17/12	77 FR 22720
R&O	05/05/13	78 FR 8229
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeremy Marcus, Assistant Chief, Broadband Division, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0059, *Fax:* 202 418–7257, *Email: jeremy.marcus@fcc.gov*.

RIN: 3060–AJ73

367. Promoting Interoperability in the 700 MHz Commercial Spectrum; Interoperability of Mobile User Equipment Across Paired Commercial Spectrum Blocks in the 700 MHz Band

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 301; 47 U.S.C. 302(a); 47 U.S.C. 303(b); 47 U.S.C. 303(e); 47 U.S.C. 303(f); 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 304; 47 U.S.C. 307(a); 47 U.S.C. 309(j)(3); 47 U.S.C. 316(a)(1); 47 CFR 1.401 *et seq.*

Abstract: The Commission seeks comment on whether the customers of lower 700 MHz B and C block licensees would experience harmful interference—and if so, to what degree—if the lower 700 MHz band were interoperable. The Commission also explores the next steps should it find that interoperability would cause limited or no harmful interference to lower 700 MHz B and C block licensees, or that such interference can reasonably be mitigated through industry efforts and/or through modifications to the Commission's technical rules or other regulatory measures.

Timetable:

Action	Date	FR Cite
NPRM	04/02/12	77 FR 19575
NPRM Comment Period End.	06/01/12	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Brenda Boykin, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2062, *Email: brenda.boykin@fcc.gov*.

RIN: 3060–AJ78

368. Service Rules for Advanced Wireless Services of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915–1920 MHz and 1995–2000 MHz Bands (WT Docket No. 12–357)

Legal Authority: 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 308; 47 U.S.C. 309; 47 U.S.C. 310

Abstract: The Commission proposes rules for the Advanced Wireless Services (AWS) H Block that would make available 10 megahertz of flexible use. The proposal would extend the widely deployed Personal Communications Services (PCS) band, which is used by the four national providers as well as regional and rural providers to offer mobile service across the nation. The additional spectrum for mobile use will help ensure that the speed, capacity, and ubiquity of the Nation's wireless networks keeps pace with the skyrocketing demand for mobile services.

Today's action is a first step in implementing the Congressional directive in the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) that we grant new initial licenses for the 1915–1920 MHz and 1995–2000 MHz bands (the Lower H Block and Upper H Block, respectively) through a system of competitive bidding—unless doing so would cause harmful interference to commercial mobile service licenses in the 1930–1985 MHz (PCS downlink) band. The potential for harmful interference to the PCS downlink band relates only to the Lower H Block transmissions, and may be addressed by appropriate technical rules, including reduced power limits on H Block devices. We, therefore, propose to pair and license the Lower H Block and the Upper H Block for flexible use, including mobile broadband, with an aim to assign the licenses through competitive bidding in 2013. In the event that we conclude that the Lower H Block cannot be used without causing harmful interference to PCS, we propose to license the Upper H Block for full power, and seek comment on appropriate use for the Lower H Block, including Unlicensed PCS.

Timetable:

Action	Date	FR Cite
NPRM	01/08/13	78 FR 1166
NPRM Comment Period End.	03/06/13	
R&O	08/16/13	78 FR 50213
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: David Hu, Attorney, Federal Communications Commission, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7120, *Fax:* 202 418–1186, *Email: dhu@fcc.gov*.

RIN: 3060–AJ86

369. Amendment of Parts 1, 2, 22, 24, 27, 90 and 95 of the Commission's Rules To Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10–4)

Legal Authority: 15 U.S.C. 79; 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 155; 47 U.S.C. 157; 47 U.S.C. 225; 47 U.S.C. 227; 47 U.S.C. 303(r)

Abstract: This action adopts new technical, operational, and registration requirements for signal boosters, and creates two classes of signal boosters—Consumer and Industrial—with distinct regulatory requirements for each, thereby establishing a two-step transition process for equipment certification for both consumer and industrial signal boosters sold and marketed in the United States.

Timetable:

Action	Date	FR Cite
NPRM	05/10/11	76 FR 26983
R&O	04/11/13	78 FR 21555
Petition for Recon	06/06/13	78 FR 34015
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Joyce Jones, Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1327, *Email: joyce.jones@fcc.gov*.

RIN: 3060–AJ87

370. Amendment of the Commission's Rules Governing Certain Aviation Ground Station Equipment (Squitter) (WT Docket Nos. 10–61 AND 09–42)

Legal Authority: 48 Stat 1066, 1082 as amended; 47 U.S.C. 154; 47 U.S.C. 303; 47 U.S.C. 307(e); 47 U.S.C. 151 to 156; 47 U.S.C. 301

Abstract: This action amends part 87 rules to authorize new ground station technologies to promote safety and allow use of frequency 1090 MHz by aeronautical utility mobile stations for airport surface detection equipment commonly referred to as ''squitters,'' to help reduce collisions between aircraft and airport ground vehicles.

Timetable:

Action	Date	FR Cite
NPRM	04/28/10	75 FR 22352
R&O (Release Date).	03/01/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tim Maguire, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2155, *Fax:* 202 418–7247, *Email: tim.maguire@fcc.gov*.

RIN: 3060–AJ88

371. Amendment of the Commission's Rules Concerning Commercial Radio Operators (WT Docket No. 10–177)

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 332(a)2

Abstract: This action amends parts 0, 1, 13, 80, and 87 of the Commission's rules concerning commercial radio operator licenses for maritime and aviation radio stations in order to reduce administrative burdens on the telecom industry.

Timetable:

Action	Date	FR Cite
NPRM	10/29/10	75 FR 66709
R&O	05/29/13	78 FR 32165
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stanislava Kimball, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1306, *Email: stanislava.kimball@fcc.gov*.

RIN: 3060–AJ91

372. Radiolocation Operations in the 78–81 GHz Band; WT Docket No. 11–202

Legal Authority: 47 U.S.C. 154; 47 U.S.C. 303; 47 U.S.C. 307(e)

Abstract: We amend our rules to permit the certification, licensing, and use of foreign object debris (FOD) detection radar equipment in the 78–81 GHz band. The presence of FOD on airport runways, taxiways, aprons, and ramps poses a significant threat to the safety of air travel. FOD detection radar equipment will be authorized on a licensed basis under part 90 of our rules. Authorization of other potential radiolocation uses of the 78–81 GHz band will be considered in other proceedings.

Timetable:

Action	Date	FR Cite
NPRM	01/11/12	77 FR 1661
R&O	07/26/13	78 FR 45072
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tim Maguire, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2155, *Fax:* 202 418–7247, *Email: tim.maguire@fcc.gov*.

RIN: 3060–AK04

373. Amendment of Part 90 of the Commission's Rules To Permit Terrestrial Trunked Radio (TETRA) Technology; WT Docket No. 11–6

Legal Authority: 47 U.S.C. 154(i); 47 U.S.C. 161; 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 332(c)(7)

Abstract: We modify our rules to permit the certification and use of Terrestrial Trunked Radio (TETRA) equipment under part 90 of our rules. TETRA is a spectrally efficient digital technology with the potential to provide valuable benefits to land mobile radio users, such as higher security and lower latency than comparable technologies. It does not, however, conform to all of our current part 90 technical rules. In the Notice of Proposed Rule Making and Order (NPRM) in this proceeding, the Commission proposed to amend part 90 to accommodate TETRA technology. We conclude that modifying the part 90 rules to permit the certification and use of TETRA equipment in two bands–the 450–470 MHz portion of the UHF band (421–512 MHz) and Business/Industrial Land Transportation 800 MHz band channels (809–824/854–869 MHz) that are not in the National Public Safety Planning Advisory Committee (NPSPAC) portion of the band–will give private land mobile radio (PLMR) licensees additional equipment alternatives without increasing the potential for interference or other adverse effects on other licensees.

Timetable:

Action	Date	FR Cite
NPRM	05/11/11	76 FR 27296
R&O	10/10/12	77 FR 61535
Order on Recon	08/09/13	78 FR 48627
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tim Maguire, Electronics Engineer, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2155, *Fax:* 202 418–7247, *Email: tim.maguire@fcc.gov*.

RIN: 3060–AK05

374. Promoting Technological Solutions To Combat Wireless Device Use in Correctional Facilities

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 301; 47 U.S.C. 303(a); 47 U.S.C. 303(b); 47 U.S.C. 307; 47 U.S.C. 308; 47 U.S.C. 309; 47 U.S.C. 310; 47 U.S.C. 332

Abstract: In this proceeding, the Commission proposes rules to encourage development of multiple technological solutions to combat the use of contraband wireless devices in correctional facilities nationwide. The Commission proposes lease modifications between wireless providers and managed access system operators. It also proposes to allow wireless providers to terminate service to a contraband device.

Timetable:

Action	Date	FR Cite
NPRM	06/18/13	78 FR 36469
NPRM Comment Period End.	08/08/13	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Conway, Attorney Advisor, Wireless Bureau, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2887, *Email: melissa.conway@fcc.gov*.

RIN: 3060–AK06

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Wireline Competition Bureau

Long-Term Actions

375. Implementation of the Universal Service Portions of the 1996 Telecommunications Act

Legal Authority: 47 U.S.C. 151 *et seq.*

Abstract: The Telecommunications Act of 1996 expanded the traditional goal of universal service to include increased access to both telecommunications and advanced services—such as high-speed Internet—for all consumers at just, reasonable, and affordable rates. The Act established principles for universal service that specifically focused on increasing access to evolving services for consumers living in rural and insular areas, and for consumers with low incomes. Additional principles called for increased access to high-speed Internet in the nation's schools, libraries, and rural health care facilities. The FCC established four programs within the Universal Service Fund to implement the statute. The four programs are:

Connect America Fund (formally known as High-Cost Support) for rural areas

Lifeline (for low-income consumers), including initiatives to expand phone service for Native Americans

Schools and Libraries (E-rate)

Rural Health Care

The Universal Service Fund is paid for by contributions from telecommunications carriers, including wireline and wireless companies, and interconnected Voice over Internet Protocol (VoIP) providers, including cable companies that provide voice service, based on an assessment on their interstate and international end-user revenues. The Universal Service Administrative Company, or USAC, administers the four programs and collects monies for the Universal Service Fund under the direction of the FCC.

On July 26, 2012, the Commission released a Public Notice seeking comments on a proposed survey of urban rates for fixed voice and fixed broadband residential services.

On September 12, 2012, the Commission released a Public Notice seeking comments on the 2013 Modification of Average Schedule high-cost loop support formula proposed by NECA.

On November 16, 2012, the Commission released a fifth Order on Reconsideration clarifying certain aspects of the USF/ICC Transformation

Order regarding financial reporting obligations and requests for waivers in response to various petitions for reconsideration and/or clarification.

On November 19, 2012, the Commission released a Further Notice of Proposed Rulemaking seeking comment on two alternative approaches to advancing broadband objectives in price cap territories, using the remaining 2012 Connect America Phase I funding.

On November 23, 2012, the Commission released a public notice seeking comments on proposed revisions to the annual Telecommunications Reporting Worksheet, FCC Forms 499A–Q and their accompanying instructions.

On December 13, 2012, the Commission released an Order approving NECA's 2013 proposing modifications to the formula used to calculate interstate USF High-Cost Loop Support for Average Schedule Companies.

On December 21, 2012, the Commission released a Report and Order launching the Healthcare Connect Fund to expand health care provider access to broadband and foster state and regional broadband health care networks, and creates a Skilled Nursing Facility Pilot Program.

On January 2, 2013, the Commission released a Public Notice announcing the comment cycle regarding modifications to Connect America Phase I Further Notice of Proposed Rulemaking.

On January 17, 2013, the Commission released a Public Notice seeking further comment on issues related to the implementation of the Remote Areas Fund.

On January 30, 2013, the Commission released a Public Notice announcing the high-cost loop support benchmarks to be used by NECA for 2013.

On February 8, 2013, the Commission released a Public Notice seeking to further develop the record on issues relating to Connect America Phase II support for price cap carriers serving areas outside of the contiguous United States.

On February 12, 2013, the Commission released a Public Notice seeking updates and corrections to TelcoMaster table for the Connect America Cost Model.

On February 26, 2013, the Commission released a Public Notice seeking comments on issues related to the service obligations for support recipients and unsubsidized competitors in Phase II of Connect America.

On February 27, 2013, the Commission released a Sixth Order on Reconsideration and Memorandum Opinion and Order addressing several issues related to the benchmarking rule and other changes made to high-cost universal service support for rate-of-return carriers in the USF/ICC Transformation Order.

On March 26, 2013, the Commission released a Public Notice announcing updated 2013 high-cost loop support benchmarks, accounting for the changes adopted in the Sixth Order on Reconsideration, and making minor corrections to the input variables.

On April 15, 2013, the Commission released a Memorandum Opinion and Order granting limited forbearance to Lifeline-only eligible telecommunications carrier from requirements of the Communications Act and the Commission's rules.

On April 22, 2013, the Commission released a Report and Order adopting platform, addressing the design of the network and network engineering for Connect America Cost Model to estimate forward-looking costs of Connect America Phase II deployment.

On May 16, 2013, the Commission released a Report and Order announcing the parameters for the Connect America Phase II.

On May 22, 2013, the Commission released a Report and Order providing for a second round of Connect America Phase I incremental funding in 2013 to further leverage private investment in rural America and accelerate the availability of broadband to consumers who lack access.

On May 23, 2013, the Commission released a Public Notice providing guidance regarding the 2013 Lifeline recertification process.

On June 7, 2013, the Commission released a Public Notice announcing the availability of version 3.1.3 of the Connect America Cost Model (CAM).

On June 17, 2013, the Commission announced the release of illustrative model outputs from running the Connect America Cost Model version 3.1.3 and of model methodology documentation.

On June 25, 2013, the Commission released an Order codifying the Commission's requirement that eligible telecommunications carriers verify a Lifeline subscriber's eligibility for Lifeline service before activating such service.

On July 16, 2013, the Commission released an Order on Reconsideration requiring carriers to report updates to planned Phase I deployments and provide a limited waiver of the deadline for carriers to accept second round Phase I support.

On July 23, 2013, the Commission released a Notice of Proposed Rulemaking initiating a review and update of the E-rate program to focus on 21st-century broadband needs of schools and libraries.

On July 26, 2013, the Commission released an Order adopting several measures to provide greater clarity regarding universal service high-cost support amounts that the rate-of-return carriers will receive in 2014.

On August 29, 2013, the Commission released a Public Notice announcing availability of version 3.2 of the CAM (including illustrative results), and seeks comment on certain adjustments to reflect the unique circumstances and operating conditions in the non-contiguous areas of the United States.

On October 31, 2013, the Commission released an Order specifying service obligations of price cap carriers that accept Connect America Phase II model-based support through the state-level commitment process, and addressed how to determine what areas are considered as served by an unsubsidized competitor.

On December 2, 2013, the Commission released a Public Notice announcing Availability of Version 4.0 of the Connect America Fund Phase II Cost Model.

Timetable:

Action	Date	FR Cite
Recommended Decision Federal-State Joint Board, Universal Service.	11/08/96	61 FR 63778
First R&O	05/08/97	62 FR 32862
Second R&O	05/08/97	62 FR 32862
Order on Recon	07/10/97	62 FR 40742
R&O and Second Order on Recon.	07/18/97	62 FR 41294
Second R&O, and FNPRM.	08/15/97	62 FR 47404
Third R&O	10/14/97	62 FR 56118
Second Order on Recon.	11/26/97	62 FR 65036
Fourth Order on Recon.	12/30/97	62 FR 2093
Fifth Order on Recon.	06/22/98	63 FR 43088
Fifth R&O	10/28/98	63 FR 63993
Eighth Order on Recon.	11/21/98	
Second Recommended Decision.	11/25/98	63 FR 67837
Thirteenth Order on Recon.	06/09/99	64 FR 30917
FNPRM	06/14/99	64 FR 31780
FNPRM	09/30/99	64 FR 52738
Fourteenth Order on Recon.	11/16/99	64 FR 62120
Fifteenth Order on Recon.	11/30/99	64 FR 66778
Tenth R&O	12/01/99	64 FR 67372

Action	Date	FR Cite
Ninth R&O and Eighteenth Order on Recon.	12/01/99	64 FR 67416
Nineteenth Order on Recon.	12/30/99	64 FR 73427
Twentieth Order on Recon.	05/08/00	65 FR 26513
Public Notice	07/18/00	65 FR 44507
Twelfth R&O, MO&O and FNPRM.	08/04/00	65 FR 47883
FNPRM and Order.	11/09/00	65 FR 67322
FNPRM	01/26/01	66 FR 7867
R&O and Order on Recon.	03/14/01	66 FR 16144
NPRM	05/08/01	66 FR 28718
Order	05/22/01	66 FR 35107
Fourteenth R&O and FNPRM.	05/23/01	66 FR 30080
FNPRM and Order.	01/25/02	67 FR 7327
NPRM	02/15/02	67 FR 9232
NPRM and Order	02/15/02	67 FR 10846
FNPRM and R&O	02/26/02	67 FR 11254
NPRM	04/19/02	67 FR 34653
Order and Second FNPRM.	12/13/02	67 FR 79543
NPRM	02/25/03	68 FR 12020
Public Notice	02/26/03	68 FR 10724
Second R&O and FNPRM.	06/20/03	68 FR 36961
Twenty-Fifth Order on Recon, R&O, Order, and FNPRM.	07/16/03	68 FR 41996
NPRM	07/17/03	68 FR 42333
Order	07/24/03	68 FR 47453
Order	08/06/03	68 FR 46500
Order and Order on Recon.	08/19/03	68 FR 49707
Order on Remand, MO&O, FNPRM.	10/27/03	68 FR 69641
R&O, Order on Recon, FNPRM.	11/17/03	68 FR 74492
R&O, FNPRM	02/26/04	69 FR 13794
R&O, FNPRM	04/29/04	
NPRM	05/14/04	69 FR 3130
NPRM	06/08/04	69 FR 40839
Order	06/28/04	69 FR 48232
Order on Recon & Fourth R&O.	07/30/04	69 FR 55983
Fifth R&O and Order.	08/13/04	69 FR 55097
Order	08/26/04	69 FR 57289
Second FNPRM	09/16/04	69 FR 61334
Order & Order on Recon.	01/10/05	70 FR 10057
Sixth R&O	03/14/05	70 FR 19321
R&O	03/17/05	70 FR 29960
MO&O	03/30/05	70 FR 21779
NPRM & FNPRM	06/14/05	70 FR 41658
Order	10/14/05	70 FR 65850
Order	10/27/05	
NPRM	01/11/06	71 FR 1721
Report Number 2747.	01/12/06	71 FR 2042
Order	02/08/06	71 FR 6485
FNPRM	03/15/06	71 FR 13393
R&O and NPRM	07/10/06	71 FR 38781
Order	01/01/06	71 FR 6485
Order	05/16/06	71 FR 30298
MO&O and FNPRM.	05/16/06	71 FR 29843
R&O	06/27/06	71 FR 38781
Public Notice	08/11/06	71 FR 50420
Order	09/29/06	71 FR 65517
Public Notice	03/12/07	72 FR 36706
Public Notice	03/13/07	72 FR 40816
Public Notice	03/16/07	72 FR 39421
Notice of Inquiry	04/16/07	
NPRM	05/14/07	72 FR 28936
Recommended Decision.	11/20/07	
Order	02/14/08	73 FR 8670
NPRM	03/04/08	73 FR 11580
NPRM	03/04/08	73 FR 11591
R&O	05/05/08	73 FR 11837
Public Notice	07/02/08	73 FR 37882
NPRM	08/19/08	73 FR 48352
Notice of Inquiry	10/14/08	73 FR 60689
Order on Remand, R&O, FNPRM.	11/12/08	73 FR 66821
R&O	05/22/09	74 FR 2395
Order & NPRM	03/24/10	75 FR 10199
R&O and MO&O	04/08/10	75 FR 17872
NOI and NPRM	05/13/10	75 FR 26906
Order and NPRM	05/28/10	75 FR 30024
NPRM	06/09/10	75 FR 32699
NPRM	08/09/10	75 FR 48236
NPRM	09/21/10	75 FR 56494
R&O	12/03/10	75 FR 75393
Order	01/27/11	76 FR 4827
NPRM	03/02/11	76 FR 11407
NPRM	03/02/11	76 FR 11632
NPRM	03/23/11	76 FR 16482
Order and NPRM	06/27/11	76 FR 37307
R&O	12/28/11	76 FR 81562
Order	03/09/12	77 FR 14297
R&O	03/30/12	77 FR 19125
Order	05/23/12	77 FR 30411
3rd Order on Recon.	05/24/12	77 FR 30904
Public Notice	05/31/12	77 FR 32113
FNPRM	06/07/12	77 FR 33896
Public Notice	07/26/12	77 FR 43773
Order	08/30/12	77 FR 52616
Public Notice	02/28/12	77 FR 76345
Public Notice	08/29/12	77 FR 52279
Public Notice	12/12/12	77 FR 74010
5th Order on Recon.	01/17/13	78 FR 3837
Public Notice	02/07/13	78 FR 9020
Public Notice	02/21/13	78 FR 12006
Public Notice	02/22/13	78 FR 12269
Public Notice	03/15/13	78 FR 16456
6th Order on Recon and MO&O.	03/19/13	78 FR 16808
MO&O	05/08/13	78 FR 26705
R&O	05/06/13	78 FR 26269
R&O	06/03/13	78 FR 32991
Public Notice	06/13/13	78 FR 35632
R&O	06/26/13	78 FR 38227
Order on Recon	08/08/13	78 FR 48622
Order	03/01/13	78 FR 13935
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Nakesha Woodward, Program Support Assistant, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1502, *Email: kesha.woodward@fcc.gov.*

RIN: 3060–AF85

376. 2000 Biennial Regulatory Review—Telecommunications Service Quality Reporting Requirements

Legal Authority: 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 201(b); 47 U.S.C. 303(r); 47 U.S.C. 403

Abstract: The NPRM proposed to eliminate our current service quality reports (ARMIS Report 43–05 and 43–06) and replace them with a more consumer-oriented report. The NPRM proposed to reduce the reporting categories from more than 30 to 6, and addressed the needs of carriers, consumers, State public utility commissions, and other interested parties.

On February 15, 2005, the Commission adopted an Order that extended the Federal-State Joint Conference on Accounting Issues until March 1, 2007.

On September 6, 2008, the Commission adopted an MO&O granting conditional forbearance from the Armis 43–05 and 43–06 reporting requirements to all carriers that are required to file these reports.

Timetable:

Action	Date	FR Cite
NPRM	12/04/00	65 FR 75657
Order	02/06/02	67 FR 5670
Order	03/22/05	70 FR 14466
MO&O	10/15/08	73 FR 60997
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cathy Zima, Deputy Chief, Industry Analysis Division, WCB, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7380, *Fax:* 202 418–6768, *Email: cathy.zima@fcc.gov.*

RIN: 3060–AH72

377. Access Charge Reform and Universal Service Reform

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 201 to 205; 47 U.S.C. 254; 47 U.S.C. 403

Abstract: On October 11, 2001, the Commission adopted an Order reforming the interstate access charge and universal service support system for rate-of-return incumbent carriers. The Order adopts three principal reforms. First, the Order modifies the interstate access rate structure for small carriers to align it more closely with the manner in which costs are incurred. Second, the

Order removes implicit support for universal service from the rate structure and replaces it with explicit, portable support. Third, the Order permits small carriers to continue to set rates based on the authorized rate of return of 11.25 percent. The Order became effective on January 1, 2002, and the support mechanism established by the Order was implemented beginning July 1, 2002.

The Commission also adopted a Further Notice of Proposed Rulemaking (FNPRM) seeking additional comment on proposals for incentive regulation, increased pricing flexibility for rate-of-return carriers, and proposed changes to the Commission's ''all-or-nothing'' rule. Comments on the FNPRM were due on February 14, 2002, and reply comments on March 18, 2002.

On February 12, 2004, the Commission adopted a Second Report and Order resolving several issues on which the Commission sought comment in the FNPRM. First, the Commission modified the ''all-or-nothing'' rule to permit rate-of-return carriers to bring recently acquired price cap lines back to rate-of-return regulation. Second, the Commission granted rate-of-return carriers the authority immediately to provide geographically deaveraged transport and special access rates, subject to certain limitations. Third, the Commission merged Long Term Support (LTS) with Interstate Common Line Support (ICLS).

The Commission also adopted a Second FNPRM seeking comment on two specific plans that propose establishing optional alternative regulation mechanisms for rate-of-return carriers. In conjunction with the consideration of those alternative regulation proposals, the Commission sought comment on modification that would permit a rate-of-return carrier to adopt an alternative regulation plan for some study areas, while retaining rate-of-return regulation for other of its study areas. Comments on the Second FNPRM were due on April 23, 2004, and May 10, 2004.

Timetable:

Action	Date	FR Cite
NPRM	01/25/01	66 FR 7725
NPRM Comment Period End.	02/26/01	
FNPRM	11/30/01	66 FR 59761
FNPRM Comment Period End.	12/31/01	
R&O	11/30/01	66 FR 59719
Second FNPRM	03/23/04	69 FR 13794
Second FNPRM Comment Period End.	04/23/04	
Order	05/06/04	69 FR 25325
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Douglas Slotten, Attorney-Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1572, *Email: douglas.slotten@fcc.gov.*

RIN: 3060–AH74

378. National Exchange Carrier Association Petition

Legal Authority: 47 U.S.C. 151 and 152; 47 U.S.C. 201 and 202; . . .

Abstract: In a Notice of Proposed Rulemaking (NPRM) released on July 19, 2004, the Commission initiated a rulemaking proceeding to examine the proper number of end user common line charges (commonly referred to as subscriber line charges or SLCs) that carriers may assess upon customers that obtain derived channel T–1 service where the customer provides the terminating channelization equipment and upon customers that obtain Primary Rate Interface (PRI) Integrated Service Digital Network (ISDN) service.

Timetable:

Action	Date	FR Cite
NPRM	08/13/04	69 FR 50141
NPRM Comment Period End.	11/12/04	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Douglas Slotten, Attorney-Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1572, *Email: douglas.slotten@fcc.gov.*

RIN: 3060–AI47

379. IP–Enabled Services; WC Docket No. 04–36

Legal Authority: 47 U.S.C. 151 and 152; . . .

Abstract: The notice seeks comment on ways in which the Commission might categorize or regulate IP-enabled services. It poses questions regarding the proper allocation of jurisdiction over each category of IP-enabled service. The notice then requests comment on whether the services comprising each category constitute ''telecommunications services'' or ''information services'' under the definitions set forth in the Act. Finally, noting the Commission's statutory forbearance authority and title I ancillary jurisdiction, the notice describes a number of central regulatory requirements (including, for example, those relating to access charges, universal service, E911, and disability accessibility), and asks which, if any, should apply to each category of IP-enabled services.

Timetable:

Action	Date	FR Cite
NPRM	03/29/04	69 FR 16193
NPRM Comment Period End.	07/14/04	
First R&O	06/03/05	70 FR 37273
Public Notice	06/16/05	70 FR 37403
First R&O Effective.	07/29/05	70 FR 43323
Public Notice	08/31/05	70 FR 51815
R&O	07/10/06	71 FR 38781
R&O and FNPRM	06/08/07	72 FR 31948
FNPRM Comment Period End.	07/09/07	72 FR 31782
R&O	08/06/07	72 FR 43546
Public Notice	08/07/07	72 FR 44136
R&O	08/16/07	72 FR 45908
Public Notice	11/01/07	72 FR 61813
Public Notice	11/01/07	72 FR 61882
Public Notice	12/13/07	72 FR 70808
Public Notice	12/20/07	72 FR 72358
R&O	02/21/08	73 FR 9463
NPRM	02/21/08	73 FR 9507
Order	05/15/08	73 FR 28057
Order	07/29/09	74 FR 37624
R&O	08/07/09	74 FR 39551
Public Notice	10/14/09	74 FR 52808
Announcement of Effective Date.	03/19/10	75 FR 13235
Public Notice	05/20/10	75 FR 28249
Public Notice	06/11/10	75 FR 33303
NPRM, Order, & NOI.	06/19/13	78 FR 36679
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Tim Stelzig, Deputy Chief, Competition Policy Division, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0942, *Email: tim.stelzig@fcc.gov.*

RIN: 3060–AI48

380. Establishing Just and Reasonable Rates for Local Exchange Carriers (WC Docket No. 07–135)

Legal Authority: Not Yet Determined

Abstract: The Federal Communications Commission (Commission) is examining whether its existing rules governing the setting of tariffed rates by local exchange carriers (LECs) provide incentives and opportunities for carriers to increase access demand endogenously with the

result that the tariff rates are no longer just and reasonable. The Commission tentatively concluded that it must revise its tariff rules so that it can be confident that tariffed rates remain just and reasonable even if a carrier experiences or induces significant increases in access demand. The Commission sought comment on the types of activities that caused increases in interstate access demand and the effects of such demand increases on the cost structures of LECs. The Commission also sought comment on several means of ensuring just and reasonable rates going forward. The NPRM invited comment on potential traffic stimulation by rate-of-return LECs, price cap LECs, and competitive LECs, as well as other forms of intercarrier traffic stimulation. Comments were received on December 17, 2007, and reply comments were received on January 16, 2008.

On February 8, 2011, the Commission adopted a Further Notice of Proposed Rulemaking seeking comment on proposed rule revisions to address access stimulation. The Commission sought comment on a proposal to require rate-of-return LECs and competitive LECs to file revised tariffs if they enter into or have existing revenue sharing agreements. The proposed tariff filing requirements vary depending on the type of LEC involved. The Commission also sought comment on other record proposals and on possible rules for addressing access stimulation in the context of intra-MTA call terminations by CMRS providers. Comments were filed on April 1, 2011, and reply comments were filed on April 18, 2011.

In the USF/ICC Transformation Order, we defined access stimulation. The access stimulation definition we adopted has two conditions: (1) A revenue sharing condition; and (2) an additional traffic volume condition, which is met where the LEC either; (a) has a three-to-one interstate terminating-to-originating traffic ratio in a calendar month; or (b) has had more than a 100 percent growth in interstate originating and/or terminating switched access minutes of use in a month compared to the same month in the preceding year. If both conditions are satisfied, the LEC generally must file revised tariffs to account for its increased traffic.

Timetable:

Action	Date	FR Cite
NPRM	11/15/07	72 FR 64179
NPRM Comment Period End.	12/17/07	
FNPRM	03/02/11	76 FR 11632
R&O and FNPRM	12/08/11	76 FR 76623
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Douglas Slotten, Attorney-Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1572, *Email: douglas.slotten@fcc.gov*.

RIN: 3060–AJ02

381. Jurisdictional Separations

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 205; 47 U.S.C. 221(c); 47 U.S.C. 254; 47 U.S.C. 403; 47 U.S.C. 410

Abstract: Jurisdictional separations is the process, pursuant to part 36 of the Commission's rules, by which incumbent local exchange carriers apportion regulated costs between the intrastate and interstate jurisdictions. In 1997, the Commission initiated a proceeding seeking comment on the extent to which legislative changes, technological changes, and market changes warrant comprehensive reform of the separations process. In 2001, the Commission adopted the Federal-State Joint Board on Jurisdictional Separations' recommendation to impose an interim freeze on the part 36 category relationships and jurisdictional cost allocation factors for a period of 5 years, pending comprehensive reform of the part 36 separations rules. In 2006, the Commission adopted an Order and Further Notice of Proposed Rulemaking, which extended the separations freeze for a period of 3 years and sought comment on comprehensive reform. In 2009, the Commission adopted a Report and Order extending the separations freeze an additional year to June 2010. In 2010, the Commission adopted a Report and Order extending the separations freeze for an additional year to June 2011. In 2011, the Commission adopted a Report and Order extending the separations freeze for an additional year to June 2012. In 2012, the Commission adopted a Report and Order extending the separations freeze for an additional 2 years to June 2014.

Timetable:

Action	Date	FR Cite
NPRM	11/05/97	62 FR 59842
NPRM Comment Period End.	12/10/97	
Order	06/21/01	66 FR 33202
Order and FNPRM.	05/26/06	71 FR 29882
Order and FNPRM Comment Period End.	08/22/06	
Report and Order	05/15/09	74 FR 23955
R&O	05/25/10	75 FR 30301
R&O	05/27/11	76 FR 30840
Report and Order	05/23/12	77 FR 30410
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Ted Burmeister, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7389, *Email: theodore.burmeister@fcc.gov*.

RIN: 3060–AJ06

382. Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering (WC Docket Nos. 08–190, 07–139, 07–204, 07–273, 07–21)

Legal Authority: 47 U.S.C. 151 to 155; 47 U.S.C. 160 and 161; 47 U.S.C. 20 to 205; 47 U.S.C. 215; 47 U.S.C. 218 to 220; 47 U.S.C. 251 to 271; 47 U.S.C. 303(r) and 332; 47 U.S.C. 403; 47 U.S.C. 502 and 503

Abstract: This NPRM tentatively proposes to collect infrastructure and operating data that is tailored in scope to be consistent with Commission objectives from all facilities-based providers of broadband and telecommunications. Similarly, the NPRM also tentatively proposes to collect data concerning service quality and customer satisfaction from all facilities-based providers of broadband and telecommunications. The NPRM seeks comment on the proposals, on the specific information to be collected, and on the mechanisms for collecting information.

On June 27, 2013, the Commission adopted a Report and Order addressing collection of broadband deployment data from facilities-based providers.

Timetable:

Action	Date	FR Cite
NPRM	10/15/08	73 FR 60997
NPRM Comment Period End.	11/14/08	
Reply Comment Period End.	12/15/08	
NPRM	02/28/11	76 FR 12308
NPRM Comment Period End.	03/30/11	
Reply Comment Period End.	04/14/11	
R&O	08/13/13	78 FR 49126
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Cathy Zima, Deputy Chief, Industry Analysis Division, WCB, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7380, *Fax:* 202 418–6768, *Email: cathy.zima@fcc.gov.*

RIN: 3060–AJ14

383. Form 477; Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans

Legal Authority: 15 U.S.C. 251; 47 U.S.C. 252; 47 U.S.C. 257; 47 U.S.C. 271; 47 U.S.C. 1302; 47 U.S.C. 160(b); 47 U.S.C. 161(a)(2)

Abstract: The Report and Order streamlined and reformed the Commission's Form 477 Data Program, which is the Commission's primary tool to collect data on broadband and telephone services.

Timetable:

Action	Date	FR Cite
NPRM	05/16/07	72 FR 27519
Order	07/02/08	73 FR 37861
Order	10/15/08	73 FR 60997
NPRM	02/08/11	76 FR 10827
Order	06/27/13	78 FR 49126
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Carol Simpson, Deputy Chief, Policy Division, Federal Communications Commission, Public Safety and Homeland Security Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2391, *Fax:* 202 418–2816, *Email: carol.simpson@fcc.gov.*

RIN: 3060–AJ15

384. Preserving the Open Internet; Broadband Industry Practices

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 154(i) to (j); 47 U.S.C. 201(b)

Abstract: In 2009, the FCC launched a public process to determine whether and what actions might be necessary to preserve the characteristics that have allowed the Internet to grow into an indispensable platform supporting our Nation's economy and civic life. After receiving input from more than 100,000 individuals and organizations and several public workshops, this process has made clear that the Internet has thrived because of its freedom and openness—the absence of any gatekeeper blocking lawful uses of the network or picking winners and losers online. The Open Internet Order builds on the bipartisan Internet Policy Statement the Commission adopted in 2005. The Order requires that all broadband providers are required to be transparent by disclosing their network management practices, performance, and commercial terms; fixed providers may not block lawful content, applications, services, or non-harmful devices; fixed providers may not unreasonably discriminate in transmitting lawful network traffic; mobile providers may not block access to lawful Web sites, or applications that compete with their voice or video telephony services; and all providers may engage in ''reasonable network management,'' such as managing the network to address congestion or security issues. The rules do not prevent broadband providers from offering specialized services, such as facilities-based VoIP; do not prevent providers from blocking unlawful content or unlawful transfers of content; and do not supersede any obligation or authorization a provider may have to address the needs of emergency communications or law enforcement, public safety, or national security authorities.

Timetable:

Action	Date	FR Cite
NPRM	11/30/09	74 FR 62638
NPRM Comment Period End.	04/26/10	
Public Notice	09/10/10	75 FR 55297
Comment Period End.	11/04/10	
Order	09/23/11	76 FR 59192
OMB Approval Notice.	09/21/11	76 FR 58512
Rules Effective	11/20/11	
Public Notice Petition for Recon.	11/14/11	76 FR 74721
Comment Period End.	12/27/11	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: R. Matthew Warner, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–2419, *Email: matthew.warner@fcc.gov.*

RIN: 3060–AJ30

385. Local Number Portability Porting Interval and Validation Requirements (WC Docket No. 07–244)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 251; 47 U.S.C. 303(r)

Abstract: In 2007, the Commission released a Notice of Proposed Rulemaking in WC Docket No. 07–244. The Notice sought comment on whether the Commission should adopt rules specifying the length of the porting intervals or other details of the porting process. It also tentatively concluded that the Commission should adopt rules reducing the porting interval for wireline-to-wireline and intermodal simple port requests, specifically, to a 48-hour porting interval.

In the Local Number Portability Porting Interval and Validation Requirements First Report and Order and Further Notice of Proposed Rulemaking, released on May 13, 2009, the Commission reduced the porting interval for simple wireline and simple intermodal port requests, requiring all entities subject to its local number portability (LNP) rules to complete simple wireline-to-wireline and simple intermodal port requests within one business day. In a related Further Notice of Proposed Rulemaking (FNPRM), the Commission sought comment on what further steps, if any, the Commission should take to improve the process of changing providers. In the LNP Standard Fields Order, released on May 20, 2010, the Commission adopted standardized data fields for simple wireline and intermodal ports. The Order also adopts the NANC's recommendations for porting process provisioning flows and for counting a business day in the context of number porting.

Timetable:

Action	Date	FR Cite
NPRM	02/21/08	73 FR 9507
R&O and FNPRM	07/02/09	74 FR 31630
R&O	06/22/10	75 FR 35305
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Melissa Kirkel, Attorney-Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–7958, *Fax:* 202 418–1413, *Email: melissa.kirkel@fcc.gov.*

RIN: 3060–AJ32

386. Electronic Tariff Filing System (WC Docket No. 10–141)

Legal Authority: 47 U.S.C. 151 and 154; 47 U.S.C. 201 to 205; 47 U.S.C. 218 and 222; 47 U.S.C. 225 to 226; 47 U.S.C. 228 and 254; 47 U.S.C. 403

Abstract: Section 402(b)(1)(A)(iii) of the Telecommunications Act of 1996 added section 204(a)(3) to the Communications Act of 1934, as amended, providing for streamlined

tariff filings by local exchange carriers. On September 6, 1996, in an effort to meet the goals of the 1996 Act, the Commission released the Tariff Streamlining NPRM, proposing measures to implement the tariff streamlining requirements of section 204(a)(3). Among other suggestions, the Commission proposed requiring LECs to file tariffs electronically.

The Commission began implementing the electronic filing of tariffs on January 31, 1997, when it released the Streamlined Tariff Order. On November 17, 1997, the Bureau made this electronic system, known as the Electronic Tariff Filing System (EFTS), available for voluntary filing by incumbent LECs. The Bureau also announced that the use of ETFS would become mandatory for all incumbent LECs in 1998.

On May 28, 1998, in the ETFS Order, the Bureau established July 1, 1998, as the date after which incumbent LECs would be required to use ETFS to file tariffs and associated documents. The Commission deferred consideration of establishing mandatory electronic filing for non-incumbent LECs until the conclusion of a proceeding considering the mandatory detariffing of interstate long distance services.

On June 9, 2011, the Commission adopted rule revisions to require all tariff filers to file tariffs using ETFS. Carriers were given a 60-day window in order to make their initial filings on ETFS. On October 13, 2011, the Commission announced that all tariff filers should file their initial Base Document and/or Informational Tariff using the ETFS between November 17, 2011, and January 17, 2012. After January 17, 2012, all carriers would be required to use ETFS on a going-forward basis to file their tariff documents.

Timetable:

Action	Date	FR Cite
NPRM	08/11/10	75 FR 48629
NPRM Comment Period End.	09/10/10	
NPRM Reply Comment Period End.	09/27/10	
Report and Order	07/20/11	76 FR 43206
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Pamela Arluk, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1540, *Email: pamela.arluk@fcc.gov*.

RIN: 3060–AJ41

387. Implementation of Section 224 of the Act; A National Broadband Plan for Our Future (WC Docket No. 07–245, GN Docket No. 09–51)

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 224

Abstract: In 2010, the Commission released an Order and Further Notice of Proposed Rulemaking that implemented certain pole attachment recommendations of the National Broadband Plan and sought comment with regard to others. On April 7, 2011, the Commission adopted a Report and Order and Order on Reconsideration that sets forth a comprehensive regulatory scheme for access to poles, and modifies existing rules for pole attachment rates and enforcement.

Timetable:

Action	Date	FR Cite
NPRM	02/06/08	73 FR 6879
FNPRM	07/15/10	75 FR 41338
Declaratory Ruling	08/03/10	75 FR 45494
R&O	05/09/11	76 FR 26620
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jonathan Reel, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–0637, *Email: jonathan.reel@fcc.gov*.

RIN: 3060–AJ64

388. • Rural Call Completion; WC Docket No. 13–39

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201(b); 47 U.S.C. 202(a); 47 U.S.C. 218; 47 U.S.C. 220(a); 47 U.S.C. 257(a); 47 U.S.C. 403

Abstract: The recordkeeping, retention, and reporting requirements in the Report and Order improves the Commission's ability to monitor problems with completing calls to rural areas, and enforce restrictions against blocking, choking, reducing, or restricting calls. The Further Notice of Proposed Rulemaking would seek comment on additional measures intended to further ensure reasonable and nondiscriminatory service to rural areas.

The Report and Order applies new recordkeeping, retention, and reporting requirements to providers of long-distance voice service that make the initial long-distance call path choice for more than 100,000 domestic retail subscriber lines which, in most cases, is the calling party's long-distance provider. Covered providers are required to file quarterly reports and retain the call detail records for at least six calendar months. Qualifying providers may certify that they meet a Safe Harbor which reduces their reporting and retention obligations, or seek a waiver of these rules from the Wireline Competition Bureau, in consultation with the Enforcement Bureau. The Report and Order also adopts a rule prohibiting all originating and intermediate providers from causing audible ringing to be sent to the caller before the terminating provider has signaled that the called party is being alerted.

Timetable:

Action	Date	FR Cite
NPRM	04/12/13	78 FR 21891
NPRM Comment Period End.	05/28/13	
R&O and FNPRM	12/17/13	78 FR 76218
PRA 60 Day Notice.	12/30/13	78 FR 79448
FNPRM Comment Period End.	02/18/14	
PRA Comments Due.	03/11/14	
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Gregory Kwan, Attorney Advisor, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1191, *Email: gregory.kwan@fcc.gov*.

RIN: 3060–AJ89

389. • Rates for Inmate Calling Services; WC Docket No. 12–375

Legal Authority: 47 U.S.C. 151; 47 U.S.C. 154(i) to (j); 47 U.S.C. 225; 47 U.S.C. 276; 47 U.S.C. 303(r); 47 CFR 64

Abstract: In the Report and Order portion of this document, the Federal Communications Commission adopts rule changes to bring high interstate inmate calling service (ICS) rates into compliance with the statutory mandate of being just, reasonable, and fair. In the Report and Order, the Commission requires that ICS rates be cost-based, and concludes that site commission payments are not a cost of providing the ICS service. The Commission addresses ICS rates and adopts both interim safe harbor rates and per-minute interim interstate rate caps. The Commission requires that ancillary service charges be cost-based, and concludes that rates for the use of TTY equipment for the deaf and hard-of-hearing may not be any higher than rates for other ICS services. Finally, the Commission addresses collect-calling only requirements at

correctional facilities, requires an annual certification filing, and initiates a mandatory data collection. In the Further Notice portion of the item, the Commission asks a number of questions about the future of ICS rate reform.

Timetable:

Action	Date	FR Cite
FNPRM Reply Comment Period End.	01/13/13	78 FR 78809
NPRM	01/22/13	78 FR 4369
R&O	11/13/13	78 FR 67956
FNPRM Comment Period End.	12/20/13	78 FR 78809
Next Action Undetermined.		

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lynne H Engledow, Asst. Division Chief, Policy and Pricing Division, Federal Communications Commission, Wireline Competition Bureau, 445 12th Street SW., Washington, DC 20554, *Phone:* 202 418–1520, *Fax:* 202 418–1567, *Email: lynne.engledow@fcc.gov*.

RIN: 3060–AK08

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Part XXIV

Federal Deposit Insurance Corporation

Semiannual Regulatory Agenda

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Ch. III

Semiannual Agenda of Regulations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is hereby publishing items for the Spring 2014 Unified Agenda of Federal Regulatory and Deregulatory Actions. The agenda contains information about FDIC's current and projected rulemakings, existing regulations under review, and completed rulemakings.

FOR FURTHER INFORMATION CONTACT: Robert E. Feldman, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: Twice each year, the FDIC publishes an agenda of regulations to inform the public of its regulatory actions and to enhance public participation in the rulemaking process. Publication of the agenda is in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The FDIC amends its regulations under the general rulemaking authority prescribed in section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819) and under specific authority granted by the Act and other statutes.

Proposed Rule Stage

Margin and Capital Requirements for Covered Swap Entities (3064–AD79)

The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Farm Credit Administration and the Federal Housing Finance Agency (collectively the Agencies) reopened the comment period on the proposed rule published in the **Federal Register** on May 11, 2011, (76 FR 27564), to establish minimum margin and capital requirements for uncleared swaps and security-based swaps entered into by swap dealers, major swap participants, security based swap dealers, and major security-based swap participants for which one of the Agencies is the prudential regulator (Proposed Margin Rule). Reopening the comment period allowed interested persons additional time to analyze and comment on the Proposed Margin Rule in light of the consultative document on margin requirements for non-centrally-cleared derivatives recently published for comment by the Basel Committee on Banking Supervision and the International Organization of Securities Commissions.

**Removal of Transferred OTS Regulations Regarding Securities of State Savings Associations and Amendments to 12 CFR Part 335 of the FDIC's Rules and Regulations (3064–AE07)*

In this notice of proposed rulemaking, the Federal Deposit Insurance Corporation (FDIC) proposes to rescind and remove from the Code of Federal Regulations 12 CFR part 390 subpart U, entitled Securities of State Savings Associations, and revise 12 CFR part 335 to extend its applicability to state savings associations. This subpart was included in the regulations that were transferred to the FDIC from the Office of Thrift Supervision on July 21, 2011, in connection with the implementation of applicable provisions of title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Upon removal of 12 CFR part 390 subpart U and all related references from the FDIC rules and regulations, all state nonmember banks and state savings associations having securities registered pursuant to the Securities Exchange Act of 1934 (Exchange Act), and for which the FDIC has been designated the appropriate federal banking agency, will be subject to the disclosure and filing requirements found at 12 CFR part 335, currently entitled Securities of Nonmember Insured Banks. The proposed rule would retitle part 335 as Securities of Insured State Nonmember Banks and State Savings Associations and revise part 335 by inserting the term ''state savings association'' where appropriate so that the FDIC rules governing the disclosure and filing requirements of securities registered pursuant to the Exchange Act will apply to both insured state nonmember banks and state savings associations.

**Removal of Transferred OTS Regulations Regarding Rules of Practice and Procedure and Amendments to 12 CFR Part 308 of FDIC Rules and Regulations (3064–AE08)*

The Federal Deposit Insurance Corporation (FDIC) proposes to rescind and remove 12 CFR part 390, subparts B, C, D, and E of the former Office of Thrift Supervision (OTS) rules as redundant of existing uniform rules of practice and procedure applicable to administrative hearings. These subparts were included in the regulations that were transferred to the FDIC from the OTS on July 21, 2011, in connection with the implementation of applicable provisions of title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act. With few exceptions addressed below, the requirements for State savings associations in part 390, subparts B through E are substantively similar to those in FDIC's 12 CFR part 308, subparts A, B, C, K, and N. The FDIC further proposes to amend 12 CFR part 308, subparts A, B, C, K, and N, to modify the scope of the rules to include State savings associations and to conform to and reflect the scope of the FDIC's current supervisory responsibilities as the appropriate Federal banking agency for those institutions. Additionally, the FDIC proposes to modify these regulations in minor ways that will ensure that all insured depository institutions for which the FDIC is the appropriate Federal Banking Agency (FBA), are subject to the same substantive and procedural rules governing administrative hearings.

**Minimum Requirements for Appraisal Management Companies (3064–AE10)*

The Office of the Comptroller of the Currency, the Federal Reserve Board, the Federal Deposit Insurance Corporation, the National Credit Union Association, and the Federal Housing Finance Agency (collectively, the Agencies) are jointly proposing a rule to implement the minimum requirements in section 1473 of the Dodd-Frank Wall Street Reform and Consumer Protection Act to be applied by States in the registration and supervision of appraisal management companies (AMCs). The proposed rule also implements the requirement in section 1473 of the Dodd-Frank Act for States to report to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council the information required by the Appraisal Subcommittee to administer the new national registry of appraisal management companies. In conjunction with this implementation of section 1473, the FDIC is proposing to integrate its appraisal regulations for State nonmember banks and State savings associations.

Final Rule Stage

Credit Risk Retention (3064–AD74)

The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Securities Exchange Commission, the Federal Housing Finance Agency, and the U.S. Department of Housing and Urban Development (the Agencies) are seeking comment on a joint proposed rule (the proposed rule, or the proposal)

to revise the proposed rule the agencies published in the **Federal Register** on April 29, 2011, and to implement the credit risk retention requirements of section 15G of the Securities Exchange Act of 1934 (15 U.S.C. 78o–11), as added by section 941 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). Section 15G generally requires the securitizer of asset-backed securities to retain not less than 5 percent of the credit risk of the assets collateralizing the asset backed securities. Section 15G includes a variety of exemptions from these requirements, including an exemption for asset-backed securities that are collateralized exclusively by residential mortgages that qualify as ''qualified residential mortgages,'' as such term is defined by the Agencies by rule.

Incentive-Based Compensation Arrangements (3064–AD86)

The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the U.S. Securities Exchange Commission, and the Fair Housing Finance Agency proposed a rule to implement section 956 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The rule would require the reporting of incentive-based compensation arrangements by a covered financial institution and prohibit incentive-based compensation arrangements at a covered financial institution that provides excessive compensation or that could expose the institution to inappropriate risks that could lead to material financial loss.

Regulatory Capital Rules: Regulatory Capital, Implementation of Basel III Capital Adequacy, Transition Provisions, PCA, Standardize Approach for Risk-Weighted Assets (3064–AD95)

The Federal Deposit Insurance Corporation (FDIC) is adopting an interim final rule that revises its risk-based and leverage capital requirements for FDIC-supervised institutions. This interim final rule is substantially identical to a joint final rule issued by the Office of the Comptroller of the Currency (OCC) and the Board of Governors of the Federal Reserve System (Federal Reserve) (together, with the FDIC, the Agencies). The interim final rule consolidates three separate notices of proposed rulemaking that the agencies jointly published in the **Federal Register** on August 30, 2012, with selected changes. The interim final rule implements a revised definition of regulatory capital, a new common equity tier 1 minimum capital requirement, higher minimum tier 1 capital requirement, and, for FDIC-supervised institutions subject to the advanced approaches risk-based capital rules, a supplementary leverage ratio that incorporates a broader set of exposures in the denominator. The interim final rule incorporates these new requirements into the FDIC's prompt corrective action framework. In addition, the interim final rule establishes limits on FDIC-supervised institutions' capital distributions and certain discretionary bonus payments if the FDIC-supervised institution does not hold a specified amount of common equity tier 1 capital in addition to the amount necessary to meet its minimum risk-based capital requirements. The interim final rule amends the methodologies for determining risk-weighted assets for all FDIC-supervised institutions. The interim final rule also adopts changes to the FDIC's regulatory capital requirements that meet the requirements of section 171 and section 939A of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The interim final rule also codifies the FDIC's regulatory capital rules, which have previously resided in various appendices to their respective regulations, into a harmonized integrated regulatory framework.

Removal of Transferred OTS Regulations Regarding Post-Employment Activities of Senior Examiners (3064–AD98)

The Federal Deposit Insurance Corporation (FDIC) proposes to rescind and remove from the Code of Federal Regulations 12 CFR part 390, subpart A, entitled Restrictions on Post-Employment Activities of Senior Examiners. This subpart was included in the regulations that were transferred to the FDIC from the Office of Thrift Supervision on July 21, 2011, in connection with the implementation of applicable provisions of title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). Upon removal of 12 CFR part 390, subpart A, the restrictions for post-employment activities of senior examiners of all insured depository institutions for which the FDIC has been designated the appropriate Federal banking agency will be found at 12 CFR part 336, subpart C, entitled One-Year Restriction on Post-Employment Activities of Senior Examiners. The proposed rule would not change 12 CFR part 336, subpart C. This proposed rule also proposes to revise 12 CFR part 336, subpart B by deleting a reference to the ''Office of Thrift Supervision'' in the definition of ''Federal banking agency'' described in part 336.3(e) and adding the words ''predecessors or'' in front of the word ''successors''.

Regulatory Capital Rules: Regulatory Capital, Enhanced Supplementary Leverage Ratio Standards for Certain Bank Holding Companies and Their Subsidiary Insured Depository Institutions (3064–AE01)

The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System (Board), and the Federal Deposit Insurance Corporation (collectively the Agencies) sought comment on a notice of proposed rulemaking that would strengthen the agencies' leverage ratio standards for large, interconnected U.S. banking organizations. The proposal would apply to any U.S. top-tier bank holding company (BHC) with at least $700 billion in total consolidated assets or at least $10 trillion in assets under custody (covered BHC) and any insured depository institution subsidiary of these BHCs. In the revised capital regulations adopted by the Agencies, the Agencies established a minimum supplementary leverage ratio of 3 percent (supplementary leverage ratio), consistent with the minimum leverage ratio adopted by the Basel Committee on Banking Supervision, for banking organizations subject to the advanced approaches risk-based capital rules. In this proposal, the agencies are proposing to establish a ''well capitalized'' threshold of 6 percent for the supplementary leverage ratio for any insured depository institution that is a subsidiary of a covered BHC, under the Agencies' prompt corrective action framework. The Board also proposes to establish a new leverage buffer for covered BHCs above the minimum supplementary leverage ratio requirement of 3 percent (leverage buffer).

The leverage buffer would function like the capital conservation buffer for the risk-based capital ratios in the 2013 rule. A covered BHC that maintains a leverage buffer of tier 1 capital in an amount greater than 2 percent of its total leverage exposure would not be subject to limitations on distributions and discretionary bonus payments. The proposal would take effect beginning on January 1, 2018.

Loans in Areas Having Special Flood Hazards (3064–AE03)

Federal Deposit Insurance Corporation (FDIC), the Farm Credit Administration, and the National Credit Union Administration (collectively,

''the Agencies'') are proposing to amend their regulations regarding loans in areas having special flood hazards to implement provisions of the Biggert-Waters Flood Insurance Reform Act of 2012. Specifically, the proposal establishes requirements with respect to the escrow of flood insurance payments, the acceptance of private flood insurance coverage, and the force-placement of flood insurance. The proposal also clarifies the Agencies' flood insurance regulations with respect to other amendments made by the Act and makes technical corrections. Furthermore, the OCC and the FDIC are proposing to integrate their flood insurance regulations for national banks and Federal savings associations and for State non-member banks and State savings associations, respectively.

Liquidity Coverage Ratio: Liquidity Risk Measurement, Standards, and Monitoring (3064–AE04)

The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation requested comment on a proposed rule that would implement a quantitative liquidity requirement consistent with the liquidity coverage ratio standard established by the Basel Committee on Banking Supervision. The requirement is designed to promote the short-term resilience of the liquidity risk profile of internationally active banking organizations, thereby improving the banking sector's ability to absorb shocks arising from financial and economic stress, as well as improvements in the measurement and management of liquidity risk. The proposed rule would apply to all internationally active banking organizations, generally, bank holding companies, certain savings and loan holding companies, and depository institutions with more than $250 billion in total assets or more than $10 billion in on-balance sheet foreign exposure, and to their consolidated subsidiaries that are depository institutions with $10 billion or more in total consolidated assets. The proposed rule would also apply to companies designated for supervision by the Board by the Financial Stability Oversight Council under section 113 of the Dodd-Frank Wall Street Reform and Consumer Protection Act that do not have significant insurance operations and to their consolidated subsidiaries that are depository institutions with $10 billion or more in total consolidated assets.

Restrictions on Sales of Assets of a Covered Financial Company by the Federal Deposit Insurance Corporation (3064–AE05)

The Federal Deposit Insurance Corporation proposed a rule to implement a section of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Under the section, individuals or entities that have, or may have, contributed to the failure of a ''covered financial company'' cannot buy a covered financial company's assets from the FDIC. This proposed rule establishes a self-certification process that is a prerequisite to the purchase of assets of a covered financial company from the FDIC.

**Removal of Transferred OTS Regulations Regarding Disclosure and Reporting of CRA-Related Agreements and Amendments to 12 CFR Part 346 of FDIC's Rules and Regulations (3064–AE09)*

In this notice of proposed rulemaking, the Federal Deposit Insurance Corporation is proposing to rescind and remove from the Code of Federal Regulations 12 CFR part 390, subpart H (Part 390, Subpart H), entitled ''Disclosure and Reporting of CRA-Related Agreements.'' This subpart was included in the regulations that were transferred to the FDIC from the Office of Thrift Supervision on July 21, 2011, in connection with the implementation of applicable provisions of title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The requirements for State savings associations in part 390, subpart H are substantively similar to those in the FDIC's 12 CFR part 346, which is also entitled ''Disclosure and Reporting of CRA-Related Agreements'' and is applicable for all insured depository institutions (IDIs) for which the FDIC has been designated the appropriate Federal banking agency. The FDIC is proposing to modify the scope of part 346, section 346.1, to include State savings associations and their subsidiaries to conform to and reflect the scope of the FDIC's current supervisory responsibilities as the appropriate Federal banking agency. The FDIC is also proposing to add a new subsection (m) to section 346.11, which would define ''State savings association'' as having the same meaning as in section 3(b)(3) of the Federal Deposit Insurance Act, 12 U.S.C. 1813(b)(3). This amendment would conform to and reflect the scope of the FDIC's current supervisory responsibilities as the appropriate Federal banking agency. The current provision occupying subsection (m) will be moved to a newly created subsection (n) within section 346.11. Upon removal of 12 CFR part 390, subpart H, the Disclosure and Reporting of CRA-Related Agreements, regulations applicable for all IDIs for which the FDIC has been designated the appropriate Federal banking agency will be found at 12 CFR part 346.

**Treatment of Certain Collateralized Debt Obligations Backed Primarily by Trust Preferred Securities with Regard to Prohibitions and Restrictions on Certain Interests in, and Relationships With, Hedge Funds and Private Equity Funds (3064–AE11)*

The Office of the Comptroller of the Currency, The Federal Reserve Board, the Federal Deposit Insurance Corporation, the U.S. Commodity Futures Trading Commission, and the Securities Exchange Commission (individually, an Agency, and collectively, the Agencies) are adopting an interim final rule that would permit banking entities to retain investments in certain pooled investment vehicles that invested their offering proceeds primarily in trust preferred or subordinated debt securities issued by community banking organizations of the type grandfathered under section 171 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The interim final rule is a companion rule to the final rules adopted by the Agencies to implement section 13 of the Bank Holding Company Act of 1956, which was added by section 619 of the Dodd-Frank Act.

Long Term Actions

Removal of Transferred OTS Regulations Regarding Prompt Corrective Action and Modifications to Existing Federal Deposit Insurance Regulations (3064–AE02)

The Federal Deposit Insurance Corporation (FDIC) will be proposing to rescind and remove from the Code of Federal Regulations 12 CFR part 390, subpart Y, entitled Prompt Corrective Action (PCA). This subpart was included in the regulations that were transferred to the FDIC from the Office of Thrift Supervision on July 21, 2011, in connection with the implementation of applicable provisions of title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Upon removal of 12 CFR part 390, subpart Y, the PCA regulations applicable for all insured depository institutions for which the FDIC has been designated the appropriate Federal banking agency will be found at 12 CFR part 325, subpart B,

entitled Prompt Corrective Action, 12 CFR 325.2, entitled Definitions, and 12 CFR part 308, subpart Q, entitled Issuance and Review of Orders Pursuant to the Prompt Corrective Action Provisions of the Federal Deposit Insurance Act Rules (FDIC PCA Rules). The proposed rule also amends the FDIC PCA rules to ensure applicability to all insured depository institutions for which the FDIC has been designated the appropriate Federal banking agency.

Completed Actions

Prohibitions and Restrictions on Proprietary Trading and Certain Interests in, and Relationships With, Hedge Funds and Private Equity Funds (3064–AD85)

The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation and U.S. Securities and Exchange Commission are adopting a rule that would implement section 13 of the BHC Act, which was added by section 619 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Section 13 contains certain prohibitions and restrictions on the ability of a banking entity and nonbank financial company supervised by the Board to engage in proprietary trading and have certain interests in, or relationships with, a hedge fund or private equity fund.

Removal of Transferred OTS Regulations Regarding Recordkeeping and Confirmation Requirements for Securities Transactions Effected by State Savings Associations and Other Amendments (3064–AE06)

The Federal Deposit Insurance Corporation (FDIC) is adopting a final rule to rescind and remove a regulation entitled ''Recordkeeping and Confirmation Requirements for Securities Transactions,'' and to amend another regulation also entitled ''Recordkeeping and Confirmation Requirements for Securities Transactions.'' The rescinded regulation was one of several rules transferred to the FDIC following dissolution of the former Office of Thrift Supervision ('OTS') in connection with the implementation of applicable provisions of title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act ('Dodd-Frank Act'). The Dodd-Frank Act provided that the former OTS rules that were transferred to the FDIC would be enforceable by or against the FDIC until they were modified, terminated, set aside, or superseded in accordance with applicable law by the FDIC, by any court of competent jurisdiction, or by operation of law. The FDIC received no comments on the Proposed Rule and consequently is adopting the Final Rule as proposed in the Notice of Proposed Rule without change. As a result, the recordkeeping and confirmation requirements for securities transactions effected on behalf of customers by all FDIC-supervised institutions will be found at the existing regulation entitled ''Recordkeeping and Confirmation Requirements for Securities Transactions''.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

FEDERAL DEPOSIT INSURANCE CORPORATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
390	12 CFR 324 Regulatory Capital Rules: Regulatory Capital, Implementation of Basel III Capital Adequacy, Transition Provisions, PCA, Standardize Approach for Risk-Weighted Assets.	3064–AD95

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

Completed Actions

390. Regulatory Capital Rules: Regulatory Capital, Implementation of BASEL III Capital Adequacy, Transition Provisions, PCA, Standardize Approach for Risk-Weighted Assets

Legal Authority: 12 U.S.C. 378; 12 U.S.C. 1813; 12 U.S.C. 1815; 12 U.S.C. 1817 to 1820

Abstract: The Federal Deposit Insurance Corporation (''FDIC'') is adopting an interim final rule that revises its risk-based and leverage capital requirements for FDIC-supervised institutions. This interim final rule is substantially identical to a joint final rule issued by the Office of the Comptroller of the Currency (''OCC'') and the Board of Governors of the Federal Reserve System (''Federal Reserve'') (together, with the FDIC, ''the Agencies''). The interim final rule consolidates three separate notices of proposed rulemaking that the agencies jointly published in the **Federal Register** on August 30, 2012, with selected changes. The interim final rule implements a revised definition of regulatory capital, a new common equity tier 1 minimum capital requirement, higher minimum tier 1 capital requirement, and, for FDIC-supervised institutions subject to the advanced approaches risk-based capital rules, a supplementary leverage ratio that incorporates a broader set of exposures in the denominator. The interim final rule incorporates these new requirements into the FDIC's prompt corrective action framework. In addition, the interim final rule establishes limits on FDIC-supervised institutions' capital distributions and certain discretionary bonus payments if the FDIC-supervised institution does not hold a specified amount of common equity tier 1 capital in addition to the amount necessary to meet its minimum risk-based capital requirements. The interim final rule amends the methodologies for determining risk-weighted assets for all FDIC-supervised institutions. The interim final rule also adopts changes to the FDIC's regulatory capital requirements that meet the requirements of section 171 and section 939A of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The interim final rule also codifies the FDIC's regulatory capital rules, which have previously resided in various appendices to their respective regulations, into a harmonized integrated regulatory framework. In addition, the FDIC is amending the market risk capital rule (market risk rule) to apply to state savings associations. The FDIC is issuing these revisions to its capital regulations as an interim final rule. The FDIC invites comments on the interaction of this rule with other proposed leverage ratio requirements applicable to large, systemically important banking organizations. This interim final rule otherwise contains regulatory text that is identical to the common rule text adopted as final rule by the Federal Reserve and the OCC. This interim final rule enables the FDIC to proceed on a unified, expedited basis with the other Federal banking agencies pending consideration of other issues. Specifically, the FDIC intends to evaluate this interim final rule in the context of the proposed well-capitalized

and buffer levels of the supplementary leverage ratio applicable to large, systemically important banking organizations, as described in a separate Notice of Proposed Rulemaking, titled, Regulatory Capital Rules: Regulatory Capital, Enhanced Supplementary Leverage Ratio Standards for Certain Bank Holding Companies and the Insured Depository Institutions They Control. The FDIC is seeking commenters' views on the interaction of this interim final rule with the proposed rule regarding the supplementary leverage ratio for large, systemically important banking organizations.

Timetable:

Action	Date	FR Cite
NPRM	08/30/12	77 FR 169
NPRM Comment Period End.	10/22/12	
Interim Final Rule	09/10/13	78 FR 55339
Interim Final Rule Comment Period End.	11/12/13	
Final Rule	04/14/14	79 FR 20754
Final Rule Effective.	04/14/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Bobby R. Bean, Associate Director, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, *Phone:* 202 898–3575, *Email: bbean@fdic.gov*.

Ryan Billingsley, Chief, Capital Policy Section, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, *Phone:* 202 898–3797, *Email: rbillingsley@fdic.gov*.

Karl Reitz, Chief, Capital Markets Strategies Section, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, *Phone:* 202 898–6775, *Email: kreitz@fdic.gov*.

Mark Handzlik, Counsel, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, *Phone:* 202 898–3900, *Email: mhandzlik@fdic.gov*.

Michael Phillips, Counsel, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, *Phone:* 202 898–3581, *Email: mphillips@fdic.gov*.

RIN: 3064–AD95

[FR Doc. 2014–13139 Filed 6–12–14; 8:45 am]

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Part XXV

Federal Reserve System

Semiannual Regulatory Agenda

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Board is issuing this agenda under the Regulatory Flexibility Act and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period May 1, 2014 through October 31, 2014. The next agenda will be published in fall 2014.

DATES: Comments about the form or content of the agenda may be submitted any time during the next 6 months.

ADDRESSES: Comments should be addressed to Robert deV. Frierson, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board is publishing its spring 2014 agenda as part of the Spring 2014 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget under Executive Order 12866. The agenda also identifies rules the Board has selected for review under section 610(c) of the Regulatory Flexibility Act, and public comment is invited on those entries. The complete Unified Agenda will be available to the public at the following Web site: *www.reginfo.gov*. Participation by the Board in the Unified Agenda is on a voluntary basis.

The Board's agenda is divided into four sections. The first, Prerule Stage, reports on matters the Board is considering for future rulemaking. The second section, Proposed Rule Stage, reports on matters the Board may consider for public comment during the next 6 months. The third section, Final Rule Stage, reports on matters that have been proposed and are under Board consideration. And a fourth section, Completed Actions, reports on regulatory matters the Board has completed or is not expected to consider further.

A dot (•) preceding an entry indicates a new matter that was not a part of the Board's previous agenda and which the Board has not completed.

Margaret McCloskey Shanks,
Deputy Secretary of the Board.

FEDERAL RESERVE SYSTEM—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
391	Regulations H and Q—Regulatory Capitol Rules (Docket No: R–1460)	7100–AD99
392	Regulation P—Privacy of Consumer Information (Docket No: R–1483)	7100–AE13
393	Regulation V—Fair Credit Reporting (Docket No: R–1484)	7100–AE14
394	Regulation CC—Availability of Funds and Collection of Checks (Docket No: R–1409)	7100–AD68
395	Regulation HH—Financial Market Utilities (Docket No: R–1477)	7100–AE09
396	Regulation WW—Liquidity Coverage Ratio: Liquidity Risk Measurement, Standards, and Monitoring (Docket No: R–1466).	7100–AE03

FEDERAL RESERVE SYSTEM—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
397	Regulation KK—Margin and Capital Requirements for Covered Swap Entities (Docket No: R–1415)	7100–AD74
398	Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No: R–1429).	7100–AD80

FEDERAL RESERVE SYSTEM (FRS)

Proposed Rule Stage

391. Regulations H and Q—Regulatory Capitol Rules (Docket No: R–1460)

Legal Authority: 12 U.S.C. 1344(b); 12 U.S.C. 329; 12 U.S.C. 3907; 12 U.S.C. 3909; . . .

Abstract: The Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (Board), and the Federal Deposit Insurance Corporation (FDIC) (collectively, the Agencies) are seeking comment on a proposal that would strengthen the agencies' leverage ratio standards for large, interconnected U.S. banking organizations. The proposal would apply to any U.S. top-tier bank holding company (BHC) with at least $700 billion in total consolidated assets or at least $10 trillion in assets under custody (covered BHC) and any insured depository institution (IDI) subsidiary of these BHCs. In the revised capital approaches adopted by the agencies in July, 2013 (2013 revised capital approaches), the agencies established a minimum supplementary leverage ratio of 3 percent (supplementary leverage ratio), consistent with the minimum leverage ratio adopted by the Basel Committee on Banking Supervision (BCBS), for banking organizations subject to the advanced approaches risk-based capital rules. In this notice of proposed rulemaking (proposal or proposed rule), the agencies are proposing to establish a ''well capitalized'' threshold of 6 percent for the supplementary leverage ratio for any IDI that is a subsidiary of a covered BHC, under the agencies' prompt corrective action (PCA) framework. The Board also proposes to establish a new leverage buffer for covered BHCs above the minimum supplementary leverage ratio requirement of 3 percent (leverage buffer). The leverage buffer would function like the capital conservation buffer for the risk-based capital ratios in the 2013 revised capital approaches. A covered BHC that maintains a leverage buffer of tier 1 capital in an amount great than 2 percent of its total leverage exposure would not be subject to limitations on distributions and discretionary bonus payments. The proposal would take effect beginning on January 1, 2018. The agencies seek comment on all aspects of this proposal.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	08/20/13	78 FR 51101
Board Expects Further Action.	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Benjamin McDonough, Senior Counsel, Federal Reserve System, Legal Division, *Phone:* 202 452–2036.

April C. Snyder, Senior Counsel, Federal Reserve System, Legal Division, *Phone:* 202 452–3099.

RIN: 7100–AD99

392. • Regulation P—Privacy of Consumer Information (Docket No: R–1483)

Legal Authority: 12 U.S.C. 5581(b)

Abstract: The Board of Governors of the Federal Reserve System (Board) is proposing to repeal its Regulation P, 12 CFR part 216, which was issued to implement section 504 of the Gramm-Leach-Bliley Act (GLB Act). Title X of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) transferred rulemaking authority for a number of consumer financial protection laws from the Board, and six other Federal agencies, to the Bureau of Consumer Financial Protection (Bureau), including rulemaking authority for the provisions in Subtitle A of Title V of the GLB Act that were implemented in the Board's Regulation P. In December 2011, the Bureau published an interim final rule establishing its own Regulation P to implement these provisions of the GLB Act (Bureau Interim Final Rule). The Bureau's Regulation P covers those entities previously subject to the Board's Regulation P.

Timetable:

Action	Date	FR Cite
Board Requested Comments.	02/14/14	79 FR 8904
Board Expects Further Action.	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kara Handzlik, Counsel, Federal Reserve System, Legal Division, *Phone:* 202 452–3139.

Vivian W. Wong, Counsel, Federal Reserve System, *Phone:* 202 452–3667.

RIN: 7100–AE13

393. • Regulation V—Fair Credit Reporting (Docket No: R–1484)

Legal Authority: 12 U.S.C. 1681(m)

Abstract: The Board of Governors of the Federal Reserve System is proposing to amend its Identity Theft Red Flags rule, which implements section 615(e) of the Fair Credit Reporting Act (FCRA). The Red Flag Program Clarification Act of 2010 (Clarification Act) added a definition of ''creditor'' in FCRA section 615(e) that is specific to section 615(e). Accordingly, the proposed rule would amend the definition of ''creditor'' in the Identity Theft Red Flags rule to reflect the definition of that term as added by the statute. The proposed rule would also update a cross-reference in the Identity Theft Red Flags rule to reflect a statutory change in rulemaking authority.

Timetable:

Action	Date	FR Cite
Board Requested Comments.	02/20/14	79 FR 9645
Board Expects Further Action.	11/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kara Handzlik, Counsel, Federal Reserve System, Legal Division, *Phone:* 202 452–3139.

Vivian Wong, Attorney, Federal Reserve System, Division of Consumer and Community Affairs, *Phone:* 202 452–3667.

RIN: 7100–AE14

394. Regulation CC—Availability of Funds and Collection of CHecks (Docket No: R–1409)

Legal Authority: 12 U.S.C. 4001 to 4010; 12 U.S.C. 5001 to 5018

Abstract: The Federal Reserve Board (the Board) proposed amendments to Regulation CC to facilitate the banking industry's ongoing transition to fully electronic interbank check collection and return, including proposed amendments to condition a depositary bank's right of expeditious return on the depositary bank agreeing to accept returned checks electronically either directly or indirectly from the paying bank. The Board also proposed amendments to the funds availability schedule provisions to reflect the fact that there are no longer any nonlocal checks. The Board proposed to revise the model forms in appendix C that banks may use in disclosing their funds availability policies to their customers and to update the preemption determinations in appendix F. Finally, the Board requested comment on whether it should consider future changes to the regulation to improve the check collection system, such as decreasing the time afforded to a paying bank to decide whether to pay a check in order to reduce the risk to a depositary bank of needing to make funds available for withdrawal before learning whether a deposited check has been returned unpaid.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	03/25/11	76 FR 16862
Board Requested Comment on Revised Proposal.	02/04/14	79 FR 6673
Board Expects Further Action.	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Clinton Chen, Attorney, Federal Reserve System, Legal Division, *Phone:* 202 452–3952.

RIN: 7100–AD68

395. • Regulation HH—Financial Market Utilities (Docket No: R–1477)

Legal Authority: 12 U.S.C. 5464 (a)(1)(A)

Abstract: Notice of proposed rulemaking to amend the risk-management standards currently in the Board's Regulation HH, Part 234 of Title 12 of the Code of Federal Regulations, by replacing the current risk-management standards in section 234.3 (for payment systems) and section 234.4 (for central securities depositories and central counterparties) with a common set of risk-management standards applicable to all types of designated FMU s in proposed section 234.3.

Timetable:

Action	Date	FR Cite
Board Requested Comments.	01/31/14	79 FR 3666
Board Expects Further Actioin.	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer A. Lucier, Assistant Director, Federal Reserve System, Reserve Bank Operations and Payment Systems, *Phone:* 202 872–7581.

Chris Clubb, Special Counsel, Federal Reserve System, Legal Division, *Phone:* 202 452–3904.

RIN: 7100–AE09

396. • Regulation WW—Liquidity Coverage Ratio: Liquidity Risk Measurement, Standards, and Monitoring (Docket No: R–1466)

Legal Authority: 12 U.S.C. 248(a); 12 U.S.C. 321; 12 U.S.C. 481; 12 U.S.C. 1818; . . .

Abstract: The Office of the Comptroller of the Currency (OCC), the

Board of Governors of the Federal Reserve System (Board), and the Federal Deposit Insurance Corporation (FDIC) are requesting comment on a proposed rule (proposed rule) that would implement a quantitative liquidity requirement consistent with the liquidity coverage ratio standard established by the Basel Committee on Banking Supervision. The requirement is designed to promote the short-term resilience of the liquidity risk profile of internationally active banking organizations, thereby improving the banking sector's ability to absorb shocks arising from financial and economic stress, as well as improvements in the measurement and management of liquidity risk. The proposed rule would apply to all internationally active banking organizations, generally, bank holding companies, certain savings and loan holding companies, and depository institutions with more than $250 billion in total assets or more than $10 billion in on-balance sheet foreign exposure, and to their consolidated subsidiaries that are depository institutions with $10 billion or more in total consolidated assets. The proposed rule would also apply to companies designated for supervision by the Board by the Financial Stability Oversight Council under section 113 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5323) that do not have significant insurance operations and to their consolidated subsidiaries that are depository institutions with $10 billion or more in total consolidated assets. The Board also is proposing on its own a modified liquidity coverage ratio standard that is based on a 21-calendar day stress scenario rather than a 30-calendar day stress scenario for bank holding companies and savings and loan holding companies without significant insurance or commercial operations that, in each case, have $50 billion or more in total consolidated assets.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	11/29/13	78 FR 71818
Board Expects Further Action.	09/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Anna Lee Hewko, Deputy Associate Director, Federal Reserve System, Division of Banking Supervision and Regulation, *Phone:* 202 530–6260.

David Emmel, Manager, Federal Reserve System, Banking Supervision and Regulation, *Phone:* 202 912–4612.

April C. Snyder, Senior Counsel, Federal Reserve System, Legal Division, Phone: 202 452–3099.

RIN: 7100–AE03

FEDERAL RESERVE SYSTEM (FRS)

Final Rule Stage

397. Regulation KK—Margin and Capital Requirements for Covered Swap Entities (Docket No: R–1415)

Legal Authority: 7 U.S.C. 6s; 15 U.S.C. 780–10

Abstract: The Office of the Comptroller of the Currency, the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Farm Credit Administration, and the Federal Housing Finance Agency (the Agencies) are requesting comment on a proposal to establish minimum margin and capital requirements for registered swap dealers, major swap participants, security-based swap dealers, and major security-based swap participants for which one of the Agencies is the prudential regulator. This proposed rule implements sections 731 and 764 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, which require the Agencies to adopt rules jointly to establish capital requirements and initial and variation margin requirements for such entities on all non-cleared swaps and non-cleared security-based swaps in order to offset the greater risk to such entities and the financial system arising from the use of swaps and security-based swaps that are not cleared.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	04/12/11	76 FR 27564
Comment Period End.	07/11/11	76 FR 37029
Board Reopened Comment Period.	10/02/12	77 FR 60057
Board Expects Further Action.	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Victoria Szybillo, Counsel, Federal Reserve System, Legal Division, *Phone:* 202 475–6325.

Stephanie Martin, Associate General Counsel, Federal Reserve System, Legal Division, *Phone:* 202 452–3198.

Anna Harrington, Senior Attorney, Federal Reserve System, Federal Reserve System, Legal Division, *Phone:* 202 452–6406

RIN: 7100–AD74

398. Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No: R–1429)

Legal Authority: 5 U.S.C. 552; 5 U.S.C. 559; 5 U.S.C. 1813; 5 U.S.C. 1817; 5 U.S.C. 1828; . . .

Abstract: The Dodd-Frank Act Wall Street Reform and Consumer Protection Act (the Act) transferred responsibility for supervision of Savings and Loan Holding Companies (SLHCs) and their non-depository subsidiaries from the Office of Thrift Supervision (OTS) to the Board of Governors of the Federal Reserve System (Board), on July 21, 2011. The Act also transferred supervisory functions related to Federal savings associations and State savings associations to the Office of the Comptroller of the Currency (OCC) and the Federal Deposit Insurance Corporation (FDIC), respectively.

The Board on August 12, 2011, approved an interim final rule for SLHCs, including a request for public comment. The interim final rule transferred from the OTS to the Board the regulations necessary for the Board to supervise SLHCs, with certain technical and substantive modifications. The interim final rule has three components: (1) New Regulation LL (part 238), which sets forth regulations generally governing SLHCs; (2) new Regulation MM (part 239), which sets forth regulations governing SLHCs in mutual form; and (3) technical amendments to existing Board regulations necessary to accommodate the transfer of supervisory authority for SLHCs from the OTS to the Board.

The structure of interim final Regulation LL closely follows that of the Board's Regulation Y, which governs bank holding companies, in order to provide an overall structure to rules that were previously found in disparate locations. In many instances interim final Regulation LL incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation LL also reflects statutory changes made by the Dodd-Frank Act with respect to SLHCs, and incorporates Board precedent and practices with respect to applications processing procedures and control issues, among other matters.

Interim final Regulation MM organized existing OTS regulations governing SLHCs in mutual form (MHCs) and their subsidiary holding companies into a single part of the

Board's regulations. In many instances interim final Regulation MM incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation MM also reflects statutory changes made by the Dodd-Frank Act with respect to MHCs.

The interim final rule also made technical amendments to Board rules to facilitate supervision of SLHCs, including to rules implementing Community Reinvestment Act requirements and to Board procedural and administrative rules. In addition, the Board made technical amendments to implement section 312(b)(2)(A) of the Act, which transfers to the Board all rulemaking authority under section 11 of the Home Owner's Loan Act relating to transactions with affiliates and extensions of credit to executive officers, directors, and principal shareholders. These amendments include revisions to parts 215 (Insider Transactions) and part 223 (Transactions with Affiliates) of Board regulations.

Timetable:

Action	Date	FR Cite
Board Requested Comment.	09/13/11	76 FR 56508
Board Expects Further Action.	07/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Claudia Von Pervieux, Counsel, Federal Reserve System, Legal Division, *Phone:* 202 452–2552.

RIN: 7100–AD80

[FR Doc. 2014–13141 Filed 6–12–14; 8:45 am]

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FEDERAL REGISTER

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Part XXVI

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter I

[NRC–2014–0039]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is publishing its semiannual regulatory agenda (the Agenda) in accordance with Public Law 96–354, ''The Regulatory Flexibility Act,'' and Executive Order 12866, ''Regulatory Planning and Review.'' The Agenda is a compilation of all rules on which the NRC has recently completed action or has proposed or is considering action. This issuance of the NRC's Agenda contains 56 rulemaking activities: 2 are Economically Significant; 14 represent Other Significant agency priorities; 39 are Substantive, Nonsignificant rulemaking activities; and one is an Administrative rulemaking activity. This issuance updates any action occurring on rules since preparation of the fall 2013 semiannual regulatory agenda, which was published on January 7, 2014 (79 FR 1294). The NRC is requesting comment on its rulemaking activities as identified in this Agenda.

DATES: Submit comments on this agenda August 27, 2014. Submit comments on any rule in the Agenda by the date and methods specified in the proposed rule notice. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the Agenda.

ADDRESSES: You may submit comments on this Agenda through the Federal Rulemaking Web site by going to *http://www.regulations.gov* and searching for Docket ID *NRC–2014–0039.* Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov*. For technical questions on any rule listed in the Agenda, contact the individual listed under the heading ''Agency Contact'' for that rule.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Cindy Bladey, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–287–0949; email: *Cindy.Bladey@nrc.gov*. Persons outside the Washington, DC, metropolitan area may call toll-free: 1–800–368–5642. For further information on the substantive content of any rule listed in the Agenda, contact the individual listed under the heading ''Agency Contact'' for that rule.

SUPPLEMENTARY INFORMATION:

Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID *NRC–2014–0039* when contacting the NRC about the availability of information for this document. You may access publicly-available information related to this document by any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0039.
- NRC's Public Document Room: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID *NRC–2014–0039* in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

Introduction

The information contained in this semiannual publication is updated to reflect any action that has occurred on rules since preparation of the fall 2013 NRC Agenda, which was published on January 7, 2014 (79 FR 1294). Within each group (Prerule, Proposed, Final, and Long Term), the rules are ordered according to the Regulation Identifier Number (RIN).

The information in this Agenda has been updated through February 28, 2014. The date for the next scheduled action under the heading ''Timetable'' is the date the rule is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. The Agenda is intended to provide the public early notice and opportunity to participate in the NRC rulemaking process. However, the NRC may consider or act on any rulemaking even though it is not included in the Agenda.

The NRC Agenda lists all open rulemaking actions. Three rules impact small entities.

Common Prioritization of Rulemaking

The NRC has a process for developing rulemaking budget estimates and determining the relative priorities of rulemaking projects during budget formulation. This process produces a ''Common Prioritization of Rulemaking'' (CPR). The NRC adds new rules and evaluates rule priorities annually. The CPR process considers four factors and assigns a score to each factor. Those factors include (1) support for the NRC's Strategic Plan goals; (2) support for the NRC's Strategic Plan organizational excellence objectives; (3) a governmental factor representing interest to the NRC, Congress, or other governmental bodies; and (4) an external factor representing interest to members of the public, non-governmental organizations, the nuclear industry, vendors, and suppliers.

Section 610 Periodic Reviews Under the Regulatory Flexibility Act

Section 610 of the Regulatory Flexibility Act (RFA) requires agencies to conduct a review within 10 years of promulgation of those regulations that have or will have a *significant* economic impact on a *substantial* number of small entities. The NRC undertakes these reviews to decide whether the rules should be unchanged, amended, or withdrawn. At this time, the NRC does not have any rules that have a *significant* economic impact on a *substantial* number of small entities; therefore, the NRC has not included any RFA Section 610 periodic reviews in this edition of the Agenda. A complete listing of NRC regulations that impact small entities and related Small Entity

Compliance Guides is available on the NRC's Web site at *http://www.nrc.gov/about-nrc/regulatory/rulemaking/flexibility-act/small-entities.html*.

Dated at Rockville, Maryland, this 28th day of February, 2014.

For the Nuclear Regulatory Commission.

Cindy Bladey,

Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration.

NUCLEAR REGULATORY COMMISSION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
399	Revision of Fee Schedules: Fee Recovery for FY 2014 [NRC–2013–0276]	3150–AJ32

NUCLEAR REGULATORY COMMISSION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
400	Controlling the Disposition of Solid Materials [NRC–1999–0002]	3150–AH18

NUCLEAR REGULATORY COMMISSION (NRC)

Proposed Rule Stage

399. • Revision of Fee Schedules: Fee Recovery for FY 2014 [NRC–2013–0276]

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

Abstract: This proposed rulemaking would amend the Commission's licensing, inspection, and annual fees charged to its applicants and licensees. These amendments would implement the Omnibus Budget Reconciliation Act of 1990 (OBRA–90) as amended, which requires that the NRC recover approximately 90 percent of its budget authority in Fiscal Year (FY) 2014, less the amounts appropriated from the Waste Incidental to Reprocessing, and generic homeland security activities.

Timetable:

Action	Date	FR Cite
NPRM	04/14/14	79 FR 21036
NPRM Comment Period End.	05/14/14	
Final Rule Published.	06/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Arlette P. Howard, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555–0001, *Phone:* 301 415–1481, *Email: arlette.howard@nrc.gov*.

RIN: 3150–AJ32

NUCLEAR REGULATORY COMMISSION (NRC)

Long-Term Actions

400. Controlling the Disposition of Solid Materials [NRC–1999–0002]

Legal Authority: 42 U.S.C. 2201; 42 U.S.C. 5841

Abstract: The NRC staff provided a draft proposed rule package on Controlling the Disposition of Solid Materials to the Commission on March 31, 2005, which the Commission disapproved (ADAMS Accession Number: ML051520285). The rulemaking package included a summary of stakeholder comments (NUREG/CR–6682), Supplement 1, (ADAMS Accession Number: ML003754410). The Commission's decision was based on the fact that the Agency is currently faced with several high priority and complex tasks, that the current approach to review specific cases on an individual basis is fully protective of public health and safety, and that the immediate need for this rule has changed due to the shift in timing for reactor decommissioning. The Commission has deferred action on this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Solomon Sahle, Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Management Programs, Washington, DC 20555–0001, *Phone:* 301 415–3781, *Email: solomon.sahle@nrc.gov*.

RIN: 3150–AH18

[FR Doc. 2014–13143 Filed 6–12–14; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL REGISTER

Vol. 79 Friday,

No. 114 June 13, 2014

Part XXVII

Securities and Exchange Commission

Semiannual Regulatory Agenda

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release Nos. 33–9563, 34–71771, IA–3803, IC–30989, File No. S7–04–14]

Regulatory Flexibility Agenda

AGENCY: Securities and Exchange Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Securities and Exchange Commission is publishing an agenda of its rulemaking actions pursuant to the Regulatory Flexibility Act (RFA) (Pub. L. No. 96–354, 94 Stat. 1164) (Sep. 19, 1980). Information in the agenda was accurate on March 21, 2014, the date on which the Commission's staff completed compilation of the data. To the extent possible, rulemaking actions by the Commission since that date have been reflected in the agenda. The Commission invites questions and public comment on the agenda and on the individual agenda entries.

The Commission is now printing in the **Federal Register**, along with our preamble, only those agenda entries for which we have indicated that preparation of an RFA analysis is required.

The Commission's complete RFA agenda will be available online at *www.reginfo.gov.*

DATES: Comments should be received on or before July 14, 2014.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–04–14 on the subject line; or
- Use the Federal eRulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. S7–04–14. This file number should be included on the subject line if email is used. To help us 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/other.shtml*). Comments are also 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. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Anne Sullivan, Office of the General Counsel, 202–551–5019.

SUPPLEMENTARY INFORMATION: The RFA requires each Federal agency, twice each year, to publish in the **Federal Register** an agenda identifying rules that the agency expects to consider in the next 12 months that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. 602(a)). The RFA specifically provides that publication of the agenda does not preclude an agency from considering or acting on any matter not included in the agenda and that an agency is not required to consider or act on any matter that is included in the agenda (5 U.S.C. 602(d)). The Commission may consider or act on any matter earlier or later than the estimated date provided on the agenda. While the agenda reflects the current intent to complete a number of rulemakings in the next year, the precise dates for each rulemaking at this point are uncertain. Actions that do not have an estimated date are placed in the long-term category; the Commission may nevertheless act on items in that category within the next 12 months. The agenda includes new entries, entries carried over from prior publications, and rulemaking actions that have been completed (or withdrawn) since publication of the last agenda.

The following abbreviations for the acts administered by the Commission are used in the agenda:

''Securities Act''—Securities Act of 1933

''Exchange Act''—Securities Exchange Act of 1934

''Investment Company Act''—Investment Company Act of 1940

''Investment Advisers Act''—Investment Advisers Act of 1940

''Dodd-Frank Act''—Dodd-Frank Wall Street Reform and Consumer Protection Act

The Commission invites public comment on the agenda and on the individual agenda entries.

By the Commission.

Dated: March 21, 2014.

Kevin O'Neill,

Deputy Secretary.

DIVISION OF CORPORATION FINANCE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
401	Implementation of Titles V and VI of the JOBS Act	3235–AL40
402	Treatment of Certain Communications Involving Security-Based Swaps That May be Purchased Only by Eligible Contract Participants.	3235–AL41

DIVISION OF CORPORATION FINANCE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
403	Rules Governing the Offer and Sale of Securities Through Crowdfunding Under Section 4(a)(6) of the Securities Act.	3235–AL37
404	Amendments to Regulation D, Form D and Rule 156 Under the Securities Act	3235–AL46

DIVISION OF INVESTMENT MANAGEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
405	Rule for Principal Trades With Certain Advisory Clients	3235–AL56

DIVISION OF INVESTMENT MANAGEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
406	References to Credit Ratings in Certain Investment Company Act Rules and Forms	3235–AL02

DIVISION OF TRADING AND MARKETS—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
407	Rules for Nationally Recognized Statistical Rating Organizations	3235–AL15

DIVISION OF TRADING AND MARKETS—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
408	Removal of Certain References to Credit Ratings Under the Securities Exchange Act of 1934	3235–AL14

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Proposed Rule Stage

401. Implementation of Titles V and VI of the JOBS Act

Legal Authority: Pub. L. 112–106

Abstract: The Division is considering recommending that the Commission propose rules or amendments to rules to implement titles V (Private Company Flexibility and Growth) and VI (Capital Expansion) of the JOBS Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Steven G. Hearne, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3430.

RIN: 3235–AL40

402. Treatment of Certain Communications Involving Security-Based Swaps That May Be Purchased Only by Eligible Contract Participants

Legal Authority: Not Yet Determined

Abstract: The Division is considering recommending that the Commission propose a rule under the Securities Act to address the treatment of certain communications involving security-based swaps that may be purchased only by eligible contract participants.

Timetable:

Action	Date	FR Cite
NPRM	05/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Andrew Schoeffler, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3860.

RIN: 3235–AL41

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Corporation Finance

Final Rule Stage

403. Rules Governing the Offer and Sale of Securities Through Crowdfunding Under Section 4(a)(6) of the Securities Act

Legal Authority: 15 U.S.C. 77a *et seq.;* 15 U.S.C. 78a *et seq.;* Pub. L. 112–108, secs 301 to 305

Abstract: The Commission proposed rules to implement title III of the JOBS Act by prescribing rules governing the offer and sale of securities through crowdfunding under new section 4(a)(6) of the Securities Act.

Timetable:

Action	Date	FR Cite
NPRM	11/05/13	78 FR 66428
NPRM Comment Period End.	02/03/14	
Final Action	10/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sebastian Gomez Abero, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3500.

Leila Bham, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–5532.

RIN: 3235–AL37

404. Amendments to Regulation D, Form D and Rule 156 Under the Securities Act

Legal Authority: 15 U.S.C. 77a *et seq.*

Abstract: The Commission proposed rule and form amendments to enhance the Commission's ability to evaluate the development of market practices in offerings under Rule 506 of Regulation D and address concerns that may arise in connection with permitting issuers to engage in general solicitation and general advertising under new paragraph (c) of Rule 506.

Timetable:

Action	Date	FR Cite
NPRM	07/24/13	78 FR 44806
NPRM Comment Period End.	09/23/13	
NPRM Comment Period Re-opened.	10/03/13	78 FR 61222
NPRM Comment Period End.	11/04/13	
Final Action	10/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles Kwon, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3500.

Ted Yu, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–3500.

RIN: 3235–AL46

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Proposed Rule Stage

405. • Rule for Principal Trades With Certain Advisory Clients

Legal Authority: 15 U.S.C. 80b–6a; 15 U.S.C. 80b–11(a)

Abstract: Rule 206(3)–3T, a rule that provides investment advisers who are also registered broker-dealers an alternative means of compliance with the principal trading restrictions in section 206(3) of the Investment Advisers Act, will expire on December 31, 2014.

Timetable:

Action	Date	FR Cite
Next Action	12/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Sarah Buescher, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–5192, *Email: bueschers@sec.gov.*

RIN: 3235–AL56

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Investment Management

Final Rule Stage

406. References to Credit Ratings in Certain Investment Company Act Rules and Forms

Legal Authority: 15 U.S.C. 80a–6(c); 15 U.S.C. 80a–8; 15 U.S.C. 80a–14(a); 15 U.S.C. 80a–29; 15 U.S.C. 80a–30(a); 15 U.S.C. 80a–37; 15 U.S.C. 77e; 15 U.S.C. 77f; 15 U.S.C. 77g; 15 U.S.C. 77j; 15 U.S.C. 77s(a); Pub. L. 111–203, sec 939A

Abstract: The Commission proposed amendments to two rules (Rules 2a–7 and 5b–3) and four forms (Forms N–1A, N–2, N–3, and N–MFP) under the Investment Company Act that reference credit ratings. These proposals would give effect to section 939A of the Dodd Frank Act. The Commission adopted amendments to Rule 5b–3 and Forms N–1A, N–2, and N–3. Further action will need to be taken with respect to Rule 2a–7 and Form N–MFP.

Timetable:

Action	Date	FR Cite
NPRM	03/09/11	76 FR 12896
NPRM Comment Period End.	04/25/11	
Final Action	11/23/12	77 FR 70117
Final Action Effective.	12/24/12	
Final Action	01/08/14	79 FR 1316
Final Action Effective.	07/07/14	
Final Action	10/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Adam Bolter, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–6792.

RIN: 3235–AL02

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Trading and Markets

Final Rule Stage

407. Rules for Nationally Recognized Statistical Rating Organizations

Legal Authority: 15 U.S.C. 78o–7; 15 U.S.C. 78q; 15 U.S.C. 78mm; Pub. L. 111–203, secs 936, 938, and 943

Abstract: The Commission proposed rules and rule amendments to implement certain provisions of the Dodd Frank Act concerning nationally recognized statistical rating organizations, providers of third-party due diligence services for asset-backed securities, and issuers and underwriters of asset-backed securities.

Timetable:

Action	Date	FR Cite
NPRM	06/08/11	76 FR 33420
NPRM Comment Period End.	08/08/11	
Final Action	05/00/14	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Raymond Lombardo, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–5755, *Email: lombardor@sec.gov.*

RIN: 3235–AL15

SECURITIES AND EXCHANGE COMMISSION (SEC)

Division of Trading and Markets

Long-Term Actions

408. Removal of Certain References to Credit Ratings Under the Securities Exchange Act of 1934

Legal Authority: Pub. L. 111–203, sec 939A

Abstract: Section 939A of the Dodd Frank Act requires the Commission to remove certain references to credit ratings from its regulations and to substitute such standards of creditworthiness as the Commission determines to be appropriate. The Commission amended certain rules and one form under the Exchange Act applicable to broker-dealer financial responsibility, and confirmation of transactions. The Commission has not yet finalized amendments to certain rules regarding the distribution of securities.

Timetable:

Action	Date	FR Cite
NPRM	05/06/11	76 FR 26550
NPRM Comment Period End.	07/05/11	
Final Action	01/08/14	79 FR 1522
Final Action Effective.	07/07/14	
Next Action Undetermined.	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: John Guidroz, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549, *Phone:* 202 551–6439.

RIN: 3235–AL14

[FR Doc. 2014–13146 Filed 6–12–14; 8:45 am]

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Federal Register

Vol. 79, No. 114

Friday, June 13, 2014

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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
33647–33848 12
33849–34212 13

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

Administrative Orders:
Memorandums:
Memorandum of June 9, 2014 33843
Notices:
Notice of June 10, 2014 33847
Presidential Determinations:
No. 2014–10 of June 2, 2014 33839
No. 2014–11 of June 4, 2014 33841

5 CFR

Ch. XIV 33849

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, 33870, 33873
430 32020
431 33877

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

121 33647
125 31848
127 31848

14 CFR

25 .....32633, 32635, 32636, 32637, 32639, 32640, 32642, 33043, 33669, 33673, 33674, 33675, 33677
39 .....31849, 31851, 31855, 31897, 32859, 33045, 33048, 33050, 33052, 33054, 33679
71 .....32440, 32441, 32861, 32862, 33850
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
922 33851
997 32449

16 CFR

300 32157

Proposed Rules:
306 31891

17 CFR

Proposed Rules:
1 31238
420 33145

20 CFR

404 ..... 33681, 33683
416 ..... 33681, 33683

21 CFR

17 32643
73 33431
106 ..... 33056, 33057
107 33057
310 33072
314 33072
317 32464
329 33072
600 33072
878 ..... 31205, 31859
Proposed Rules:
860 33711
882 33712

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

4022 33860
4044 33860
Proposed Rules:
1910 32199
2550 31893

30 CFR

934 32645
944 32648
Proposed Rules:
7 31895
75 31895

31 CFR

10 33685

33 CFR

100 ..... 32164, 32863
117 ..... 31865, 32864, 33695, 33696, 33862, 33863
165 ..... 31220, 31865, 31868, 32167, 32482, 32484, 32486, 32487, 32866, 32867, 32868, 32871, 33696, 33699, 33700, 33702, 33703
168 33864
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
3010 33820

40 CFR

Ch. I 31566
52 ..... 32873, 33097, 33101, 33107, 33116, 33438
62 33456
180 ..... 32169, 32662, 32666, 33458, 33465, 33469
300 ..... 32490, 32673
761 33867
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
67 33868
Proposed Rules:
67 ..... 33878, 33879

45 CFR

18 32170

46 CFR

Proposed Rules:
356 33160

47 CFR

1 ..... 31873, 32366
2 32366
27 32366
54 33705
63 31873
64 33709
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
648 33879
679 ..... 31914, 32525, 33889

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 12, 2014

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