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Federal Register
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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 210 and 245

RIN 0584–AE17

National School Lunch Program: Independent Review of Applications Required by the Healthy, Hunger-Free Kids Act of 2010; Approval of Information Collection Request

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule; Notice of approval of Information Collection Request (ICR).

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Food and Nutrition Service (FNS) is announcing the Office of Management and Budget's (OMB) approval of information collection requirements contained in a final rule published in the **Federal Register**.

DATES: The ICR associated with the National School Lunch Program: Independent Review of Applications Required by the Healthy, Hunger-Free Kids Act of 2010 rule published in the **Federal Register** on February 6, 2014 (79 FR 7049), and effective March 10, 2014, was approved by OMB on March 12, 2014.

FOR FURTHER INFORMATION CONTACT: Lynn Rodgers-Kuperman, Chief, Program Monitoring Branch, Child Nutrition Programs, Food and Nutrition Service at (703) 305–2590.

SUPPLEMENTARY INFORMATION: The rule titled National School Lunch Program: Independent Review of Applications Required by the Healthy, Hunger-Free Kids Act of 2010 was published on February 6, 2014. OMB cleared the associated ICR on March 12, 2014 under 0584–0573. The ICR approved under 0584–0573 has been transferred to 0584–0026.

This document announces approval of the ICR.

Dated: June 19, 2014.

Audrey Rowe,

Administrator, Food and Nutrition Service.

[FR Doc. 2014–15092 Filed 6–26–14; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 5

Rules, Policies, and Procedures for Corporate Activities

CFR Correction

■ In Title 12 of the Code of Federal Regulations, Parts 1 to 199, revised as of January 1, 2014, on page 293, in § 5.20, the first sentence of paragraph (i)(5)(ii) is moved to the end of paragraph (i)(5)(i).

[FR Doc. 2014–15105 Filed 6–26–14; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 5

Rules, Policies, and Procedures for Corporate Activities

CFR Correction

■ In Title 12 of the Code of Federal Regulations, parts 1 to 199, revised as of January 1, 2014, on page 310, in § 5.34, the word ''and'' is added to the end of paragraph (e)(5)(vi)(C).

[FR Doc. 2014–15108 Filed 6–26–14; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 23

Leasing

CFR Correction

■ In Title 12 of the Code of Federal Regulations, parts 1 to 199, revised as of January 1, 2014, on page 466, in § 23.6, remove the phrase ''and Regulation W, 12 CFR part 223'' from the third sentence and add it to the end of the first sentence. Also, on the same page, in the same section, remove the quotation mark and the word ''before'' from the third sentence.

[FR Doc. 2014–15111 Filed 6–26–14; 8:45 am]

BILLING CODE 1505–01–P

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 37

Debt Cancellation Contracts and Debt Suspension Agreements

CFR Correction

■ In Title 12 of the Code of Federal Regulations, parts 1 to 199, revised as of January 1, 2014, on page 617, in § 37.7, in paragraph (a), in the first sentence, ''§ 37.6(d)'' is corrected to read ''§ 37.6(b)'' and in the last sentence ''§ 37.6(b)'' is corrected to read ''§ 37.6(d)''.

[FR Doc. 2014–15113 Filed 6–26–14; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0281; Directorate Identifier 2014–NE–05–AD; Amendment 39–17878; AD 2014–13–03]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Rolls-Royce plc (RR) RB211 Trent 553–61, 553A2–61, 556–61, 556A2–61, 556B–61, 556B2–61, 560–61, and 560A2–61 turbofan engines. We are issuing this AD to address, through an update to the electronic engine control (EEC) software, multiple risks of uncontained engine failure and damage to the airplane.

DATES: This AD becomes effective July 14, 2014.

We must receive comments on this AD by August 11, 2014.

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

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

For service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE248BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936; email: *http://www.rolls-royce.com/contact/civil_team.jsp;* Internet: *https://www.aeromanager.com.* You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0281; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is in **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0281; Directorate Identifier 2014–NE–05–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2014–0086, dated April 11, 2014 (referred to hereinafter as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Investigation carried out by RR has identified the risk of fan flutter during ground maintenance running, which indicated the need to introduce a fan flutter Keep Out Zone (KOZ). In addition, following Intermediate Pressure (IP) turbine overspeed events experienced on other Trent series engines, the need to introduce a protection against IP shaft failures in the event of an internal engine fire was identified.
>
> Fan flutter may result in multiple fan blade failures and consequent release of uncontained high energy debris. An unprotected IP shaft failure may result in IP turbine overspeed, IP turbine burst and, ultimately, release of uncontained high energy debris. These conditions, if not corrected, could result in damage to, and reduced control of, the aeroplane.

You may obtain further information by examining the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0281.

Relevant Service Information

RR has issued Alert Service Bulletin (ASB) No. RB.211–73–AH531, Revision 1, dated March 7, 2014. The ASB describes procedures for modifying affected RB211 Trent 500 turbofan engines by installing new EEC software Version L6.1.2.

FAA's Determination and Requirements of This AD

This product has been approved by the aviation authority of the United Kingdom, and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design. This AD requires removal of EEC software, Version L5.6.1 or earlier, and installation of a software version eligible for installation.

FAA's Determination of the Effective Date

No domestic operators use this product. Therefore, we find that notice and opportunity for prior public comment are unnecessary and that good cause exists for making this amendment effective in less than 30 days.

Costs of Compliance

We estimate that this AD affects no engines installed on airplanes of U.S. registry. We also estimate that it will take about 1 hour per engine to comply with this AD. The average labor rate is $85 per hour. Required parts cost is about $0 per engine. Based on these figures, we estimate the cost of this AD on U.S. operators to be $0.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–13–03 Rolls-Royce plc: Amendment 39–17878; Docket No. FAA–2014–0281; Directorate Identifier 2014–NE–05–AD.

(a) Effective Date

This AD is effective July 14, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Rolls-Royce plc (RR) RB211 Trent 553–61, 553A2–61, 556–61, 556A2–61, 556B–61, 556B2–61, 560–61, and 560A2–61 turbofan engines.

(d) Reason

This AD was prompted by the risk of fan flutter occurring during ground maintenance running, and the risk of intermediate-pressure (IP) shaft failure which may result in IP turbine overspeed and disk burst. We are issuing this AD to address, through an update to the electronic engine control (EEC) software, multiple risks of uncontained engine failure and damage to the airplane.

(e) Actions and Compliance

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

(1) After the effective date of this AD, within 3 months or 200 flight cycles, whichever occurs first, modify the engine by removing EEC software, Version L5.6.1 or earlier.

(2) Install EEC software eligible for installation.

(f) Installation Prohibition

After modification of an engine as required by paragraph (e) of this AD, do not install any EEC with a software Version L5.6.1 or earlier into any engine.

(g) Alternative Methods of Compliance (AMOCs)

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

(h) Related Information

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

(2) Refer to MCAI European Aviation Safety Agency AD 2014–0086, dated April 11, 2014, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2014–0281.

(3) RR Alert Service Bulletin No. RB.211–73–AH531, Revision 1, dated March 7, 2014, which is not incorporated by reference in this AD, can be obtained from RR using the contact information in paragraph (h)(4) of this AD.

(4) Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE248BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936; email: *http://www.rolls-royce.com/contact/civil_team.jsp;* Internet: *https://www.aeromanager.com*.

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

(i) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on June 13, 2014.

Ann C. Mollica,

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

[FR Doc. 2014–14807 Filed 6–26–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 30967; Amdt. No. 514]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

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

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

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or

circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, DC, on June 20, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, July 24, 2014.

PART 95—[AMENDED]

■ 1. The authority citation for part 95 continues to read as follows:

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

■ 2. Part 95 is amended to read as follows:

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT

[Amendment 514 effective date July 24, 2014]

From	To	MEA	MAA
§ 95.3000 Low Altitude RNAV Routes § 95.3252 RNAV Route T252 is Amended to Read in Part			
KOTZEBUE, AK VOR/DME	PERCI, AK WP		17500
	NE BND	3500	
	SW BND	3000	
§ 95.3265 RNAV Route T265 is Amended by Adding			
AHMED, IL FIX *2500—MOCA	START, IL FIX	*4000	8000
START, IL FIX *2500—MOCA	BULLZ, IL FIX	*4000	8000
§ 95.3265 RNAV Route T265 is Amended to Delete			
KELSI, IL FIX *2300—MOCA	BULLZ, IL FIX	*4000	8000
§ 95.4000 High Altitude RNAV Routes			
§ 95.4019 RNAV Route Q19 is Amended by Adding			
PLESS, IL FIX *18000—GNSS MEA *DME/DME/IRU MEA	ST LOUIS, MO VORTAC	*18000	45000
ST LOUIS, MO VORTAC *18000—GNSS MEA *DME/DME/IRU MEA	DES MOINES, IA VORTAC	*18000	45000
DES MOINES, IA VORTAC *18000—GNSS MEA *DME/DME/IRU MEA	SIOUX FALLS, SD VORTAC	*18000	45000
SIOUX FALLS, SD VORTAC *18000—GNSS MEA *DME/DME/IRU MEA	ABERDEEN, SD VOR/DME	*18000	45000
§ 95.4019 RNAV Route Q19 is Amended to Read in Part			
NASHVILLE, TN VORTAC *18000—GNSS MEA *DME/DME/IRU MEA	PLESS, IL FIX	*18000	45000
§ 95.4020 RNAV Route Q20 is Amended to Read in Part			
UNNOS, NM WP *18000—GNSS MEA *DME/DME/IRU MEA	FUSCO, TX FIX	*24000	45000

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT—Continued

[Amendment 514 effective date July 24, 2014]

From	To	MEA	MAA
FUSCO, TX FIX *18000—GNSS MEA *DME/DME/IRU MEA	JUNCTION, TX VORTAC	*24000	45000

From	To	MEA
§ 95.6001 Victor Routes–U.S.		
§ 95.6014 VOR Federal Airway V14 is Amended to Read in Part		
SPRINGFIELD, MO VORTAC	VICHY, MO VOR/DME	3100
§ 95.6035 VOR Federal Airway V35 is Amended to Delete		
MORGANTOWN, WV VORTAC *4400—MOCA	INDIAN HEAD, PA VORTAC	*5000
INDIAN HEAD, PA VORTAC *4500—MOCA	JOHNSTOWN, PA VORTAC	*5000
JOHNSTOWN, PA VORTAC	TYRONE, PA VORTAC	4500
TYRONE, PA VORTAC	PHILIPSBURG, PA VORTAC	4500
§ 95.6088 VOR Federal Airway V88 is Amended to Read in Part		
SPRINGFIELD, MO VORTAC	VICHY, MO VOR/DME	3100
§ 95.6132 VOR Federal Airway V132 is Amended to Read in Part		
SPRINGFIELD, MO VORTAC	FORNEY, MO VOR	3100
§ 95.6139 VOR Federal Airway V139 is Amended to Read in Part		
CAPE CHARLES, VA VORTAC	*DUNFE, VA FIX	.....
	NE BND	**4000
	SSW BND	**2000
*7000—MRA **1600—MOCA		
*DUNFE, VA FIX *7000—MRA **1600—MOCA	SNOW HILL, MD VORTAC	**4000
§ 95.6170 VOR Federal Airway V170 is Amended to Read in Part		
DUPONT, DE VORTAC *2000—GNSS MEA #DUPONT R–233 UNUSABLE BEYOND 22 NM.	ODESA, MD FIX	#*2000
ODESA, MD FIX *1500—MOCA *2000—GNSS MEA #UNUSABLE	SWANN, MD FIX	#*2500
SWANN, MD FIX *1700—MOCA #UNUSABLE	PALEO, MD FIX	#*2500
§ 95.6214 VOR Federal Airway V214 is Amended to Read in Part		
SWANN, MD FIX *1500—MOCA *2000—GNSS MEA #UNUSABLE	ODESA, MD FIX	#*2500
ODESA, MD FIX *2000—GNSS MEA #DUPONT R–233 UNUSABLE BEYOND 22NM	DUPONT, DE VORTAC	#*2000
§ 95.6276 VOR Federal Airway V276 is Amended to Delete		
ERIE, PA VORTAC	FRANKLIN, PA VOR	3600
FRANKLIN, PA VOR *3200—MOCA	CLARION, PA VOR/DME	*3700
CLARION, PA VOR/DME	TYRONE, PA VORTAC	4600
TYRONE, PA VORTAC	RASHE, PA FIX	4500

From	To	MEA
§ 95.6433 VOR Federal Airway V433 is Amended to Read in Part		
NOTTINGHAM, MD VORTAC *1700—MOCA #UNUSABLE	SWANN, MD FIX	#*2500
SWANN, MD FIX *1500—MOCA *2000—GNSS MEA #UNUSABLE	ODESA, MD FIX	#*2500
ODESA, MD FIX *2000—GNSS MEA #DUPONT R–233 UNUSABLE BEYOND 22NM	DUPONT, DE VORTAC	#*2000
§ 95.6445 VOR Federal Airway V445 is Amended to Read in Part		
SWANN, MD FIX *1500—MOCA *2000—GNSS MEA #UNUSABLE	ODESA, MD FIX	#*2500
ODESA, MD FIX *2000—GNSS MEA #DUPONT R–233 UNUSABLE BEYOND 22NM	DUPONT, DE VORTAC	#*2000

From	To	MEA	MAA
§ 95.7001 Jet Routes			
§ 95.7042 Jet Route J42 is Amended to Read in Part			
TONIO, KY FIX	BECKLEY, WV VORTAC	18000	35000
§ 95.7045 Jet Route J45 is Amended to Read in Part			
ST LOUIS, MO VORTAC	KIRKSVILLE, MO VORTAC	18000	45000
KIRKSVILLE, MO VORTAC #DES MOINES R–141 UNUSABLE, USE KIRKVILLE R–323	DES MOINES, IA VORTAC	18000	45000
§ 95.7051 Jet Route J51 is Amended to Read in Part			
NOTTINGHAM, MD VORTAC #UNUSABLE	PALEO, MD FIX	18000	29000
PALEO, MD FIX #UNUSABLE	DUPONT, DE VORTAC	18000	29000
§ 95.7151 Jet Route J151 is Amended to Read in Part			
ST LOUIS, MO VORTAC	KIRKSVILLE, MO VORTAC	18000	45000
KIRKSVILLE, MO VORTAC	OMAHA, IA VORTAC	18000	45000
OMAHA, IA VORTAC	O'NEILL, NE VORTAC	18000	45000
§ 95.7233 Jet Route J233 is Amended to Read in Part			
ST LOUIS, MO VORTAC	KIRKSVILLE, MO VORTAC	18000	45000
KIRKSVILLE, MO VORTAC	WATERLOO, IA VORTAC	18000	45000

Airway segment		Changeover points	
From	To	Distance	From
§ 95.8005 Jet Routes Changeover Points			
J233 is Amended to Add Changeover Point			
KIRKSVILLE, MO VORTAC KIRKSVILLE	WATERLOO, IA VORTAC	78	
J233 is Amended to Delete Changeover Point			
WATERLOO, IA VORTAC WATERLOO	ST LOUIS, MO VORTAC	55	

[FR Doc. 2014–15196 Filed 6–26–14; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF STATE

22 CFR Parts 121, 123, and 126

RIN 1400–AD46

[Public Notice: 8784]

Amendment to the International Traffic in Arms Regulations: Third Rule Implementing Export Control Reform; Correction

AGENCY: Department of State.

ACTION: Final rule, correction.

SUMMARY: The Department of State is correcting a final rule that appeared in the **Federal Register** of January 2, 2014 (79 FR 34). The final rule amended the International Traffic in Arms Regulations (ITAR) as part of the President's Export Control Reform (ECR) effort.

DATES: This rule is effective July 1, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. C. Edward Peartree, Director, Office of Defense Trade Controls Policy, Department of State, telephone (202) 663–2792; email *DDTCResponseTeam@state.gov.* ATTN: Regulatory Change, Corrections to Third ECR Final Rule.

SUPPLEMENTARY INFORMATION: The Department provides the following corrections to the rule, ''Amendment to the International Traffic in Arms Regulations: Third Rule Implementing Export Control Reform,'' published on January 2, 2014, and effective on July 1, 2014 (79 FR 34). As part of the President's Export Control Reform (ECR) effort, the Department of State is amending the International Traffic in Arms Regulations (ITAR) to revise five more U.S. Munitions List (USML) categories and provide other changes.

The changes in this rule are meant to clarify the regulation by revising certain text and providing conforming updates to Supplement No. 1 to part 126, taking into account revisions made to the USML categories in the rule published on January 2, 2014. Additionally, supplement No. 1 to part 126 is amended by removing the note pertaining to cluster munitions (previously, Note 16) because its presence created unnecessary confusion with respect to U.S. policy on cluster munitions.

Pursuant to ECR, the Department of Commerce has been publishing revisions to the Export Administration Regulations, including various revisions to the Commerce Control List (CCL). Revision of the USML and CCL are coordinated so there is uninterrupted regulatory coverage for items moving from the jurisdiction of the Department of State to that of the Department of Commerce. However, the Department of Commerce's companion to the rule corrected in this notice (*see* ''Control of Military Training Equipment, Energetic Materials, Personal Protective Equipment, Shelters, Articles Related to Launch Vehicles, Missiles, Rockets, Military Explosives, and Related Items,'' 79 FR 264) is not being corrected in this edition of the **Federal Register**.

The following corrections are made to the rule, ''Amendment to the International Traffic in Arms Regulations: Third Rule Implementing Export Control Reform,'' FR Doc. 2013–31323, published on January 2, 2014 (79 FR 34):

PART 121 [CORRECTED]

§ 121.1 [Corrected]

■ 1. On page 40, in the first column, in Category IV, paragraph (b)(1), ''(*e.g.,* launch tables, TOW missile, MANPADS)'' is removed.

■ 2. On page 41, in the third column, in Category V, paragraph (a)(6), ''(CAS 145250–81–3)'' is placed after the close-parenthesis.

■ 3. On page 42, in the second column, in Category V, paragraph (a)(37), ''70 and °degrees C'' is removed and ''343 K (70 °C) and 373 K (100 °C)'' is added in its place.

■ 4. On page 43, in the first column, in Category V, paragraph (e)(2), ''BAMO (bis(azidomethyl)'' is removed and ''BAMO-3-3-(bis(azidomethyl)'' is added in its place.

■ 5. On page 44, in the first column, in Category V, paragraph (f)(19), ''110445–33–5'' is removed ''68412–46–4'' is added in its place. In paragraph (g)(1), ''bischloromethyloxetane) (CAS 142173–26–0)'' is removed and ''(3,3-bis(chloromethyl)oxetane) (CAS 78–71–7) is added in its place. In the third column, in Category IX, paragraph (a)(2), a comma is placed after ''subchapter,'' and ''that reveal technical data or contain parts, components, accessories, or attachments controlled in this subchapter'' is placed after the comma. ''Note to paragraph (a)(2)'' is removed.

■ 6. On page 45, in the first column, in Category IX, paragraph (a)(11)(iii), the second sentence is removed. The following text is added after paragraph (a)(11): ''Note to paragraph (a)(11): ''Classified'' means classified pursuant to Executive Order 13526, or predecessor order, and a security classification guide developed pursuant thereto or equivalent, or to the corresponding classification rules of another government or international organization.'' In the third column, in Category X, paragraph (d)(2), the quotation marks are removed from ''specially designed.''

PART 123 [CORRECTED]

§ 123.20 [Corrected]

■ 7. On page 47, in the first column, in paragraph (a), ''none of which are subject to the provisions of this subchapter'' is removed and ''which are not subject to this subchapter'' is added in its place.

PART 126 [CORRECTED]

■ 8. On page 47, in the second column, before the signature, add the following amendments:

PART 126—GENERAL POLICIES AND PROVISIONS

■ 12. The authority citation for part 126 continues to read as follows:

Authority: Secs. 2, 38, 40, 42, and 71, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2780, 2791, and 2797); 22 U.S.C. 2651a; 22 U.S.C. 287c; E.O. 12918, 59 FR 28205; 3 CFR, 1994 Comp., p. 899; Sec. 1225, Pub. L. 108–375; Sec. 7089, Pub. L. 111–117; Pub. L. 111–266; Sections 7045 and 7046, Pub. L. 112–74; E.O. 13637, 78 FR 16129.

■ 13. Supplement No. 1 to part 126 is revised to read as follows:

SUPPLEMENT NO. 1*

[*An ''X'' in the chart indicates that the item is excluded from use under the exemption referenced in the top of the column. An item excluded in any one row is excluded regardless of whether other rows may contain a description that would include the item.]

USML Category	Exclusion	(CA) § 126.5	(AS) § 126.16	(UK) § 126.17
I–XXI	Classified defense articles and services. *See* Note 1	X	X	X
I–XXI	Defense articles listed in the Missile Technology Control Regime (MTCR) Annex	X	X	X

SUPPLEMENT NO. 1*—Continued

[*An "X" in the chart indicates that the item is excluded from use under the exemption referenced in the top of the column. An item excluded in any one row is excluded regardless of whether other rows may contain a description that would include the item.]

USML Category	Exclusion	(CA) § 126.5	(AS) § 126.16	(UK) § 126.17
I–XXI	U.S. origin defense articles and services used for marketing purposes and not previously licensed for export in accordance with this subchapter.		X	X
I–XXI	Defense services for or technical data related to defense articles identified in this supplement as excluded from the Canadian exemption.	X		
I–XXI	Any transaction involving the export of defense articles and services for which congressional notification is required in accordance with § 123.15 and § 124.11 of this subchapter.	X		
I–XXI	U.S. origin defense articles and services specific to developmental systems that have not obtained written Milestone B approval from the U.S. Department of Defense milestone approval authority, unless such export is pursuant to a written solicitation or contract issued or awarded by the U.S. Department of Defense for an end-use identified in paragraph (e)(1), (e)(2), or (e)(4) of § 126.16 or § 126.17 of this subchapter and is consistent with other exclusions of this supplement.		X	X
I–XXI	Nuclear weapons strategic delivery systems and all components, parts, accessories, and attachments specifically designed for such systems and associated equipment.	X		
I–XXI	Defense articles and services specific to the existence or method of compliance with anti-tamper measures, where such measures are readily identifiable, made at originating Government direction.		X	X
I–XXI	Defense articles and services specific to reduced observables or counter low observables in any part of the spectrum. *See* Note 2.		X	X
I–XXI	Defense articles and services specific to sensor fusion beyond that required for display or identification correlation. *See* Note 3.		X	X
I–XXI	Defense articles and services specific to the automatic target acquisition or recognition and cueing of multiple autonomous unmanned systems.		X	X
I–XXI	Nuclear power generating equipment or propulsion equipment (*e.g.,* nuclear reactors), specifically designed for military use and components therefor, specifically designed for military use. *See* also § 123.20 of this subchapter.			X
I–XXI	Libraries (parametric technical databases) specially designed for military use with equipment controlled on the USML. *See* Note 13.			X
I–XXI	Defense services or technical data specific to applied research as defined in § 125.4(c)(3) of this subchapter, design methodology as defined in § 125.4(c)(4) of this subchapter, engineering analysis as defined in § 125.4(c)(5) of this subchapter, or manufacturing know-how as defined in § 125.4(c)(6) of this subchapter. *See* Note 12.	X		
I–XXI	Defense services other than those required to prepare a quote or bid proposal in response to a written request from a department or agency of the United States Federal Government or from a Canadian Federal, Provincial, or Territorial Government; or defense services other than those required to produce, design, assemble, maintain or service a defense article for use by a registered U.S. company, or a U.S. Federal Government Program, or for end-use in a Canadian Federal, Provincial, or Territorial Government Program. *See* Note 14.	X		
I	Firearms, close assault weapons, and combat shotguns	X		
II(k)	Software source code related to USML Category II(c), II(d), or II(i). *See* Note 4		X	X
II(k)	Manufacturing know-how related to USML Category II(d). *See* Note 5	X	X	X
III	Ammunition for firearms, close assault weapons, and combat shotguns listed in USML Category I.	X		
III	Defense articles and services specific to ammunition and fuse setting devices for guns and armament controlled in USML Category II.			X
III(e)	Manufacturing know-how related to USML Category III(d)(1) or III(d)(2) and their specially designed components. *See* Note 5.	X	X	X
III(e)	Software source code related to USML Category III(d)(1) or III(d)(2). *See* Note 4		X	X
IV	Defense articles and services specific to man-portable air defense systems (MANPADS). *See* Note 6.	X	X	X
IV	Defense articles and services specific to rockets, designed or modified for non-military applications that do not have a range of 300 km (*i.e.,* not controlled on the MTCR Annex).			X
IV	Defense articles and services specific to torpedoes		X	X
IV	Defense articles and services specific to anti-personnel landmines. *See* Note 15	X	X	X
IV	Defense articles and services specific to cluster munitions	X	X	X
IV(i)	Software source code related to USML Category IV(a), IV(b), IV(c), or IV(g). *See* Note 4.		X	X
IV(i)	Manufacturing know-how related to USML Category IV(a), IV(b), IV(d), or IV(g) and their specially designed components. *See* Note 5.	X	X	X
V	The following energetic materials and related substances: a. TATB (triaminotrinitrobenzene) (CAS 3058–38–6); b. Explosives controlled in USML Category V(a)(32);			X

SUPPLEMENT NO. 1*—Continued

[*An "X" in the chart indicates that the item is excluded from use under the exemption referenced in the top of the column. An item excluded in any one row is excluded regardless of whether other rows may contain a description that would include the item.]

USML Category	Exclusion	(CA) § 126.5	(AS) § 126.16	(UK) § 126.17
	c. Iron powder (CAS 7439–89–6) with particle size of 3 micrometers or less produced by reduction of iron oxide with hydrogen; d. BOBBA–8 (bis(2-methylaziridinyl)2-(2-hydroxypropanoxy) propylamino phosphine oxide), and other MAPO derivatives; e. N-methyl-p-nitroaniline (CAS 100–15–2); or f. Trinitrophenylmethylnitramine (tetryl) (CAS 479–45–8).			
V(a)(13)	ANF or ANAzF as described in USML Category V(a)(13)(iii) and (iv)			X
V(a)(23)	Difluoraminated derivative of RDX as described in USML Category V(a)(23)(iii)			X
V(c)(7)	Pyrotechnics and pyrophorics specifically formulated for military purposes to enhance or control radiated energy in any part of the IR spectrum.			X
V(d)(3)	Bis-2, 2-dinitropropylnitrate (BDNPN)			X
V(i)	Developmental explosives, propellants, pyrotechnics, fuels, oxidizers, binders, additives, or precursors therefor, funded by the Department of Defense via contract or other funding authorization in accordance with notes 1 to 3 for USML Category V(i). This exclusion does not apply if such export is pursuant to a written solicitation or contract issued or awarded by the U.S. Department of Defense for an end-use identified in paragraph (e)(1), (e)(2), or (e)(4) of § 126.16 or § 126.17 of this subchapter and is consistent with other exclusions of this supplement.		X	X
VI	Defense articles specific to cryogenic equipment, and specially designed components or accessories therefor, specially designed or configured to be installed in a vehicle for military ground, marine, airborne or space applications, capable of operating while in motion and of producing or maintaining temperatures below 103 K (−170°C).			X
VI	Defense articles specific to superconductive electrical equipment (rotating machinery and transformers) specially designed or configured to be installed in a vehicle for military ground, marine, airborne, or space applications and capable of operating while in motion. This, however, does not include direct current hybrid homopolar generators that have single-pole normal metal armatures that rotate in a magnetic field produced by superconducting windings, provided those windings are the only superconducting component in the generator.			X
VI	Defense articles and services specific to naval technology and systems relating to acoustic spectrum control and awareness. *See* Note 10.		X	X
VI(a)	Nuclear powered vessels	X	X	X
VI(e)	Defense articles and services specific to naval nuclear propulsion equipment. *See* Note 7.	X	X	X
VI(g)	Software source code related to USML Category VI(a) or VI(c). *See* Note 4		X	X
VII	Defense articles specific to cryogenic equipment, and specially designed components or accessories therefor, specially designed or configured to be installed in a vehicle for military ground, marine, airborne or space applications, capable of operating while in motion and of producing or maintaining temperatures below 103 K (−170°C).			X
VII	Defense articles specific to superconductive electrical equipment (rotating machinery and transformers) specially designed or configured to be installed in a vehicle for military ground, marine, airborne, or space applications and capable of operating while in motion. This, however, does not include direct current hybrid homopolar generators that have single-pole normal metal armatures that rotate in a magnetic field produced by superconducting windings, provided those windings are the only superconducting component in the generator.			X
VIII	Defense articles specific to cryogenic equipment, and specially designed components and accessories therefor, specially designed or configured to be installed in a vehicle for military ground, marine, airborne or space applications, capable of operating while in motion and of producing or maintaining temperatures below 103 K (−170°C).			X
VIII	Defense articles specific to superconductive electrical equipment (rotating machinery and transformers) specially designed or configured to be installed in a vehicle for military ground, marine, airborne, or space applications and capable of operating while in motion. This, however, does not include direct current hybrid homopolar generators that have single-pole normal metal armatures that rotate in a magnetic field produced by superconducting windings, provided those windings are the only superconducting component in the generator.			X
VIII(a)	All USML Category VIII(a) items	X		
VIII(f)	Developmental aircraft parts, components, accessories, and attachments identified in USML Category VIII(f).	X		

SUPPLEMENT NO. 1*—Continued

[*An "X" in the chart indicates that the item is excluded from use under the exemption referenced in the top of the column. An item excluded in any one row is excluded regardless of whether other rows may contain a description that would include the item.]

USML Category	Exclusion	(CA) § 126.5	(AS) § 126.16	(UK) § 126.17
VIII(i)	Manufacturing know-how related to USML Category VIII(a) or VIII(e), and specially designed parts or components therefor. *See* Note 5.	X	X	X
VIII(i)	Software source code related to USML Category VIII(a) or VIII(e). *See* Note 4		X	X
IX	Training or simulation equipment for Man Portable Air Defense Systems (MANPADS). *See* Note 6.		X	X
IX(e)	Software source code related to USML Category IX(a) or IX(b). *See* Note 4		X	X
IX(e)	Software that is both specifically designed or modified for military use and specifically designed or modified for modeling or simulating military operational scenarios.			X
X(e)	Manufacturing know-how related to USML Category X(a)(1) or X(a)(2), and specially designed components therefor. *See* Note 5.	X	X	X
XI(a)	Defense articles and services specific to countermeasures and counter-countermeasures *See* Note 9.		X	X
XI(a)	High Frequency and Phased Array Microwave Radar systems, with capabilities such as search, acquisition, tracking, moving target indication, and imaging radar systems. *See* Note 16.		X	
XI	Defense articles and services specific to naval technology and systems relating to acoustic spectrum control and awareness. *See* Note 10.		X	X
XI(b), XI(c), XI(d)	Defense articles and services specific to USML Category XI(b) (*e.g.,* communications security (COMSEC) and TEMPEST).		X	X
XI(d)	Software source code related to USML Category XI(a). *See* Note 4		X	X
XI(d)	Manufacturing know-how related to USML Category XI(a)(3) or XI(a)(4), and specially designed components therefor. *See* Note 5.	X	X	X
XII	Defense articles and services specific to countermeasures and counter-countermeasures. *See* Note 9.		X	X
XII	Defense articles and services specific to USML Category XII(c) articles, except any 1st- and 2nd-generation image intensification tubes and 1st- and 2nd-generation image intensification night sighting equipment. End-items in USML Category XII(c) and related technical data limited to basic operations, maintenance, and training information as authorized under the exemption in § 125.4(b)(5) of this subchapter may be exported directly to a Canadian Government entity (*i.e.,* federal, provincial, territorial, or municipal) consistent with § 126.5, other exclusions, and the provisions of this subchapter.	X		
XII	Technical data or defense services for night vision equipment beyond basic operations, maintenance, and training data. However, the AS and UK Treaty exemptions apply when such export is pursuant to a written solicitation or contract issued or awarded by the U.S. Department of Defense for an end-use identified in paragraph (e)(1), (e)(2), or (e)(4) of § 126.16 or § 126.17 of this subchapter and is consistent with other exclusions of this supplement.	X	X	X
XII(f)	Manufacturing know-how related to USML Category XII(d) and specially designed components therefor. *See* Note 5.	X	X	X
XII(f)	Software source code related to USML Category XII(a), XII(b), XII(c), or XII(d). *See* Note 4.		X	X
XIII(b)	Defense articles and services specific to USML Category XIII(b) (Military Information Security Assurance Systems, cryptographic devices, software, and components).		X	X
XIII(d)	Carbon/carbon billets and preforms which are reinforced in three or more dimensional planes, specifically designed, developed, modified, configured or adapted for defense articles.			X
XIII(e)	Defense articles and services specific to armored plate manufactured to comply with a military standard or specification or suitable for military use. *See* Note 11.			X
XIII(g)	Defense articles and services related to concealment and deception equipment and materials.			X
XIII(h)	Energy conversion devices other than fuel cells			X
XIII(j)	Defense articles and services related to hardware associated with the measurement or modification of system signatures for detection of defense articles as described in Note 2.		X	X
XIII(l)	Software source code related to USML Category XIII(a). *See* Note 4		X	X
XIV	Defense articles and services related to toxicological agents, including chemical agents, biological agents, and associated equipment.		X	X
XIV(a), XIV(b), XIV(d), XIV(e), XIV(f).	Chemical agents listed in USML Category XIV(a), (d) and (e), biological agents and biologically derived substances in USML Category XIV(b), and equipment listed in USML Category XIV(f) for dissemination of the chemical agents and biological agents listed in USML Category XIV(a), (b), (d), and (e).	X		
XV(a)	Defense articles and services specific to spacecraft/satellites. However, the Canadian exemption may be used for commercial communications satellites that have no other type of payload.	X	X	X

SUPPLEMENT NO. 1*—Continued

[*An "X" in the chart indicates that the item is excluded from use under the exemption referenced in the top of the column. An item excluded in any one row is excluded regardless of whether other rows may contain a description that would include the item.]

USML Category	Exclusion	(CA) § 126.5	(AS) § 126.16	(UK) § 126.17
XV(b)	Defense articles and services specific to ground control stations for spacecraft telemetry, tracking, and control. Defense articles and services are not excluded under this entry if they do not control the spacecraft. Receivers for receiving satellite transmissions are also not excluded under this entry.		X	X
XV(c)	Defense articles and services specific to GPS/PPS security modules		X	X
XV(c)	Defense articles controlled in USML Category XV(c) except end-items for end-use by the Federal Government of Canada exported directly or indirectly through a Canadian-registered person.	X		
XV(d)	Defense articles and services specific to radiation-hardened microelectronic circuits.	X	X	X
XV(e)	Anti-jam systems with the ability to respond to incoming interference by adaptively reducing antenna gain (nulling) in the direction of the interference.	X		
XV(e)	Antennas having any of the following: a. Aperture (overall dimension of the radiating portions of the antenna) greater than 30 feet; b. All sidelobes less than or equal to ×35 dB relative to the peak of the main beam; or c. Designed, modified, or configured to provide coverage area on the surface of the earth less than 200 nautical miles in diameter, where "coverage area" is defined as that area on the surface of the earth that is illuminated by the main beam width of the antenna (which is the angular distance between half power points of the beam).	X		
XV(e)	Optical intersatellite data links (cross links) and optical ground satellite terminals	X		
XV(e)	Spaceborne regenerative baseband processing (direct up and down conversion to and from baseband) equipment.	X		
XV(e)	Propulsion systems which permit acceleration of the satellite on-orbit (*i.e.,* after mission orbit injection) at rates greater than 0.1 g.	X		
XV(e)	Attitude control and determination systems designed to provide spacecraft pointing determination and control or payload pointing system control better than 0.02 degrees per axis.	X		
XV(e)	All specifically designed or modified systems, components, parts, accessories, attachments, and associated equipment for all USML Category XV(a) items, except when specifically designed or modified for use in commercial communications satellites.	X		
XV(e)	Defense articles and services specific to spacecraft and ground control station systems (only for telemetry, tracking and control as controlled in USML Category XV(b)), subsystems, components, parts, accessories, attachments, and associated equipment.		X	X
XV(f)	Technical data and defense services directly related to the other defense articles excluded from the exemptions for USML Category XV.	X	X	X
XVI	Defense articles and services specific to design and testing of nuclear weapons	X	X	X
XVII	Classified articles, and technical data and defense services relating thereto, not elsewhere enumerated. *See* Note 1.	X	X	X
XVIII	Defense articles and services specific to directed energy weapon systems		X	X
XIX(e), XIX(f)(1), XIX(f)(2), XIX(g).	Defense articles and services specific to gas turbine engine hot section components and to Full Authority Digital Engine Control Systems (FADEC) or Digital Electronic Engine Controls (DEEC). *See* Note 8.		X	X
XIX(g)	Technical data and defense services for gas turbine engine hot sections. (This does not include hardware). *See* Note 8.	X	X	X
XX	Defense articles and services related to submersible vessels, oceanographic, and associated equipment.	X	X	X
XX	Defense articles and services specific to naval technology and systems relating to acoustic spectrum control and awareness. *See* Note 10.		X	X
XX	Defense articles specific to cryogenic equipment, and specially designed components or accessories therefor, specially designed or configured to be installed in a vehicle for military ground, marine, airborne or space applications, capable of operating while in motion and of producing or maintaining temperatures below 103 K (−170°C).			X
XX	Defense articles specific to superconductive electrical equipment (rotating machinery and transformers) specially designed or configured to be installed in a vehicle for military ground, marine, airborne, or space applications and capable of operating while in motion. This, however, does not include direct current hybrid homopolar generators that have single-pole normal metal armatures which rotate in a magnetic field produced by superconducting windings, provided those windings are the only superconducting component in the generator.			X
XX(a)	Nuclear powered vessels	X	X	X

SUPPLEMENT NO. 1*—Continued

[*An "X" in the chart indicates that the item is excluded from use under the exemption referenced in the top of the column. An item excluded in any one row is excluded regardless of whether other rows may contain a description that would include the item.]

USML Category	Exclusion	(CA) § 126.5	(AS) § 126.16	(UK) § 126.17
XX(b)	Defense articles and services specific to naval nuclear propulsion equipment. *See* Note 7.	X	X	X
XX(c)	Defense articles and services specific to submarine combat control systems		X	X
XX(d)	Software source code related to USML Category XX(a). *See* Note 4		X	X
XXI	Articles, and technical data and defense services relating thereto, not otherwise enumerated on the USML, but placed in this category by the Director, Office of Defense Trade Controls Policy.	X	X	X

Note 1: Classified defense articles and services are not eligible for export under the Canadian exemptions. U.S. origin articles, technical data, and services controlled in USML Category XVII are not eligible for export under the UK Treaty exemption. U.S. origin classified defense articles and services are not eligible for export under either the UK or AS Treaty exemptions except when being released pursuant to a U.S. Department of Defense written request, directive, or contract that provides for the export of the defense article or service.

Note 2: The phrase "any part of the spectrum" includes radio frequency (RF), infrared (IR), electro-optical, visual, ultraviolet (UV), acoustic, and magnetic. Defense articles related to reduced observables or counter reduced observables are defined as:

(a) Signature reduction (radio frequency (RF), infrared (IR), Electro-Optical, visual, ultraviolet (UV), acoustic, magnetic, RF emissions) of defense platforms, including systems, subsystems, components, materials (including dual-purpose materials used for Electromagnetic Interference (EM) reduction), technologies, and signature prediction, test and measurement equipment and software, and material transmissivity/reflectivity prediction codes and optimization software.

(b) Electronically scanned array radar, high power radars, radar processing algorithms, periscope-mounted radar systems (PATRIOT), LADAR, multistatic and IR focal plane array-based sensors, to include systems, subsystems, components, materials, and technologies.

Note 3: Defense Articles related to sensor fusion beyond that required for display or identification correlation is defined as techniques designed to automatically combine information from two or more sensors/sources for the purpose of target identification, tracking, designation, or passing of data in support of surveillance or weapons engagement. Sensor fusion involves sensors such as acoustic, infrared, electro optical, frequency, etc. Display or identification correlation refers to the combination of target detections from multiple sources for assignment of common target track designation.

Note 4: Software source code beyond that source code required for basic operation, maintenance, and training for programs, systems, and/or subsystems is not eligible for use of the UK or AS Treaty exemptions, unless such export is pursuant to a written solicitation or contract issued or awarded by the U.S. Department of Defense for an end-use identified in paragraph (e)(1), (e)(2), or (e)(4) of § 126.16 or § 126.17 of this subchapter and is consistent with other exclusions of this supplement.

Note 5: Manufacturing know-how, as defined in § 125.4(c)(6) of this subchapter, is not eligible for use of the UK or AS Treaty exemptions, unless such export is pursuant to a written solicitation or contract issued or awarded by the U.S. Department of Defense for an end-use identified in paragraph (e)(1), (e)(2), or (e)(4) of § 126.16 or § 126.17 of this subchapter and is consistent with other exclusions of this supplement.

Note 6: Defense Articles specific to Man Portable Air Defense Systems (MANPADS) includes missiles that can be used without modification in other applications. It also includes production and test equipment and components specifically designed or modified for MANPAD systems, as well as training equipment specifically designed or modified for MANPAD systems.

Note 7: Naval nuclear propulsion plants includes all of USML Category VI(e). Naval nuclear propulsion information consists of technical data that concern the design, arrangement, development, manufacture, testing, operation, administration, training, maintenance, and repair of the propulsion plants of naval nuclear-powered ships and prototypes, including the associated shipboard and shore-based nuclear support facilities. Examples of defense articles covered by this exclusion include nuclear propulsion plants and nuclear submarine technologies or systems; nuclear powered vessels (*see* USML Categories VI and XX).

Note 8: A complete gas turbine engine with embedded hot section components or digital engine controls is eligible for export or transfer under the Treaties. Technical data, other than those data required for routine external maintenance and operation, related to the hot section is not eligible for export under the Canadian exemption. Technical data, other than those data required for routine external maintenance and operation, related to the hot section or digital engine controls, as well as individual hot section parts or components are not eligible for the Treaty exemption whether shipped separately or accompanying a complete engine. Gas turbine engine hot section exempted defense article components and technology are combustion chambers and liners; high pressure turbine blades, vanes, disks and related cooled structure; cooled low pressure turbine blades, vanes, disks and related cooled structure; cooled augmenters; and cooled nozzles. Examples of gas turbine engine hot section developmental technologies are Integrated High Performance Turbine Engine Technology (IHPTET), Versatile, Affordable Advanced Turbine Engine (VAATE), and Ultra-Efficient Engine Technology (UEET), which are also excluded from export under the exemptions.

Note 9: Examples of countermeasures and counter-countermeasures related to defense articles not exportable under the AS or UK Treaty exemptions are:

(a) IR countermeasures;

(b) Classified techniques and capabilities;

(c) Exports for precision radio frequency location that directly or indirectly supports fire control and is used for situation awareness, target identification, target acquisition, and weapons targeting and Radio Direction Finding (RDF) capabilities. Precision RF location is defined as angle of arrival accuracy of less than five degrees (RMS) and RF emitter location of less than ten percent range error;

(d) Providing the capability to reprogram; and

(e) Acoustics (including underwater), active and passive countermeasures, and counter-countermeasures.

Note 10: Examples of defense articles covered by this exclusion include underwater acoustic vector sensors; acoustic reduction; off-board, underwater, active and passive sensing, propeller/propulsor technologies; fixed mobile/floating/powered detection systems which include in-buoy signal processing for target detection and classification; autonomous underwater vehicles capable of long endurance in ocean environments (manned submarines excluded); automated control algorithms embedded in on-board autonomous platforms which enable (a) group behaviors for target detection and classification, (b) adaptation to the environment or tactical situation for enhancing target detection and classification; "intelligent autonomy" algorithms that define the status, group (greater than 2) behaviors, and responses to detection stimuli by autonomous, underwater vehicles; and low frequency, broadband "acoustic color," active acoustic "fingerprint" sensing for the purpose of long range, single pass identification of ocean bottom objects, buried or otherwise (controlled under Category USML XI(a)(1), (a)(2), (b), (c), and (d)).

Note 11: This exclusion does not apply to the platforms (*e.g.,* vehicles) for which the armored plates are applied. For exclusions related to the platforms, refer to the other exclusions in this list, particularly for the category in which the platform is controlled.

The excluded defense articles include constructions of metallic or non-metallic materials or combinations thereof specially designed to provide protection for military systems. The phrase "suitable for military use" applies to any articles or materials which have been tested to level IIIA or above IAW NIJ standard 0108.01 or comparable national standard. This exclusion does not include military helmets, body armor, or other protective garments which may be exported IAW the terms of the AS or UK Treaty.

Note 12: Defense services or technical data specific to applied research (§ 125.4(c)(3) of this subchapter), design methodology (§ 125.4(c)(4) of this subchapter), engineering analysis (§ 125.4(c)(5) of this subchapter), or manufacturing know-how (§ 125.4(c)(6) of this subchapter) are not eligible for export under the Canadian exemptions. However, this exclusion does not include defense services or technical data specific to build-to-print as defined in § 125.4(c)(1) of this subchapter, build/design-to-specification as defined in § 125.4(c)(2) of this subchapter, or basic research as defined in § 125.4(c)(3) of this subchapter, or maintenance (*i.e.,* inspection, testing, calibration or repair, including overhaul, reconditioning and one-to-one replacement of any defective items parts or components, but excluding any modification, enhancement, upgrade or other form of alteration or improvement that changes the basic performance of the item) of non-excluded defense articles which may be exported subject to other exclusions or terms of the Canadian exemptions.

Note 13: The term ''libraries'' (parametric technical databases) means a collection of technical information of a military nature, reference to which may enhance the performance of military equipment or systems.

Note 14: In order to utilize the authorized defense services under the Canadian exemption, the following must be complied with:

(a) The Canadian contractor and subcontractor must certify, in writing, to the U.S. exporter that the technical data and defense services being exported will be used only for an activity identified in Supplement No. 1 to part 126 of this subchapter and in accordance with § 126.5 of this subchapter; and

(b) A written arrangement between the U.S. exporter and the Canadian recipient must:

(1) Limit delivery of the defense articles being produced directly to an identified manufacturer in the United States registered in accordance with part 122 of this subchapter; a department or agency of the United States Federal Government; a Canadian-registered person authorized in writing to manufacture defense articles by and for the Government of Canada; a Canadian Federal, Provincial, or Territorial Government;

(2) Prohibit the disclosure of the technical data to any other contractor or subcontractor who is not a Canadian-registered person;

(3) Provide that any subcontract contain all the limitations of § 126.5 of this subchapter;

(4) Require that the Canadian contractor, including subcontractors, destroy or return to the U.S. exporter in the United States all of the technical data exported pursuant to the contract or purchase order upon fulfillment of the contract, unless for use by a Canadian or United States Government entity that requires in writing the technical data be maintained. The U.S. exporter must be provided written certification that the technical data is being retained or destroyed; and

(5) Include a clause requiring that all documentation created from U.S. origin technical data contain the statement that, ''This document contains technical data, the use of which is restricted by the U.S. Arms Export Control Act. This data has been provided in accordance with, and is subject to, the limitations specified in § 126.5 of the International Traffic in Arms Regulations (ITAR). By accepting this data, the consignee agrees to honor the requirements of the ITAR.''

(c) The U.S. exporter must provide the Directorate of Defense Trade Controls a semi-annual report regarding all of their on-going activities authorized under § 126.5 of this subchapter. The report shall include the article(s) being produced; the end-user(s); the end-item into which the product is to be incorporated; the intended end-use of the product; and the name and address of all the Canadian contractors and subcontractors.

Note 15: This exclusion does not apply to demining equipment in support of the clearance of landmines and unexploded ordnance for humanitarian purposes. As used in this exclusion, ''anti-personnel landmine'' means any mine placed under, on, or near the ground or other surface area, or delivered by artillery, rocket, mortar, or similar means or dropped from an aircraft and which is designed to be detonated or exploded by the presence, proximity, or contact of a person; any device or material which is designed, constructed, or adapted to kill or injure and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act; any manually-emplaced munition or device designed to kill, injure, or damage and which is actuated by remote control or automatically after a lapse of time.

Note 16: The radar systems described are controlled in USML Category XI(a)(3)(i) through (v). As used in this entry, the term ''systems'' includes equipment, devices, software, assemblies, modules, components, practices, processes, methods, approaches, schema, frameworks, and models.

Rose E. Gottemoeller,

Under Secretary, Arms Control and International Security, Department of State.

[FR Doc. 2014–15147 Filed 6–26–14; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2013–0327]

Regattas and Marine Parades in the COTP Lake Michigan Zone—Chinatown Chamber of Commerce Dragon Boat Race, Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the special local regulation on the South Branch of the Chicago River for the Chinatown Chamber of Commerce Dragon boat Race in Chicago, Illinois. This regulated area will be enforced from 7 a.m. until 5 p.m. on June 28, 2014. This action is necessary and intended to ensure safety of life and property on navigable waters immediately prior to, during, and immediately after the Dragon Boat race. During the aforementioned period, the Coast Guard will enforce restrictions upon, and control movement of, vessels in a portion of the Captain of the Port Lake Michigan Zone.

DATES: The regulations in 33 CFR 100.909 will be enforced from 7 a.m. until 5 p.m. on June 28, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this document, call or email MST1 John Ng, Waterways Management Division, Marine Safety Unit Chicago, Chicago, IL at (630) 986–2155, email *John.H.Ng@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulation listed in 33 CFR 100.909, Chinatown Chamber of Commerce Dragon Boat Race; Chicago, IL. This special local regulation will encompass all waters of the South Branch of the Chicago River from the West 18th Street Bridge at position 41°51′28″ N, 087°38′06″ W to the Amtrak Bridge at position 41°51′20″ N, 087°38′13″ W (NAD 83). This year, this special local regulation will be enforced from 7 a.m. until 5 p.m. on June 28, 2014.

Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander and when so directed by that officer. Vessels will be operated at a no wake speed to reduce the wake to a minimum, and in a manner which will not endanger participants in the event or any other craft. The rules contained in the above two sentences shall not apply to participants in the event or vessels of the patrol operating in the performance of their assigned duties. The Patrol Commander may direct the anchoring, mooring, or movement of any boat or vessel within the regatta area.

This document is issued under authority of 33 CFR 100.909, Chinatown Chamber of Commerce Dragon Boat Race; Chicago, IL, and 5 U.S.C. 552(a). In addition to this publication in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of the enforcement of this special local regulation via Broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port, Lake Michigan, or his or her on-scene representative may be contacted via Channel 16, VHF–FM.

Dated: June 16, 2014.

M.W. Sibley,

Captain, U.S. Coast Guard, Captain of the Port, Lake Michigan.

[FR Doc. 2014–15122 Filed 6–26–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0498]

Drawbridge Operation Regulation; Duwamish Waterway, 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 South Park Highway Bridge across the Duwamish Waterway, mile 3.8, at Seattle, Washington. The deviation is necessary to accommodate the Grand Opening event of the South Park Highway Bridge. This deviation allows the drawbridge to remain in the closed position and need not open to marine traffic.

DATES: This deviation is effective from 3:30 p.m. on June 29, 2014 to 10 p.m. on June 29, 2014.

ADDRESSES: The docket for this deviation, [USCG–2014–0498] 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 M. Fischer, Thirteenth District Bridge Administrator, Coast Guard; 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 South Park Highway double bascule span drawbridge replacement project has progressed to the point of completion. The City of Seattle Department of Transportation (SDOT) requested a change to the current deviation schedule under which the bridge operates to hold a grand opening celebration scheduled for June 29, 2014. This new temporary deviation will allow the bridge to remain in the closed position and need not open to marine traffic from 3:30 p.m. on June 29, 2014 to 10 p.m. on June 29, 2014 to accommodate the event. The event will be attended by the public, plus local and national dignitaries, as SDOT dedicates the new bridge and reopens a historic and critical transportation link. Festivities will include a parade across the bridge and a street party featuring music and other performances, as well as food and drink vendors. Participants will be able to walk across the bridge and tour its south tower. Currently the bridge operates under a temporary deviation (USCG–2014–0237, 79 FR 21128, April 15, 2014) from 12:01 a.m. on March 30, 2014 to 11:59 p.m. on September 1, 2014 to enable timely completion of the bridge construction project. This deviation allows the drawbridge to remain closed to mariners needing a full channel, double bascule leaf drawbridge opening unless 12 hours advance notice is provided. Mariners that only require a single leaf half channel drawbridge opening will be given an opening upon signal. A draw tender will be present 24 hours a day, 7 days week.

The South Park Highway Double Bascule Bridge is located at Duwamish Waterway, mile 3.8, in the city of Seattle, Washington, and provides 34.8 feet of vertical clearance above at center span while in the closed position and 30 feet of vertical clearance at the extreme east and west ends of the navigable channel and unlimited vertical clearance with the bascule bridge in the fully open position. Vertical clearances are referenced to mean high-water elevation (MHW). Horizontal clearance is 128 feet. However, horizontal clearance may be restricted by construction barges. As such, mariners are advised to consult the Local Notice to Mariners for current conditions.

Maritime traffic on this stretch of the Duwamish waterway consists of vessels ranging from small pleasure craft, sailboats, small tribal fishing boats, and commercial tug and tow, and mega yachts. Vessels able to pass through the bridge in the closed positions may do so at anytime but are advised to use caution as the area surrounding the bridge has numerous construction craft and equipment in the water. The bridge will not 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.

The drawbridge must return to the current deviation operating schedule (79 FR 21128, April 15, 2014) 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 12, 2014.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2014–15124 Filed 6–26–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0470]

Drawbridge Operation Regulation; St. Croix River, Stillwater, MN

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Stillwater Highway Drawbridge across the St. Croix River, mile 23.4, at Stillwater, Minnesota. The deviation is necessary due to increased vehicular traffic after a local Independence Day fireworks display. The deviation allows the bridge to be in the closed-to-navigation position to clear increased traffic congestion.

DATES: This deviation is effective from 10:00 p.m. to 11:30 p.m., July 4, 2014.

ADDRESSES: The docket for this deviation, [USCG–2014–0470] 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 Eric A. Washburn, Bridge Administrator, Western Rivers, Coast Guard; telephone 314–269–2378, email *Eric.Washburn@uscg.mil.* If you have questions on viewing the docket, call Cheryl F.

Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Minnesota Department of Transportation requested a temporary deviation for the Stillwater Highway Drawbridge, across the St. Croix River, mile 23.4, at Stillwater, Minnesota to remain in the closed-to-navigation position on July 4, 2014 as follows:

From 10:00 p.m. to 11:30 p.m. on July 4, 2014, the lift span will remain in the closed-to-navigation position.

The Stillwater Highway Drawbridge currently operates in accordance with 33 CFR 117.667(b), which states specific seasonal and commuter hours operating requirements.

There are no alternate routes for vessels transiting this section of the St. Croix River.

The Stillwater Highway Drawbridge, in the closed-to-navigation position, provides a vertical clearance of 10.9 feet above normal pool. Navigation on the waterway consists primarily of commercial sightseeing/dinner cruise boats and recreational watercraft. This temporary deviation has been coordinated with waterway users. No objections were received.

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 13, 2014.

Eric A. Washburn,

Bridge Administrator, Western Rivers.

[FR Doc. 2014–15127 Filed 6–26–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 140 and 146

[Docket No. USCG–2013–0797]

RIN 1625–AC12

Notice of Arrival Exception

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending its regulations to implement a statutory change, enacted under section 704 of the Coast Guard and Maritime Transportation Act of 2012, exempting U.S. mobile offshore drilling units and other U.S. vessels from submitting a Notice of Arrival when moving directly from one Outer Continental Shelf block area to another.

DATES: This final rule is effective June 27, 2014.

ADDRESSES: Documents mentioned in this preamble as being available in the docket (USCG–2013–0797) 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 on the Internet by going to *http://www.regulations.gov,* inserting USCG–2013–0797 in the ''Search'' box, and then clicking ''Search.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Dennis Fahr, Office of Operating and Environmental Standards (CG–OES), Coast Guard; telephone 202–372–1427, email *Dennis.Fahr@usg.mil.* If you have questions on viewing the docket, call Ms. Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

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I. Abbreviations

2012 CGMTA Coast Guard and Maritime Transportation Act of 2012
APA Administrative Procedure Act
BOE Bureau of Ocean Energy Management, Regulation and Enforcement
BOEM Bureau of Ocean Energy Management
BOEMRE Bureau of Ocean Energy Management, Regulation and Enforcement
BSEE Bureau of Safety and Environmental Enforcement
DHS Department of Homeland Security
E.O. Executive Order
FR Federal Register
MODU Mobile Offshore Drilling Unit
NOA Notice of Arrival
NVMC National Vessel Movement Center
OCS Outer Continental Shelf
OMB Office of Management and Budget
U.S.C. United States Code

II. Regulatory History

Section 704 of the Coast Guard and Maritime Transportation Act of 2012 (Pub. L. 112–213) (2012 CGMTA) specifically exempts U.S. mobile offshore drilling units (MODUs) and other U.S. vessels from the requirement to submit a Notice of Arrival (NOA) when transiting within the Outer Continental Shelf (OCS) unless the vessel is arriving from a foreign port or place. Under section 704, U.S. MODUs and other U.S. vessels are exempt from having to submit an NOA when moving from one OCS block area to another.

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

Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM with respect to this rule because it is unnecessary. The Coast Guard finds that notice and comment for this rulemaking is unnecessary because we are merely making a regulatory amendment to conform to section 704 of the 2012 CGMTA, which specifically exempts U.S. MODUs and other U.S. vessels traveling between OCS block areas from having to submit an NOA. Public notice of this regulatory amendment is, therefore, unnecessary because public comment cannot affect, influence, or inform any Coast Guard action in implementing the Congressionally-mandated NOA exemption for U.S. MODUs and other U.S. vessels traveling between OCS block areas.

In accordance with 5 U.S.C. 553(d)(1) and (3), this rule will become effective upon the date of publication in the **Federal Register**. Under 5 U.S.C. 553(d)(1), an agency is permitted to make ''a substantive rule which grants or recognizes an exemption or relieves a restriction . . .'' to become immediately effective. The Coast Guard is making this rule effective immediately because it recognizes the legislative exemption provided to U.S. MODUs and other U.S. vessels from the requirement to submit an NOA when traveling between OCS block areas. Additionally, the Coast Guard finds that good cause exists for making this rule effective immediately upon publication in the **Federal Register** pursuant to 5

U.S.C. 553(d)(3). Delaying the effective date to provide a full 30 day notice is unnecessary because the rule merely makes a regulatory amendment to conform to the legislation passed by Congress under section 704 of the 2012 CGMTA.

III. Basis and Purpose

The purpose of this rulemaking is to implement the legislative exemption provided under section 704 of the 2012 CGMTA, which exempts U.S. MODUs and other U.S. vessels traveling between OCS block areas from having to submit an NOA. Under current regulations in 33 CFR part 146, subparts C and E, U.S. MODUs and vessels are required to submit an NOA when moving from one OCS block area to another. In order to align 33 CFR part 146, subparts C and E with the NOA exemption provided under the 2012 CGMTA, we are amending §§ 146.215 and 146.401 by specifically exempting U.S. MODUs and other U.S. vessels from having to submit an NOA when traveling directly from one OCS block area to another. U.S. MODUs and vessels arriving directly from a foreign port or place, however, would still be subject to the NOA requirements under 33 CFR 146.215 and 146.405.

Sections 146.215 and 146.401 already contain an NOA exemption for ''those U.S. MODUs arriving directly from a U.S. port or place'' and ''those U.S. vessels traveling directly from a U.S. port or place'' respectively; however, §§ 146.215 and 146.405 require NOAs when a MODU or vessel ''arrives. . .from a different OCS block area.'' Whether an OCS block area is considered a ''U.S. port or place,'' thus exempting U.S. MODUs or other U.S. vessels traveling from one block area to another from the NOA OCS requirements provided under §§ 146.215 and 146.405, depends on the definitions of ''U.S. port or place'' and ''OCS block area.'' A ''U.S. port or place'' is determined by U.S. Customs and Border Protection through a fact-specific customs ruling. ''OCS block area'' is defined in both subparts C and E as ''the names given by the Bureau of Ocean Energy Management, Regulation and Enforcement (BOE) [1] [which succeeded the Minerals Management Service (MMS) in 2010] [2] to define the OCS areas used to facilitate management or leasing on the OCS.'' Because the authority has not expressly addressed whether ''U.S. port or place'' and ''OCS block area'' are analogous, we are implementing the legislative exemption contained in section 704 of the 2012 CGMTA by adding ''OCS block area'' to the existing exemptions in §§ 146.215 and 146.401. Therefore, U.S. MODUs and other U.S. vessels arriving on the OCS directly from a different OCS block area, as well as those MODUs and vessels arriving from a U.S. port or place, would be exempt from the NOA OCS requirements. Also, to reflect the reorganization of MMS into BOEMRE in 2010, and subsequently BOEMRE into BOEM and BSEE in 2011, we are amending §§ 140.10, 140.101 (b through d), 140.103 (b and c) and 140.105(a through e). We are also amending §§ 146.102, 146.200, 146.402 and 146.405(b)(2) to reflect the current title and acronym of ''BOEM'', which is called ''BOE'' in this section of our existing regulations.

IV. Background

On January 13, 2011, the Coast Guard published a final rule in the **Federal Register** (76 FR 2254) that established the NOA requirements for vessels, facilities, and MODUs operating on the OCS. The final rule was designed to enhance maritime domain awareness over OCS activities. The rule increased maritime security and safety by requiring U.S. and foreign-flagged vessels, floating facilities, and MODUs arriving on and/or engaging in OCS activities to report their arrival time; location; and information regarding the floating facilities; MODUs; and the vessel's voyage, cargo, crew, and vessel information.

The ''OCS'' is defined in 33 CFR 140.10 to include ''all submerged lands lying seaward and outside of the area of 'lands beneath navigable waters' as defined in section 2(a) of the Submerged Lands Act (43 U.S.C. 1301(a)) and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.'' ''OCS activity'' is defined in 33 CFR 140.10 as ''any offshore activity associated with the exploration for, or development or production of, the minerals of the Outer Continental Shelf.''

The rule implemented provisions of the Security and Accountability for Every Port Act of 2006 and increased overall maritime domain awareness by requiring owners or operators of U.S. and foreign-flagged vessels, floating facilities, and MODUs to submit NOA information to the Coast Guard's National Vessel Movement Center (NVMC) prior to engaging in OCS activities. Such information is critical to maritime safety and security and enables the Coast Guard to more effectively prevent or respond to a safety or security concern on the OCS.

The January 13, 2011, NOA final rule and related materials may be viewed online at *http://www.regulations.gov,* docket number: USCG–2008–1088.

Upon publication of that final rule, the U.S. domestic offshore industry indicated that compliance with the final rule was difficult because of the nature of the services that these vessels provide when engaged in activities on the OCS. Through our partnership with the Offshore Marine Service Association, we established a working group to specifically address the design of an OCS-specific reporting form.

In the intervening time between the effective date of the 2011 NOA final rule and the 2012 CGMTA, we requested voluntary compliance with the 2011 final rule using the current e-NOA–OCS application so that we could ascertain the practicality of the current application and the information requested. This voluntary compliance period allowed us to gather information as to what was needed to reduce the reporting burden. In December 2012, the 2012 CGMTA was signed into law. It contains a section that exempts U.S. MODUs and other U.S. documented vessels from reporting block-to-block movements and filing an NOA unless arriving on the OCS directly from a foreign port.

V. Discussion of Final Rule

Through this rulemaking, we are amending §§ 146.215 and 146.401 by exempting U.S. MODUs and other U.S. vessels from having to submit an NOA when traveling directly from one OCS block area to another. These regulatory amendments are necessary in order to conform to the legislation passed by Congress under section 704 of the 2012 CGMTA, which specifically exempts U.S. MODUs and other U.S. vessels traveling between OCS block areas from having to submit an NOA. We are also making a non-substantive amendment to §§ 140.10, 140.101, 140.103, 140.105, 146, 102, 146.200, 146.402 and 146.405 to reflect the current title and acronym for BOEM and BSEE.

VI. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders (E.O.s) related to 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

[1] On October 1, 2011, BOE was split into the Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE), 76 FR 64432.

[2] 75 FR 61051.

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 rule has not been designated 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. Accordingly, the final rule has not been reviewed by the Office of Management and Budget (OMB). Nonetheless, we developed an analysis of the costs and benefits of the rule to ascertain its probable impacts on industry. A final Regulatory Assessment follows:

This final rule will implement a statutory change that exempts U.S. MODUs and U.S. vessels from submitting NOAs to the NVMC when transiting from one OCS block area to another, as defined above. This rule will align our regulations with section 704 of the 2012 CGMTA, which specifically exempts these vessels from submitting NOAs when traveling from one OCS block area to another. U.S. MODUs and vessels arriving from a U.S. port or place and traveling to the OCS and those same vessels that travel from the OCS to a U.S. port or place are exempt from submitting NOAs in 33 CFR part 146. However, based on Coast Guard data, no NOAs have been received from affected U.S. vessel owners and operators since December 2012, when the CGMTA was signed into law. Therefore, this rule will not have an economic impact on owners and operators of U.S. MODUs and vessels that transit the OCS.

All vessels arriving from a foreign port or place to an OCS block area and vessels departing from an OCS block area traveling to a foreign port or place are still required to submit NOAs to the NVMC in accordance with 33 CFR part 146 as these vessels are not exempt under this final rule.

In the development of this rule, we considered two alternatives (including the preferred alternative). 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 704 of the 2012 CGMTA; (2) what benefits, if any, would be derived, such as the reduction in burden for vessel owners and operators; and (3) impacts on costs, if any. The alternatives considered are as follows:

Alternative 1: Revise 33 CFR part 146 to remove the current submission requirement of an NOA for owners and operators of U.S. MODUs and vessels that transit from one OCS block area to another (preferred alternative). At present, owners and operators of U.S. MODUs and vessels are required to submit a NOA to the NVMC when departing from or arriving to one OCS block area to another. Implementation of this final rule will eliminate the NOA submission requirement for the above affected vessels.

Alternative 2: Take no regulatory action. This option was not selected as it would not implement section 704 of the 2012 CGMTA. Under this alternative, regulatory language would remain inconsistent with section 704 of the 2012 CGMTA and current practice.

Analysis of Alternatives

We chose Alternative 1, which implements section 704 of the Act as described in Section V of the preamble above. We chose to reject Alternative 2, the ''no regulatory action'' alternative, because it would not implement section 704 of the Act and would not harmonize regulatory language with the statute.

Costs

We do not expect this final rule to impose new costs on the public or industry. This final rule will align our regulations with section 704 of the 2012 CGMTA, which exempts U.S. MODUs and vessels from submitting NOAs to the NVMC when traveling from one OCS block area to another.

Benefits

This rule makes conforming regulatory amendments to the legislation passed by Congress under section 704 of the 2012 CGMTA, which specifically exempts U.S. MODUs and other U.S. vessels traveling between OCS block areas from having to submit an NOA. By conforming the regulations to the legislation, we eliminate any potential for confusion regarding whether an NOA must be submitted when U.S. MODUs and U.S. vessels travel from one OCS block area to another. The Coast Guard has determined that because there have been no NOAs submitted to the NVMC since passage of the 2012 CGMTA, there are no cost savings attributable to this final rule.

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, we are implementing this legislative exemption in section 704 of the 2012 CGMTA as a final rule, foregoing notice and comment under 5 U.S.C. 553(b)(B) and the RFA does not require an agency to prepare a regulatory flexibility analysis for rules promulgated under section 553(b)(B). Therefore, the Coast Guard 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 offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking. If the rule affects your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult Lieutenant Commander Michael Lendvay, Office of Commercial Vessel Compliance, Coast Guard; telephone 202 372–1218, email *michael.d.lendvay@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). On December 20, 2012, the 2012 CGMTA was passed, which exempts U.S. vessels and MODUs that transit from one OCS block area to another from submitting NOAs to the NVMC. As a result, vessel owners and operators have not submitted NOAs since that time. This change has been incorporated into the ICR burden estimates during its renewal. Therefore no collection of information is necessary from this final rule.

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.

Congress specifically granted the authority to the Secretary of the Department in which the Coast Guard is operating to regulate artificial islands, installations, and other devices permanently or temporarily attached to the OCS and in the waters adjacent thereto as it relates to the safety of life. Title 43 U.S.C. 1333(d)(1) states that the Secretary ''shall have the authority to promulgate and enforce such reasonable regulations with respect to lights and other warning devices, safety equipment, and other matters relating to the promotion of safety of life and property on the artificial islands, installations, and other devices . . . or on the waters adjacent thereto, as he may deem necessary.'' As this rule exempts certain MODUs and vessels from submitting NOAs when transiting from one OCS block area to another, it falls within the scope of authority Congress granted exclusively to the Secretary, especially since the rule implements a statutory change enacted by Congress under section 704 of the 2012 CGMTA. This authority has been delegated to the Coast Guard and is exercised in this rulemaking, and the States may not regulate within this category of arrival notification. Therefore, the rule is consistent with the principles of federalism and preemption requirements in E.O. 13132.

While it is well settled that States may not regulate in categories in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, the Coast Guard recognizes the key role that State and local governments may have in making regulatory determinations. Additionally, for rules with federalism implications and preemptive effect, E.O. 13132 specifically directs agencies to consult with State and local governments during the rulemaking process. If you believe this rule has implications for federalism under E.O. 13132, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

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. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under E.O. 13211.

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 (NEPA) (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. A final environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**. This rule involves Congressionally mandated regulations.

List of Subjects

33 CFR Part 140

Continental shelf, Investigations, Marine safety, Occupational safety and health, Penalties, Reporting and recordkeeping requirements.

33 CFR Part 146

Continental shelf, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements, Vessels.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR parts 140 and 146 as follows:

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

PART 140—GENERAL

■ 1. The authority citation for part 140 continues to read as follows:

Authority: 43 U.S.C. 1333, 1348, 1350, 1356; Department of Homeland Security Delegation No. 0170.1.

§ 140.10 [Amended]

■ 2. In § 140.10, in the definition of *Bureau of Ocean Energy Management, Regulation and Enforcement inspector or BOEMRE inspector,* remove the text ''Ocean Energy Management, Regulation and Enforcement inspector or BOEMRE'' and add, in its place, the text, ''Safety and Environmental Enforcement inspector or BSEE''; and after the text ''employed by the Bureau of'', remove the text ''Ocean Energy Management, Regulation and'' and add, in its place, the text ''Safety and Environmental''.

■ 3. Amend § 140.101 as follows:

■ a. Revise the section heading;

■ b. In paragraph (b), after the words ''by the Bureau of'', remove the words ''Ocean Energy Management, Regulation and Enforcement (BOEMRE)'' and add, in its place, the words ''Safety and Environmental Enforcement (BSEE)'';

■ c. In paragraph (c), remove the text ''BOEMRE'' wherever it appears and add, in its place, the text ''BSEE''; and

■ d. In paragraph (d), in the first sentence, after the words ''Coast Guard marine inspector or,'' remove the words ''an BOEMRE'' and add, in its place, the words ''a BSEE''; and after the text ''The Coast Guard marine inspector or the'', remove the text ''BOEMRE'' and add, in its place, the text ''BSEE''.

The revision reads as follows:

§ 140.101 Inspection by Coast Guard marine inspectors or Bureau of Safety and Environmental Enforcement inspectors.

* * * * *

§ 140.103 [Amended]

■ 4. Amend § 140.103 as follows:

■ a. In paragraph (b), after the words ''Bureau of'', remove the words ''Ocean Energy Management, Regulation and Enforcement (BOEMRE)'' and add, in its place, the words ''Safety and Environmental Enforcement (BSEE)''; and

■ b. In paragraph (c), remove the text ''BOEMRE'' wherever it appears and add, in its place, the text ''BSEE''.

§ 140.105 [Amended]

■ 5. Amend § 140.105 as follows:

■ a. In paragraph (a), remove the text ''Minerals Management Service (MMS) and add, in its place, the words ''Bureau of Safety and Environmental Enforcement (BSEE)'';

■ b. In paragraph (b), remove the words ''an MMS'' and add, in its place, the words ''a BSEE''; and

■ c. In paragraphs (c), (d), and (e) remove the text ''MMS'' wherever it appears and add, in its place, the text ''BSEE''; and

PART 146—OPERATIONS

■ 6. The authority citation for part 146 continues to read as follows:

Authority: 33 U.S.C. 1223, 1226; 43 U.S.C. 1333, 1348, 1350, 1356; Sec. 109, Pub. L. No. 109–347, 120 Stat. 1884; Department of Homeland Security Delegation No. 0170.1.

§ 146.102 [Amended]

■ 7. In § 146.102, in the definition of ''*OCS block area'',* after the words ''Bureau of Ocean Energy Management'', remove the text '', Regulation and Enforcement (BOE)'' and add, in its place, the text ''(BOEM)''.

§ 146.200 [Amended]

■ 8. In § 146.200, in the definition of ''*OCS block area'',* after the words ''Bureau of Ocean Energy Management'' remove the text '', Regulation and Enforcement (BOE)'' and add, in its place, the text ''(BOEM)''.

§ 146.215 [Amended]

■ 9. In § 146.215(a) introductory text, after the words ''directly from a U.S. port or place'', add the words ''or from an OCS block area''.

§ 146.401 [Amended]

■ 10. In § 146.401, after the words ''directly from a U.S. port or place,'', add the words ''or from an OCS block area,''.

§ 146.402 [Amended]

■ 11. In § 146.402, in the definition of ''*OCS block area'',* after the words ''Bureau of Ocean Energy Management'' remove the text '', Regulation and Enforcement (BOE)'' and add, in its place, the text ''(BOEM)''.

§ 146.405 [Amended]

■ 12. In § 146.405(b)(2), remove the text ''BOE'' and add, in its place, the text ''BOEM''.

Dated: June 23, 2014.

J. G. Lantz,

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

[FR Doc. 2014–14997 Filed 6–26–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0081]

RIN 1625–AA00

Safety Zones; Annual Events in the Captain of the Port Zone Buffalo

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is revising its safety zone regulations for annually recurring firework displays and marine events within the Captain of the Port Zone Buffalo. The safety zones revised or established by this final rule are necessary to protect the surrounding public, spectators, participants, and vessels from the hazards associated with fireworks displays, hydroplane boat races, and other events of a similar nature posing a potential hazard to the safety of life and property on the navigable waters. This final rule is intended to restrict vessels from designated areas on navigable waterways during these events.

DATES: This rule is effective July 28, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2014–0081]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Christopher Mercurio, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716–843–9573, email *SectorBuffaloMarineSafety@uscg.mil.* If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826 or 1–800–647–5527.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security

FR Federal Register
NPRM Notice of Proposed Rulemaking
§ Section

A. Regulatory History and Information

The regulations found in 33 CFR 165.939 serve to protect the boating public from hazards associated with firework displays that take place on a navigable waterway within the Captain of the Port (COTP) Zone Buffalo. For boundaries of this COTP zone, see 33 CFR 3.45–10.

In 2013, the Captain of the Port Buffalo revised the regulations found in 33 CFR 165.939 through a final rule published April 23, 2013 (78 FR 23850). Those revisions clarified the locations of many outdated safety zones and established seven additional safety zones within the Captain of the Port Zone Buffalo area of responsibility. On May 1, 2014, we published an NPRM entitled Safety Zones; Annual Fireworks Events in the Captain of the Port Buffalo Zone in the **Federal Register** (79 FR 24656) that proposed to revise § 165.939 to provide greater regulatory flexibility for enforcement notification and to add six safety zones. We received no comments on the proposed rule.

B. Basis and Purpose

Section 165.939 currently lists 29 permanent safety zones within the Captain of the Port Zone Buffalo. Each of these 29 safety zones corresponds to an annually recurring fireworks display.

After the recent 2013 summer season it was noted the effective times and dates published for these events were not always rigidly adhered to by fireworks sponsors and event organizers and thus a subsequent regulatory update enacting greater regulatory flexibility for enforcement notification was desired in order to maximize Coast Guard efficiency and public safety. Also, the COTP Buffalo has decided to enforce safety zones for one additional firework display and five additional marine events.

With the above findings in mind, the Coast Guard is revising 33 CFR 165.939 to provide more flexibility in the enforcement periods and to include several non-fireworks events.

The Captain of the Port Buffalo has determined that these events present significant hazards to public spectators and participants. Such hazards include premature detonations, dangerous detonations, dangerous projectiles, falling or burning debris, vessels of unique design operating at great speed, and large numbers of competitive swimmers.

C. Discussion of Comments, Changes and the Final Rule

As noted above, we received no comments on the NPRM (79 FR 24656). We have not made any changes from the proposed rule.

For all of the above reasons, the Captain of the Port Sector Buffalo is revising 33 CFR 165.939. This revision will change the verbiage on the enforcement period for all 29 safety zones currently listed and establish six additional safety zones in § 165.939. These new safety zones are being added as paragraphs (30) Thunder on the Niagara Hydroplane boat races, North Tonawanda, NY; (31) Antique Boat Show Hydroplane boat races, Grand Island, NY; (32) D-Day Conneaut Air show, Conneaut, OH; (33) Bay Swim, Erie, PA; (34) Rover Fest fireworks display, Cleveland, OH; and (35) Cleveland National Air show, Cleveland, OH. Although this rule will remain in effect throughout the year, the safety zones within it will be enforced only before and during each corresponding event.

The enforcement dates and times for each of the safety zones listed in § 165.939 are subject to change, but the duration of enforcement would remain the same or nearly the same as the total number of hours identified for that zone in § 165.939. For any given year, in the event of a change in the enforcement period, the Captain of the Port Sector Buffalo will provide notice to the public by publishing a Notice of Enforcement in the **Federal Register**, as well as, issuing a Broadcast Notice to Mariners.

Entry into, transiting, or anchoring within the safety zones identified in § 165.939 will be prohibited unless authorized by the Captain of the Port Buffalo or his on-scene representative. The Captain of the Port or his on-scene representative may be contacted via VHF Channel 16.

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 Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this rule on small entities. The Coast Guard received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule would affect the following entities, some of which might be small entities: The owners and operators of vessels intending to transit or anchor in any one of the safety zones while these zones are being enforced. These safety zones will not have a significant economic impact on a substantial number of small entities for the following reasons: Each safety zone in this rule will be in enforced for no more than 10 hours in any 24-hour period with the majority of zones only being in enforced for a few hours in any 24 hour period. Each of the safety zones will be enforced only once per year and will be in areas with low commercial vessel traffic. Furthermore, these safety zones have been designed to allow traffic to pass safely around each zone. In the event that a safety zone affects shipping, commercial vessels may request permission from the Captain of the Port Buffalo or his or her designated representative to transit the safety zone.

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

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination 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 figure 2–1, paragraph (34)(g), of the Commandant Instruction because it involves the establishment of a safety zone.

An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard is amending 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapters 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 165.939 to read as follows:

§ 165.939 Safety Zones; Annual Events in the Captain of the Port Buffalo Zone.

(a) *Safety Zones.* The following are designated as safety zones. The enforcement dates and times for each of the safety zones listed in this section are subject to change, but the duration of enforcement would remain the same or nearly the same as the total number of hours as published. In the event of a change, the Captain of the Port Sector Buffalo will provide notice to the public by publishing a Notice of Enforcement in the **Federal Register**, as well as, issuing a Broadcast Notice to Mariners.

(1) *Boldt Castle 4th of July Fireworks, Heart Island, NY.* (i) *Location.* All U.S. waters of the Saint Lawrence River within a 1,120 foot radius of land position 44°20′38.5″ N, 075°55′19.1″ W (NAD 83) at Heart Island, NY.

(ii) *Enforcement period.* July 4 from 8:30 p.m. to 10:30 p.m. each year.

(2) *Clayton Chamber of Commerce Fireworks, Calumet Island, NY.* (i) *Location.* All U.S. waters of the Saint Lawrence River within an 840 foot radius of land position 44°15′04″ N, 076°05′40″ W (NAD 83) at Calumet Island, NY.

(ii) *Enforcement period.* July 3 from 9 p.m. to 11:30 p.m. of each year.

(3) *French Festival Fireworks, Cape Vincent, NY.* (i) *Location.* All U.S. waters of the Saint Lawrence River within an 840 foot radius of land position 44°07′54.6″ N, 076°20′01.3″ W (NAD 83) in Cape Vincent, NY.

(ii) *Enforcement period.* The second weekend of July from 9:15 p.m. to 11 p.m. each year.

(4) *Lyme Community Days, Chaumont, NY.* (i) *Location.* All U.S. waters of Chaumont Bay within a 560 foot radius of position 44°04′06.3″ N, 076°08′56.8″ W (NAD 83) in Chaumont, NY.

(ii) *Enforcement period.* The fourth weekend of July from 8:30 p.m. to 11 p.m. each year.

(5) *Village Fireworks, Sackets Harbor, NY.* (i) *Location.* All U.S. waters of Black River Bay within an 840 foot radius of position 43°56′51.9″ N, 076°07′46.9″ W (NAD 83) in Sackets Harbor, NY.

(ii) *Enforcement period.* July 4 from 8:30 p.m. to 10:30 p.m. each year.

(6) *Can-Am Festival, Sackets Harbor, NY.* (i) *Location.* All U.S. waters of Black River Bay within a 1,120 foot radius of position 43°57′15.9″ N,

076°06′39.2″ W (NAD 83) in Sackets Harbor, NY.

(ii) *Enforcement period.* The third weekend of July from 9 p.m. to 10:45 p.m. each year.

(7) *Oswego Harborfest, Oswego, NY.* (i) *Location.* All U.S. waters of Lake Ontario within a 1,000 foot radius of position 43°28′10″ N, 076°31′04″ W (NAD 83) in Oswego, NY.

(ii) *Enforcement period.* The last Saturday of July from 9 to 10:30 p.m. each year.

(8) *Brewerton Fireworks, Brewerton, NY.* (i) *Location.* All U.S. waters of Lake Oneida within an 840 foot radius of barge position 43°14′16.4″ N, 076°08′03.6″ W (NAD 83) in Brewerton, NY.

(ii) *Enforcement period.* July 3 from 9 p.m. to 10:30 p.m. each year.

(9) *Celebrate Baldwinsville Fireworks, Baldwinsville, NY.* (i) *Location.* All U.S. waters of the Seneca River within a 700 foot radius of land position 43°09′24.9″ N, 076°20′18.9″ W (NAD 83) in Baldwinsville, NY.

(ii) *Enforcement period.* The first weekend of July from 9 p.m. to 11 p.m. each year.

(10) *Island Festival Fireworks, Baldwinsville, NY.* (i) *Location.* All U.S. waters of the Seneca River within a 1,120 foot radius of land position 43°09′22″ N, 076°20′15″ W (NAD 83) in Baldwinsville, NY.

(ii) *Enforcement period.* The first weekend of July from 9:30 p.m. to 11 p.m. each year.

(11) *Seneca River Days, Baldwinsville, NY.* (i) *Location.* All U.S. waters of the Seneca River within an 840 foot radius of land position 43°09′25″ N, 076°20′21″ W (NAD 83) in Baldwinsville, NY.

(ii) *Enforcement period.* The second weekend of July from 9 p.m. to 10:30 p.m. each year.

(12) *City of Syracuse Fireworks Celebration, Syracuse, NY.* (i) *Location.* All U.S. waters of Onondaga Lake within a 350 foot radius of land position 43°03′37″ N, 076°09′59″ W (NAD 83) in Syracuse, NY.

(ii) *Enforcement period.* The last weekend of June from 9:30 p.m. to 10:30 p.m. each year.

(13) *Tom Graves Memorial Fireworks, Port Bay, NY.* (i) *Location.* All U.S. waters of Port Bay within an 840 foot radius of barge position 43°18′14.8″ N, 076°50′17.3″ W (NAD 83) in Port Bay, NY.

(ii) *Enforcement period.* July 3 from 9 p.m. to 10:30 p.m. of each year.

(14) *Village Fireworks, Sodus Point, NY.* (i) *Location.* All U.S. waters of Sodus Bay within a 1,120 foot radius of land position 43°16′28.7″ N, 076°58′27.5″ W (NAD 83) in Sodus Point, NY.

(ii) *Enforcement period.* July 3 from 9:30 p.m. to 10:30 p.m. each year.

(15) *Rochester Harbor and Carousel Festival, Rochester, NY.* (i) *Location.* All U.S. waters of Lake Ontario within a 1,120 foot radius of land position 43°15′40.2″ N, 077°36′05.1″ W (NAD 83) in Rochester, NY.

(ii) *Enforcement period.* The fourth Monday of June from 8 p.m. to 10 p.m. each year.

(16) *A Salute to our Heroes, Hamlin Beach State Park, NY.* (i) *Location.* All U.S. waters of Lake Ontario within a 560 foot radius of land position 43°21′51.9″ N, 077°56′59.6″ W (NAD 83) in Hamlin, NY.

(ii) *Enforcement period.* The first weekend of July from 9:45 p.m. to 11:30 p.m. each year.

(17) *Olcott Fireworks, Olcott, NY.* (i) *Location.* All U.S. waters of Lake Ontario within a 1,120 foot radius of land position 43°20′23.6″ N, 078°43′09.5″ W (NAD 83) in Olcott, NY.

(ii) *Enforcement period.* July 3 from 9:30 p.m. to 11 p.m. of each year.

(18) *North Tonawanda Fireworks, North Tonawanda, NY.* (i) *Location.* All U.S. waters of the East Niagara River within a 1,400 foot radius of land position 43°01′39.6″ N, 078°53′07.5″ W (NAD 83) in North Tonawanda, NY.

(ii) *Enforcement period.* July 4 from 8:45 p.m. to 10:15 p.m. of each year.

(19) *Tonawanda's Canal Fest Fireworks, Tonawanda, NY.* (i) *Location.* All U.S. waters of the East Niagara River within a 210 foot radius of land position 43°01′17.8″ N, 078°52′40.9″ W (NAD 83) in Tonawanda, NY.

(ii) *Enforcement period.* The fourth Sunday of July from 9 p.m. to 10:30 p.m. each year.

(20) *Celebrate Erie Fireworks, Erie, PA.* (i) *Location.* All U.S. waters of Presque Isle Bay within an 800 foot radius of land position 42°08′19″ N, 080°05′29″ W (NAD 83) in Erie, PA.

(ii) *Enforcement period.* The third weekend of August from 9:45 p.m. to 10:30 p.m. each year.

(21) *Conneaut Fourth of July Fireworks, Conneaut, OH.* (i) *Location.* All U.S. waters of Lake Erie within an 840 foot radius of position 41°58′01.3″ N, 080°33′39.5″ W (NAD 83) in Erie, PA.

(ii) *Enforcement period.* The first Sunday of July from 9 p.m. to 11:30 p.m. each year.

(22) *Fairport Harbor Mardi Gras, Fairport, OH.* (i) *Location.* All U.S. waters of Lake Erie within a 350 foot radius of land position 41°45′30″ N, 081°16′18″ W (NAD 83) east of the harbor entrance at Fairport Harbor Beach, OH.

(ii) *Enforcement period.* The beginning of the second week of July from 9 p.m. to 10:30 p.m. each year.

(23) *Mentor Harbor Yacht Club Fireworks, Mentor Harbor, OH.* (i) *Location.* All U.S. waters of Lake Erie and Mentor Harbor within a 700 foot radius of land position 41°43′36″ N, 081°21′09″ W (NAD 83) in Mentor Harbor, OH.

(ii) *Enforcement period.* July 3 from 9 p.m. to 10:30 p.m. each year.

(24) *Browns Football Halftime Fireworks, Cleveland, OH.* (i) *Location.* All U.S. waters of Cleveland Harbor and Lake Erie encompassed by a line beginning at approximate land position 41°30′49.4″ N, 081°41′37.2″ W (the northwest corner of Burke Lakefront Airport); continuing northwest to 41°31′10.6″ N, 081°41′53.0″ W; then southwest to 41°30′48.6″ N, 081°42′30.9″ W (the northwest corner of dock 28 at the Cleveland Port Authority) then northeast back to the starting point at 41°30′49.4″ N, 081°41′37.2″ W (NAD 83).

(ii) *Enforcement period.* On a Sunday during the second or third Cleveland Browns home game each year. The Captain of the Port will issue a Notice of Enforcement each year for this Browns Football Halftime Fireworks' safety zone.

(25) *City of Cleveland 4th of July, Cleveland, OH.* (i) *Location.* All U.S. waters of Lake Erie and Cleveland Harbor within a 1,000 foot radius of land position 41°30′10″ N, 081°42′36″ W (NAD 83) at Dock 20 in Cleveland, OH.

(ii) *Enforcement period.* July 4 from 9:30 p.m. to 11 p.m. each year.

(26) *Cleveland Yachting Club Fireworks Display, Rocky River, OH.* (i) *Location.* All U.S. waters of the Rocky River and Lake Erie within a 560 foot radius of land position 41°29′25.7″ N, 081°50′18.5″ W (NAD 83), at Sunset Point on the western side of the mouth of the Rocky River in Cleveland, OH.

(ii) *Enforcement period.* The second Thursday of July from 9:15 p.m. to 11 p.m. each year.

(27) *Sheffield Lake Fireworks, Sheffield Lake, OH.* (i) *Location.* All U.S. waters of Lake Erie within a 700 foot radius of land position 41°29′26.2″ N, 082°06′47.7″ W (NAD 83), at the lake front area in Sheffield Lake, OH.

(ii) *Enforcement period.* The second Friday of July from 9:30 p.m. to 11 p.m. each year.

(28) *Lorain 4th of July Celebration Fireworks, Lorain, OH.* (i) *Location.* All U.S. waters of Lorain Harbor within a 1,400 foot radius of land position 41°28′35.5″ N, 082°10′51.3″ W (NAD 83), east of the harbor entrance on the end of the break wall near Spitzer's Marina.

(ii) *Enforcement period.* July 4 from 9:15 p.m. to 11 p.m. each year.

(29) *Lorain Port Fest Fireworks Display, Lorain, OH.* (i) *Location.* All U.S. waters of Lorain Harbor within a 750 foot radius of land position 41°28′02.4″ N, 082°10′21.9″ W (NAD 83) in Lorain, OH.

(ii) *Enforcement period.* The third weekend of July from 9:45 p.m. to 11 p.m. each year.

(30) *Thunder of the Niagara Hydroplane boat races, North Tonawanda, NY.* (i) *Location.* All U.S. waters of Niagara River, near North Tonawanda, NY within 2 miles of the North Grand Island Bridge, encompassed by a line starting at 43°03′32.95″ N, 078°54′46.93″ W to 43°03′14.55″ N, 078°55′15.97″ W then to 43°02′39.72″ N, 078°54′13.05″ W then to 43°02′59.99″ N, 078°53′41.99″ W and returning to the point of origin (NAD 83).

(ii) *Enforcement period.* The second of weekend of August from 9 a.m. to 5 p.m. each year.

(31) *Antique Boat Show Hydroplane boat races, Grand Island, NY.* (i) *Location.* All waters of Niagara River, Grand Island, NY encompassed by a line starting at position 42°59′59″ N, 078°56′22″ W, East to 49°59′54″ N,078°56′14″ W, South to 42°57′54″ N, 078°56′04″ W, West to 42°057′48″ N, 078°56′22″ W and returning to the point of origin (NAD 83)

(ii) *Enforcement period.* The first weekend of September from 9 a.m. to 4 p.m. each year.

(32) *D-Day Conneaut Air Show, Conneaut, OH.* (i) *Location.* All U.S. waters of Conneaut Township Park, Lake Erie, Conneaut, OH encompassed by a line starting at 41°57.71′ N, 080°34.18′ W; to 41°58.36′N, 080°34.17′ W; then to 41°58.53′ N, 080°33.55′ W; to 41°58.03′ N, 080°33.72′W; and returning to the point of origin. (NAD 83).

(ii) *Enforcement period.* The third weekend of August from 1:45 p.m. to 5:30 p.m. each year.

(33) *Bay Swim, Erie, PA.* (i) *Location.* All U.S. waters of Presque Isle Bay, Erie, PA within a 1000 feet of a line starting at Vista 3 in Presque Isle State Park at position 42°07′29.30″ N, 80°08′48.82″ W and ending at to the Erie Yacht Club at position 42°07′21.74″ N, 80°07′58.30″ W (NAD 83).

(ii) *Enforcement period.* The third week in June each year.

(34) *Rover Fest fireworks display, Cleveland, OH.* (i) *Location.* All U.S. waters of Lake Erie, Cleveland, OH within a 280 foot radius from position 41°30′34.23″ N and 081°41′ 55.73″ W (NAD 83).

(ii) *Enforcement period.* The second or third weekend of July each year.

(35) *Cleveland National Air show, Cleveland, OH.* (i) *Location.* The safety zone encompass the portion of Lake Erie and Cleveland Harbor within a line originating near Burke Lakefront Airport from position 41°30′20″ N and 081°42′20″ W to 41°30′50″ N and 081°42′49″ W, to 41°32′09″ N and 081°39′49″ W, to 41°31′53″ N and 081°39′24″ W, then return to the original position (NAD 83).

(ii) *Enforcement period.* On the Friday before Labor Day through the Wednesday following Labor Day with maximum daily times from 8 a.m. to 6 p.m. The daily time period will be reduced as operations permit.

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

(1) *On-scene Representative* means any Coast Guard commissioned, warrant, or petty officer designated by the Captain of the Port Buffalo to monitor a safety zone, permit entry into the zone, give legally enforceable orders to persons or vessels within the zones, and take other actions authorized by the Captain of the Port.

(2) *Public vessel* means vessels owned, chartered, or operated by the United States, or by a State or political subdivision thereof.

(c) *Regulations.* In accordance with the general regulations in § 165.23, entry into, transiting, or anchoring within is the aforementioned safety zones are prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(1) The safety zones described in paragraph (a) of this section are closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(2) Vessel operators desiring to enter or operate within the safety zones described in paragraph (a) of this section must contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in a safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

(d) *Exemption.* Public vessels, as defined in paragraph (c) of this section, are exempt from the requirements in this section.

(e) *Waiver.* For any vessel, the Captain of the Port Buffalo or his designated representative may waive any of the requirements of this section, upon finding that operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purposes of public or environmental safety.

(f) *Notification.* The Captain of the Port Buffalo will notify the public that the safety zones in this section are or will be enforced by all appropriate means to the affected segments of the public through publication in the **Federal Register** as practicable, in accordance with 33 CFR 165.7(a). Additionally, the enforcement dates and times for each of the safety zones listed above are subject to change, though the duration of enforcement would remain the same or nearly the same total number of hours as stated above. In either event, whether the safety zones occur at the dates and times as stated above, or whether the date or time of a safety zone changes, the Captain of the Port Buffalo will similarly make such notification as described in this paragraph (f). Such means of further notification may also include, but are not limited to Broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port will issue a Broadcast Notice to Mariners notifying the public when enforcement of the safety zone is cancelled.

Dated: June 12, 2014.

B. W. Roche,

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

[FR Doc. 2014–15119 Filed 6–26–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0188]

RIN 1625–AA00

Safety Zone; Celebrate the Amboys Fireworks; Raritan Bay, Perth Amboy, NJ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of Raritan Bay in the vicinity of Perth Amboy, New Jersey for a fireworks display. This temporary safety zone is necessary to protect spectators and vessels from the hazards associated with fireworks displays. This rule is intended to restrict all vessels from a portion of Raritan Bay before, during, and immediately after the fireworks event.

DATES: This rule is effective from 8:45 p.m. on July 3, 2014 to 10:15 p.m. on July 4, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2014–0188]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Kristopher Kesting, Sector NY Waterways Management, U.S. Coast Guard; Telephone (718) 354–4154, Email *Kristopher.R.Kesting@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

On April 25, 2014, we published a notice of proposed rulemaking (NPRM) entitled Celebrate The Amboys Fireworks; Raritan Bay, Perth Amboy, NJ in the **Federal Register** (79 FR 22919). We received no comments on the proposed rule. No public meeting was requested and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The rule must become effective on the date specified in order to provide for the safety of spectators and vessels operating in the area near this event. Delaying the effective date of this rule would be contrary to the public interest and would expose spectators and vessels to the hazards associated with the fireworks event. The sponsor advised that any change to the date of the event would cause economic hardship on the event sponsor, negatively impacting other activities being held in conjunction with the event.

B. Basis and Purpose

The legal basis for this rule is 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

This temporary safety zone is necessary to ensure the safety of spectators and vessels from hazards associated with the fireworks display.

C. Discussion of Comments, Changes and the Final Rule

No comments were received but one change was made to the final rule. The sponsor changed the event date to July 3, 2014 and added July 4, 2014 as a rain date. The NPRM stated that the event date was July 4, 2014. On April 18, 2014, the Coast Guard received notification via email that the event sponsor requested the date of the event be changed to July 3, 2014 and that July 4, 2014 would be utilized as a rain date.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

The Coast Guard's enforcement of this safety zone will be of short duration, lasting only 90 minutes. The safety zone will restrict access to only a small portion of the navigable waterways of Raritan Bay. Vessels will be able to navigate around the proposed safety zone. Furthermore, vessels may be authorized to transit through the safety zone with the permission of the COTP.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received 0 comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This proposed rule will affect the following entities, some of which may be small entities: The owners and operators of vessels intending to transit or anchor in a small portion of Raritan Bay during the effective period.

This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons: This rule would be in effect for only 90 minutes late at night when vessel traffic is low, vessel traffic can pass safely around the safety zone, and the Coast Guard will notify mariners before activating the zone by appropriate means which may include but are not limited to Local Notice to Mariners and Broadcast Notice to Mariners.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREA

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

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T01–0188 to read as follows:

§ 165.T01–0188 Safety Zone; Celebrate the Amboys Fireworks; Raritan Bay, Perth Amboy, NJ.

(a) *Regulated Area.* The following area is a temporary safety zone: all navigable waters of Raritan Bay within a 360 yard radius around position 40°29′16.8″ N, 074°15′32.4″ W.

(b) *Enforcement Period.* This rule will be enforced on July 3, 2014 from 8:45 p.m. to 10:15 p.m., or in the event of inclement weather this rule will be enforced on July 4, 2014, same times apply.

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

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

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

(d) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23, as well as the following regulations, apply.

(2) No vessels, except for fireworks barge and accompanying vessels, will be allowed to transit the safety zone without the permission of the COTP, or a designated representative.

(3) All persons and vessels shall comply with the instructions of the COTP or a designated representative. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light or other means, the operator of a vessel shall proceed as directed.

(4) Vessel operators desiring to enter or operate within the regulated area shall contact the COTP or a designated representative via VHF channel 16 or 718–354–4353 (Sector New York command center) to obtain permission to do so.

Dated: June 11, 2014.

G. Loebl,

Captain, U.S. Coast Guard, Captain of the Port New York.

[FR Doc. 2014–15115 Filed 6–26–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0240]

RIN 1625–AA00

Safety Zone; Freeport Chamber of Commerce Fireworks Display; South Oyster Bay; Freeport, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the navigable waters of South Oyster Bay near Guy Lombardo Marina in Freeport, NY for the Freeport Chamber of Commerce Fireworks Display. This action is necessary to provide for the safety of life on navigable waters during the event. Entering into, transiting through, remaining, anchoring or mooring within this safety zone is prohibited without permission from the Captain of the Port (COTP) Sector Long Island Sound.

DATES: This rule is effective from 8:45 p.m. on July 5, 2014 until 10 p.m. on July 12, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2014–0240]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

On April 25, 2014 the Coast Guard published an NPRM entitled ''Safety Zone; Freeport Chamber of Commerce Fireworks Display; South Oyster Bay; Freeport, NY'' in the **Federal Register** (79 FR 22930). No public comments were received on the proposed rule. No public meeting was requested and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The comment period for the NPRM associated with the Freeport Chamber of Commerce Fireworks Display expired on May 27, 2014. The event is scheduled to occur on July 5, 2014. Thus, there is now insufficient time for a 30 day effective period before the need to enforce this safety zone on July 5, 2014.

The fireworks display will take place on July 5, 2014 to coincide with Independence Day. Delaying the enforcement of this safety zone to allow a 30 day effective period will be impractical and contrary to the public interest because it would inhibit the Coast Guard's ability to fulfill its mission to keep the ports and waterways safe.

B. Basis and Purpose

The legal basis for this temporary rule is 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1 which collectively authorize the Coast Guard to define regulatory safety zones.

This temporary rule is necessary to promote the safety of life on navigable waterways during the Freeport Chamber of Commerce fireworks display in South Oyster Bay near the Guy Lombardo Marina in Freeport, NY.

C. Discussion of Comments, Changes and the Final Rule

No comments were received and no changes have been made to the final rule. The Coast Guard is establishing a safety zone for the Freeport Chamber of Commerce fireworks display to provide for the safety of life on navigable waters during the event. This safety zone includes all waters of South Oyster Bay within 600 feet of the fireworks launch site located at Guy Lombardo Marina in Freeport, NY.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

The Coast Guard determined that this rulemaking is not a significant regulatory action for the following reasons: The safety zone will be enforced for a relatively short duration, just a little over an hour on a single day. Also, the safety zone covers only a small portion of the navigable waterways and waterway users may still transit around the safety zone. Additionally, mariners may request permission from the COTP Sector Long Island Sound or the designated representative to transit through the zone. Finally, advance public notifications will be made to the local maritime community through the Local Notice to Mariners as well as Broadcast Notice to Mariners to maximize public awareness of this safety zone.

2. Impact on Small Entities

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

This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to enter, transit, anchor or moor within the safety zone during the enforcement period. The temporary safety zone will not have a significant economic impact on a substantial number of small entities for the same reasons discussed in the

Regulatory Planning and Review section.

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

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T01–0240 to read as follows:

§ 165.T01–0240 Safety Zone; Freeport Chamber of Commerce Fireworks Display; South Oyster Bay, Freeport, NY.

(a) *Location.* The following area is a safety zone: All waters of South Oyster Bay within a 600-foot radius of the fireworks launch site located at the Guy Lombardo Marina in Freeport, NY in approximate position 40°37′27.27″ N, 073°34′34.64″ W North American Datum 1983.

(b) *Enforcement Period.* This rule will be enforced on July 5, 2014 from 8:45 p.m. to 10:00 p.m. If the event is postponed due to inclement weather, then this rule will be enforced on July 12, 2014 from 8:45 p.m. to 10:00 p.m.

(c) *Regulations.* The general regulations contained in 33 CFR 165.23 apply. During the enforcement period, entering into, transiting through, remaining, mooring or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port (COTP) or the designated representatives.

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

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

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

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

(2) Spectators desiring to enter or operate within the regulated area should contact the COTP Sector Long Island Sound at 203–468–4401 (Sector Long Island Sound command center) or the designated representative via VHF channel 16 to obtain permission to do so. Spectators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP Sector Long Island Sound or the designated on-scene representative.

(3) Upon being hailed by an official patrol vessel or the designated representative, by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed. Failure to comply with a lawful direction may result in expulsion from the safety zone, citation for failure to comply, or both.

Dated: June 13, 2014.

E. J. Cubanski, III,

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

[FR Doc. 2014–15117 Filed 6–26–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0473]

RIN 1625–AA00

Safety Zone; Independence Day Celebration Fireworks, Lake Ontario, Oswego, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on Lake Ontario, Oswego, NY. This safety zone is intended to restrict vessels from a portion of Lake Ontario during the Independence Day Celebration Fireworks display. This temporary safety zone is necessary to protect mariners and vessels from the navigational hazards associated with a fireworks display.

DATES: This rule will be effective from 9:15 p.m. until 10:45 p.m. on July 6, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2014–0473]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Christopher Mercurio, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716–843–9343, email *SectorBuffaloMarineSafety@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
TFR Temporary Final Rule

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable and contrary to the public interest. The final details for this event were not known to the Coast Guard until there was insufficient time remaining before the event to publish an NPRM. Thus, delaying the effective date of this rule to wait for a comment period to run would be both impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability to protect spectators and vessels from the hazards associated with a maritime fireworks display, which are discussed further below.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this temporary rule effective less than 30 days after publication in the **Federal Register**. For the same reasons discussed in the preceding paragraph, waiting for a 30-day notice period to run would be impracticable and contrary to the public interest.

B. Basis and Purpose

Between 9:15 p.m. and 10:45 p.m. on July 6, 2014, a fireworks display will be held on Lake Ontario in Oswego, NY. The Captain of the Port Buffalo has determined that fireworks launched proximate to a gathering of watercraft pose a significant risk to public safety and property. Such hazards include premature and accidental detonations, dangerous projectiles, and falling or burning debris.

C. Discussion of the Final Rule

With the aforementioned hazards in mind, the Captain of the Port Buffalo has determined that this temporary safety zone is necessary to ensure the safety of spectators and vessels during the Independence Day Celebration Fireworks display. This zone will be effective and enforced from 9:15 p.m. until 10:45 p.m. on July 6, 2014. This zone will encompass all waters of Lake Ontario, Oswego, NY, within an 840-

foot radius of position 43°27′54.25″ N and 76°30′57.75″ W (NAD 83).

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for relatively short time. Also, the safety zone is designed to minimize its impact on navigable waters. Furthermore, the safety zone has been designed to allow vessels to transit around it. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in a portion of Lake Ontario on the evening of July 6, 2014.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This safety zone would be activated, and thus subject to enforcement, for only 90 minutes late in the day. Traffic may be allowed to pass through the zone with the permission of the Captain of the Port. The Captain of the Port can be reached via VHF channel 16. Before the activation of the zone, we would issue local Broadcast Notice to Mariners.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapters 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T09–0473 to read as follows:

§ 165.T09–0473 Safety Zone; Independence Day Celebration Fireworks, Lake Ontario, Oswego, NY.

(a) *Location.* This zone will encompass all waters of Lake Ontario, Oswego, NY within an 840 FT radius of position 43°27′54.25″ N and 76°30′57.75″ W (NAD 83).

(b) *Effective and Enforcement Period.* This section is effective and will be enforced on July 6, 2014, from 9:15 p.m. until 10:45 p.m.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within the safety zone described in paragraph (a) of § 165.T09–0473 is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: June 16, 2014.

B. W. Roche,

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

[FR Doc. 2014–15118 Filed 6–26–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0384]

Annual Fireworks Displays and Other Events in the Eighth Coast Guard District Requiring Safety Zones; Point Pleasant Sternwheel Festival; Ohio River 265.2–266.2; Point Pleasant, WV

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Point Pleasant Sternwheel Festival safety zone from 9:45 p.m. until 10:45 p.m. on June 28th, 2014. This action is necessary for the safety of participants and spectators, including all crews, vessels, and persons on navigable waters during the Point Pleasant Sternwheel Festival. During the enforcement period, entry into, transiting through or anchoring in the safety zone is prohibited to all vessels not registered with the sponsor as participants or official patrol vessels, unless specifically authorized by the Captain of the Port (COTP) Ohio Valley or a designated representative.

DATES: The regulations in 33 CFR 165.801, Table 1, No. 25, will be enforced from 9:45 p.m. until 10:45 p.m. on June 28th, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice of enforcement, contact Petty Officer Third Class Patrick Hunsaker at (304) 733–0198, or you may email him at *STL-PF-MSUHUNTINGTON-MEC@uscg.mil.*

SUPPLEMENTARY INFORMATION: This year, the Coast Guard will enforce the safety zone for the annual Point Pleasant Sternwheel Festival listed in 33 CFR 100.801 Table 1, No. 25, on June 28th, 2014 from 9:45 p.m. until 10:45 p.m. This establishes the currently published date of the last weekend in June or first weekend in July as found in 33 CFR 165.801 Table 1, No. 25.

Under the provisions of 33 CFR 165.801, entry into, or remaining or anchoring within the safety zone listed in Table 1, No. 25 is prohibited unless authorized by the Captain of the Port or a designated representative. Persons or vessels desiring to enter into or pass through the Safety Zone must request permission from the Captain of the Port or a designated representative. If permission is granted, all persons and vessels shall comply with the instructions of the Captain of the Port or designated representative.

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

If the Captain of the Port Ohio Valley or Patrol Commander determines that the safety zone need not be enforced for the full duration stated in this notice of enforcement, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: June 6, 2014.

R. V. Timme,

Captain, U.S. Coast Guard, Captain of the Port Ohio Valley.

[FR Doc. 2014–15121 Filed 6–26–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0471]

RIN 1625–AA00

Safety Zones; Fourth of July Fireworks Displays Within the Captain of the Port Charleston Zone, SC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing two temporary safety zones during Fourth of July Fireworks Displays on certain navigable waterways in Murrells Inlet and North Myrtle Beach, South Carolina. These safety zones are necessary to protect the public from hazards associated with launching fireworks over navigable waters of the United States. Persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within any of the safety zones unless authorized by the Captain of the Port Charleston or a designated representative.

DATES: This rule is effective on July 4, 2014 and will be enforced from 9:00 p.m. until 10:25 p.m.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2014–0471 and are available online by going to *http://www.regulations.gov,* inserting USCG–2014–0471 in the ''Keyword'' box, and then clicking ''Search.'' They are also 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.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary final rule, call or email CWO Christopher L. Ruleman, Sector Charleston Office of Waterways Management, Coast Guard; telephone (843) 740–3184, email *christopher.l.ruleman@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the Coast Guard did not receive necessary information regarding the fireworks displays until May 27, 2014. As a result, the Coast Guard did not have sufficient time to publish an NPRM and to receive public comments prior to the fireworks displays. Any delay in the effective date of this rule would be contrary to the public interest because immediate action is needed to minimize potential danger to the public during the fireworks displays.

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

B. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish regulated navigation areas and other limited access areas: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.The purpose of the rule is to protect the public from the hazards associated with launching fireworks over navigable waters of the United States.

C. Discussion of Rule

Multiple fireworks displays are planned for Fourth of July celebrations throughout the Captain of the Port Charleston Zone. The fireworks will be launched from land, piers, or barges. The fireworks will explode over navigable waters of the United States.

The Coast Guard is establishing two temporary safety zones for Fourth of July Fireworks Displays on navigable waters of the United States within the Captain of the Port Charleston Zone. The two safety zones, with the specific enforcement period for each safety zone, are listed below.

1. *Murrells Inlet, South Carolina.* All waters within a 1,000 yard radius around Veterans Pier, from which the fireworks will be launched, located on the Atlantic Intracoastal Waterway. This safety zone will be enforced from 9:00 p.m. until 10:15 p.m. on July 4, 2014.

2. *North Myrtle Beach, South Carolina.* All waters within a 500 yard radius around Cherry Grove Pier, from which the fireworks will be launched, located on the Atlantic Ocean. This safety zone will be enforced from 9:00 p.m. until 10:25 p.m. on July 4, 2014.

Persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within any of the safety zones unless authorized by the Captain of the Port Charleston or a designated representative. Persons and vessels desiring to enter, transit through, anchor in, or remain within any of the safety zones may contact the Captain of the Port Charleston via telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within any of the safety zones is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative. The Coast Guard will provide notice of the safety zones by Broadcast Notice to Mariners, Marine Safety Information Bulletins, and on-scene designated representatives.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The office of Management and Budget has not reviewed it under those orders. The economic impact of this rule is not significant for the following reasons: (1) The safety zone will only be enforced for a total of one and a half hours; (2) although persons and vessels may not enter, transit through, anchor in, or remain within the safety zone without authorization from the Captain of the Port Charleston or a designated representative, they may operate in the surrounding area during the enforcement period; (3) persons and vessels may still enter, transit through, anchor in, or remain within the safety zone if authorized by the Captain of the Port Charleston or a designated representative; and (4) the Coast Guard will provide advance notification of the safety zone to the local maritime

community by Local Notice to Mariners and Broadcast Notice to Mariners.

2. Impact on Small Entities

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

For the reasons discussed in the Regulatory Planning and Review section above, this rule will not have a significant economic impact on a substantial number of small entities.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). Based on our analysis, we concluded 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 from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

An environmental analysis checklist and a Categorical Exclusion Determination were completed for this event in previous years. Since this event has remained materially unchanged from the time of the prior determinations, a new environmental analysis checklist and Categorical Exclusion Determination were not completed for 2014. The previously completed environmental analysis checklist and Categorical Exclusion Determination can be found in docket folder for USCG–2013–0415 at *www.regulations.gov.*

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5;

Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 165.T07–0471 to read as follows:

§ 165.T07–0471 Safety Zone; Fourth of July Fireworks Displays Within Captain of the Port Charleston Zone, SC.

(a) *Regulated Area.* The following regulated areas are safety zones.

(1) *Murrells Inlet, South Carolina.* All waters within a 1,000 yard radius around Veterans Pier, from which the fireworks will be launched, located on the Atlantic Intracoastal Waterway.

(2) *North Myrtle Beach, South Carolina.* All waters within a 500 yard radius around Cherry Grove Pier, from which the fireworks will be launched, located on the Atlantic Ocean.

(b) *Effective and enforcement periods.* Paragraph (a)(1) of this section will be enforced from 9:00 p.m. until 10:15 p.m. on July 4, 2014. Paragraph (a)(2) of this section will be enforced from 9:00 p.m. until 10:25 p.m. on July 4, 2014.

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

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

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

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

Dated: June 17, 2014.

R. R. Rodriguez,

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

[FR Doc. 2014–15137 Filed 6–26–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2014–0241; FRL–9912–24-Region 8]

Partial Approval and Partial Disapproval and Promulgation of Air Quality Implementation Plans; South Dakota; Revisions to South Dakota Administrative Code; Permit: New and Modified Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to partially approve and partially disapprove State Implementation Plan (SIP) revisions submitted by the State of South Dakota on June 14, 2010, June 20, 2011, and July 29, 2013. All three SIP submittals revise the portion of the Administrative Rules of South Dakota (ARSD) that pertain to the issuance of South Dakota air quality permits. In addition, the June 14, 2010 submittal revises certain definitions and dates of incorporation by reference. The June 14, 2010 submittal contains new, amended and renumbered rules; the June 20, 2011 submittal contains new rules; and the July 29, 2013 submittal contains amended rules. In this rulemaking, we are taking final action on all portions of the June 14, 2010 submittal, except for those portions of the submittal which do not belong in the SIP. We are also taking final action on portions of the June 20, 2011 submittal that were not acted on in our April 18, 2014 rulemaking regarding greenhouse gases and the State's Prevention of Significant Deterioration (PSD) program. We are taking final action on portions of the July 29, 2013 submittal that supersede portions of the two previous submittals; the remainder of the July 29, 2013 submittal will be acted on at a later date. This action is being taken under section 110 of the Clean Air Act (CAA).

DATES: This final rule is effective July 28, 2014.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2014–0241. All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street Denver, Colorado 80202–1129. EPA requests you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kevin Leone, Air Program, Mailcode 8P–AR, Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6227, or *leone.kevin@epa.gov*.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background
II. Response to Comments
III. Basis for our Final Action
IV. Final Action
V. Statutory and Executive Orders Review

Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The initials *ARSD* mean or refer to the Administrative Rules of South Dakota.

(iii) The initials *DENR* mean the Department of Environment and Natural Resources.

(iv) The words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.

(v) The words *minor NSR* mean NSR established under section 110(a)(2)(C) of the Act and 40 CFR 51.160 through 51.164.

(vi) The initials *NAAQS* mean or refer to National Ambient Air Quality Standards.

(vii) The initials *NSR* mean new source review, a phrase intended to encompass the stationary source regulatory programs that regulate the construction and modification of stationary sources as provided under CAA section 110(a)(2)(C), CAA Title I, parts C and D, and 40 CFR 51.160 through 51.166.

(viii) The initials *PSD* mean or refer to Prevention of Significant Deterioration.

(ix) The initials *SIP* mean or refer to State Implementation Plan.

(x) The words *State* or *South Dakota* mean the State of South Dakota, unless the context indicates otherwise.

I. Background

The CAA (section 110(a)(2)(C)), 40 CFR 51.160, and the other statutory and regulatory provisions discussed in this final notice, require states to have legally enforceable procedures in their SIPs to prevent construction or modification of a source if it would violate any SIP control strategies or interfere with attainment or maintenance of the national ambient air quality standards (NAAQS). Such minor new source review (NSR) programs are for pollutants from stationary sources that do not require PSD or nonattainment NSR permits. A state may customize the requirements of its minor NSR program as long as the program meets the minimum statutory and regulatory requirements.

On June 14, 2010, South Dakota submitted revisions to its minor source NSR program. The June 14, 2010 submittal included: (1) Revisions to the definitions associated with the Air Pollution Control Program to ensure the definitions are current and consistent with other chapters in the regulations. These revisions include: grammatical changes, renumbering, modified definitions, new definitions and deleted definitions; (2) Revisions to the date of federal regulations referenced throughout ARSD Article 74:36; (3) Addition of a construction permit program for new minor sources and minor modifications to existing sources, created by adding new Chapter 74:36:20 (Construction Permits for New Sources or Modifications); and (4) Revisions to the minor source operating permit programs to incorporate the changes associated with the new proposed construction permit program.

In South Dakota's regulations in ARSD Article 74:36 that are currently approved into the SIP, the minor source construction permit and operating permit programs are combined so, in practice, a source receives one permit from the State which serves as both a construction and operating permit.[1] The revisions in the June 14, 2010 submittal separate the two programs into a new minor source construction permit program and a minor source operating permit program. Under the new revisions, a source would first apply for a construction permit before applying for an operating permit. A cross-walk table, which discusses the rule revisions in Article 74:36 individually, and the action we are proposing, is included in the docket for this rulemaking.

South Dakota's June 14, 2010 submittal also contains rule revisions that are not included in SIPs. These rules, which we are not taking action on here (i.e., New Source Performance Standards, operating permits for part 70 sources, etc.), are outlined in the cross-walk table located in the docket for this rulemaking.

South Dakota's June 20, 2011, submittal includes the following rule revisions: (1) Revises Sections 74:36:01:01, 74:36:01:08, 74:36:01:15 and 74:36:09:02 related to regulation of greenhouse gases (revisions to Sections 74:36:01:08, 74:36:01:15 and 74:36:09:02 to comply with EPA's Greenhouse Gas Tailoring Rule were previously acted on);[2] EPA is taking final action on 74:36:01:01 in this rulemaking); (2) Revises Chapter 74:36:20 by revising Section 74:36:20:02 (Construction Permits Required); and (3) Adds new Section 74:36:20:02.01 (Initiating Construction Prior to Permit Issuance). Section 74:36:20:02.01 allows sources who meet certain conditions to start construction prior to receiving a permit provided they meet the requirements in that section. EPA is taking final action on 74:36:20:02 and 74:36:20:02.01 in this rulemaking.[3]

With respect to South Dakota's July 29, 2013 submittal, we are only taking final action on the following revisions: (1) The removal of section 74:36:04:03.01 (Minor Source Operating Permit Variance); and (2) Revisions to section 74:36:10 (New Source Review).

In our April 16, 2014 proposed action (79 FR 21424), we proposed to: (1) Approve *74:36:01:01 (Definitions); 74:36:02 (Ambient Air Quality); 74:36:03 (Air Quality Episodes); 74:36:04 (Operating Permits for Minor Sources); 74:36:10 (New Source Review); 74:36:11 (Performance Testing); 74:36:12 (Control of Visible Emissions); 74:36:13 (Continuous Emissions Monitoring); 74:36:18 (Regulations for State Facilities in the Rapid City Area); and 74:36:20 (Construction Permits for New Sources or Modifications); 74:36:01:01(73) (Subject to Regulation); the deletion of 74:36:04:03.01 (Minor Source Operating Permit Variance);* (2) Disapprove *74:36:20:02.01 (Initiating Construction Prior to Permit Issuance); the phrase: ''unless it meets the requirements in 74:36:20:02.01'' in 74:36:04:20:02 (Construction Permit Required);* (3) Not take action on *74:36:05 (Operating Permits for Part 70 Sources); 74:36:07 (New Source Performance Standards); 74:36:08 (National Emission Standards for Hazardous Air Pollutants); 74:36:09 (Prevention of Significant Deterioration); 74:36:16 (Acid Rain Program);* and *74:36:19 (Mercury Budget Trading Program).*

We provided a detailed explanation of the bases for our proposal. See 79 FR 21426–21429. We invited comment on all aspects of our proposal and provided a 30-day comment period. The comment period ended on May 16, 2014.

In this action, we are responding to the comments we received and taking final rulemaking action on the rules from the State's June 14, 2010, June 20, 2011, and July 29, 2013 submittals.

II. Response to Comments

In response to our April 16, 2014 proposed rulemaking, we received comments from Department of Environment and Natural Resources (DENR) Secretary Steven M. Pirner on behalf of the State of South Dakota. In this section, we summarize these comments and provide our responses.

Comment: The comments explain that DENR submitted a draft copy of ARSD 74:36:20:02.01 in December 2010 to EPA for informal comments prior to beginning the State's formal rule making process; and that EPA provided preliminary comments back to DENR via email on January 11, 2011. DENR's comments on our proposal suggest that DENR notified EPA that those preliminary concerns were addressed in ARSD 74:36:20:02.01(1), 74:36:20:02.01(2) and 74:36:20:02.01(6). DENR's comments further explain that it believed EPA's concerns were addressed at that time, since EPA did not provide the same comment during the public notice phase of the rule making.

Response: EPA disagrees with this comment. While we aim to provide comments before and during a state's rule making process, the CAA neither requires that EPA comment on proposed SIP rules, nor does it preclude EPA from carrying out its statutory duty to disapprove an inadequate SIP if EPA does not provide comments to a state. The notion that EPA's silence suggests a SIP is approvable—simply because EPA did not comment during the State's formal rule making process—has no support in the Act, it is contrary to the purposes of the Act and EPA's express obligation to approve only SIP submittals that meet the requirements of

[1] For major sources and major modifications, the State already has two SIP-approved construction permit programs (PSD and nonattainment NSR) and, separately for major sources, a title V operating permit program that has been approved through the title V (not the SIP) process.

[2] On February 11, 2014 (79 FR 8130) EPA proposed action on these provisions. EPA finalized its action on April 18, 2014 (79 FR 21852).

[3] Under a consent decree, by May 30, 2014, EPA is required to sign a notice of final action to approve, disapprove, approve in part and disapprove in part, or conditionally approve this June 20, 2011 SIP submittal. *WildEarth Guardians* v. *EPA,* Civil Action No. 1:12–cv–03307 (D. Colo.).

the Act, as explained elsewhere in this final action. Moreover, nothing in EPA's preliminary comments suggested that the State's draft rules would be approvable if the State were to make the suggested changes.[4]

DENR comments indicate that it provided notification to us that our preliminary concerns were addressed by provisions in ARSD 74:36:20:02.01(1), 74:36:20:02.01(2) and 74:36:20:02.01(6). The comment does not cite to a particular communication from the State. Therefore, we are unclear what notification DENR is referring to. We are aware of one email from the State regarding this topic;[5] however, that email summarizes other provisions in the State rules.

Comment: DENR provided an analysis of the public comments received on the State's proposed rule, and disagreed with ''EPA's implication that all public commenters were concerned about allowing construction prior to receiving a construction permit.''

Response: We disagree with the assertions in this comment. The comment does not cite to specific language in the proposed notice; however, we assume the commenter is referring to Footnote 5 in our proposed rulemaking where we stated: ''[t]he State also received public comments from 13 individuals on this issue and related concerns.'' 79 FR 21428. EPA did not intend to interpret the meaning or intent of the public comments on the State's proposed rule, but simply included this footnote to point out that the State received adverse comments during its rulemaking process that expressed concerns regarding the State's proposed rules.

Comment: DENR suggests that EPA is being arbitrary and capricious in enforcing the language in 40 CFR 51.161 for public participation in minor NSR permitting programs. DENR indicates that there are ''EPA approved state implementation plans that have been in place for many years which do not require a 30-day public notice for any non-PSD construction permits,'' and provides as an example ''Iowa's state implementation plan which is South Dakota's neighbor and competitor for economic development projects.'' The comment states that ''EPA cannot give one state an advantage over another in economic development by requiring inconsistent mandates to SIPs.'' DENR's comment suggests that even if EPA's argument had validity, DENR is required by its regulations to notice the construction permit ''before the applicant can operate any equipment which emits air pollutants into the air.''

Response: EPA disagrees with this comment. We apply applicable CAA provisions and EPA regulations to determine the approvability of the SIP. As we explained in our proposed notice, EPA regulations ''require a minimum 30-day period for public comment on the information submitted by the owner or operator prior to construction.'' 79 FR 21428. These regulations explicitly mandate that state SIP minor permitting regulations ''include the opportunity for public comment on information submitted by owners and operators.'' 40 CFR 51.160, 51.161(a). The regulations further require that the information available to the public ''must include the agency's analysis of the effect of construction or modification on ambient air quality, including the agency's proposed approval or disapproval.'' EPA's regulations specify that state SIP permitting procedures ''shall include, as a minimum . . . a 30-day period for submittal of public comment.'' These public participation requirements apply to ''construction or modification''[6] of a ''facility, building, structure or installation.''[7] Finally, the regulations require that public notice be sent to the EPA Regional Office and to all other state and local air pollution control agencies having jurisdiction in the region in which the new or modified source ''will be located.'' 40 CFR 51.161(d).

The State rule allows owners and operators to ''initiate construction prior to issuance of the construction permit,'' ARSD 74:36:20:02.01, and public notice is provided *after* construction. DENR's comment notes that notice of the construction permit is provided ''before the applicant can operate any equipment.'' Providing an opportunity for public comment before the applicant can operate the equipment does not meet the requirements in 40 CFR 51.161, as the State rules fail to provide the opportunity for comment prior to construction and therefore are inconsistent with EPA regulations. They also fail to provide either the public or EPA and local permitting authorities either notice or an opportunity to comment on where the facility ''will be located.'' Moreover, DENR's comment lacks any analysis of how the State rule, which provides for public participation after construction, is consistent with the regulatory requirements.

The comment suggests, but provides no evidence that, EPA's disapproval of this rule would give another state an advantage over South Dakota's economic development. Neither the CAA nor EPA's implementing regulations contain any specific requirement that we take economic development into account in determining the approvability of SIP amendments. While we are not required to consider economic development impacts, the State's comments provide no details regarding economic development impacts for us to consider. Additionally, DENR's SIP rules have contained the 30-day public comment period minor source permits for many years.[8] While the DENR's comments indicate that it has been implementing new rule ARSD 74:36:20:01.01 for approximately three years,[9] it provides no information regarding impacts to economic development in the State prior to implementation of the new program.

Finally, the comments suggest there are other state SIPs where EPA has approved less than the 30-day public comment period, and mentions Iowa, without, however, providing either citations to any relevant Iowa regulations or references to prior EPA interpretations. Therefore, we do not know what the comment refers to. To the extent EPA may have approved provisions in other SIPs that allow for less than the 30-day public comment period, as we explained in the proposed notice and this final action, our current interpretation of 40 CFR 51.161 is that it requires that state SIPs include a minimum of a 30-day period for submittal of public comments on proposed minor source permits.

Comment: DENR asserted that the CAA (Section 110(a)(2)(C)) and the federal regulations (40 CFR 51.160(a) and (b)) ''do not state a construction permit must be issued prior to construction activities beginning.'' For support of this assertion, DENR references EPA's preliminary comments

[4] Email from Laurel Dygowski, South Dakota SIP Program Manager, EPA Region 8 Air Program, to Brian Gustafson, South Dakota (January 11, 2011).

[5] Email from Kyrk Rombough, Natural Resource Engineering Director DENR Air Quality Program, to Kevin Leone, Environmental Scientist, EPA Region 8 Air Program (January 18, 2011).

[6] 40 CFR 51.160(a).

[7] *Id.*

[8] For example, EPA approved 74:36:04:12 (Public Participation in Permitting Process) on April 7, 2003. [68 FR 16726.]

[9] Normally, a state should generally not be implementing a SIP revision prior to EPA approval, when the revision is a relaxation of the existing SIP. *General Motors Corp.* v. *United States,* 496 U.S. 530, at 540 (''There can be little or no doubt that the existing SIP remains the 'applicable implementation plan' even after the State has submitted a proposed revision''). EPA reviews SIP revisions for compliance with the Act and regulations.

on the proposed rules,[10] as well as EPA's mention in the proposed notice of prior approval of such programs.[11]

Response: We disagree with this comment. The CAA contains provisions for the preconstruction review and approval of new and modified sources of air pollution, which are generally implemented by a state through a permitting program as part of an approved SIP, or in some cases by EPA. For minor sources, which are those sources that have the potential to emit below major source thresholds of the PSD and nonattainment NSR program, the CAA has specific requirements. Under CAA section 110(a)(2)(C), the state's SIP must provide for ''the regulation of the *modification* and *construction* of any stationary source . . . as necessary to ensure that national ambient air quality standards are achieved.'' [12] Therefore, all SIPs must contain minor source preconstruction approval programs. The CAA contains separate and distinct requirements for operating permits, which we are not reviewing in this action.

EPA's implementing regulations specify the requirements for minor NSR programs, and the relevant provisions are discussed here. 40 CFR 51.160–51.164. Each state SIP must set forth legally enforceable procedures which will allow the state to determine whether the construction or modification of a minor source, or a ''minor modification'' of an existing source, ''will'' (1) result in a violation of applicable portions of the State's control strategy, or (2) interfere with attainment of maintenance of any NAAQS in the State or in a neighboring state. 40 CFR 51.160(a). The SIP must also include the means by which a state can ''prevent'' construction that ''will interfere with the attainment or maintenance of a national standard.'' 40 CFR 51.160(b). Therefore, SIPs must require that owners or operators of source that are subject to minor NSR submit information to the state so the state can determine if the construction or modification of the source will result in a violation of the control strategy or interfere with attainment of maintenance of the NAAQS. 40 CFR 51.160(b). SIPs must also contain, among other elements, a ''control strategy,'' which is a combination of measures (including emission limitations and measures that apply to stationary sources) designed to achieve the reduction of emission necessary for attainment and maintenance of the NAAQS. 40 CFR 51.100(n). Therefore, there are minimum statutory and regulatory requirements that apply to minor source permit programs, adherence to which is determined under the CAA by EPA. CAA section 110.

Under the current, federally-approved South Dakota SIP, minor sources are subject to the State's permitting requirements and must receive authorization to proceed with the construction or modification in accordance with the SIP, [ARSD 74:36:04:02], unless they meet exemption requirements in ARSD 74:36:04:03.

Under the State's proposed program that allows for initiating construction prior to issuance, the owner or operator may begin construction or modification if they meet two basic requirements: (1) Submit a permit application to the department; and (2) notify the department that they intend to initiate construction. ARSD 74:36:20:01.01(1), (2). Once these two requirements are met, the owner or operator may begin and complete construction or modification of true minor sources. ARSD 74:36:20:01.01(3), (4). The proposed rules do not require State *review* of the proposed construction or modification *before* the construction of modification occurs. The State rules also do not provide for the State to affirmatively *approve* the proposed modification or construction before it commences or before completion of the construction or modification. While there are provisions in the rule that cover activities *after* construction and modification,[13] there is no State administrative approval or review of any kind prior to construction activities. The State receives notice from the owner or operator before construction starts; however, there are no provisions in the rule that specify any action the State is to take regarding that notice or any mechanism to ensure preconstruction review and approval. Therefore, neither the State, public, nor EPA can determine whether the project will be in compliance with the CAA and implementing regulations before construction is initiated and completed.

The State rules allow construction to proceed, and provide for review of the construction while it is underway (or after the construction is complete). As discussed above, we interpret the CAA and implementing regulations to require regulation and approval of *construction* of any stationary source *before* the construction occurs, not as proposed by the State, review and approval construction in process or after it has occurred. While we have not interpreted the CAA and regulations to require that states implement the SIP requirement for a minor source program through the mechanism of a permitting program, we have required that SIPs include some mechanism for preconstruction review and approval of proposed minor sources before the activities commence. Such review and approval is necessary to determine whether the proposed construction or modification will violate a control strategy or interfere with attainment or maintenance of the NAAQS and to ''prevent such construction or modification'' that will do so as required by 51.160(a) and (b).[14] The proposed rules provide for State approval before the owner or operator begins operating the source and emitting pollutants but provide no mechanism to evaluate or prevent proposed

[10] The comments reference the following from EPA's preliminary comments, ''[i]t should be noted that EPA's regulations at 40 CFR 51.160 do not require the issuance of a permit for the construction of modification of minor sources, but only that the SIP include a procedure to prevent the construction of a source or modification that would violate the SIP control strategy or interfere with attainment or maintenance of the NAAQS.'' Email from Laurel Dygowski, South Dakota SIP Program Manager, EPA Region 8 Air Program, to Brian Gustafson, South Dakota (January 11, 2011). EPA's regulations do not explicitly require that a state's minor source program provide approval of construction through the specific mechanism of a permit, so long as there is some preconstruction approval process that meets the requirements of 40 CFR 51.160–161.

[11] The comments do not refer to a particular quotation from the proposed rule; however, we assume the commenter is referring to the following: ''[w]e acknowledge that EPA may have approved some state minor source programs with approaches/requirements similar to those proposed by South Dakota, which may warrant EPA evaluation in the future.'' 79 FR 21428. Our current interpretation of the CAA and regulatory requirements are as explained in this action.

[12] The Act defines ''construction'' when used on connection with any source or facility, to include ''modification,'' which ''means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted. CAA sections 111(a)(4), 169(2)(C).

[13] The proposed SIP rule provides that: The owner or operator assume liability for construction (ARSD 74:36:20:02.01(5)); the owner or operator may not operate the equipment and emit air pollutants prior to receiving a construction permit (ARSD 74:36:20:02.01(5)); if the department demonstrates that the construction or modification will interfere with the attainment or maintenance of the NAAQS or increment, the owner or operator must cease construction (ARSD 74:36:20:02.01(6)); and (4) the owner or operator will be required to make any changes to the new source or modification of an existing source that may be imposed in the construction permit (ARSD 74:36:20:02.01(7)).

[14] We would note, however, to a substantial degree, it is the permit process itself, embodied in South Dakota's *current* SIP regulations, that provides the vehicle to identify and make enforceable specific measures necessary to protect the NAAQS. As explained in the notice, it is the lack of such authority for the State to review and approve the modification or construction that is fatal to the proposed revisions.

construction. Therefore, the proposed changes to the SIP are incomplete as they lack the ''legally enforceable procedures that enable'' the State to make the necessary determination and ensure that the State ''will prevent such construction'' if the source ''will'' violate the control strategy or interfere with NAAQS attainment. Finally, the commenter appears to imply that our preliminary comments to the State are controlling or binding on our final action. As explained above, while we aim, and often do, provide comments early and throughout a state's rulemaking process, those comments are not final agency actions. There is nothing in the Act that requires such comments, much less that makes them binding on EPA such as to require that EPA approve a SIP that does not meet regulatory requirements. To the contrary, Congress entrusted with EPA an oversight role to ensure the requirements of the Act are met. Moreover, nothing in EPA's preliminary comments suggested that the State's draft rules would be approvable if the State were to make the suggested changes.

Comment: DENR also takes exception to EPA's implication that DENR's decision to approve or deny a permit would be influenced by a facility that has been built (the ''equity in the ground'' issue) and could potentially cause a violation of a NAAQS. The comments also note EPA's concerns expressed in the proposal regarding fundamental design issues that cannot be overcome should the State seek modifications to protect the NAAQS. DENR explains that: (1) The State rules require the owner or operator to assume these risks and make required changes before operation; (2) the State ''has taken enforcement action when necessary on facilities that have violated their permits and/or that began construction and operation prior to obtaining the appropriate permits;'' (3) since the State established its initial SIP in the 1970's ''the construction and operation of a true minor source has not caused or interfered with attaining or maintaining a National Ambient Air Quality Standard;'' and (4) if DENR believes a NAAQS would be violated, ''DENR would prevent a source from operating until appropriate changes were made to protect'' the NAAQS.

Response: EPA agrees in part with this comment. First, we acknowledge that there are some safeguards in the proposed rule; however, we remain concerned that there is no mechanism for either the public or local regulatory authorities with jurisdiction to comment on where ''the source will be located.'' And leaving aside the lack of regulatory and public input into siting decisions, after a source has been constructed there may remain fundamental design issues that cannot be overcome by the provisions in the proposed rules. Second, the comment indicates that the State has taken enforcement action where necessary; however, it provides no details regarding such actions. Third, the comment suggests that true minor sources have not caused or interfered with attaining or maintaining the NAAQS, but provides no evidence to support this statement and does not address the legal requirement for legally enforceable procedures to ''prevent'' construction of a source that ''will'' have such effects. Finally, the comments indicate that if DENR believes enforcement were necessary, it would prevent the source from ''operating.'' The comment does not include a reference to what authority the DENR would use for such enforcement. Moreover, the comment asserts that the State has authority to prevent source *operation* but does not attempt to assert that the program authorizes the state to ''prevent such *construction''* as may violate the control strategy or interfere with attainment. EPA acknowledges that 74:36:20:02.01 (Initiating construction prior to permit issuance) has some safeguards in place; however, the rules fall short of meeting the requirements of the CAA and implementing regulations.

Comment: DENR indicates it ''believes it has provided enough provisions in allowing construction prior to DENR completing its analysis (i.e., statement of basis) of the project and issuing a construction permit after a 30-day public comment period to protect'' both the State's control strategy and the NAAQS. DENR explains this is demonstrated by approximately three years of program implementation. DENR also explains that the State is in full attainment with all the NAAQS.

Response: EPA disagrees with this comment because the final rule, as adopted by the State, allows no review or comment on siting decisions and does not require any type of administrative approval from the State prior to allowing unpermitted ''construction'' activities. Therefore, neither the State, public, nor EPA can evaluate siting decisions or determine whether the project ''will'' be in compliance with the CAA and implementing regulations before construction occurs. Regardless of South Dakota's current attainment status of the NAAQS, 74:36:20:02.01 does not meet the minimum requirements as outlined in the beginning of Section II of this rulemaking.

The fact that South Dakota has implemented the proposed changes to the SIP before EPA's final action, is not, as the comment appears to suggest, a basis for EPA approval. Under CAA section 116, a state may not implement any emission limitation or any control or abatement requirement that is less stringent than the applicable, approved SIP. The current SIP requires that sources obtain a permit from the State prior to construction. The proposed SIP revisions are less stringent than the existing SIP because they allow sources to construct without obtaining a permit prior to construction. Therefore, proposed SIP revisions violate CAA section 116 by exempting sources from the existing SIP requirement to obtain a permit before beginning construction.

Furthermore, as we explained in our proposal, Section 110(i) of the CAA specifically precludes states from changing requirements of the SIP except through SIP revisions approved by EPA. SIP revisions will be approved by EPA only if they meet all requirements of the Act and the implementing regulations. The CAA gives EPA both the authority and the obligation to review a proposed program's compliance with the Act and applicable regulations and to disapprove regulations that do not meet legal requirements. Therefore, a state's implementation of proposed SIP amendments prior to EPA approval, does not limit EPA's authority to take final rulemaking action to disapprove SIP provisions that the state has been implementing without SIP approval.

Finally, the commenter suggests the permit rules preventing sources from operating protect the State's control strategy and the NAAQS, and points to the State's attainment status for all the NAAQS. However, the commenter provides nothing further in its comments in the way of rationale and data to show that allowing unpermitted construction will ensure the State's continuing and future attainment status. CAA section 110(l) requires a demonstration that a SIP revision does not interfere with any requirement concerning attainment and maintenance of the NAAQs and that any relaxation is sufficiently protective of air quality and other CAA requirements in order for EPA to approve. The fact that the SIP submittal and the comments lack a demonstration (e.g., air quality monitoring data and trends, projected minor source participation and impacts, and emission inventory data and trends) to show that the minor source permitting rule revisions are not likely to interfere with NAAQS or the State's SIP control strategy provides further evidence that the SIP is not approvable.

Without a demonstration from the State that shows the minor sources that are subject to this program will not impact attainment and maintenance, we have no information to determine the significance of the proposed rule and whether the sources will impact the NAAQS. Minor sources, either individually or collectively, may impact attainment. Finally, even if we assume the substitution of the new program for the prior minor source permit program were allowed under section 110(l), the State has provided no demonstration to show the new rules achieve the same results as the existing rules for these sources. Therefore, we lack information and a basis to approve these amendments to the SIP under section 110(1).

III. Basis for Our Final Action

We have fully considered the comments we received, and have concluded that no changes from our proposed rule are warranted. As discussed in our proposal and this rule, our action is based on an evaluation of South Dakota's rules against the requirements of CAA sections 110(a)(2)(C), 110(i), 110(l), 116, our minor source NSR regulations at 40 CFR 51.160–51.164, and other requirements discussed in section II of this action.

Section 110(a)(2)(C) of the Act contains the requirements for preconstruction review programs for minor sources and requires that each SIP include a program to regulate the construction and modification of stationary sources as necessary to assure that the NAAQS are achieved.

EPA's minor source implementing regulations are in 40 CFR 51.160–51.164. The regulations require that a SIP include ''legally enforceable procedures that enable'' the permitting agency to determine whether construction ''will result in'' interference with the NAAQS, 40 CFR 51.160(a). The SIP must also include the means by which a state or local agency can ''prevent'' construction that ''will interfere with the attainment or maintenance of a national standard.'' 40 CFR 51.160(b). 40 CFR 51.161(a) requires that the legally enforceable procedures in 40 CFR 51.160 must also require the state or local agency to provide opportunity for public comment on information submitted by owners or operators. The public information must include the agency's analysis of the effect of construction or modification on ambient air quality, including the agency's proposed approval or disapproval. 40 CFR 51.161(b) requires a minimum 30-day public comment period. Finally, the regulations require that public notice be sent to the EPA Regional Office and to all other state and local air pollution control agencies having jurisdiction in the region in which the new or modified source ''will be located.'' 40 CFR 51.161(d).

We are approving those rules that meet the relevant requirements and disapproving those rules that do not meet the relevant requirements, or are not appropriate for inclusion in the SIP. Specifically, we are disapproving 74:36:04:20:01 (Initiating Construction Prior to Permit Issuance), and the related phrase: ''unless it meets the requirements in 74:36:20:02.01'' in 74:36:04:20:02 (Construction Permit Required). We are disapproving the related phrase because it references the rule we are disapproving.

For a detailed description of the bases for our actions on the individual rules, please refer to our notice of proposed rulemaking (79 FR 21424) and our response to comments in section II of this action.

We are sensitive to the concerns expressed in the State's comments. We also understand the State's goals in promulgating rule 74:36:20:02.01, as expressed during the State's rulemaking, were to ''expedite the construction of specific facilities that will have minimal impact to the ambient air and for those projects that may be impacted by inclement weather (i.e. winter months),'' [15] ''and to ensure that new businesses and existing businesses looking to expand are permitted in an expedited manner.'' [16] 79 FR 21428. If requested by South Dakota, EPA will work with the State to develop revised rules that are consistent with the State goals and consistent with the CAA and implementing regulations.[17]

IV. Final Action

In this rulemaking, we are taking final action to: (1) Approve revisions to 74:36:01:01 *(Definitions);* 74:36:02 *(Ambient Air Quality);* 74:36:03 *(Air Quality Episodes);* 74:36:04 *(Operating Permits for Minor Sources);* 74:36:10 *(New Source Review);* 74:36:11 *(Performance Testing);* 74:36:12 *(Control of Visible Emissions);* 74:36:13 *(Continuous Emissions Monitoring Systems);* 74:36:18 *(Regulations for State Facilities in the Rapid City Area);* and 74:36:20 *(Construction Permits for New Sources or Modifications);* (2) Disapprove 74:36:20:02.01 *(Initiating Construction Prior to Permit Issuance),* and the phrase '', unless it meets the requirements in 74:36:20:02.01'' in 74:36:20:02 *(Construction Permit Required);* (3) Not take action on 74:36:05 *(Operating Permits for Part 70 Sources);* 74:36:07 *(New Source Performance Standards);* 74:36:08 *(National Emission Standards for Hazardous Air Pollutants);* 74:36:09 *(Prevention of Significant Deterioration);* 74:36:16 *(Acid Rain Program);* and 74:36:19 *(Mercury Budget Trading Program).*

V. Statutory and Executive Orders Review

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this final action merely approves certain state law as meeting Federal requirements, disapproves other state law as not meeting Federal requirements, and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

[15] State of South Dakota SIP Submittal, at PDF pages 170–171 (June 14, 2011, part 1 of 2).

[16] State of South Dakota SIP Submittal, at PDF page 105 (June 14, 2011, part 2 of 2) (Board of Minerals and Environment Minutes, February 17, 2011).

[17] One option for South Dakota is to amend its ''initiating construction prior to permit issuance'' section to allow only certain limited, seasonal, pre-permit construction activities and specify which activities are allowed, and exclude construction of any emitting unit. An example of this type of pre-permit construction language can be found in the Administrative Rules of Montana (ARM) 17.8.743(2), which EPA approved on August 8, 2011 (76 FR 40237).

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

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

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

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 26, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See CAA section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: May 29, 2014.

Shaun L. McGrath,

Regional Administrator, Region 8.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart QQ—South Dakota

■ 2. Section 52.2170 is amended in the table titled ''State of South Dakota Regulations'' in paragraph (c)(1):

■ a. By revising the table entries for ''74:36:01:01'' and ''74:36:01:05'';

■ b. By adding the table entry for ''74:36:01:10'' in numerical order;

■ c. By revising the table entry for ''74:36:01:20'';

■ d. By adding the table entry for ''74:36:01:21'' in numerical order;

■ e. By revising the table entries for ''74:36:02:02'' through ''74:36:02:05'', ''74:36:03:01'', and ''74:36:03:02'';

■ f. By adding the table entries for ''74:36:04:02'', ''74:36:04:02.01'', and ''74:36:04:03'' in numerical order;

■ g. By revising the table entry for ''74:36:04:04'';

■ h. By adding the table entries for ''74:36:04:06'', ''74:36:04:07'', ''74:36:04:09'', ''74:36:04:10'', ''74:36:04:12'', ''74:36:04:12.01'', ''74:36:04:13'', ''74:36:04:15'' through ''74:36:04:18'', ''74:36:04:20'', ''74:36:04:20.01'', ''74:36:04:20.04'', ''74:36:04:23'', ''74:36:04:27'', and ''74:36:04:32'' in numerical order;

■ i. By revising the table entries for ''74:36:10:02'', ''74:36:10:03.01'', ''74:36:10:05'', ''74:36:10:07'', and ''74:36:10:08'';

■ j. By removing the table entries for ''74:36:10:09'' and ''74:36:10:10'' and the second entry for ''74:36:13:07'' ;

■ k. By revising the table entries for ''74:36:11:01'', ''74:36:12:01'', ''74:36:12:03'', ''74:36:13:02'', ''74:36:13:03'', ''74:36:13:04'', ''74:36:13:06'', the first entry for ''74:36:13:07'', and the entries for ''74:36:13:08'', and ''74:36:18:10''; and

■ l. By adding a new centered heading for ''74:36:20 [Construction Permits For New Sources Or Modifications]'' and the table entries ''74:36:20:01 through 74:36:20:24'', in numerical order.

The amendments read as follows:

§ 52.2170 Identification of plan.

* * * * *

(c) * * *

State citation	Title/subject	State effective date	EPA approval date and citation [1]	Explanations
74:36:01 Definitions				
74:36:01:01	Definitions	4/20/2011	6/27/2014, [Insert **Federal Register** citation].	
74:36:01:05	Applicable requirements of the Clean Air Act defined.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
* *	*	*	*	* *
74:36:01:10	Modification defined	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
* *	*	*	*	* *
74:36:01:20	Physical change in or change in the method of operation defined.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:01:21	Commence construction defined.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	

State citation	Title/subject	State effective date	EPA approval date and citation [1]	Explanations
74:36:02 Ambient Air Quality				
74:36:02:02	Ambient air quality standards	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:02:03	Methods of sampling and analysis.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:02:04	Air quality monitoring network	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:02:05	Ambient air monitoring requirements.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:03 Air Quality Episodes				
74:36:03:01	Air pollution emergency episode.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:03:02	Episode emergency contingency plan.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:04 Operating Permits for Minor Sources				
74:36:04:02	Minor source operating permit required.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:04:02.01	Minor source operating permit exemption.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:04:03	Emission unit exemptions	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:04:04	Standard for issuance of a minor source operating permit.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:04:06	Timely and complete application for operating permit required.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:04:07	Required contents of complete application for operating permit.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:04:09	Permit application—Completeness review.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:04:10	Time period for department's recommendation.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:04:12	Public participation in permitting process.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:04:12.01	Public review of department's draft permit.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:04:13	Final permit decision—Notice to interested persons.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:04:15	Contents of operating permit	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:04:16	Operating permit expiration	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:04:17	Renewal of operating permit	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:04:18	Operating permit revision	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:04:20	Procedures for administrative permit amendments.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:04:20.01	Minor permit amendment required.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:04:20.04	Department deadline to approve minor permit amendment.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:04:23	Reopening operating permit for cause.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:04:27	Operating permit termination, revision, and revocation.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:04:32	General permits	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	

State citation	Title/subject	State effective date	EPA approval date and citation [1]	Explanations
* *	*	*	*	* *
74:36:10 New Source Review				
74:36:10:02	Definitions	6/25/2013	6/27/2014, [Insert **Federal Register** citation].	
74:36:10:03.01	New source review preconstruction permit required.	6/25/2013	6/27/2014, [Insert **Federal Register** citation].	
74:36:10:05	New source review preconstruction permit.	6/25/2013	6/27/2014, [Insert **Federal Register** citation].	
74:36:10:07	Determining credit for emission offsets.	6/25/2013	6/27/2014, [Insert **Federal Register** citation].	
74:36:10:08	Projected actual emissions	6/25/2013	6/27/2014, [Insert **Federal Register** citation].	
74:36:11 Performance Testing				
74:36:11:01	Stack performance testing or other testing methods.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:12 Control of Visible Emissions				
74:36:12:01	Restrictions on visible emissions.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:12:03	Exceptions granted to alfalfa pelletizers or dehydrators.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:13 Continuous Emissions Monitoring Systems				
74:36:13:02	Minimum performance specifications for all continuous emission monitoring systems.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:13:03	Reporting requirements	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:13:04	Notice to department of exceedance.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:13:06	Compliance certification	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:13:07	Credible evidence	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:13:08	Compliance assurance monitoring.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
* *	*	*	*	* *
74:36:18 Regulations for State Facilities In the Rapid City Area				
* *	*	*	*	* *
74:36:18:10	Visible emission limit for construction and continuous operation activities.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
* *	*	*	*	* *
74:36:20 Construction Permits For New Sources Or Modifications				
74:36:20:01	Applicability	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:20:02	Construction permit required	4/20/2011	6/27/2014, [Insert **Federal Register** citation].	Except for ", unless it meets the requirements in section 74:36:20:02.01".
74:36:20:03	Construction permit exemption	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:20:04	Emission unit exemptions	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:20:05	Standard for issuance of construction permit.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:20:06	Timely and complete application for a construction permit required.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	

State citation	Title/subject	State effective date	EPA approval date and citation [1]	Explanations
74:36:20:07	Required contents of complete application for a construction permit.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:20:08	Applicant required to supplement or correct application.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:20:09	Permit application—Completeness review.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:20:10	Time period for department's recommendation.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:20:11	Public participation in permitting process.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:20:12	Public review of department's draft permit.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:20:13	Final permit decision—Notice to interested persons.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:20:14	Right to petition for contested case hearing.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:20:15	Contents of construction permit.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:20:16	Administrative permit amendment.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:20:17	Procedures for administrative permit amendments.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:20:18	Reopening construction permit for cause.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:20:19	Procedures to reopen construction permit.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:20:20	Construction permit does not exempt from other requirements.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:20:21	Expiration of a construction permit.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:20:22	Notice of constructing or operating noncompliance—Contents.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:20:23	Petition for contested case on alleged violation.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
74:36:20:24	Circumvention of emissions not allowed.	6/28/2010	6/27/2014, [Insert **Federal Register** citation].	
*	*	*	*	*	*	*

[1] In order to determine the EPA effective date for a specific provision that is listed in this table, consult the **Federal Register** cited in this column for that particular provision.

* * * * *

[FR Doc. 2014–14031 Filed 6–26–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 141

[EPA–HQ–OW–2014–0408; FRL–9912–52–OW]

Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures

Correction

In rule document 2014–14369, appearing on pages 35081 through 35096 in the issue of Thursday, June 19, 2014, make the following correction:

On page 35093, the table titled ''ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.852(a)(5)'' should read as follows:

ALTERNATIVE TESTING METHODS FOR CONTAMINANTS LISTED AT 40 CFR 141.852(a)(5)

Organism	Methodology category	Method	SM 20th, 21st editions [1 6]	SM 22nd Edition [28]	SM Online [3]
Total Coliforms	Lactose Fermentation Methods.	Standard Total Coliform Fermentation Technique.		9221 B.1, B.2	9221 B.1, B.2–06.
	Enzyme Substrate Methods.	Colilert®		9223 B	9223 B–04.
		Colisure®		9223 B	9223 B–04.
		Colilert-18® Tecta EC/TC.[33]	9223 B	9223 B	9223 B–04.
Escherichia coli	*Escherichia coli* Procedure (following Lactose Fermentation Methods).	EC–MUG medium		9221 F.1	9221 F.1–06.
	Enzyme Substrate Methods.	Colilert®		9223 B	9223 B–04.
		Colisure®		9223 B	9223 B–04.
		Colilert-18® Tecta EC/TC.[33]	9223 B	9223 B	9223 B–04.

[FR Doc. C1–2014–14369 Filed 6–26–14; 8:45 am]
BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–9739–9–OW]

National Oil and Hazardous Substances Pollution Contingency Plan; Listing of Trustee Designations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In this action, the Environmental Protection Agency (EPA or ''the Agency'') is conforming the listing of trustee designations for natural resources in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) in accordance with Executive Order (E.O.) 13626, ''Gulf Coast Ecosystem Restoration,'' issued on September 10, 2012. E.O. 13626 designated the Administrator of EPA and the Secretary of the United States Department of Agriculture (USDA) to act as additional trustees for Natural Resource Damage Assessment and restoration solely in connection with injury to, destruction of, loss of, or loss of use of natural resources, including their supporting ecosystems, resulting from the Deepwater Horizon Oil Spill. The Administrator's and Secretary's trusteeship became effective immediately pursuant to the President's designation. This action is being taken pursuant to a directive in the Executive Order to revise Subpart G of the NCP to reflect the additional designations for the Deepwater Horizon Oil Spill. This action applies to the Deepwater Horizon Oil Spill only, and does not affect any prior or subsequent designations.

DATES: This rule is effective on June 27, 2014.

FOR FURTHER INFORMATION CONTACT: Ms. Gale C. Bonanno, Office of Water (4503–T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number 202–564–2243; email address: *bonanno.gale@epa.gov.*

SUPPLEMENTARY INFORMATION: In accordance with E.O. 13626 of September 10, 2012 (77 FR 56749, September 13, 2012), entitled, ''Gulf Coast Ecosystem Restoration,'' EPA is revising Subpart G of the NCP, 40 CFR part 300, to reflect the President's designation of the Administrator of EPA and the Secretary of Agriculture as additional trustees in connection with injury to, destruction of, loss of, or loss of use of natural resources, including their supporting ecosystems, resulting from the Deepwater Horizon Oil Spill. Section 5 of E.O. 13626 provides as follows:

Sec. 5. Designating Trustees for Natural Resource Damage Assessment. Given their authorities, programs, and expertise, the Environmental Protection Agency (EPA) and the Department of Agriculture (USDA) have institutional capacities that can contribute significantly to the Natural Resource Damage Assessment and restoration efforts, including scientific and policy expertise as well as experience gained in the Task Force process and other planning efforts in the Gulf area. In addition, EPA's and USDA's relevant authorities cover a range of natural resources and their supporting ecosystems, including waters, sediments, barrier islands, wetlands, soils, land management, air resources, and drinking water supplies. The inclusion of EPA and USDA as trustees participating in the Natural Resource Damage Assessment and restoration efforts will maximize coordination across the Federal Government and enhance overall efficiencies regarding Gulf Coast ecosystem restoration. Accordingly, without limiting the designations in Executive Order 12777 of October 18, 1991, or any other existing designations, and pursuant to section 2706(b)(2) of title 33, United States Code, I hereby designate the Administrator of EPA and the Secretary of Agriculture as additional trustees for Natural Resource Damage Assessment and restoration solely in connection with injury to, destruction of, loss of, or loss of use of natural resources, including their supporting ecosystems, resulting from the Deepwater Horizon Oil Spill. The addition of these Federal trustees does not, in and of itself, alter any existing agreements among or between the trustees and any other entity. All Federal trustees are directed to consult, coordinate, and cooperate with each other in carrying out all of their trustee duties and responsibilities.

The Administrator of EPA is hereby directed to revise Subpart G of the National Oil and Hazardous Substances Pollution Contingency Plan to reflect the designations for the Deepwater Horizon Oil Spill discussed in this section.

Today EPA is issuing a final rule revising Subpart G of the National Oil and Hazardous Substances Pollution Contingency Plan to reflect the designations for the Deepwater Horizon Oil Spill discussed in Section 5 of the E.O.

E.O. 13626 is an exercise of the President's statutory authorities under section 311 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1321), section 1006 of the Oil Pollution Act of 1990 (OPA) (33 U.S.C. 2706), and 3 U.S.C. 301. Under OPA section 1002, those responsible for oil spills are liable for, among other things, damages for injury to, destruction of,

loss of, or loss of use of, natural resources, including the reasonable costs of assessing the damage. These damages are recoverable by a United States trustee, a State trustee, an Indian tribe trustee, or a foreign trustee. 33 U.S.C. 2702(b)(2)(A). Under OPA section 1006, Federal trustees are authorized to pursue claims for natural resource damages under 33 U.S.C. 2702(b)(2)(A) for natural resources belonging to, managed by, controlled by, or appertaining to the United States. 33 U.S.C. 2706(a). Designated Federal trustees are authorized to: Assess natural resource damages for the natural resources under their trusteeship; upon request of and reimbursement from a State or Indian tribe and at the Federal officials' discretion, assess damages for the natural resources under the State's or tribe's trusteeship; and develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent, of the natural resources under their trusteeship. 33 U.S.C. 2706(c).

In compliance with Section 5 of E.O. 13626, today EPA is amending subsection 300.600(b) of Subpart G of the NCP to include a new paragraph (5).

The designation of the Administrator of EPA and the Secretary of Agriculture as trustees for the Deepwater Horizon Oil Spill was effective upon the President's signature of E.O. 13626. This action merely conforms the NCP's trustee ''listing'' provisions for purposes of identifying the relevant trustees for a particular incident under OPA. *See* 40 CFR 300.3(b)(6); 59 FR 47385 (Sept. 15, 1994). This action is taken solely to comply with E.O. 13626 and includes no other amendments to the NCP or other regulatory action. This action applies to the Deepwater Horizon Oil Spill only, and does not affect any prior or subsequent designations.

Regulations and procedures governing the conduct and functions of trustees for natural resources under OPA are provided in the NCP, and the Natural Resource Damage Assessment (NRDA) regulations at 15 CFR Part 990 issued by the National Oceanic and Atmospheric Administration (NOAA) pursuant to OPA section 1006(e), 33 U.S.C. 2706(e).

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B), provides that, when an agency for good cause finds notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. There is good cause to revise Subpart G of the NCP without providing notice and an opportunity for public comment. Notice-and-comment rulemaking is unnecessary because this action is ministerial in nature. The President exercised his statutory authority under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), section 1006 of the Oil Pollution Act of 1990 (33 U.S.C. 2706), and 3 U.S.C. 301 to designate the Administrator and the Secretary as trustees and directed EPA to revise Subpart G of the NCP accordingly. There is no discretion to alter the designation and this is simply a revision to the text of the Code of Federal Regulations to reflect the designations made by the President. Providing an opportunity for notice and comment, therefore, is unnecessary.

There also is good cause under APA section 553(d)(3) for this revision to become effective on the date of publication of this action. Section 553(d)(3) of the APA allows an effective date less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.'' 5 U.S.C. 553(d)(3). The purpose of the 30-day waiting period prescribed in APA section 553(d)(3) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. This rule, however, does not create any new regulatory requirements or take other actions such that affected parties would need time to prepare before the rule takes effect. Rather, this action merely revises the listing of trustees in Subpart G of the NCP to reflect designations done by the President through E.O. 13626. For these reasons, there is good cause under APA section 553(d)(3) for this revision to become effective on the date of publication of this action.

Statutory and Executive Order Reviews

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

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. Burden is defined at 5 CFR 1320.3(b). This action merely revises the list of trustee designations in Subpart G of the NCP to reflect new designations the President made in E.O. 13626 and does not require the collection of any information.

C. Regulatory Flexibility Act

Today's final rule is not subject to the Regulatory Flexibility Act (RFA), which generally requires an agency to prepare a regulatory flexibility analysis for any rule that will have a significant economic impact on a substantial number of small entities. The RFA applies only to rules subject to notice and comment rulemaking requirements under the Administrative Procedure Act (APA) or any other statute. This rule is not subject to notice and comment requirements under the APA or any other statute because it does not impose any requirements on any entity, including small entities.

D. Unfunded Mandates Reform Act

This action contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for State, local, or tribal governments or the private sector. The action imposes no enforceable duty on any State, local or tribal governments or the private sector. Therefore, this action is not subject to the requirements of sections 202 or 205 of the UMRA. This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments.

E. Executive Order 13132 (Federalism)

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This action merely revises the list of trustee designations in Subpart G of the NCP to reflect new designations the President made in E.O. 13626. Thus, Executive Order 13132 does not apply to this action.

F. Executive Order 13175

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). It does not create new binding legal requirements that substantially and directly affect Tribes. Thus, Executive Order 13175 does not apply to this action.

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

EPA interprets EO 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the EO has the potential to influence the regulation. This action is not subject to EO 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

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

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

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

Executive Order (EO) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of June 27, 2014. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 300

Environmental protection, Chemicals, Hazardous materials, Hazardous substances, Intergovernmental relations, Natural resources, Oil pollution.

Dated: June 18, 2014.

Gina McCarthy,

Administrator.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

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

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p.306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p.193.

Subpart G—Trustees for Natural Resources

■ 2. Section 300.600 is revised by adding paragraph (b)(5), to read as follows:

§ 300.600 Designation of federal trustees.

* * * * *

(b) * * *

(5) *Additional trustees for the Deepwater Horizon Oil Spill.* The Administrator of EPA and the Secretary of Agriculture shall act as trustees in connection with injury to, destruction of, loss of, or loss of use of natural resources, including their supporting ecosystems, resulting from the Deepwater Horizon Oil Spill.

[FR Doc. 2014–15158 Filed 6–26–14; 8:45 am]

BILLING CODE 6550–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 153

[CMS–9954–F2]

RIN–0938–AR89

Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2015; Correcting Amendment

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule; correcting amendment.

SUMMARY: In the March 11, 2014 issue of the **Federal Register** (79 FR 13744), we published a final rule entitled, ''Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2015.'' The effective date was May 12, 2014. This correcting amendment corrects a technical error identified in the March 11, 2014 final rule.

DATES: *Effective Date:* This correcting amendment is effective June 26, 2014.

FOR FURTHER INFORMATION CONTACT: Jeff Wu, (301) 492–4305 or Adrianne Glasgow, (410) 786–0686.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2014–0505 (79 FR 13744), the final rule entitled ''Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2015; Final Rule'' (hereinafter referred to as the 2015 Payment Notice), there was a technical error that is identified and corrected in the regulations text of this correcting amendment. The provision of this correcting amendment is effective June 26, 2014.

II. Summary of Errors in the Regulations Text

On page 13834 in the definition of ''contributing entity at 45 CFR § 153.20, we inadvertently used the word ''volume'' instead of ''value.'' As detailed in the preamble of the 2015 Payment Notice (79 FR 13744, 13775), for purposes of the definition of contributing entity, ''a *de minimis* amount means up to 5 percent, as measured by the amount of enrollment or claims processing transactions for non-pharmacy and non-excepted benefits which are outsourced, or by the value of the outsourced enrollment or claims processing transactions for non-pharmacy and non-excepted benefits (measured by the cost of the outsourced services compared to the sum of those

costs plus the fully loaded costs—that is, including an appropriate share of indirect costs, such as fixed and overhead expenses—reasonably allocated, borne by the self-insured plan for such services).'' Accordingly, we are revising the definition to include the correct word.

III. Waiver of Proposed Rulemaking and Delay in Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, we can waive this notice and comment procedure if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

Section 553(d) of the APA ordinarily requires a 30-day delay in the effective date of final rules after the date of their publication in the **Federal Register**. This 30-day delay in effective date can be waived, however, if an agency finds for good cause that the delay is impracticable, unnecessary, or contrary to the public interest, and the agency incorporates a statement of the findings and its reasons in the rule issued.

This document merely corrects a technical error in the regulation text and does not change the policy set forth in the 2015 Payment Notice. Therefore, we believe that undertaking further notice and comment procedures to incorporate this correction and delay the effective date for this change is unnecessary. In addition, we believe it is important for the public to have the correct information as soon as possible, and believe it is contrary to the public interest to delay when they become effective. For the reasons stated previously, we find there is good cause to waive notice and comment procedures and the 30-day delay in the effective date for this correcting amendment.

List of Subjects in 45 CFR Part 153

Administrative practice and procedure, Adverse selection, Health care, Health insurance, Health records, Organization and functions (Government agencies), Premium stabilization, Reporting and recordkeeping requirements, Reinsurance, Risk adjustment, Risk corridors, Risk mitigation, State and local governments.

Accordingly, 45 CFR is corrected by making the following correcting amendment to part 153:

PART 153—STANDARDS RELATED TO REINSURANCE, RISK CORRIDORS, AND RISK ADJUSTMENT UNDER THE AFFORDABLE CARE ACT

■ 1. The authority citation for part 153 continues to read as follows:

Authority: Secs. 1311, 1321, 1341–1343, Pub. L. 111–148, 24 Stat. 119.

§ 153.20 [Corrected]

■ 2. In § 153.20, amend paragraph (2) of the definition of ''contributing entity'' by removing the word ''volume'' and adding in its place ''value.''

Dated: June 17, 2014.

C'Reda Weeden,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2014–15099 Filed 6–26–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 160

General Administrative Requirements

CFR Correction

■ In Title 45 of the Code of Federal Regulations, Parts 1 to 199, revised as of October 1, 2013, on page 983, in § 160.103, a definition of *Manifestation* or *manifested* is added in alphabetical order to read as follows:

§ 160.103 Definitions.

* * * * *

Manifestation or *manifested* means, with respect to a disease, disorder, or pathological condition, that an individual has been or could reasonably be diagnosed with the disease, disorder, or pathological condition by a health care professional with appropriate training and expertise in the field of medicine involved. For purposes of this subchapter, a disease, disorder, or pathological condition is not manifested if the diagnosis is based principally on genetic information.

* * * * *

[FR Doc. 2014–15102 Filed 6–26–14; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

49 CFR Part 1510

[Docket No. TSA–2001–11120; Amendment No. 1510–4]

RIN 1652–AA68

Adjustment of Passenger Civil Aviation Security Service Fee; Interim Final Rule; Correction

AGENCY: Transportation Security Administration (TSA), DHS.

ACTION: Interim final rule; request for comments; correction.

SUMMARY: The Transportation Security Administration (TSA) is correcting an interim final rule (IFR) published in the **Federal Register** on June 20, 2014. This IFR implements amendments to 49 U.S.C. 44940, which authorizes TSA to impose fees to defray the government's costs for providing civil aviation security services, such as those related to screening personnel, screening equipment, and other specified security services.[1] That document inadvertently failed to note the proper citation in a footnote in the Background section. This document corrects the interim final rule by revising this section.

DATES: *Effective Date:* This IFR is effective at 12:00 a.m. (Eastern Daylight Time) on July 21, 2014.

Comment Date: Comments must be received by August 19, 2014.

FOR FURTHER INFORMATION CONTACT: Michael Gambone, Office of Revenue, TSA–14, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6014; telephone (571) 227–2323; email *tsa-fees@dhs.gov.*

SUPPLEMENTARY INFORMATION: In FR Doc. 2014–14488 appearing on page 35463 in the **Federal Register** of Friday, June 20, 2014, the following correction is made:

Correction

In FR Doc. 2014–14488, published on June 20, 2014 (79 FR 35461), make the following correction:

1. On page 35463, in the first column, footnote three is corrected to read as follows:

'' [3] Consistent with 49 U.S.C. 40102(a)(5), ''air transportation'' means ''foreign air transportation, interstate air transportation, or the transportation of mail by aircraft.''

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[1] *See* 49 U.S.C. 44940(a)(1) (enumerating specific aviation security services intended to be funded at least in part by the fee referenced herein).

Dated: June 24, 2014.

Traci Klemm,

Assistant Chief Counsel for Multi Modal Security Standards.

[FR Doc. 2014–15162 Filed 6–26–14; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 140616507–4507–01]

RIN 0648–BE19

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Unused Catch Carryover; Emergency Action

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

ACTION: Temporary rule; emergency action; request for comments.

SUMMARY: NMFS is changing the accounting system and accountability measures implemented last year for fishing year 2012 Northeast multispecies fishery sector annual catch entitlement carryover used during fishing year 2013. This change implements a stock level pound-for-pound payback accountability measure if a sector uses its 2012 carryover and both the sector sub-annual catch limit and the overall annual catch limit are exceeded. This rule is necessary to comply with an April 4, 2014, ruling by the U.S. District Court for the District of Columbia that invalidated and vacated the fishing year 2013 carryover measures.

DATES: Effective June 27, 2014, except for the amendment to § 648.87 (b)(1)(i)(C)(*2*)(*i*) which is effective June 27, 2014, through December 24, 2014. Comments must be received on or before July 28, 2014.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2014–0070, by any of the following methods:

- *Electronic submissions:* Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0070,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Paper, disk, or CD–ROM comments should be sent to John K. Bullard, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on the Court remedy carryover emergency rule.''
- *Fax:* (978) 281–9135, Attn: Michael Ruccio.

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.

A National Environmental Policy Act (NEPA) Supplemental Information Report (SIR), including a Regulatory Impact Review, has been prepared for this action. Copies of the SIR prepared for this action by NMFS are available from John K. Bullard, Regional Administrator, 55 Great Republic Drive, Gloucester, MA 01930. The SIR is accessible via the Internet at *http://www.nero.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Michael Ruccio, Fishery Policy Analyst, phone: 978–281–9104.

SUPPLEMENTARY INFORMATION: This rule to respond to a recent U.S. District Court decision in *Conservation Law Foundation* v. *Pritzker, et al.* (Case No. 1:13–CV–0821–JEB) provides information in a question in response format. The key questions are:

1. What action is being taken by this rule?
2. What are the events and background that led to this rule becoming necessary?
3. What is the justification for taking this action?
4. What are the next steps NMFS will take?

This section includes information on the fishing year (FY) 2013 remedy and information about carryover accounting for FY 2014 and beyond. Additional information on how this rule complies with applicable law is provided in the Classification section.

1. What action is being taken by this rule?

As a result of the Court order and remand in *Conservation Law Foundation* v. *Pritzker, et al.,* we are implementing regulations that hold sectors accountable for using carryover of annual catch entitlement (ACE) from FY 2012 in FY 2013. The Court invalidated the carryover measures implemented in association with Framework Adjustment 50 (FW 50) to the NE Multispecies Fishery Management Plan (FMP) because the measures failed to prevent total potential catches of certain stocks (ACEs plus carryovers) from exceeding their annual biological catches (ABCs). This action implements revised carryover measures for FY 2013 to comply with the Court's findings. The action does not delete the specific regulations invalidated by the Court at § 648.87(b)(1)(i)(C) because they were already removed, inadvertently, when FW 51 measures were implemented on May 1, 2014. This action requires an accountability measure for a sector that harvests its carryover catch from FY 2012 of a stock in FY 2013 if the cumulative sub-annual catch limit (ACL) for all sectors, *and,* the overall ACL of such stock is exceeded. The accountability measure is a pound-for-pound reduction (or ''payback'') of that sector's FY 2014 ACE for an applicable stock equal to the amount of the carryover used after deducting a *de minimis* amount.

The following stepwise evaluation process provides a detailed explanation of when and how the payback accountability measure would be triggered and assessed:

Step 1: Has the total fishery-level ACL for a stock been exceeded?

- No—There is no reduction in FY 2014 ACE for that stock required (i.e., no repayment required). Other components of the fishery underutilized their available catch limits for that stock sufficient to offset any carryover used.
- Yes—Proceed to step 2.

Step 2: Has the sector sub-ACL (i.e., sum total of all sector ACE) been exceeded?

- No—There is no reduction in FY 2014 ACE for that stock required (i.e., no repayment required). Even though the total fishery-level ACL was exceeded, sectors collectively did not exceed their sub-ACL for that stock. While some sectors may have used carryover for that stock, other sectors did not or underutilized available ACE for that stock by enough to offset the carryover used, resulting in total catch less than the sub-ACL.
- Yes—Proceed to step 3.

Step 3: After sectors' FY 2013 catch reconciliation with NMFS has occurred, determine which sectors used FY 2012 carryover ACE for a stock. For each of those sectors, determine the amount of

carryover used that must be deducted from that sector's FY 2014 ACE as follows:

- *Step 3a:* Subtract the *de minimis* carryover amount for that stock from the carryover amount used by the sector. The *de minimis* amount was recently determined to be 1 percent of the FY 2013 sector sub-ACL subdivided to the sectors according to their percent sector contribution per stock.
- *Step 3b:* Reduce the sector's FY 2014 ACE for that stock by the amount calculated in Step 3a. This is the equivalent to a pound-for-pound payback of FY 2012 carryover used minus the *de minimis* allowance.

2. What are the events and background that led to this rule becoming necessary?

We took action in May 2013 to clarify how unused multispecies sector ACE carried over from FY 2012 for use in FY 2013 would function. The clarification was made using Magnuson-Stevens Act section 305(d) authority and was put in place as part of the rulemaking for FW 50 to the FMP. The clarification described how carryover catch would be counted in evaluating if accountability measures were triggered because ACLs had been exceeded. In the FW 50 rulemaking, we also clarified how carryover accounting and accountability would function for FY 2014 and beyond. The FW 50 interim final rule published on May 3, 2013 (78 FR 26172), and the final rule published on August 29, 2013 (78 FR 53363).

Regulations implementing FW 50 measures stated that FY 2013 was the last year for which carried over catch, if used by sectors, would not be counted against ACLs to determine accountability, should overages occur. This had been the accounting practice since the establishment of the expanded sector program in 2010 (Amendment 16 to the FMP).

In developing FY 2013 measures, we recognized that the maximum carryover (10 percent of FY 2012 sector ACE), if used in conjunction with the much lower catch limits being put in place, could cause overages of the ACL, ABC and, for one stock, the overfishing limit (OFL). We explained these concerns in the FW 50 rulemaking. We put in place measures to maintain the previously described system in which carryover catch was not involved in the accountability measures evaluation. This was intended to be a transition year designed to help mitigate the negative impacts of much lower catch limits being implemented for FY 2013. Our general rationale in continuing this carryover approach for one more year was to avoid potential negative impacts on safe at-sea operations at the end of the fishing year and on sectors involving carryover use, leases, or trades that would result from a sudden, late-season change in carryover accounting practices. We also took emergency action to reduce the amount of Gulf of Maine cod carryover so that OFL would not be exceeded if available carryover and the ACL were fully utilized.

Our clarifying action in FW 50 also specified new carryover accountability measures for FY 2014 and beyond. We put in place measures that specified carryover catch, except for a nominal (''*de minimis*'') amount would be considered in determining accountability for catch limit overages under certain conditions. Specifically, carryover used would be subject to a pound-for-pound reduction in the next year's ACE for that stock when the total ACL is exceeded for a stock. A *de minimis* amount of used carried over catch would be exempt from reduction if the accountability measure was triggered. We exempted this small amount of carryover from the accountability measure so fishermen could plan for safe end-of-year fishing.

The FY 2013 carryover and other measures implemented by us in the FW 50 rules were challenged by the Conservation Law Foundation in U.S. District Court (District of Columbia).[1] On April 4, 2014, the U.S. District Court for the District of Columbia found that the FY 2013 carryover provisions violated the Magnuson-Stevens Act because the measures allowed for potential total catch levels (allocated sector ACEs plus 2012 carryover) to exceed the ABC. The Court vacated FY 2012 carryover provisions and remanded the issue to us to implement measures to prevent catches due to carryover from exceeding ABCs for each stock and to account for any overages of FY 2013 catch limits. The Court acknowledged that it was unlikely we could implement regulations to prevent catches from exceeding ABC before April 30, 2014, the end of FY 2013. The FY 2013 ABCs are available in the Framework Adjustment 50 interim final rule (May 3, 2013; 78 FR 26172). The Court noted that we could still implement measures to account and make-up for any overages of catch limits through a payback that would reduce 2014 sector allocations. The Court required us to notify the sectors and others as quickly as possible about the Court Order and our need to implement remedial measures to address the Order. The Court also expressed concern about minimizing disruption to the fishing industry in light of its ruling being issued with only weeks remaining in FY 2013.

We initially notified sector managers of the Court's decision on the day it was issued, April 4, 2014. An information bulletin was distributed to the industry and public on April 16, 2014, outlining details of the Court's decision and providing information on our initial plan to address the remand. This bulletin explained our intent to apply the FW 50 approach for FY 2014 and beyond as the FY 2013 carryover response. Under this approach, sectors using carryover could be held accountable for FY 2012 carryover used if the total catch exceeded the total stock-level FY 2013 ACL.

After substantial input from sectors, the New England Fishery Management Council, and others, a subsequent bulletin was issued on May 6, 2014, that modified the initial information. We outlined the modified approach for responding to the Court remand based on a two-tiered accountability evaluation that is being implemented by this rule. That is, sectors that used FY 2012 carryover ACE in FY 2013 for a particular groundfish stock will be held accountable to pay back the carryover used, except for a *de minimis* amount, from their FY 2014 ACE only if *both* the total ACL and sector sub-ACL are exceeded.

3. What is the justification for taking this action?

Section 305(c) of the Magnuson-Stevens Act authorizes NMFS, through delegation from the Secretary of Commerce, to take emergency action outside the Council process if the Secretary finds that an emergency involving a fishery exists. See, 16 U.S.C. 1855(c)(1) and (2). We previously issued guidance defining when ''an emergency'' involving a fishery exists. 62 FR 44421; August 21, 1997. This guidance defines an emergency as a situation that (1) arose from recent, unforeseen events, (2) presents a serious conservation problem in the fishery, and (3) can be addressed through interim emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and the deliberative consideration of the impacts on participants to the same extent as would be expected under the formal rulemaking process. This action satisfies these criteria.

The April 4, 2014, decision from the U.S. District Court for the District of Columbia was both recent and unforeseen. The decision and order

[1] *Conservation Law Foundation* v. *Pritzker, et al.* (Case No. 1:13–CV–0821–JEB)

requires immediate action on our part to address what the Court found was a serious conservation problem. The FY 2013 carryover system provided a possibility that sectors could harvest fish in excess of the ABC.

The need to quickly provide regulatory information on the FY 2012 to FY 2013 carryover catch without the opportunity for prior public comment, as more fully discussed below in the CLASSIFICATION section, outweighs the value of the benefits that would be provided by standard Administrative Procedure Act notice-and-comment rulemaking. We have little discretion in complying with the Court's vacatur and remand. The Court decision stated that we violated the Magnuson-Stevens Act by allowing the carryover approach for FY 2013 as outlined in FW 50 because of the potential of harvesting fish stocks in excess of their ABCs. The scope of options that could be developed by us to address the remand were limited to accountability changes given the after-the-fact nature (i.e., rulemaking after the fishing year ended) and the need to ensure consistency with the FMP, National Standard 1 guidelines, and the Court's decision. The Court clearly articulated the need to expedite explanations of the impact to carryover resulting from the vacatur decision and for rulemaking to be completed in a timely manner for adequate accountability measures and to minimize disruptions to the fishing industry. Based on communications with sector managers and plaintiff Conservation Law Foundation following the April 16 bulletin, we revised the initial remand approach by providing some additional flexibility in the two-tiered approach (i.e., triggering accountability if both the total ACL and sector sub-ACL are exceeded). This approach maintains accountability at the ACL level, consistent with both the FMP and National Standard 1 guidelines. We believe that this approach also satisfies the Court's remand. Given the unforeseen circumstances, the limited scope of options available to address the remand, and the need to expeditiously implement regulations to address legal and conservation concerns, the use of Magnuson-Stevens Act section 305(c) rulemaking is necessary and justified.

We are also relying on the authority of section 305(d) of the Magnusson-Stevens Act to implement this action because that was the authority used to implement the 2013 carryover measures. It is appropriate to make these changes under the same authority. 16 U.S.C. 1855(d). Section 305(d) allows us to issue regulations to carry out a fishery management plan in accordance with the Magnuson-Stevens Act. In this case, carryover accounting must be changed to respond to the Court's order finding the FY 2013 approach violated the Magnuson-Stevens Act.

4. What are the next steps NMFS will take?

Determining Whether the 2013 Carryover Accountability Measures Is Triggered

Currently, catch information for FY 2013 is incomplete and it is not possible to fully determine if carryover-related accountability triggers have been or will be met in FY 2013. Final FY 2013 catch accounting for all fishery components, including information on state water and other fishery sub-component catch, will be available in September. In addition to modifications already implemented for the Weekly Sector ACE Comparison Reports that show catch, carryover, and the *de minimis* amount, per stock by sector, we will provide specific details if any accountability triggers are met, which would result in sectors having to pay back overages from FY 2014 ACE. We will enact the payback reduction of FY 2014 ACE, if necessary, through rulemaking. Further information on this process will be conveyed in Greater Atlantic Region Information Bulletins, as needed.

Based on catch information available through June 11, 2014, none of the ABCs for any of the stocks allocated to sectors have been exceeded due to recreational catch, except for Gulf of Maine haddock. The sector catch for most stocks remains below the sector sub-ACL meaning that the second criterion has not been met (i.e., exceeding sector sub-ACL) and no carryover-related accountability measure will be triggered even if the final total catch is above the total ACL. It is noteworthy that there are accountability measures that may still be enacted if the total catch does exceed ACL. Three stocks: Gulf of Maine haddock, American plaice, and witch flounder, all had varying levels of carryover use in FY 2013. Although the overall ACL for Gulf of Maine haddock has been exceeded, the sector sub-ACL has not. Thus, the carryover-repayment accountability measure is not triggered. American plaice total sector catch is also slightly below the sub-ACL even though some sectors made use of carryover. The sector sub-ACL for witch flounder has been exceeded but the overall ACL has not. Based on currently available information through June 11, 2014, the accountability triggers have not been met for any stock and no payback reduction of FY 2014 ACE for a stock has been determined to be necessary. It is possible that 6 sectors may be required to repay approximately 60,000 lb (27,216 kg) of carryover used if the total ACL is determined to have been exceeded when final catch data are available later this fall. We intend to update this information frequently as additional data become available.

Carryover Accounting for FY 2014 and Beyond. The Court decision was clear that we could not permit the total potential catch (i.e., the total of the ACL plus available carryover) to exceed the ABC for any given stock. The current FY 2014 carryover system was developed before the decision does not take into account the court's findings.

We will be providing guidance to the Council on what may be necessary to address the inconsistency between current carryover provisions and the Court's decision. This guidance may include advice that the Council take action to modify the FMP so carryover is consistent with the Court's decision. In the meantime, we may have to take action to ensure that potential catch does not exceed ABC for any particular stock in FY 2014.

Classification

The Assistant Administrator Fisheries, NOAA, finds that it is impracticable, unnecessary, and contrary to the public interest to provide for prior notice and an opportunity for public comment. The opportunity for public comment, pursuant to authority set forth at 5 U.S.C. 553(b)(B), would be unnecessary, impracticable, and contrary to the public interest because NMFS has no discretion in implementing the measures of this rule. The changes implemented by this rule are necessary to respond immediately to a court-ordered remand. As such, the scope of options is very narrow and additional public comment is largely unnecessary given the lack of discretion available to develop alternative approaches that would satisfy the remand. Furthermore, the Court expressly stated that public notification and rulemaking should occur quickly as the remand was rendered with less than a month of the fishing year remaining. It would be unreasonable to delay rulemaking unnecessarily as sectors need to understand the implications of the Court decision and NMFS' approach to resolving the remand. For a limited time in the beginning of FY 2014, sectors have an opportunity to reconcile overages by trading or leasing ACE among themselves. It is important that sectors quickly understand how catch accounting is changed by this rule so they may pursue reconciliation options.

While this information was previously provided to sectors, it is necessary to finalize the regulations that put in place the process NMFS outlined to the Court, sectors, and the public. It is also important that NMFS provide information on how the remaining accounting process will occur, which is also provided in this rule. To the extent that flexibility in the measures could be provided, NMFS has done so. While formal public comment was not sought through rulemaking, NMFS did consider feedback on potential approaches to satisfy the remand, provided by the plaintiffs Conservation Law Foundation, sector managers, the Council, and the public.

Similarly, the need to implement these measures in a timely manner to respond to the Court constitutes good cause under authority contained in 5 U.S.C. 553(d)(3), to make this rule effective upon publication in the **Federal Register**. Given the need to respond to the Court remand and to inform the public of the measures NMFS intended to implement through this rule so that they may plan for the changes, the provisions of this rule have already been conveyed to the public. Additional delay in making this rule's measures effective would be contrary to the public interest. Additionally, the public has already been notified in advance of the rule's publication what measures would be put in place. This is highly unusual, but was necessary given the timing of the Court's decision relative to the end of the fishing year.

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

This emergency rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is issued without opportunity for prior notice and opportunity for public comment. Accordingly, no Regulatory Flexibility Analysis is required and none has been prepared.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: June 23, 2014.

Eileen Sobeck,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons stated in the preamble, 50 CFR part 648 is 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 § 648.87, effective June 27, 2014, remove paragraph (b)(1)(i)(C), and add paragraphs (b)(1)(i)(C) heading, (b)(1)(i)(C)(*1*) introductory text, (b)(1)(i)(C)(*1*)(*i*) through (*ii*), and (b)(1)(i)(C)(*2*) *to read* as follows:

§ 648.87 Sector allocation.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(C) *Carryover.* (*1*) With the exception of GB yellowtail flounder, a sector may carryover an amount of ACE equal to 10 percent of its original ACE for each stock that is unused at the end of one fishing year into the following fishing year.

(*i*) *Eastern GB Stocks Carryover.* Any unused ACE allocated for Eastern GB stocks in accordance with paragraph (b)(1)(i)(B) of this section will contribute to the 10 percent carryover allowance for each stock, as specified in this paragraph ((b)(1)(i)(C)(*1*)), but will not increase in individual sectors allocation of Eastern GB stocks during the following year.

(*ii*) This carryover ACE remains effective during the subsequent fishing year even if vessels that contributed to the sector allocation during the previous fishing year are no longer participating in the same sector for the subsequent fishing year.

(*2*) *Carryover accounting.* (*i*) [Reserved]

(*ii*) Beginning in FY 2014, carryover of a particular stock attributed to a sector, other than the NMFS-specified *de minimis* amount, shall be counted against the sector's ACE for purposes of determining an overage subject to the AM in paragraph (b)(4)(iii) of this section if the overall stock-level ACL has been exceeded.

(*iii*) NMFS shall determine and announce the *de minimis* amount for FY 2014 and may modify each subsequent year. *De minimis* determinations shall be made consistent with the APA.

(*iv)* The Council may request, on an annual basis, for NMFS to reduce the amount of the available eligible carryover amount to ensure the total potential catch, the stock-level ACL plus the carryover amount, does not exceed the stock overfishing limit. Any such reduction of carryover amount shall be done consistent with the APA.

* * * * *

■ 3. In § 648.87, effective June 27, 2014, through December 24, 2014, add paragraph (b)(1)(i)(C)(*2*)(*i*) to read as follows:

§ 648.87 Sector allocation.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(C) * * *

(*2*) * * * (*i*) For FY 2013, carryover of a particular stock from FY 2012 attributed to a sector, other than the NMFS-specified *de minimis* amount, shall be counted against the sector's ACE for purposes of determining an overage subject to the AM in paragraph (b)(4)(iii) of this section if both the overall stock-level ACL and sector sub-ACL for a particular stock have been exceeded.

* * * * *

[FR Doc. 2014–15153 Filed 6–26–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 131021878–4158–02]

RIN 0648–XD348

Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole for the Bering Sea and Aleutian Islands Trawl Limited Access Sector in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; modification of closure.

SUMMARY: NMFS is opening directed fishing for the Bering Sea and Aleutian Islands trawl limited access sector's yellowfin sole fishery in the Bering Sea and Aleutian Islands Management Area (BSAI). This action is necessary to fully use the 2014 total allowable catch (TAC) of yellowfin sole for the BSAI trawl limited access sector in the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), June 25, 2014, through 2400 hrs, A.l.t., December 31, 2014. Comments must be received at the following address no later than 4:30 p.m., A.l.t., July 9, 2014.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2013–0152, by any of the following methods:

• Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/*

#!docketDetail;D=NOAA-NMFS-2013-0152, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• Mail: Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

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

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

Pursuant to the final 2014 and 2015 harvest specifications for groundfish in the BSAI (79 FR 12108, March 4, 2014), NMFS closed the directed fishery for yellowfin sole for the BSAI trawl limited access sector on May 18, 2014 (79 FR 29136, May 21, 2014) under § 679.21(e)(7)(v).

As of June 18, 2014, NMFS has determined that approximately 60 metric tons of 2014 Pacific halibut bycatch allowance specified for vessels participating in the BSAI trawl limited access yellowfin sole fishery remains unharvested as established by the final 2014 and 2015 harvest specifications for groundfish in the BSAI (79 FR 12108, March 4, 2014) and reapportionment published in the **Federal Register** on June 25, 2014. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C), and (a)(2)(iii)(D), and to fully utilize the 2014 TAC of yellowfin sole for the BSAI trawl limited access sector in the BSAI, NMFS is terminating the previous closure and is opening directed fishing for yellowfin sole for the BSAI trawl limited access sector in the BSAI. This will enhance the socioeconomic well-being of harvesters in this area. The Administrator, Alaska Region (Regional Administrator) considered the following factors in reaching this decision: (1) The current catch of yellowfin sole and halibut PSC by the BSAI trawl limited access sector in the BSAI and, (2) the harvest capacity and stated intent on future harvesting patterns of vessels in participating in this fishery.

Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) and § 679.25(c)(1)(ii) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the opening of yellowfin sole for the BSAI trawl limited access sector in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of June 20, 2014.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

Without this inseason adjustment, NMFS could not allow the fishery for yellowfin sole for the BSAI trawl limited access sector in the BSAI to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until July 9, 2014.

This action is required by §§ 679.20, 679.21, and 679.25 and is exempt from review under Executive Order 12866.

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

Dated: June 24, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–15104 Filed 6–24–14; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 124
Friday, June 27, 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.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Part 1653

Legal Process for the Enforcement of a Tax Levy or Criminal Restitution Order Against a Participant Account

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Proposed rule with request for comments.

SUMMARY: The Federal Retirement Thrift Investment Board (Agency) proposes to amend its regulations to explain the Board's procedures for responding to tax levies and criminal restitution orders that comply with statutory requirements.

DATES: Comments must be received on or before August 26, 2014.

ADDRESSES: You may submit comments using one of the following methods:

- Federal Rulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- Mail: Office of General Counsel, Attn: James Petrick, Federal Retirement Thrift Investment Board, 77 K Street NE., Suite 1000, Washington, DC 20002.
- Hand Delivery/Courier: The address for sending comments by hand delivery or courier is the same as that for submitting comments by mail.
- Facsimile: Comments may be submitted by facsimile at (202) 942–1676.

The most helpful comments explain the reason for any recommended change and include data, information, and the authority that supports the recommended change.

FOR FURTHER INFORMATION CONTACT: Erin Graham at 202–942–1605.

SUPPLEMENTARY INFORMATION: The Agency administers the Thrift Savings Plan (TSP), which was established by the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99–335, 100 Stat. 514. The TSP provisions of FERSA are codified, as amended, largely at 5 U.S.C. 8351 and 8401–79. The TSP is a tax-deferred retirement savings plan for Federal civilian employees and members of the uniformed services. The TSP is similar to cash or deferred arrangements established for private-sector employees under section 401(k) of the Internal Revenue Code (26 U.S.C. 401(k)).

Legal Process for the Enforcement of Internal Revenue Service Levies or Restitution Pursuant to the Mandatory Victims Restitution Act

The TSP's governing statute includes an anti-alienation provision that protects funds from execution, levy, attachment, garnishment, or other legal process, except for certain enumerated exceptions that, until recently, did not include federal tax levies. On January 14, 2013 the President signed into law Public Law 112–267, 126 Stat. 2440 (2013), entitled ''To amend title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to certain Federal tax levies.'' The legislation amends 5 U.S.C. 8437(e)(3) to state, ''Moneys due or payable from the Thrift Savings Fund to any individual and, in the case of an individual who is an employee or Member (or former employee or Member), the balance in the account of the employee or Member (or former employee or Member) . . . shall be subject to a Federal tax levy under section 6331 of the Internal Revenue Code of 1986.'' In enacting the amendment to 5 U.S.C. 8437, Congress placed IRS levies in a small company of exceptions which include child support obligations, alimony obligations, and restitution pursuant to the Mandatory Victims Restitution Act (MVRA). Congress has deemed these instances as the only permissible reasons for funds to be diverted from a participant's account. The Agency has previously promulgated regulations governing the payments from accounts in each of these situations. The proposed regulations for levies and criminal restitution will be similar to those previously issued.

The Agency proposes to add a new section, Subpart D, to Part 1653, to explain the Agency's procedures for responding to legal process for the enforcement of a participant's levy or criminal restitution order.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation will affect Federal employees, members of the uniformed services who participate in the Thrift Savings Plan, and their beneficiaries. The TSP is a Federal defined contribution retirement savings plan created FERSA and is administered by the Agency.

Paperwork Reduction Act

I certify that these regulations do not require additional reporting under the Paperwork Reduction Act.

Unfunded Mandates Reform Act of 1995

Pursuant to the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 602, 632, 653, 1501–1571, the effects of this regulation on state, local, and tribal governments and the private sector have been assessed. This regulation will not compel the expenditure in any one year of $100 million or more by state, local, and tribal governments, in the aggregate, or by the private sector. Therefore, a statement under § 1532 is not required.

List of Subjects in 5 CFR Part 1653

Taxes, Claims, Government employees, Pensions, Retirement.

Gregory T. Long,
Executive Director, Federal Retirement Thrift Investment Board.

For the reasons stated in the preamble, the Agency proposes to amend 5 CFR part 1653 as follows:

PART 1653—COURT ORDERS AND LEGAL PROCESSES AFFECTING THRIFT SAVINGS PLAN ACCOUNT

■ 1. The authority citation for part 1653 continues to read as follows:

Authority: 5 U.S.C. 8432d, 8435, 8436(b), 8437(e), 8439(a)(3), 8467, 8474(b)(5) and 8474(c)(1).

■ 2. Subpart D is added to read as follows:

Subpart D—Process for the Enforcement of a Participant's Legal Obligation To Pay a Federal Tax Levy or Criminal Restitution Order

Sec.
1653.31 Definitions.
1653.32 Qualifying Federal tax levy.
1653.33 Qualifying criminal restitution order.
1653.34 Processing Federal tax levies and criminal restitution orders.

1653.35 Calculating entitlement.
1653.36 Payment.

Subpart D—Process for the Enforcement of a Participant's Legal Obligation To Pay a Federal Tax Levy or Criminal Restitution Order

§ 1653.31 Definitions.

(a) Definitions generally applicable to the Thrift Savings Plan are set forth at 5 CFR 1690.1

(b) As used in this subpart:

Criminal restitution order means a complete copy of the judgment in a criminal case issued by a federal court ordering restitution for a crime described in 18 U.S.C. 3663A.

Tax levy means a signed form 668–A served by the IRS for the satisfaction of a federal tax debt.

§ 1653.32 Qualifying Federal tax levy.

(a) The TSP will only honor the terms of a tax levy that is qualifying under paragraph (b) of this section.

(b) A tax levy must meet each of the following requirements to be considered qualifying:

(1) The Internal Revenue Service issued the levy.

(2) The levy includes a signature certifying that it attaches to a retirement plan.

(3) The levy requires the TSP to pay a stated dollar amount from a TSP participant's account.

(4) The levy is dated no earlier than thirty (30) days before receipt.

(5) The levy is issued in the name of the participant only.

(6) The levy expressly refers to the ''Thrift Savings Plan'' or describes the TSP in such a way that it cannot be confused with other Federal Government retirement benefits or non-Federal retirement benefits.

(c) The following levies will not be considered qualifying:

(1) A levy relating to a TSP account with a zero dollar account balance;

(2) A levy relating to a TSP account that contains only nonvested money, unless the money will become vested within 30 days of the date the TSP receives the order if the participant were to remain in Government service;

(3) A levy requiring the TSP to make a payment at a specified date in the future;

(4) A levy that does not contain a signature certifying that it applies to retirement plans;

(5) A levy requiring a series of payments;

(6) A levy that designates the specific TSP Fund, source of contributions, or balance from which the payment or portions of the payment shall be made.

§ 1653.33 Qualifying criminal restitution order.

(a) The TSP will only honor the terms of a criminal restitution order that is qualifying under paragraph (b) of this section.

(b) A criminal restitution order must meet each of the following requirements to be considered qualifying:

(1) The restitution must be ordered in the sentencing of the participant as required by 18 U.S.C. 3663A and 18 U.S.C. 3664.

(2) The restitution order and accompanying documentation must require the TSP to:

(i) Pay a stated dollar amount from a participant's TSP account; or

(ii) Freeze the participant's TSP account in anticipation of an order to pay from the account.

(c) The following orders will not be considered qualifying:

(1) A restitution order relating to a TSP account with a zero dollar account balance;

(2) A restitution order relating to a TSP account that contains only nonvested money, unless the money will become vested within 30 days of the date the TSP receives the order if the participant were to remain in Government service;

(3) A restitution order requiring the TSP to make a payment in the future;

(4) A forfeiture order related to a monetary garnishment of funds;

(5) A restitution order requiring a series of payments from the TSP account;

(6) A restitution order that designates the specific TSP Fund, source of contributions, or balance from which the payment or portions of the payment shall be made.

§ 1653.34 Processing tax levies and criminal restitution orders.

(a) The payment of tax levies and criminal restitution orders from the TSP is governed solely by the Federal Employees' Retirement Systems Act, 5 U.S.C. chapter 84, and by the terms of this subpart. Although the TSP will honor tax levies or criminal restitution orders properly issued, those entities have no jurisdiction over the TSP and the TSP cannot be made a party to the underlying proceedings.

(b) The TSP will review a tax levy or criminal restitution order to determine whether it is enforceable against the TSP only after it has received a complete copy of the document. Receipt by an employing agency or any other agency of the Government does not constitute receipt by the TSP. Tax levies and criminal restitution orders should be submitted to the TSP record keeper at the current address as provided at *http://www.tsp.gov*. Receipt by the TSP record keeper is considered receipt by the TSP. To be complete, a tax levy or criminal restitution order must meet all the requirements of § 1653.32 or § 1653.33; it must also provide (or be accompanied by a document that provides):

(1) The participant's TSP account number or Social Security number (SSN); and

(2) The name and mailing address of the payee.

(c) As soon as practicable after the TSP receives a document that purports to be a qualifying tax levy or criminal restitution order, the participant's account will be frozen. After the participant's account is frozen, no withdrawal or loan disbursements will be allowed until the account is unfrozen. All other account activity will be permitted, including contributions, loan repayments, adjustments, contribution allocations and interfund transfers. Once a disbursement from the account is made in accordance with the restitution order or levy, the hold will be removed from the participant's account.

(d) As soon as practicable after receipt of a complete copy of a tax levy or criminal restitution order, the TSP will review it to determine whether it is qualifying as described in § 1653.32 or § 1653.33. The TSP will mail a decision letter to all parties containing the following information:

(1) A determination regarding whether the restitution order or levy is qualifying;

(2) A statement of the applicable statutes and regulations;

(3) An explanation of the effect the restitution order or levy has on the participant's TSP account; and

(4) If the qualifying restitution order or levy requires payment, the letter will provide:

(i) An explanation of how the payment will be calculated and an estimated amount of payment;

(ii) The anticipated date of payment.

(e) The TSP decision letter is final. There is no administrative appeal from the TSP decision.

§ 1653.35 Calculating entitlement.

(a) A levy or criminal restitution order can only require the payment of a specified dollar amount from the TSP.

(b) If the restitution order or levy awards a specific dollar amount, the payee's entitlement will be the lesser of:

(1) The dollar amount stated in the levy or restitution order; or

(2) The vested account balance on the date of disbursement, minus any outstanding loan balance.

§ 1653.36 Payment.

(a) Payment pursuant to a qualifying levy or criminal restitution order will be made 30 days after the TSP decision letter.

(b) In no case will payment exceed the participant's calculated entitlement.

(c) The entire amount of a restitution order or levy entitlement must be disbursed at one time. A series of payments will not be made. A payment pursuant to a restitution order or levy extinguishes all rights to any further payment under that order or levy, even if the entire amount of the entitlement cannot be paid. Any further award must be contained in a separate restitution order or levy.

(d) If a participant has funds in more than one type of account, payment will be made from each account in the following order, until the amount of the levy or restitution order is reached:

(1) Civilian account;

(2) Uniformed services account;

(3) Beneficiary participant account.

(e) Payment will be made pro rata from the participant's traditional and Roth balances. The distribution from the traditional balance will be further pro-rated between the tax-deferred balance and tax-exempt balance. The payment from the Roth balance will be further pro-rated between contributions in the Roth balance and earnings in the Roth balance. In addition, all payments will be distributed pro rata from all TSP Funds in which the participant's account is invested. All pro-rated amounts will be based on the balances in each fund or source of contributions on the day the disbursement is made.

(f) The payment is taxable to the participant and is subject to ten percent Federal income tax withholding. The tax withholding will be taken from the payee's entitlement and the gross amount of the payment (i.e., the net payment distributed to the payee plus the amount withheld from the payment for taxes) will be reported to the IRS as income to the participant.

(g) A properly paid levy or restitution order cannot be returned to the TSP.

[FR Doc. 2014–14937 Filed 6–26–14; 8:45 am]

BILLING CODE 6760–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0929; Directorate Identifier 2013–CE–031–AD]

RIN 2120–AA64

Airworthiness Directives; DG Flugzeugbau GmbH Gliders

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for any DG Flugzeugbau GmbH Model DG–1000T glider equipped with a Solo Kleinmotoren Model 2350 C engine that would revise AD 2013–22–14. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as engine shaft failure and consequent propeller detachment. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by August 11, 2014.

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

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

For service information identified in this proposed AD, contact Solo Kleinmotoren GmbH, Postfach 60 01 52, D 71050 Sindelfingen, Germany; telephone: +49 07031–301–0; fax: +49 07031–301–136; email: *aircraft@solo-germany.com;* Internet: *http://aircraft.solo-online.com/.* You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2013–0929; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–0929; Directorate Identifier 2013–CE–031–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

On October 24, 2013, we issued AD 2013–22–14, Amendment 39–17646 (78 FR 65869, November 4, 2013) (''AD 2013–22–14''). That AD required actions intended to address an unsafe condition on any DG Flugzeugbau GmbH Model DG–1000T glider equipped with a Solo Kleinmotoren Model 2350 C engine and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country.

Since we issued AD 2013–22–14, the manufacturer of the Solo Kleinmotoren

Model 2350 C engine has developed an engine modification to restore engine operation.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No.: 2013–0217R1, dated May 5, 2014 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

An occurrence of Solo 2350 C engine shaft failure and consequent propeller detachment was reported. The preliminary investigation revealed that the failed shaft was earlier modified in accordance with an approved method.

This condition, if not corrected, could lead to additional cases of release of the propeller from the engine, possibly resulting in damage to the sailplane, or injury to persons on the ground.

To address this potential unsafe condition, EASA issued Emergency AD 2013–0217–E to prohibit operation of the engine.

Since that AD was issued, Solo Kleinmotoren GmbH developed a modification consisting of installing an improved eccenter axle-pulley assembly, allowing to resume operation of the engine.

For the reason described above, this AD is revised to incorporate the optional modification, cancelling the operational restriction.

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2013–0929.

Relevant Service Information

Solo Kleinmotoren GmbH issued Technische Mitteilung Service Bulletin Nr. 4603–14, dated April 28, 2014. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD will affect 2 products of U.S. registry. We also estimate that it would take about .5 work-hour per product to comply with the proposed retained requirement of placing a copy of AD 2013–22–14 into the Limitations section of the aircraft flight manual, which prohibits engine operation. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of this proposed retained requirement on U.S. operators to be $85, or $42.50 per product.

In addition, we estimate that the optional engine modification would take about 1.5 work-hours and require parts costing $100, for a cost of $227.50. If both products of U.S. registry incorporated the engine modification, the cost of the proposed modification on U.S. operators would be $455.

If the engine modification is done, it would also take about .5 work-hour per product to remove the engine operation restriction (copy of AD 2013–22–14) from the Limitations section of the aircraft flight manual. The average labor rate is $85 per work-hour, for a cost of $42.50 per product.

According to the manufacturer, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. Amend § 39.13 by removing Amendment 39–17646 (78 FR 65869, November 4, 2013), and adding the following new AD:

DG Flugzeugbau GmbH: Docket No. FAA–2013–0929; Directorate Identifier 2013–CE–031–AD.

(a) Comments Due Date

We must receive comments by August 11, 2014.

(b) Affected ADs

This AD revises AD 2013–22–14, Amendment 39–17646 (78 FR 65869, November 4, 2013) (''AD 2013–22–14'').

(c) Applicability

This AD applies to DG Flugzeugbau GmbH Model DG–1000T gliders, all serial numbers, that are:

(1) Equipped with a Solo Kleinmotoren Model 2350 C engine; and

(2) certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 72: Engine.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as engine shaft failure and consequent propeller detachment. We are issuing this AD to

prevent engine shaft failure and propeller detachment, which could result in damage to the glider and injury to persons on the ground.

(f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) through (f)(4) of this AD.

(1) As of November 25, 2013 (the effective date retained from AD 2013–22–14), do not operate the engine unless the engine is modified following instructions that are approved by the FAA specifically for AD 2013–22–14. Contact the FAA office identified in paragraph (g)(1) of this AD to get more information about obtaining such instructions.

(2) As of November 25, 2013 (the effective date retained from AD 2013–22–14), place a copy of AD 2013–22–14 or this AD into the Limitations section of the aircraft flight manual (AFM).

(3) To remove the prohibited engine operation requirement in paragraph (f)(1) of this AD, modify the engine as specified in the Actions paragraph of Solo Kleinmotoren GmbH Technische Mitteilung Service Bulletin Nr. 4603–14, dated April 28, 2014, unless already modified with FAA-approved instructions as specified in paragraph (f)(1) of this AD.

Note 1 to paragraph (f)(3) of this AD: This service information contains German to English translation. The European Aviation Safety Agency (EASA) used the English translation in referencing the document. For enforceability purposes, we will refer to the Solo Kleinmotoren GmbH service information as the title appears on the document.

(4) Prior to further flight after modifying the engine as specified in paragraph (f)(1) or paragraph (f)(3) of this AD, remove the engine operation restriction (copy of AD 2013–22–14) from the Limitations section of the AFM.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.* Before using any approved AMOC on any glider to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(h) Related Information

Refer to MCAI EASA AD No.: 2013–0217R1, dated May 5, 2014, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2013–0929. For service information related to this AD, contact Solo Kleinmotoren GmbH, Postfach 60 01 52, D 71050 Sindelfingen, Germany; telephone: +49 07031–301–0; fax: +49 07031–301–136; email: *aircraft@solo-germany.com;* Internet: *http://aircraft.solo-online.com.* You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on June 19, 2014.

Timothy Smyth,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–15058 Filed 6–26–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0742; Directorate Identifier 2013–CE–012–AD]

RIN 2120–AA64

Airworthiness Directives; Piper Aircraft, Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This document withdraws a notice of proposed rulemaking (NPRM) that would have applied to certain Piper Aircraft, Inc. Models PA–28–140, PA–28–150, PA–28–160, PA–28–180, PA–28R–180, and PA–28R–200 airplanes. The proposed airworthiness directive (AD) would have superseded AD 71–21–08, Amendment 39–1312, which currently requires replacement of the fuel selector valve cover. This proposed AD would have added additional airplanes to the AD's applicability section and changed the compliance time of the required actions. Since issuance of the NPRM, the FAA has re-evaluated this airworthiness concern and determined that an unsafe condition does not exist that would warrant AD action. This withdrawal does not prevent the FAA from initiating future rulemaking on this subject.

DATES: As of June 27, 2014, the proposed rule published August 20, 2013 (78 FR 51121), is withdrawn.

FOR FURTHER INFORMATION CONTACT: Gary Wechsler, Aerospace Engineer, Atlanta Aircraft Certification Office, FAA, 1701 Columbia Avenue, College Park, Georgia 30337; telephone: (404) 474–5575; fax: (404) 474–5606; email: *gary.wechsler@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to Piper Aircraft, Inc. Models PA–28–140, PA–28–150, PA–28–160, PA–28–180, PA–28R–180, and PA–28R–200 airplanes. That NPRM published in the **Federal Register** on August 20, 2013 (78 FR 51121). That NPRM proposed to supersede AD 71–21–08, Amendment 39–1312 (36 FR 19572, October 8, 1971), by adding airplanes to and changing the compliance time of AD 71–21–08 fuel selector valve cover replacement requirements.

Because of the comments received on the NPRM (78 FR 51121, August 20, 2013), the FAA re-evaluated the data collected on the safety concern and concluded that:

- There was evidence of pilot inexperience and an absence of fuel selector valve maintenance (in accordance with Piper Service Bulletin 355, dated June 5, 1972) in the Piper PA–28–180 crash of December 28, 2011; and
- The low frequency of PA–28 series safety events due to the inadvertent selection of the ''OFF'' position of fuel selector valves, since AD 71–21–08 was published on October 13, 1971, does not warrant AD action.

To mitigate the safety concern from recurring, the FAA may take other airworthiness action such as a special airworthiness information bulletin (SAIB) to recommend the actions contained in the proposed rule and capture the concerns identified by the public during the NPRM (78 FR 51121, August 20, 2013) comment period.

Withdrawal of this NPRM (78 FR 51121, August 20, 2013) constitutes only such action and does not preclude the agency from issuing future rulemaking on this issue, nor does it commit the agency to any course of action in the future.

Regulatory Findings

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule and therefore, is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

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

The Withdrawal

Accordingly, the notice of proposed rulemaking (NPRM), FAA–2013–0742, published in the **Federal Register** on August 20, 2013 (78 FR 51121), is withdrawn.

Issued in Kansas City, Missouri, on June 19, 2014.

Timothy Smyth,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–15139 Filed 6–26–14; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34–72440; File No. S7–07–14]

RIN 3235–AL58

Freedom of Information Act Regulations: Fee Schedule, Addition of Appeal Time Frame, and Miscellaneous Administrative Changes

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Securities and Exchange Commission (''Commission'' or ''SEC'') is publishing for comment proposed amendments to the Commission's regulations under the Freedom of Information Act (''FOIA'') to allow the Commission to collect fees that reflect its actual costs, add an appeals time frame that will create a more practical and systematic administrative process and clarify other issues in the regulations. The proposed amendments provide a formula for fees charged to FOIA requesters; incorporate a time frame in which a FOIA requester must file an appeal in the event a request or a portion thereof is denied; allow for submission of FOIA appeals by email or facsimile; and allow the Office of FOIA Services to issue responses to FOIA requests indicating that no records were located.

DATES: Comments should be received by July 28, 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/proposed.shtml*);
- Send an email to *rule-comments@sec.gov*. Please include File Number S7–07–14 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 to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number S7–07–14. 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/proposed.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: John Livornese, FOIA/PA Officer, Office of FOIA Services, (202) 551–3831; Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–5041.

SUPPLEMENTARY INFORMATION:

1. Purpose

The Commission is proposing to amend its FOIA regulations at 17 CFR 200.80 and 17 CFR 200.80e.

A. Proposed Changes to Fee Regulations

The fees the Commission charges for searching, reviewing, and duplicating records pursuant to FOIA requests are currently set forth in 17 CFR 200.80e, Appendix E—Schedule of fees for records services. The Commission believes it is appropriate to update its fee schedule for searching and reviewing records in accordance with Uniform Freedom of Information Act Fee Schedule and Guidelines promulgated by the Office of Management and Budget.[1]

The OMB Guidelines, in complying with the Freedom of Information Reform Act of 1986, require that each agency's fees be based upon its ''direct reasonable operating costs of providing FOIA services.'' [2] The guidelines state that ''[a]gencies should charge fees that recoup the full allowable direct costs they incur.'' [3]

OMB recognized that costs would necessarily vary from agency to agency and directed that each agency promulgate regulations specifying the charges for search, review, and duplication. The OMB Guidelines state that ''agencies should charge at the salary rate[s] [i.e. basic pay plus 16 percent] of the employee[s] making the search'' or, ''where a homogeneous class of personnel is used exclusively . . . agencies may establish an average rate for the range of grades typically involved.'' [4]

The Commission's current regulation contains set rates for FOIA request search and review activities: $16/hour for grade 11 and below; and $28/hour for grade 12 and above. The Commission is proposing to revise its regulation to reflect the formula contained in the OMB Guidelines (basic pay plus 16 percent) rather than setting forth a fixed price. Moreover, the proposed regulation provides that the Commission will establish a representative rate for each of the three different groups of grades typically involved: Personnel in grades SK 8 or below; personnel in grades SK 9 to 13; and personnel in grades SK 14 or above.[5] The Commission's Web site will contain current rates for search and review fees for each class. The rates will be updated as salaries change and will be determined by using the formula in the regulation. For the current calendar year, the fees would be assessed as follows: SK–8 or below: $29/hour; SK–9 to 13: $61/hour; and SK–14 or above: $89/hour.[6]

In connection with this revision, the Commission is also proposing to remove the first sentence of 17 CFR 200.80(e)(1) which provides that up to one-half hour of staff time devoted to searching for and reviewing Commission records will

[1] *See* 52 FR 10011 (March 27, 1987).

[2] *Id.* at 10015.

[3] *Id.* at 10018.

[4] *Id.*

[5] As per the OMB Guidelines, fees for searches of computerized records will continue to be based on the actual cost to the Commission which includes machine and operator time. 17 CFR 200.80(e)(9)(i).

[6] The SK–8 and below rate is estimated using the maximum and minimum annual salary of a Washington, DC-based SK–6 staffer. For 2014 this is [($41,619 + $63,307)/2][1/2087 hours per year][1.16 OMB markup factor] = $29 per hour. Similarly, the SK–9 through SK–13 category is estimated by using the max and min annual salary of a Washington, DC-based SK–12 staffer, who typically does most of the work of a FOIA request. For 2014 this is [($82,037 + $138,211)/2][1/2087 hours/year][1.16 OMB markup factor] = $61/hour. Finally, the SK–14 and above category is estimated by using the max and min salary of a Washington, DC-based SK–15 supervisor. For 2014 this is [($118,743 + $200,033)/2][1/2087 hours per year][1.16 OMB markup factor] = $89/hour.

be provided without charge. The regulation as amended will allow the Commission to charge FOIA requesters in quarter-hour increments at the rates established by reference to the OMB Guidelines. Presently, the Commission estimates the time spent processing a single FOIA request at approximately 1½ hours at an estimated cost of $42. If the regulations are amended to reflect the formula contained in the OMB Guidelines as discussed above, the average cost per request would increase to approximately $92.[7] This cost is estimated by utilizing the hourly rate of pay of a Washington, DC-based SK–12 employee, which is the typical employee who currently does most of the work in processing a FOIA request.

The proposed fee regulation provides, fees will not be charged under either the FOIA or the Privacy Act where the costs of collecting and processing the fee are likely to equal or exceed the amount of the fee or where the requester has met the requirements for a statutory fee waiver. The proposed language is based upon the language of 5 U.S.C. 552(a)(4)(A)(iv) (providing that no fee may be charged if the fee exceeds the costs of collecting and processing the fee). Currently, the cost of the average fee collection activity is $20, so no fee will be charged of $20 or less.

B. Proposed Changes to FOIA Appeals Time Frames

The FOIA requires federal agencies to notify requesters of their right to appeal any adverse determination. 5 U.S.C. 552(a)(6)(A)(i). The Commission's regulations currently provide no time frame in which a FOIA requester must file an appeal. Although the FOIA does not require agencies to establish an appeals time frame, neither does it preclude them from doing so. The proposed amendment would establish an appeals time frame of 30 days, which is appropriate in order to allow for more efficient and improved appeals processing by the Commission's Office of the General Counsel. In addition, the implementation of an appeals time frame is consistent with the practices of other federal agencies. Our staff has reviewed the practices at the 15 United States federal executive departments. Of these, seven have a FOIA appeals time frame of 30 days, five have a 60 day time frame, one has a 35 day time frame, one has a 45 day time frame and one has a 90 day time frame.[8]

C. Submission of FOIA Appeals by Email and Facsimile

The Commission is revising 17 CFR 200.80(d)(6)(ii) to allow appeals to be submitted by facsimile or email as well as through the mail.

D. Responses to FOIA Requests Indicating No Records Could Be Located

The Commission's current regulations do not provide for responses to FOIA requests that indicate that no responsive records were located. The proposed amendment would make clear that a possible response to a FOIA request is that no responsive records were located.

Request for Comments

We request and encourage any interested person to submit comments on any aspect of the proposals, other matters that might have an impact on the amendments and any suggestions for additional changes. With regard to any comments, we note that such comments are of particular assistance to us if accompanied by supporting data and analysis of the issues addressed in those comments. We urge commenters to be as specific as possible.

Economic Analysis

The Commission is sensitive to the economic effects, including the costs and benefits, that result from its rules, and Section 23(a)(2) of the Exchange Act requires the Commission, in making rules pursuant to any provision of the Exchange Act, to consider among other matters the impact any such rule would have on competition. As discussed further below, the Commission preliminarily believes that the proposed rules will have a minimal economic effect.

The proposed rules are intended to help align the Commission's fees related to FOIA requests with its direct reasonable operating costs of providing FOIA services and to allow more efficient processing of requests. Although the proposed rules are unlikely to have a significant impact on the economy, the Commission believes that the rules will benefit the Commission and the public. Compared to the baseline, which includes the current fee structure outlined above, the proposed rules will permit the Commission to charge fees that more closely reflect the direct costs the Commission incurs to provide FOIA services. Additionally, the proposed rules will provide increased flexibility to FOIA requesters by expressly permitting appeals by email and facsimile. By establishing a time frame for FOIA appeals that, in light of potential alternatives, is consistent with the practice of other federal agencies, the proposed rules will also improve efficiency in the appeal process.

The Commission recognizes, however, that the proposed rules may also impose costs. Specifically, the proposed rules may impose additional costs on individuals who wish to obtain access to Commission records and may impose a burden on requesters who would be required to appeal a decision within 30 days. But, as discussed elsewhere, the Commission believes that those costs would be insignificant. Additionally, the Commission preliminarily believes that the proposed rules will not burden competition and that any potential burden on competition imposed by the proposed rules would be appropriate in furtherance of purposes of the Exchange Act.

The Commission requests comment on all aspects of the benefits and costs of the proposal, including any anticipated impacts on competition.

Regulatory Flexibility Act Certification

Section 3(a) of the Regulatory Flexibility Act of 1980 (''RFA'') requires the Commission to undertake an initial regulatory flexibility analysis of the proposed rule amendments on small entities unless the Commission certifies that the proposal, if adopted, would not have a significant economic impact on a substantial number of small entities. The overwhelming majority of FOIA requests made to the Commission involve either no charge or the charges apply to just six companies, none of which appear to be small entities. Generally, increases in the average cost will be from $0 to approximately $31 for requests that take one-half hour to process and $42 to approximately $92 for those that take 1½ hours to process. Pursuant to 5 U.S.C. 605(b), the Commission certifies that the proposed amendments will not have a significant economic effect on a substantial number of small entities. The Commission requests comments regarding the appropriateness of its certification.

Other Administrative Law Matters

Because these amendments are generally rules of agency organization, procedure and practice that do not substantially affect the rights and obligations of non-agency parties, the Congressional Review Act does not apply.[9]

These amendments do not contain any collection of information requirement as defined by the Paperwork Reduction Act of 1995, as

[7] All fees will be charged in accordance with the categories of FOIA requesters as set forth in 5 U.S.C. 552(a)(4)(A)(ii), 17 CFR 200.80(e)(10).

[8] Independent agencies comparable to the SEC (FDIC, CFTC and FTC) have 30 day appeals time frames.

[9] 5 U.S.C. 801, et seq.

amended.[10] The Commission solicits comment on whether the proposed amendments would be ''major'' as defined in 5 U.S.C. 804.

Statutory Authority and Text of Proposed Rule Amendments

The amendments contained herein are being proposed under the authority set forth in 5 U.S.C. 552 and 15 U.S.C. 78d–1.

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Freedom of information.

Text of Proposed Amendments

For the reasons stated in the preamble, the Commission proposes to amend 17 CFR part 200, subpart D as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart D—Information and Requests

■ 1. The authority citation for part 200, subpart D, is revised to read, in part, as follows:

Authority: 5 U.S.C. 552, as amended, 15 U.S.C. 77f(d), 77s, 77ggg(a), 77sss, 78m(F)(3), 78w, 80a–37, 80a–44(a), 80a–44(b), 80b–10(a), and 80b–11, unless otherwise noted.

* * * * *

■ 2. Amend § 200.80 by:
■ a. Revising paragraph (d)(5)(i);
■ b. Revising paragraphs (d)(6)(i) and (d)(6)(ii);
■ c. Revising paragraph (e) introductory text; and
■ d. Removing the first sentence of paragraph (e)(1).

The revisions read as follows:

§ 200.80 Commission records and information.

* * * * *

(d) * * *

(5) *Initial determination; multi-track processing, and denials*—(i) Time within which to respond. When a request complies with the procedures in this section for requesting records under the Freedom of Information Act, a response shall be sent within 20 business days from the date the Office of FOIA Services receives the request, except as described in paragraphs (d)(5)(ii) and (d)(5)(iii) of this section. If that Office cannot locate any requested records, the response shall advise the requester accordingly.

* * * * *

(6) * * *

(i) *Time limits and content of appeal.* Appeals shall be clearly and prominently identified at the top of the first page with the legend ''Freedom of Information Act Appeal'' and shall provide the assigned request number. Copies of the request and the SEC's response, if any, should be included with the appeal. If an appeal is from an adverse decision, it must be received within thirty (30) calendar days of the date of the adverse decision. If only a portion of the decision is appealed, the requester must specify which part of the decision is being appealed. An appeal from an adverse decision should also identify the name of the deciding official, the date of the decision, and the precise subject matter of the appeal. An appeal is not perfected until the SEC receives the information identified in this paragraph (d)(6)(i).

(ii) *How to file and address a written appeal.* The appeal must be sent to both the General Counsel and the Office of FOIA Services at 100 F Street NE., Washington, DC 20549. The SEC accepts facsimiles (faxes) and emails as written FOIA appeals. Information regarding where to fax or email a FOIA appeal is available on the SEC's FOIA home page on the Commission's Web site at *http://www.sec.gov/foia.shtml.* A legible return address must be included with the FOIA appeal. The requester may also include other contact information, such as a telephone number and/or an email address.

* * * * *

(e) *Fees for records services.* Information pertaining to search and review services, including locating, reviewing, and making records available, attestations and copying, appears in appendix E to this subpart D, 17 CFR 200.80e. A schedule of fees is located at the Commission's Web site at *http://www.sec.gov/foia/feesche.htm.*

* * * * *

■ 3. Amend § 200.80e by:
■ a. Adding introductory text; and
■ b. Revising the paragraph that begins, ''Search and review services:''.

The addition and revision read as follows:

§ 200.80e Appendix E—Schedule of fees for records services.

The requester will be charged search, review, and duplication fees according to his or her fee category. In addition, the SEC will charge the requester for any special handling or services performed in processing the request and/or appeal. Duplication fees also are applicable to records provided in response to requests made under the Privacy Act. Fees will not be charged under either the FOIA or the Privacy Act where the costs of collecting and processing the fee are likely to equal or exceed the amount of the fee or where the requester has met the requirements for a statutory fee waiver. Fees will be determined as follows:

Search and review services (review applies to commercial-use requesters only): (1) The Commission will establish and charge average rates for the groups of grades typically involved in search and review. Those groups will consist of employees at:

(i) Grades SK–9 or below;
(ii) Grades SK–10 to SK–14; and
(iii) Grades SK–15 or above.

(2) The average rates will be based on the hourly salary (i.e., basic salary plus locality payment), plus 16 percent for benefits, of employees who routinely perform those services. Fees will be charged in quarter-hour increments. The average hourly rates are listed on the Commission's Web site at *http://www.sec.gov/foia/feesche.htm* and will be updated as salaries change.

* * * * *

Dated: June 20, 2014.

By the Commission.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–14979 Filed 6–26–14; 8:45 am]

BILLING CODE 8011–01–P

[10] 44 U.S.C. 3501–3520.

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 825

RIN 1235–AA09

The Family and Medical Leave Act

AGENCY: Wage and Hour Division, Department of Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Labor's Wage and Hour Division proposes to revise the regulation defining ''spouse'' under the Family and Medical Leave Act of 1993 (FMLA or the Act) in light of the United States Supreme Court's decision in *United States* v. *Windsor,* which found section 3 of the Defense of Marriage Act (DOMA) to be unconstitutional. This Notice of Proposed Rulemaking (NPRM) proposes to amend the definition of spouse to include all legally married spouses.

DATES: Comments must be received on or before August 11, 2014.

ADDRESSES: You may submit comments, identified by Regulatory Information Number (RIN) 1235–AA09, by electronic submission through the Federal eRulemaking Portal *http://www.regulations.gov.* Follow

instructions for submitting comments. You may also submit comments by mail. Address written submissions to Mary Ziegler, Director of the Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW., Washington, DC 20210.

Instructions: Please submit only one copy of your comments by only one method. All submissions must include the agency name and RIN, identified above, for this rulemaking. Please be advised that comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided, and should not include any individual's personal medical information. For questions concerning the application of the FMLA provisions, individuals may contact the Wage and Hour Division (WHD) local district offices (see contact information below). Mailed written submissions commenting on these provisions must be received by the date indicated for consideration in this rulemaking. Comments submitted through *http://www.regulations.gov* must be received by 11:59 p.m. Eastern Standard Time on the date indicated for consideration in this rulemaking. For additional information on submitting comments and the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments, go to the Federal eRulemaking Portal at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mary Ziegler, Director of the Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–0406 (this is not a toll-free number). Copies of this rule may be obtained in alternative formats (large print, Braille, audio tape or disc), upon request, by calling (202) 693–0675 (this is not a toll-free number). TTY/TDD callers may dial toll-free 1–877–889–5627 to obtain information or request materials in alternative formats.

Questions of interpretation and/or enforcement of the agency's regulations may be directed to the nearest WHD district office. Locate the nearest office by calling the WHD's toll-free help line at (866) 4US–WAGE ((866) 487–9243) between 8 a.m. and 5 p.m. in your local time zone, or log onto the WHD's Web site for a nationwide listing of WHD district and area offices at *http://www.dol.gov/whd/america2.htm.*

SUPPLEMENTARY INFORMATION:

I. Electronic Access and Filing Comments

Public Participation: This NPRM is available through the **Federal Register** and the *http://www.regulations.gov* Web site. You may also access this document via the WHD's Web site at *http://www.dol.gov/whd/*. To comment electronically on Federal rulemakings, go to the Federal e-Rulemaking Portal at *http://www.regulations.gov*, which will allow you to find, review, and submit comments on Federal documents that are open for comment and published in the **Federal Register**. You must identify all comments submitted by including the RIN 1235–AA09 in your submission. Commenters should transmit comments early to ensure timely receipt prior to the close of the comment period (date identified above); comments received after the comment period closes will not be considered. Submit only one copy of your comments by only one method. Please be advised that all comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided, and should not include any individual's personal medical information.

I. Background

A. What the FMLA Provides

The Family and Medical Leave Act of 1993, 29 U.S.C. 2601 *et seq.,* entitles eligible employees of covered employers to take job-protected, unpaid leave, or to substitute appropriate accrued paid leave, for up to a total of 12 workweeks in a 12-month period for the birth of the employee's son or daughter and to care for the newborn child; for the placement of a son or daughter with the employee for adoption or foster care; to care for the employee's spouse, parent, son, or daughter with a serious health condition; when the employee is unable to work due to the employee's own serious health condition; or for any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty. An eligible employee may also take up to 26 workweeks of FMLA leave during a ''single 12-month period'' to care for a covered servicemember with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

FMLA leave may be taken in a block, or under certain circumstances, intermittently or on a reduced leave schedule. In addition to providing job protected family and medical leave, employers must also maintain any preexisting group health plan coverage for an employee on FMLA protected leave under the same conditions that would apply if the employee had not taken leave. 29 U.S.C. 2614. Once the leave period is concluded, the employer is required to restore the employee to the same or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. *Id.* If an employee believes that his or her FMLA rights have been violated, the employee may file a complaint with the Department of Labor or file a private lawsuit in federal or state court. If the employer has violated the employee's FMLA rights, the employee is entitled to reimbursement for any monetary loss incurred, equitable relief as appropriate, interest, attorneys' fees, expert witness fees, and court costs. Liquidated damages also may be awarded. 29 U.S.C. 2617.

Title I of the FMLA is administered by the U.S. Department of Labor and applies to private sector employers of 50 or more employees, public agencies, and certain federal employers and entities, such as the U.S. Postal Service and Postal Rate Commission. Title II is administered by the U.S. Office of Personnel Management and applies to civil service employees covered by the annual and sick leave system established under 5 U.S.C. Chapter 63 and certain employees covered by other federal leave systems.

B. Who the Law Covers

The FMLA generally covers employers with 50 or more employees. To be eligible to take FMLA leave, an employee must meet specified criteria, including employment with a covered employer for at least 12 months, performance of a specified number of hours of service in the 12 months prior to the start of leave, and work at a location where there are at least 50 employees within 75 miles.

C. Regulatory History

The FMLA required the Department to issue initial regulations to implement Title I and Title IV of the FMLA within 120 days of enactment (by June 5, 1993) with an effective date of August 5, 1993. The Department published an NPRM in the **Federal Register** on March 10, 1993. 58 FR 13394. The Department received comments from a wide variety of stakeholders, and after considering these comments the Department issued an interim final rule on June 4, 1993, effective August 5, 1993. 58 FR 31794.

After publication, the Department invited further public comment on the

interim regulations. 58 FR 45433 (Aug. 30, 1993). During this comment period, the Department received a significant number of substantive and editorial comments on the interim regulations from a wide variety of stakeholders. Based on this second round of public comments, the Department published final regulations to implement the FMLA on January 6, 1995. 60 FR 2180. The regulations were amended February 3, 1995 (60 FR 6658) and March 30, 1995 (60 FR 16382) to make minor technical corrections. The final regulations went into effect on April 6, 1995.

The Department published a Request for Information (RFI) in the **Federal Register** on December 1, 2006 requesting public comments on experiences with the FMLA (71 FR 69504) and issued a report on the RFI responses on June 28, 2007 (72 FR 35550). The Department published an NPRM in the **Federal Register** on February 11, 2008 proposing changes to the FMLA's regulations based on the Department's experience administering the law, two Department of Labor studies and reports on the FMLA issued in 1996 and 2001, several U.S. Supreme Court and lower court rulings on the FMLA, and a review of the comments received in response to the 2006 RFI. 73 FR 7876. The Department also sought comments on the military family leave statutory provisions, enacted by the National Defense Authorization Act for Fiscal Year 2008. In response to the NPRM, the Department received thousands of comments from a wide variety of stakeholders. The Department issued a final rule on November 17, 2008, which became effective on January 16, 2009. 73 FR 67934.

The Department published an NPRM in the **Federal Register** on February 15, 2012 primarily focused on changes to the FMLA's regulations to implement amendments to the military leave provisions made by the National Defense Authorization Act for Fiscal Year 2010 and to the employee eligibility requirements for airline flight crew employees made by the Airline Flight Crew Technical Corrections Act. 77 FR 8960. The Department issued a final rule on February 6, 2013, which became effective on March 8, 2013. 78 FR 8834.

II. FMLA Spousal Leave

The FMLA provides eligible employees with leave to care for a spouse in the following situations: (1) When needed to care for a spouse due to the spouse's serious health condition; (2) when needed to care for a spouse who is a covered servicemember with a serious illness or injury; and (3) for a qualifying exigency related to the covered military service of a spouse. The FMLA defines ''spouse'' as ''a husband or wife, as the case may be.'' 29 U.S.C. 2611(13). In the 1993 Interim Final Rule, the Department defined spouse as ''a husband or wife as defined or recognized under State law for purposes of marriage, including common law marriage in States where it is recognized.'' 58 FR 31817, 31835 (June 4, 1993). In commenting on the Interim Final Rule, both the Society for Human Resource Management and William M. Mercer, Inc., questioned which state law would apply when an employee resided in one State but worked in another State. 60 FR 2190 (June 6, 1995). In response to these comments, the 1995 Final Rule clarified that the law of the State of the employee's residence would control for determining eligibility for FMLA spousal leave. *Id.* at 2191. Accordingly, since 1995 the FMLA regulations have contained the following definition of spouse: ''Spouse means a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized.'' 29 CFR 825.102, 825.122(a) (prior to the 2013 final rule the same definition appeared at 29 CFR 825.113(a) and 825.800).

In 1996 the Defense of Marriage Act (DOMA) was enacted. Public Law 104–199, 110 Stat. 2419. Section 3 of DOMA restricted the definitions of ''marriage'' and ''spouse'' for purposes of federal law, regulations, and administrative interpretations: ''the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife.'' 1 U.S.C. 7. For purposes of employee leave under the FMLA, the effect of DOMA was to limit the availability of FMLA leave based on a spousal relationship to opposite-sex marriages. While the Department did not revise the FMLA regulatory definition of ''spouse'' to incorporate DOMA's restrictions, in 1998 the Wage and Hour Division (WHD) issued an opinion letter that addressed, in part, the limitation Section 3 of DOMA imposed on the availability of FMLA spousal leave.

> Under the FMLA (29 U.S.C. 2611(13)), the term ''spouse'' is defined as a husband or wife, which the regulations (29 CFR 825.113(a)) clarified to mean a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized. The legislative history confirms that this definition was adapted to ensure that employers were not required to grant FMLA leave to an employee to care for an unmarried domestic partner. (See Congressional Record, S 1347, February 4, 1993). Moreover, the subsequently enacted Defense of Marriage Act of 1996 (DOMA) (Public Law 104–199) establishes a Federal definition of ''marriage'' as only a legal union between one man and one woman as husband and wife, and a ''spouse'' as only a person of the opposite sex who is a husband or wife. Because FMLA is a Federal law, it is our interpretation that only the Federal definition of marriage and spouse as established under DOMA may be recognized for FMLA leave purposes.

Opinion Letter FMLA–98 (Nov. 18, 1998). The WHD also referenced DOMA's limitations on spousal FMLA leave in a number of sub-regulatory guidance documents posted on its Web site.

On June 26, 2013, the Supreme Court held in *United States* v. *Windsor,* 133 S. Ct. 2675 (2013), that Section 3 of DOMA was unconstitutional under the Fifth Amendment. It concluded that this section ''undermines both the public and private significance of state-sanctioned same-sex marriages'' and found that ''no legitimate purpose overcomes'' Section 3's ''purpose and effect to disparage and to injure those whom the State, by its marriage laws, sought to protect[.]'' *Id.* at 2694–96.

Because of the Supreme Court's holding in *Windsor* that Section 3 of DOMA is unconstitutional, the Department is no longer prohibited from recognizing same-sex marriages. Accordingly, as of June 26, 2013, under the current FMLA regulatory definition of spouse, eligible employees in a legal same-sex marriage who reside in a State that recognizes their marriage may take FMLA spousal leave. On August 9, 2013, the Department updated its FMLA sub-regulatory guidance to remove any references to the restrictions imposed by Section 3 of DOMA and to expressly note that the regulatory definition of spouse covers same-sex spouses residing in States that recognize such marriages.

III. Discussion of Proposed Changes to the FMLA Regulations

Both Section 825.102 (Definitions) and paragraph (b) of Section 825.122 (Definitions of covered servicemember, spouse, parent, son or daughter, next of kin of a covered service member, adoption, foster care, son or daughter on covered active duty or call to covered active duty status, son or daughter of a covered servicemember, and parent of a covered servicemember) set forth the definition of ''spouse'' for purposes of

FMLA leave as ''a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized.'' 29 CFR 825.102, 825.122(b).

The Department proposes to change the regulatory definition of spouse in sections 825.102 and 825.122(b) to look to the law of the jurisdiction in which the marriage was entered into (including for common law marriages), as opposed to the law of the State in which the employee resides, and to expressly reference the inclusion of same-sex marriages in addition to common law marriages. The Department also proposes to include in the definition same-sex marriages entered into abroad. The Department proposes to define spouse as the other person to whom an individual is married as defined or recognized under State law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. The proposed definition includes an individual in a same-sex or common law marriage.

The proposed definition includes the statutory language defining spouse as a husband or wife but makes clear that these terms include all individuals in lawfully recognized marriages. The Department is aware that the language surrounding marriage is evolving and that not all married individuals choose to use the traditional terms of husband or wife when referring to their spouse. The Department intends the proposed definition to cover all spouses in legal marriages as defined in the regulation regardless of whether they use the terms husband or wife.

The Department is proposing to move from a state of residence rule to a rule based on the jurisdiction where the marriage was entered into (place of celebration) to ensure that same-sex couples who have legally married will have consistent FMLA rights regardless of where they live. As of June 18, 2014, nineteen States and the District of Columbia extend the right to marry to both same-sex and opposite-sex couples (California, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, and Washington). Additionally, sixteen countries extend the right to marry to same-sex couples (Argentina, Belgium, Brazil, Canada, Denmark, England/Wales/Scotland,[1] France, Iceland, The Netherlands, New Zealand, Norway, Portugal, Spain, South Africa, Sweden, and Uruguay). A place of celebration rule will allow all legally married couples, whether opposite-sex or same-sex, to have consistent federal family leave rights regardless of the State in which they reside.

A place of celebration rule will ensure that all legally married employees have consistent FMLA leave rights regardless of where they live. The Department believes that a place of celebration rule will give fullest effect to the purpose of the FMLA to permit employees to take unpaid leave to care for a seriously ill spouse. The need to provide care for a spouse is the same for all married couples and does not change depending on their state of residence. Additionally, a place of celebration rule will provide consistent federal family leave rights for legally married couples regardless of the State in which they reside, thus reducing barriers to the mobility of employees in same-sex marriages in the labor market. The Department believes such a rule will also reduce the administrative burden on employers that operate in more than one State, or that have employees who move between States with different marriage recognition rules; such employers would not have to consider the employee's state of residence and the laws of that State in determining the employee's eligibility for FMLA leave.

As noted above, the FMLA military leave provisions also entitle employees to take FMLA leave for a qualifying exigency related to the covered military service of a spouse and when needed to care for a spouse who is a covered servicemember with a serious illness or injury. *See* 825.126, 825.127. The Department's proposed place of celebration rule is consistent with the Department of Defense's (DOD) policy of treating all married members of the military equally. In administering its policy DOD looks to the place of celebration to determine if a military member is in a valid marriage. The Department believes it is appropriate wherever possible to align the availability of FMLA military leave with the availability of other marriage-based benefits provided by DOD.

The proposed change to a place of celebration rule for the definition of spouse under the FMLA would also have some impact beyond spousal leave. The right to take FMLA leave to care for a child includes the right to take leave to care for a stepchild. *See* 825.102, which defines ''son or daughter'' to include a stepchild; *see also* 825.122(d), 825.122(h), and 825.122(i). Under the Department's proposed rule, an employee in a valid same-sex marriage would be able to take leave to care for a stepchild to whom the employee does not stand in loco parentis. The Department has consistently recognized the eligibility of same-sex partners (whether married or not) to take leave to care for a partner's child provided that they meet the in loco parentis requirement of providing day-to-day care or financial support for the child. Administrator Interpretation FMLA 2010–3. Prior to the Supreme Court's decision in *Windsor,* Section 3 of DOMA prevented employees in same-sex marriages from taking such leave for a stepchild unless they satisfied the requirements of in loco parentis status. However, in light of the June 26, 2013 *Windsor* decision, under the current version of the regulation, employees in same-sex marriages residing in States that recognize such marriages can take leave for a stepchild to whom they do not stand in loco parentis. 29 CFR 825.122(d)(3). Under the proposed place of celebration rule, an employee in a valid same-sex marriage would be able to take leave to care for a stepchild to whom the employee does not stand in loco parentis, regardless of the State in which he or she resides.

Similarly, the proposed change would allow an employee to take FMLA leave to care for the employee's parent's same-sex spouse who did not stand in loco parentis to the employee. The regulatory definitions allow for FMLA leave to be taken to care for a stepparent as well as a parent. *See* 825.102, which defines ''parent'' to include a stepparent; *see also* 825.122(c) and 825.122(j). Prior to the *Windsor* decision, if an employee's parent's same-sex spouse did not have an in loco parentis relationship with the employee (*e.g.,* if the employee's parent entered into a same-sex marriage when the employee was no longer a child), then the employee would not have been able to take leave to care for that stepparent. After *Windsor,* employees with a parent in a valid same-sex marriage living in a State that recognizes such marriages can take leave to care for the stepparent. Under the proposed place of celebration rule, an employee would be able to take leave to care for a parent's same-sex spouse, regardless of the State.

Accordingly, because the Department believes that expanding the definition of spouse to include all legally married couples is consistent both with the

[1] Legislation to legalize same-sex marriage has been approved in Scotland and marriages of same-sex couples are expected to begin there in the autumn of 2014.

Court's decision in *Windsor* and with the purpose of the FMLA to provide eligible employees with unpaid leave to care for a seriously ill spouse, child, or parent, the Department proposes to define ''spouse'' according to the law of the place of celebration. Of course, an employer may offer an employment benefit program or plan that provides greater family or medical leave rights to employees than the rights established by the FMLA. *See* 29 CFR 825.700(a). FMLA regulations state: ''[N]othing in the Act is intended to discourage employers from adopting or retaining more generous leave policies.'' 29 CFR 825.700(b). The Department seeks comments on its proposed definition.

IV. Conforming Changes

Minor editorial changes are proposed to sections 825.120, 825.121, 825.122, 825.127, 825.201 and 825.202 to make references to husbands and wives, and mothers and fathers gender neutral where appropriate so that they apply equally to opposite-sex and same-sex spouses. The Department proposes using the terms ''spouses'' and ''parents,'' as appropriate, in these regulations. These editorial changes do not change the availability of FMLA leave but simply clarify its availability for all eligible employees who are legally married.

V. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.,* and its attendant regulations, 5 CFR part 1320, require that the Department consider the impact of paperwork and other information collection burdens imposed on the public. Under the PRA, an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid Office of Management and Budget (OMB) control number. *See* 5 CFR 1320.8(b)(3)(vi).

OMB has assigned control number 1235–0003 to the FMLA information collections. As required by the PRA (44 U.S.C. 3507(d)), the Department has submitted these proposed information collection amendments to OMB for its review.

Summary: The Department seeks to minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, federal contractors, state, local, and tribal governments, and other persons resulting from the collection of information by or for the agency. The PRA typically requires an agency to provide notice and seek public comments on any proposed collection of information contained in a proposed rule. *See* 44 U.S.C. 3506(c)(2)(B); 5 CFR 1320.8.

The PRA requires all federal agencies to analyze proposed regulations for potential time burdens on the regulated community created by provisions within the proposed regulations that require the submission of information. These information collection (IC) requirements must be submitted to OMB for approval. Persons are not required to respond to the information collection requirements as contained in this proposal unless and until they are approved by OMB under the PRA at the final rule stage. This ''paperwork burden'' analysis estimates the burdens for the proposed regulations as drafted.

The Department proposes to revise the regulation defining ''spouse'' under the FMLA, in light of the United States Supreme Court's holding that Section 3 of the Defense of Marriage Act is unconstitutional. Amending the definition of spouse to include all legally married spouses as recognized under state law for purposes of marriage in the State where the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in a State, would expand the availability of FMLA leave to legally married same-sex spouses regardless of the State in which they reside. Under the proposed definition of spouse, eligible employees would be able to take FMLA leave to care for their same-sex spouse, a stepparent by virtue of a parent's same-sex marriage, or a stepchild to whom the employee does not stand in loco parentis.

In light of the June 26, 2013 *Windsor* decision and under the current regulation, employees in same-sex marriages have the right to take FMLA leave based on their same-sex marriage only if they reside in a State that recognizes same-sex marriage. In contrast, under the proposed place of celebration rule, all eligible employees in same-sex marriages would be able to take FMLA leave, regardless of their state of residence. These proposed information collection amendments update the burden estimates to include same-sex couples nationwide—employees whom *Windsor* rendered eligible to take FMLA leave under the current regulation based on their same-sex marriage residing in States that recognize such marriages and employees who would become able to take such leave under this proposed rule.

Covered, eligible employees in same-sex marriages are already eligible to take FMLA leave for certain FMLA qualifying reasons (*e.g.,* employee's own serious health condition, the employee's parent's or child's health condition, etc.). The proposed rule does not increase the number of employees eligible to take FMLA leave; rather, it would allow FMLA leave to be taken on the basis of an employee's same-sex marriage regardless of their state of residence, in addition to the other reasons for which they were already able to take leave. That is, FMLA coverage and eligibility provisions are unchanged by this proposed rule, and employees who are not currently eligible and employed by a covered establishment would not become eligible as a result of this rule.

Accordingly, the Department developed an estimate that focuses on FMLA leave that employees can take to care for their same-sex spouse, stepchild (*i.e.,* child of employee's same-sex spouse to whom the employee does not stand in loco parentis), or stepparent (*i.e.,* same-sex spouse of employee's parent). The proposed regulations, which do not substantively alter the FMLA but instead allow FMLA leave to be taken on the basis of an employee's same-sex marriage regardless of their state of residence, would create additional burdens on some of the information collections.

Circumstances Necessitating Collection: The Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C. 2601, *et seq.,* requires private sector employers who employ 50 or more employees, all public and private elementary schools, and all public agencies to provide up to 12 weeks of unpaid, job-protected leave during any 12-month period to eligible employees for certain family and medical reasons (*i.e.,* for birth of a son or daughter and to care for the newborn child; for placement with the employee of a son or daughter for adoption or foster care; to care for the employee's spouse, son, daughter, or parent with a serious health condition; because of a serious health condition that makes the employee unable to perform the functions of the employee's job; to address qualifying exigencies arising out of the deployment of the employee's spouse, son, daughter, or parent to covered active duty in the military), and up to 26 workweeks of unpaid, job-protected leave during a single 12-month period to an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember for the employee to provide care for the covered servicemember with a serious injury or illness. FMLA section 404 requires the Secretary of Labor to

prescribe such regulations as necessary to enforce this Act. 29 U.S.C. 2654.

The Department's authority for the collection of information and the required disclosure of information under the FMLA stems from the statute and/or the implementing regulations. These third-party disclosures ensure that both employers and employees are aware of and can exercise their rights and meet their respective obligations under FMLA.

Purpose and Use: No WHD forms are impacted by the proposed regulations. While the use of the Department's existing forms is optional, the regulations require employers and employees to make the third-party disclosures that the forms cover. The FMLA third-party disclosures ensure that both employers and employees are aware of and can exercise their rights and meet their respective obligations under the FMLA.

Technology: The regulations prescribe no particular order or form of records. *See* § 825.500(b). The preservation of records in such forms as microfilm or automated word or data processing memory is acceptable, provided the employer maintains the information and provides adequate facilities to the Department for inspection, copying, and transcription of the records. In addition, photocopies of records are also acceptable under the regulations. *Id.*

Aside from the general requirement that third-party notifications be in writing, with a possible exception for the employee's FMLA request that depends on the employer's leave policies, there are no restrictions on the method of transmission. Respondents may meet many of their notification obligations by using Department-prepared publications available on the WHD Web site, *www.dol.gov/whd.* These forms are in PDF, fillable format for downloading and printing. Employers may maintain records in any format, including electronic, when adhering to the recordkeeping requirements covered by this information collection.

Duplication: The FMLA information collections do not duplicate other existing information collections. In order to provide all relevant FMLA information in one set of requirements, the recordkeeping requirements restate a portion of the records employers must maintain under the Fair Labor Standards Act (FLSA). Employers do not need to duplicate the records when basic records maintained to meet FLSA requirements also document FMLA compliance. With the exception of records specifically tracking FMLA leave, the additional records required by the FMLA regulations are records that employers ordinarily maintain in the usual and ordinary course of business. The regulations do impose, however, a three-year minimum time limit that employers must maintain the records. The Department minimizes the FMLA information collection burden by accepting records maintained by employers as a matter of usual or customary business practices to the extent those records meet FMLA requirements. The Department also accepts records kept due to other governmental requirements (*e.g.,* records maintained for tax and payroll purposes). The Department has reviewed the needs of both employers and employees to determine the frequency of the third-party notifications covered by this collection to establish frequencies that provide timely information with the least burden. The Department has further minimized the burden by developing prototype notices for many of the third-party disclosures covered by this information collection.

Minimizing Small Entity Burden: This information collection does not have a significant impact on a substantial number of small entities. The Department minimizes the FMLA information collection burden by accepting records maintained by employers as a matter of usual or customary business practices. The Department also accepts records kept due to requirements of other governmental requirements (*e.g.,* records maintained for tax and payroll purposes). The Department has reviewed the needs of both employers and employees to determine the frequency of the third-party notifications covered by this collection to establish frequencies that provide timely information with the least burden. The Department has further minimized burden by developing prototype notices for many of the third-party disclosures covered by this information collection and giving the text employers must use, in accordance with FMLA section 109 (29 U.S.C. 2619), in providing a general notice to employees of their FMLA rights and responsibilities, in addition to the prototype optional-use forms.

Agency Need: The Department is assigned a statutory responsibility to ensure employer compliance with the FMLA. The Department uses records covered by this information collection to determine compliance, as required of the agency by FMLA section 107(b)(1). 29 U.S.C. 2617(b)(1). Without the third-party notifications, employers and employees would have difficulty knowing their FMLA rights and obligations.

Special Circumstances: Because of the unforeseeable and often urgent nature of the need for FMLA leave, notice and response times must be of short duration to ensure that employers and employees are sufficiently informed and can exercise their FMLA rights and obligations.

Employers must maintain employee medical information they obtain for FMLA purposes as confidential medical records in separate files/records from the usual personnel files. Employers must also maintain such records in conformance with any applicable Americans with Disabilities Act and Genetic Information Nondiscrimination Act confidentiality requirements, except that: Supervisors and managers may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations; first aid and safety personnel may be informed (when appropriate) if the employee's physical or medical condition might require emergency treatment; and government officials investigating compliance with FMLA (or other pertinent law) shall be provided relevant information upon request.

Public Comments: The Department seeks public comments regarding the burdens imposed by information collections contained in this proposed rule. In particular, the Department seeks 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 submissions of responses. Commenters may send their views about these information collections to the Department in the same way as all other comments (*e.g.*, through the regulations.gov Web site). All comments received will be made a matter of public record, and posted without change to *http://www.regulations.gov,* including any personal information provided.

An agency may not conduct an information collection unless it has a

currently valid OMB approval, and the Department has submitted the identified information collection contained in the proposed rule to OMB for review under the PRA under the Control Number 1235–0003. *See* 44 U.S.C. 3507(d); 5 CFR 1320.11. Interested parties may obtain a copy of the full supporting statement by sending a written request to the mail address shown in the **ADDRESSES** section at the beginning of this preamble or by visiting the *http://www.reginfo.gov/public/do/PRAMain* Web site.

In addition to having an opportunity to file comments with the Department, comments about the paperwork implications of the proposed regulations may be addressed to OMB. Comments to OMB should be directed to: Office of Information and Regulatory Affairs, Attention OMB Desk Officer for the Wage and Hour Division, Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316/Fax: 202–395–6974 (these are not toll-free numbers).

Confidentiality: The Department makes no assurances of confidentiality to respondents. As a practical matter, the Department would only disclose agency investigation records of materials subject to this collection in accordance with the provisions of the Freedom of Information Act, 5 U.S.C. 552, and the attendant regulations, 29 CFR part 70, and the Privacy Act, 5 U.S.C. 552a, and its attendant regulations, 29 CFR part 71.

Agency: Wage and Hour Division.

Title of Collection: Family and Medical Leave Act, as Amended.

OMB Control Number: 1235–0003.

Affected Public: Individuals or households; private sector—businesses or other for profits.

Not for profit institutions, Farms, State, Local, or Tribal Governments.

Total estimated number of respondents: 14,163,289 (no change).

Total estimated number of responses: 89,320,285 (14,816 responses added by this NPRM).

Total estimated annual burden hours: 19,029,671 (2,578 hours added by this NPRM).

Total estimated annual other cost burdens: $163,536,586 ($68,671 added by this NPRM).

VI. Executive Order 12866; Executive Order 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Although this rule is not economically significant within the meaning of Executive Order 12866, it has been reviewed by the Office of Management and Budget.

The Department proposes to revise the regulatory definition of ''spouse'' for the purpose of FMLA to allow all legally married employees to take leave to care for their spouse regardless of whether their state of residence recognizes their marriage. As a result of the proposed regulatory change, covered and eligible employees would be entitled to take FMLA leave regardless of their state of residence to care for their same-sex spouse with a serious health condition; to care for a stepchild with a serious health condition to whom the employee does not stand in loco parentis; to care for their parent's same-sex spouse with a serious health condition; for qualifying exigency reasons related to the covered active duty of their same-sex spouse; and to care for their same-sex spouse who is a covered servicemember with a serious injury or illness. This proposed rule would not expand coverage under the FMLA, that is, the coverage and eligibility provisions of the FMLA are unchanged by this rule and employees who are not currently eligible and employed by a covered establishment would not become eligible as a result of this proposed rule.

Estimates of the number of individuals in same-sex marriages vary widely due to issues with state level data tracking, reliance on self-reporting, and changes in survey formatting. The Department bases the number of same-sex marriages on the 2010 American Community Survey (ACS), conducted by the U.S. Census Bureau.[2] The 2010 ACS showed 152,500 self-reported same-sex marriages, resulting in 305,000 individuals. The Department estimates, based on the 2010 ACS, that in about 45 percent of same-sex marriages, both partners are employed and, for the purposes of this analysis, the Department assumes that one spouse is employed in the remaining 55 percent of same-sex marriages.[3]

The Department recently surveyed employers and employees nationwide on FMLA leave taking, *Family and Medical Leave in 2012.*[4] Based on these survey findings, 59.2 percent of employees meet the eligibility requirements for FMLA leave and are employed by covered establishments.[5] Of those employees, 16.8 percent were married and took FMLA leave[6] and of those who took leave, 17.6 percent took leave to care for a parent, spouse, or child, and 1.4 percent took leave to address issues related to a military family member's covered active duty.[7] Applying these findings to the number of individuals in same-sex marriages based on the 2010 ACS, results in an estimated 6,720 new instances of FMLA leave annually as a result of the proposed change to the regulatory definition of spouse.[8] [9] This likely overestimates the number of instances of new leave that would be taken, as covered and eligible employees in same-sex marriages are already entitled to take FMLA leave to care for a parent or child with a serious health condition.

Because FMLA leave is unpaid leave, the costs to employers resulting from this proposed rule change are: Regulatory familiarization, maintenance of preexisting employee health benefits during FMLA leave, and administrative

[2] Lofquist, Daphne, *Same-Sex Couple Households: American Community Survey* Briefs, September 2011, p. 3. Available at: *http://www.census.gov/prod/2011pubs/acsbr10-03.pdf.*

[3] U.S. Census Bureau, 2011 American Community Survey 1-year data file. Table 2. Household Characteristics of Same-sex Couple Households by Assignment Status.

[4] See Wage and Hour Division FMLA Surveys Web page at: *http://www.dol.gov/whd/fmla/survey/.*

[5] Family and Medical Leave in 2012: Technical Report, exhibit 2.2.1, page 20, available at: *http://www.dol.gov/asp/evaluation/fmla/FMLA-2012-Technical-Report.pdf.*

[6] Family and Medical Leave in 2012: Technical Report, exhibit 4.1.5, page 64.

[7] Family and Medical Leave in 2012: Technical Report, exhibits 4.4.2, page 70, and 4.4.7, page 74.

[8] (152,500 marriages × 45 percent × 2) + (152,500 × 55 percent) = 137,250 + 83,875 = 221,125 employed same-sex spouses. 221,125 employees × 59.2 percent = 131,000 covered, eligible employees (rounded) 131,000 × 16.8 percent = 22,000 covered, eligible, employees taking leave (rounded). In the 2008 proposed FMLA rule, the Department estimated that covered eligible employees take 1.5 instances of leave per year (73 FR 7944). The Department uses that same estimate for this analysis. 21,992 × 1.5 = 33,000 instances of leave per year (rounded) 33,000 (rounded) × 17.6 percent = 5,800 instances of leave (rounded) to care for a parent, spouse, or child. 33,000 × 1.4 percent = 460 instances of leave (rounded) for qualifying exigency reasons. For purposes of this analysis, the Department assumes employees will take leave to care for a covered servicemember at the same rate as leave taken for a qualifying exigency. 5,800 + 460 + 460 = 6,720 new instances of FMLA leave

[9] PRA analysis estimates burdens imposed by the ''paperwork'' requirements, while E.O. 12866 analysis estimates the effect the proposed regulations will have on the economy. Because E.O. 12866 and the PRA impose differing requirements, and because the corresponding analyses are intended to meet different needs, the estimated number of instances of leave in the PRA analysis differs from the estimated number in the E.O. 12866 analysis.

costs associated with providing required notices to employees, requesting certifications, reviewing employee requests and medical certifications, and making necessary changes to employer policies. The costs related to requesting and reviewing employee requests for leave and certifications and of providing required notices to employees are discussed in the Paperwork Reduction Act section of this proposed rule. The Department expects the remaining costs to be minimal to employers. The Department has determined that this rule will not result in an annual effect on the economy of $100 million or more.

VII. Small Business Regulatory Enforcement Fairness Act; Regulatory Flexibility

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to evaluate the potential effects of their proposed and final rules on small businesses, small organizations and small governmental jurisdictions. *See* 5 U.S.C. 603–604. If the rule is not expected to have a significant economic impact on a substantial number of small entities, the RFA allows an agency to certify such, in lieu of preparing an analysis. *See* 5 U.S.C. 605.

The Department has determined that the proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of the RFA. Therefore, an initial regulatory flexibility analysis is not required. The factual basis for this certification is set forth below.

The proposed rule amending the FMLA regulations' definition of spouse does not substantively alter current FMLA regulatory requirements, but instead allows leave to be taken on the basis of an employee's same-sex marriage. The Department estimates that the proposed definitional revision will result in 6,720 new instances of FMLA leave annually.[10] This likely overestimates the number of new instances of leave-taking as covered and eligible employees in same-sex marriages are already entitled in most cases to take FMLA leave to care for a parent or child with a serious health condition.

Because the FMLA does not require the provision of paid leave, the costs of this proposal are limited to the cost of hiring replacement workers, maintenance of employer-provided health insurance to the employee while on FMLA leave, compliance with the FMLA's notice requirements, and regulatory familiarization.

The need to hire replacement workers represents a possible cost to employers. In some businesses, employers are able to redistribute work among other employees while an employee is absent on FMLA leave, but in other cases the employer may need to hire temporary replacement workers. This process involves costs resulting from recruitment of temporary workers with needed skills, training the temporary workers, and lost or reduced productivity of these workers. The cost to compensate the temporary workers is in most cases offset by the amount of wages not paid to the employee absent on FMLA leave, when the employee's FMLA leave is unpaid, (*i.e.,* the employee is not using accrued sick or vacation leave).

In the initial FMLA rulemaking, the Department drew upon available research to suggest that the cost per employer to adjust for workers who are on FMLA leave is fairly small. 58 FR 31810 (Mar. 10, 1993). Subsequent rulemakings have not produced evidence to the contrary; therefore, for the purpose of this discussion, we will continue to assume that these costs are fairly small. Furthermore, most employers subject to this rule change have been subject to the FMLA for some time and have already developed internal systems for work redistribution and recruitment of temporary workers.

Additionally, because FMLA leave is unpaid, one cost to employers consists of the health insurance benefits maintained by employers during employees' FMLA leave. Based on the Department's recent survey on FMLA leave, *Family and Medical Leave in 2012,* the average length of leave taken in one year by a covered, eligible employee is 27.5 days.[11] Assuming that most employees worked an eight-hour day, the average length of FMLA leave for an employee totals 220 hours in a given year.

Further, based on methodology used in the 2008 Final Rule, which first implemented the FMLA's military leave provisions, the Department estimates that a covered, eligible employee will take 200 hours of FMLA leave for qualifying exigency leave under § 825.126 in a given year. Additionally, using the same methodology, we estimate that a covered, eligible employee will take 640 hours of FMLA leave for military caregiver leave in a given year under § 825.127. 73 FR 68051 (Nov. 17, 2008).

To calculate the costs of providing health insurance, the Department utilizes data from the BLS Employer Costs for Employee Compensation survey. According to BLS' March 2014 report, employers spend an average of $2.45 per hour on insurance.[12]

The Department estimates that, on an annual basis for employees in same-sex marriages, the proposed rule will result in: 5,800 new instances of FMLA leave taken to care for an employee's same-sex spouse, stepchild, or stepparent; 460 new instances for qualifying exigency purposes; and 460 new instances for military caregiver purposes. Accordingly, an estimated total of 6,720 new instances of FMLA leave might be taken as a result of this proposed rule.

Applying the average leave duration to the number of new instances of FMLA leave taken in each category, and then multiplying by the $2.45 hourly cost to employers for health insurance results in the following cost estimates:

- Estimated annual employer benefits cost for FMLA leave taken for

[10] Based on 2010 American Community Survey (ACS) data, the Department estimates that there are 305,000 individuals in a same-sex marriage. Based on ACS estimates, both partners are employed in 45.2 percent of same-sex married households. We assume that one partner is employed in the remaining 54.8 percent of same-sex married households. Thus, 72.6 percent of all partners in same-sex married households are employed. Applying this percentage to the number of individuals in a same-sex marriage, we estimate that 221,400 individuals in same-sex marriages are employed. Based on a 2012 DOL survey, 59.2 percent of employed individuals are covered by and eligible to take FMLA leave. Thus, we estimate that 131,100 individuals are covered by the FMLA and eligible for FMLA leave. Also based on the 2012 DOL survey's findings on leave usage patterns, 16.8% of covered, eligible, married employees actually take FMLA leave per year. Accordingly, we estimate that 22,000 employees are FMLA-covered, FMLA-eligible, and actually take leave each year. Further, based on the 2012 DOL survey finding that 1.5 is the average number of instances of leave per taker, individuals in same-sex marriages take 33,000 instances of leave. It is important to note that this figure of 33,000 instances of leave represents the estimate of all instances of FMLA leave taken by same-sex partners for any FMLA reason, including leave which they were already eligible to take (*i.e.,* leave for themselves, their child, their parent, etc.) in addition to leave that a covered employee in a same-sex marriage may take for the employee's same-sex spouse, stepchild to whom they do not stand in loco parentis, and stepparent.

The 2012 DOL survey found that 17.6 percent of FMLA leave is used to take care of an employee's parent, child, or spouse; 1.4 percent of FMLA leave is for qualifying exigency purposes; and 1.4 percent of FMLA leave is for military caregiver purposes. Applying these percentages to the 33,000 instances of FMLA leave yields the following: 5,800 instances of leave related to care of an employee's parent, child, or spouse; 460 instances for qualifying exigency; and 460 instances for military caregiver purposes, for a total of 6,720 new instances of FMLA leave per year.

[11] 2012 FMLA survey data showed that employees' average length of leave in past twelve months was 27.5 days. Family and Medical Leave in 2012: Technical Report, page 68, available at: *http://www.dol.gov/asp/evaluation/fmla/FMLA-2012-Technical-Report.pdf.*

[12] *http://bls.gov/ro7/ro7ecec.htm.*

employee's same-sex spouse, stepchild, or stepparent: $3,126,200 (5,800 new instances × 220 hours [13] × $2.45)

- Estimated annual employer benefit cost for FMLA leave taken for qualifying exigency leave: $225,400 (460 new instances × 200 hours × $2.45)
- Estimated annual employer benefit cost for FMLA leave taken for military caregiver leave: $721,280 (460 new instances × 640 hours × $2.45).

Assuming that all covered, eligible employees taking FMLA leave receive employer-provided health insurance benefits, the estimated total cost to employers for providing benefits is $4,072,880.

Further, employers will incur costs related to the increase in the number of required notices and responses to certain information collections under this proposal. As explained in the Paperwork Reduction Act section of this preamble, the Department has estimated the aggregate paperwork burden cost associated with compliance with this regulatory change to be $68,671 per year.

Lastly, in response to the proposed rule, each employer will need to review the definitional change and determine what revisions are necessary to their policies, and update their handbooks or other leave-related materials to incorporate any needed changes. This is a one-time cost to each employer, calculated as 30 minutes at the loaded hourly wage of a Human Resources Specialist. The median hourly wage of a Human Resources Specialist is $27.23 plus 40 percent in fringe benefits. *See* BLS Occupational Employment Statistics, Occupational Employment and Wages, May 2013 (*http://www.bls.gov/oes/current/oes131071.htm*). The Department estimates total annual respondent costs for the value of their time to be $7,261,860 ($38.12 × 0.5 hour × 381,000 covered firms and government agencies with 1.2 million establishments subject to the FMLA).

Therefore, the Department estimates the total cost of this proposed regulatory change to be $11,403,411 ($4,072,880 in employer provided health benefits + $68,671 in paperwork burden cost + $7,261,860 in regulatory familiarization costs).

The Department believes this to be an overestimate. The FMLA applies to public agencies and to private sector employers that employ 50 or more employees for each working day during 20 or more calendar weeks in the current or preceding calendar year. 29 U.S.C. 2611(4). In addition, the FMLA excludes employees from eligibility for FMLA leave if the total number of employees employed by that employer within 75 miles of that worksite is less than 50. 29 U.S.C. 2611(2)(B)(ii). Therefore, changes to the FMLA regulations by definition will not impact small businesses with fewer than 50 employees. The Department acknowledges that some small employers that are within the SBA definition of small business (50–500 employees) will still have to comply with the regulation and incur costs.

In its 2012 proposed rule, the Department estimated there were 381,000 covered firms and government agencies with 1.2 million establishments subject to the FMLA. 77 FR 8989 (Feb. 15, 2012). Applying the SBA size definitions for small entities, the Department estimated that 83 percent, or 314,751 firms, are small entities subject to the FMLA. 77 FR 9004. Dividing the total cost of this proposed rule by the DOL estimate for the number of affected small firms results in a cost per small firm of $36.23. This is not deemed a significant cost. In addition, if the Department assumed that the total estimated cost of this proposed rule applies to all small entities, as defined by the SBA, the economic impact would only be $29.93 per small entity [$11,403,411 (total cost) divided by 381,000 (FMLA-covered small entities)]. This amount is not deemed significant.

The Department certifies to the Chief Counsel for Advocacy that the proposed rule will not have a significant economic impact on a substantial number of small entities.

VIII. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments as well as on the private sector. Under Section 202(a) of UMRA, the Department must generally prepare a written statement, including a cost-benefit analysis, for proposed and final regulations that ''includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate or by the private sector'' in excess of $100 million in any one year ($141 million in 2012 dollars, using the Gross Domestic Product deflator).

State, local, and tribal government entities are within the scope of the regulated community for this proposed regulation. The Department has determined that this proposed rule contains a federal mandate that is unlikely to result in expenditures of $141 million or more for state, local, and tribal governments, in the aggregate, or the private sector in any one year.

IX. Executive Order 13132, Federalism

The proposed rule does not have federalism implications as outlined in E.O. 13132 regarding federalism. Although States are covered employers under the FMLA, the proposed rule does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

X. Executive Order 13175, Indian Tribal Governments

This proposed rule was reviewed under the terms of E.O. 13175 and determined not to have ''tribal implications.'' The proposed rule does not have ''substantial direct effects on one or more Indian tribes, on the relationship between the federal government and Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes.'' As a result, no tribal summary impact statement has been prepared.

XI. Effects on Families

The undersigned hereby certifies that this proposed rule will not adversely affect the well-being of families, as discussed under section 654 of the Treasury and General Government Appropriations Act, 1999.

XII. Executive Order 13045, Protection of Children

E.O. 13045 applies to any rule that (1) is determined to be ''economically significant'' as defined in E.O. 12866, and (2) concerns an environmental health or safety risk that the promulgating agency has reason to believe may have a disproportionate effect on children. This proposal is not subject to E.O. 13045 because it is not economically significant as defined in Executive Order 12866 and, although the rule addresses family and medical leave provisions of the FMLA, it does not concern environmental health or safety risks that may disproportionately affect children.

XIII. Environmental Impact Assessment

A review of this proposal in accordance with the requirements of the National Environmental Policy Act of

[13] Note that 220 hours (27.5 days) is likely an overestimate, since some of these hours would be for FMLA leave that the employee was already eligible to take (e.g., leave for employee's parent, spouse, or child).

1969 (NEPA), 42 U.S.C. 4321 *et seq.;* the regulations of the Council on Environmental Quality, 40 CFR part 1500 *et seq.;* and the Departmental NEPA procedures, 29 CFR part 11, indicates that the proposed rule will not have a significant impact on the quality of the human environment. There is, thus, no corresponding environmental assessment or an environmental impact statement.

XIV. Executive Order 13211, Energy Supply

This proposed rule is not subject to E.O. 13211. It will not have a significant adverse effect on the supply, distribution or use of energy.

XV. Executive Order 12630, Constitutionally Protected Property Rights

This proposal is not subject to E.O. 12630, because it does not involve implementation of a policy ''that has takings implications'' or that could impose limitations on private property use.

XVI. Executive Order 12988, Civil Justice Reform Analysis

This proposed rule was drafted and reviewed in accordance with E.O. 12988 and will not unduly burden the federal court system. The proposed rule was: (1) Reviewed to eliminate drafting errors and ambiguities; (2) written to minimize litigation; and (3) written to provide a clear legal standard for affected conduct and to promote burden reduction.

List of Subjects in 29 CFR Part 825

Employee benefit plans, Health, Health insurance, Labor management relations, Maternal and child health, Teachers.

Signed at Washington, DC, this 19th day of June 2014.

David Weil,

Administrator, Wage and Hour Division.

For the reasons set forth in the preamble, the Department proposes to amend Title 29, Part 825 of the Code of Federal Regulations as follows:

PART 825—THE FAMILY AND MEDICAL LEAVE ACT OF 1993

■ 1. The authority citation for part 825 continues to read as follows:

Authority: 29 U.S.C. 2654.

■ 2. In § 825.102 revise the definition of ''spouse'' to read as follows:

§ 825.102 Definitions.

* * * * *

Spouse, as defined in the statute, means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under State law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either (1) was entered into in a State that recognizes such marriages or, (2) if entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

* * * * *

■ 3. Amend § 825.120 by:

■ a. Revising paragraph (a)(1);

■ b. Revising the first and fifth sentences of paragraph (a)(2);

■ c. Revising the first, second, and fifth sentences of paragraph (a)(3);

■ d. Revising the first and fourth sentences of paragraph (a)(4);

■ e. Revising the first sentence of paragraph (a)(5);

■ f. Revising paragraph (a)(6); and

■ g. Revising the sixth sentence of paragraph (b).

The revisions to read as follows:

§ 825.120 Leave for pregnancy or birth.

(a) * * *

(1) Both parents are entitled to FMLA leave for the birth of their child.

(2) Both parents are entitled to FMLA leave to be with the healthy newborn child (*i.e.,* bonding time) during the 12-month period beginning on the date of birth. * * * Under this section, both parents are entitled to FMLA leave even if the newborn does not have a serious health condition.

(3) Spouses who are eligible for FMLA leave and are employed by the same covered employer may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement, or to care for the employee's parent with a serious health condition. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employer. * * * Where spouses both use a portion of the total 12-week FMLA leave entitlement for either the birth of a child, for placement for adoption or foster care, or to care for a parent, the spouses would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes. * * * Note, too, that many State pregnancy disability laws specify a period of disability either before or after the birth of a child; such periods would also be considered FMLA leave for a serious health condition of the birth mother, and would not be subject to the combined limit.

(4) The expectant mother is entitled to FMLA leave for incapacity due to pregnancy, for prenatal care, or for her own serious health condition following the birth of the child. * * * The expectant mother is entitled to leave for incapacity due to pregnancy even though she does not receive treatment from a health care provider during the absence, and even if the absence does not last for more than three consecutive calendar days. * * *

(5) A spouse is entitled to FMLA leave if needed to care for a pregnant spouse who is incapacitated or if needed to care for her during her prenatal care, or if needed to care for her following the birth of a child if she has a serious health condition. * * *

(6) Both parents are entitled to FMLA leave if needed to care for a child with a serious health condition if the requirements of §§ 825.113 through 825.115 and 825.122(d) are met. Thus, spouses may each take 12 weeks of FMLA leave if needed to care for their newborn child with a serious health condition, even if both are employed by the same employer, provided they have not exhausted their entitlements during the applicable 12-month FMLA leave period.

(b) * * * The employer's agreement is not required for intermittent leave required by the serious health condition of the expectant mother or newborn child. * * *

■ 4. Amend § 825.121 by:

■ a. Revising the first, second, and fifth sentences of paragraph (a)(3); and

■ b. Revising the second sentence of paragraph (a)(4).

The revisions to read as follows:

§ 825.121 Leave for adoption or foster care.

* * * * *

(3) Spouses who are eligible for FMLA leave and are employed by the same covered employer may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for the placement of the employee's son or daughter or to care for the child after placement, for the birth of the employee's son or daughter or to care for the child after birth, or to care for the employee's parent with a serious health condition. This limitation

on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employer. * * * Where spouses both use a portion of the total 12-week FMLA leave entitlement for either the birth of a child, for placement for adoption or foster care, or to care for a parent, the spouses would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes. * * *

(4) * * * Thus, spouses may each take 12 weeks of FMLA leave if needed to care for an adopted or foster child with a serious health condition, even if both are employed by the same employer, provided they have not exhausted their entitlements during the applicable 12-month FMLA leave period.

* * * * *

■ 5. Revise § 825.122(b) to read as follows:

§ 825.122 Definitions of covered servicemember, spouse, parent, son or daughter, next of kin of a covered servicemember, adoption, foster care, son or daughter on covered active duty or call to covered active duty status, son or daughter of a covered servicemember, and parent of a covered servicemember.

* * * * *

(b) *Spouse, as defined in the statute,* means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under State law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either (1) was entered into in a State that recognizes such marriages or, (2) if entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

* * * * *

■ 6. Amend § 825.127 by revising the first and second sentences of paragraph (f) to read as follows:

§ 825.127 Leave to care for a covered servicemember with a serious injury or illness (military caregiver leave).

* * * * *

(f) Spouses who are eligible for FMLA leave and are employed by the same covered employer may be limited to a combined total of 26 workweeks of leave during the single 12-month period described in paragraph (e) of this section if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee's parent with a serious health condition, or to care for a covered servicemember with a serious injury or illness. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employer. * * *

■ 7. Amend § 825.201 by revising the first, second, and fifth sentences of paragraph (b) to read as follows:

§ 825.201 Leave to care for a parent.

* * * * *

(b) *Same employer limitation.* Spouses who are eligible for FMLA leave and are employed by the same covered employer may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken to care for the employee's parent with a serious health condition, for the birth of the employee's son or daughter or to care for the child after the birth, or for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement. This limitation on the total weeks of leave applies to leave taken for the reasons specified as long as the spouses are employed by the same employer. * * * Where the spouses both use a portion of the total 12-week FMLA leave entitlement for either the birth of a child, for placement for adoption or foster care, or to care for a parent, the spouses would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes. * * *

■ 8. Amend § 825.202 by revising the third sentence of paragraph (c) to read as follows:

§ 825.202 Intermittent leave or reduced leave schedule.

* * * * *

(c) * * * The employer's agreement is not required, however, for leave during which the expectant mother has a serious health condition in connection with the birth of her child or if the newborn child has a serious health condition. * * *

* * * * *

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Notices

Federal Register

Vol. 79, No. 124

Friday, June 27, 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 23, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by July 28, 2014 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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.

Farm Service Agency

Title: Emergency Conservation Program and Biomass Crop Assistance Program.

OMB Control Number: 0560–0082.

Summary of Collection: The Farm Service Agency (FSA), in cooperation with the Natural Resources Conservation Service, the Forest Service, and other agencies and organizations, provides eligible producers and landowners cost-share incentives and technical assistance through several conservation and environmental programs to help farmers, ranchers, and other eligible landowners and operators conserve soil, improve water quality, develop forests, and rehabilitate farmland severely damaged by natural disasters. The authorities to collect information for this collection are found under the Agricultural Credit Act of 1978 (16 U.S.C. 2201–2205), which provides emergency funds for sharing with agricultural producers the cost of rehabilitating farmland damaged by natural disaster, and for carrying out emergency water conservation measures during periods of severe drought. FSA is also managing the Biomass Crop Assistance Program (BCAP) authorized by Section 9001 of the 2008 Farm Bill (Pub. L. 110–246) which amends Title IX of the Farm Security and Rural Investment of 2002 and adds section 9011 for BCAP. BCAP regulations outlined the legislations parameters, program definitions and process for: (1) Establishing BCAP project areas; (2) Matching payment opportunity for eligible material owners and qualifying biomass conversion facilities; (3) Contracting acreage for producers in BCAP project areas; and (4) Establishment and annual production payments for producers in BCAP projects areas.

Need and Use of the Information: FSA will collect information using several forms. The collected information will be used to determine if the person, land, and practices are eligible for participation in the respective program and to receive cost-share assistance. Information collection from eligible biomass owners, biomass conversion facilities, and producers meeting the requirements for matching payments, annual production payment assistance, establishment payments and BCAP project area designation is necessary in order to ensure the financial accountability needed to operate and administer the BCAP. Without the information, FSA will not be able to make eligibility determinations and compute payments in a timely manner.

Description of Respondents: Farms; business or other for profit.

Number of Respondents: 70,000.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 82,764.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–15046 Filed 6–26–14; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

June 23, 2014.

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

20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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.

Food and Nutrition Service

Title: Child Nutrition Database.

OMB Control Number: 0584–0494.

Summary of Collection: The Child Nutrition (CN) Database is a necessary component in implementation of USDA's Food and Nutrition Service (FNS) National School Lunch Program (NSLP) and School Breakfast (SBP): The regulations (7 CFR 210.10) require state agencies to conduct a nutrient analysis of school lunches and breakfast as part of administrative review to monitor compliance with the specifications for certain nutrients. The CN Database provides the SFAs with the necessary nutrient information for this purpose.

Need and Use of the Information: FNS will collect information on (1) USDA commodities; (2) USDA Nutrient Database for Standard Reference food items which are used in the SBP and NSLP; (3) quantity recipes for school food service developed by USDA; and (4) brand name commercially processed foods. State agencies ability to conduct a weighted nutrient analysis of the reimbursable meals for administrative review is dependent upon availability of CN database. The information gathered for the CN Database is required to be used in software programs approved by USDA for use in meeting the nutrient standards and nutrition goals of the Child Nutrition Programs. Both the State agencies and program operators use the information for auditing and menu planning purposes. If the information is not collected or updated regularly for the CN Database, the nutrient data will become less useful to program operators, causing them to rely on their vendor for required nutritional information.

Description of Respondents: Business or other for-profit.

Number of Respondents: 32.

Frequency of Responses: Report: Other (as needed).

Total Burden Hours: 2,240.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–15050 Filed 6–26–14; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Cherokee Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Cherokee Resource Advisory Committee (RAC) will meet in Alcoa, Tennessee. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 112–141) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. The meeting is open to the public. The purpose of the meeting is to review and recommend projects authorized under Title II of the Act.

DATES: The meeting will be held at 1:00 p.m. on August 12, 2014.

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

ADDRESSES: The meeting will be held at McGehee Tyson Airport—Airfield Maintenance Operations Center, 2950 Airfield Service Drive, Alcoa, Tennessee.

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

FOR FURTHER INFORMATION CONTACT: Terry McDoanld, RAC Coordinator, by phone at 423–476–9729 or via email at *twmcdonald@fs.fed.us*.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *http://fs.usda.gov/cherokee*. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by August 4, 2014 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Terry McDonald, RAC Coordinator, Cherokee NF Supervisor's Office, 2800 Ocoee Street North, Cleveland, Tennessee 37312; by email to *twmcdonald@fs.fed.us,* or via facsimile to 423–476–9754.

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

Dated: June 11, 2014.

D. JaSal Morris,

Forest Supervisor.

[FR Doc. 2014–15109 Filed 6–26–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Rural Business—Cooperative Service

Rural Utilities Service

Notice of Request for Revision of a Currently Approved Information Collection

AGENCY: Rural Housing Service, Business-Cooperative Service, and Rural Utilities Service, USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces Rural Development's intention to request a revision for a currently approved information collection in support of loan programs administered by the Rural Housing Service, Business—Cooperative Service, and Rural Utilities Service.

DATES: Comments on this notice must be received by August 26, 2014 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: John McKnight, Staff Accountant, Office of the Deputy Chief Financial Officer, Internal Control and Initiatives Branch, U.S. Department of Agriculture, STOP 33, 4300 Goodfellow Blvd., Bldg. 104, St. Louis, MO 63120, Telephone: (314) 457–4299.

SUPPLEMENTARY INFORMATION:

Title: Form RD 1951–65, Customer Initiated Payments (CIP) Enrollment Form; Form RD 1951–66, FedWire Worksheet, and Form RD 3550–28, Authorization Agreement for Preauthorized Payments.

OMB Number: 0575–0184.

Expiration Date of Approval: July 31, 2014.

Type of Request: Revision of a currently approved information collection.

Abstract: Rural Development uses electronic methods (Customer Initiated Payments [CIP], FedWire, and Preauthorized Debits [PAD]) for receiving and processing loan payments and collections. These electronic collection methods provide a means for Rural Development borrowers to transmit loan payments from their financial institution (FI) accounts to Rural Development's Treasury Account and receive credit for their payments.

To administer these electronic loan collection methods, Rural Development collects the borrower's FI routing information (routing information includes the FI routing number and the borrower's account number). Rural Development uses Agency approved forms for collecting bank routing information for CIP, FedWire, and PAD.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .33 hours per response. Each Rural Development borrower who elects to participate in electronic loan payments will only prepare one response for the life of their loan unless they change financial institutions or accounts.

Respondents: Business or other for-profit; Not-for-profit institutions; and State, Local, or Tribal Government.

Estimated Number of Respondents: 6,723.

Estimated Number of Responses per Respondent: 1.

Estimated Number of Responses: 6,723.

Estimated Total Annual Burden on Respondents: 3,259 hours.

Copies of this information collection can be obtained from Jeanne Jacobs, Regulations and Paperwork Management Branch, at (202) 692–0040.

Comments are invited on: (1) The need for the information including whether the information has practical utility; (2) the accuracy of the reporting burden estimate; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the information collection on respondents.

Comments should be submitted to Jeanne Jacobs, Regulations and Paperwork Management Branch, Support Services Division, Rural Development, U.S. Department of Agriculture, STOP 0742, 1400 Independence Avenue SW., Washington, DC 20250–0742. All responses to this notice will be summarized, included in the request for Office of Management and Budget (OMB) approval, and will become a matter of public record.

Dated: June 20, 2014.

David Lipsetz,

Acting Administrator, Rural Housing Service.

[FR Doc. 2014–15125 Filed 6–26–14; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Notice

AGENCY: Rural Utilities Service (RUS); United States Department of Agriculture.

ACTION: Notice.

SUMMARY: RUS published a notice in the **Federal Register** on February 18, 1997, at 62 FR 7205 that the Uruguay Round Agreements Act, (108 Stat. 4954, Pub. L. 103–465, December 8, 1994), amended the ''Buy American'' provision, (7 U.S.C. 903 note) of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 et seq.) (the ''RE Act''). Under the amendment, the United States Trade Representative (USTR) is authorized to determine which countries (''eligible countries'') are eligible to have their products receive the same treatment as manufactured and unmanufactured products produced in the United States. This notice revises the list of eligible countries for purchases made by telecommunications borrowers by adding new countries to the list to reflect the March 17, 2014, **Federal Register** Notice (FRN), ''Agreement on Government Procurement: Effective Date of Amendments, and the April 18, 2014 FRN, ''Agreement on Government Procurement: Effective Date of Amendments for Japan'', published by the Office of the United States Trade Representative. Please refer to the **Federal Register** notice published February 18, 1997, at 62 FR 7205, for additional information on RUS Buy American requirements.

FOR FURTHER INFORMATION CONTACT: For Electric Program matters: Jon Claffey, Director, Electric Staff Division, RUS, U.S. Department of Agriculture, STOP 1569, 1400 Independence Ave. SW., Washington, DC 20250–1569. Telephone number (202) 720–1900, fax (202) 720–7491.

For Telecommunications Program matters: Norberto Esteves, Acting Director, Advanced Services Division, RUS, U.S. Department of Agriculture, STOP 1550, 1400 Independence Ave. SW., Washington, DC 20250–1598. Telephone number (202) 720–8663, fax (202) 720–4099.

SUPPLEMENTARY INFORMATION: For Telecommunications Program borrowers, eligible countries are: Canada, Chinese Taipei, European Union, Hong Kong, Iceland, Israel, Japan, Liechtenstein, Mexico, Norway, and Singapore. For Electric Program borrowers, eligible countries are: Armenia, Aruba, Australia, Austria, Bahrain, Belgium, Bulgaria, Canada, Chile, Chinese Taipei, Columbia, Costa Rica, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hong Kong, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Morocco, Netherlands, Nicaragua, Norway, Oman, Panama, Peru, Poland, Portugal, Romania, Singapore, Slovak Republic, Slovenia, South Korea, Spain, Sweden, Switzerland, and United Kingdom.

For Electric and Telecommunications Programs borrowers: Eligibility of contracts with certain countries may be limited by contract amount or other restrictions. Contact RUS for additional information.

The USTR may at any time declare one or more additional countries to be ''eligible countries'' for either Electric or Telecommunications borrowers.

Each RUS borrower is responsible for assuring that its procurement complies with the requirements of the RE Act ''Buy American'' provision.

Dated: May 16, 2014.

John Padalino,

Administrator, Rural Utilities.

[FR Doc. 2014–15138 Filed 6–26–14; 8:45 am]

BILLING CODE P

BROADCASTING BOARD OF GOVERNORS

Notice of Public Availability of the Broadcasting Board of Governors FY–2012 Service Contract Analysis and FY–2013 Service Contract Inventory

AGENCY: The Broadcasting Board of Governors.

ACTION: Notice.

SUMMARY: In accordance with Section 743 of Division C of the Consolidated Appropriations Act of 2010 (*Pub. L. 111–117*), the Broadcasting Board of Governors (BBG) is publishing this notice to instruct the public of the availability of its FY–2012 Service Contract Analysis and FY 2013 Service Contract Inventory. They are available on the BBG Internet site at *http://www.bbg.gov/about-the-agency/research-reports/other/bbg-service-contract-inventory/*. The service contract inventory provides information on service contract actions over $25,000 made in FY–2013. The information is organized by function to show how contracted resources are distributed throughout the Agency. The inventory has been developed in accordance with guidance on service contract inventories issued on November 5, 2010 and on December 19, 2011 by the Office of Management and Budget, Office of Federal Procurement Policy (OFPP).

FOR FURTHER INFORMATION CONTACT: James McGuirk, Chief, IBB Office of Contracts Policy and Procedures Branch via email at *jmcguirk@bbg.gov* or at telephone number (202) 382–7840.

Dated: June 25, 2014.

Chris Luer,

Chief, IBB Office of Administration.

[FR Doc. 2014–15161 Filed 6–26–14; 8:45 am]

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: National Oceanic and Atmospheric Administration (NOAA).

Title: Gathering Observational Data on Historical and Current Biological Trends among Populations of Alewife (Alosa pseudoharengus) and Blueback Herring (A. aestivalis).

OMB Control Number: 0648–xxxx.

Form Number(s): NA.

Type of Request: Regular submission (request for a new information collection).

Number of Respondents: 500.

Average Hours Per Response: Interview scheduling, 10 minutes; interview, 15 minutes.

Burden Hours: 208.

Needs and Uses: This request is for a new information collection.

The purpose of this information collection is to gather historical and current population and biological information from commercial and recreational harvesters of the two species of river herring; alewife (*Alosa pseudoharengus*) and blueback (*A. aestivalis*). Given that commercial and recreational fishermen have a unique and important understanding of the long term status of the species for which they are fishing, NOAA intends to contact both current and retired recreational and commercial harvesters of river herring from Maine to North Carolina, to inquire about recent and long-term observations of changes in run-timing, abundance, distribution, individual size and species composition. Results will be used to assist NOAA in identifying observational trends among river herring populations throughout their range so as to make more informed decisions with respect to their management.

Affected Public: Business or other for-profit organizations; individuals or households.

Frequency: One time.

Respondent's Obligation: Voluntary.

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

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

Dated: June 23, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–15038 Filed 6–26–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Office of the Secretary

[Docket No. 140605479–4479–01]

Privacy Act of 1974: System of Records

AGENCY: Department of Commerce.

ACTION: Notice of Proposed Amendment to Privacy Act System of Records: ''COMMERCE/DEPT–1, Attendance, Leave, and Payroll Records of Employees and Certain Other Persons''.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, 5 U.S.C. 552a(e)(4) and (11), the Department of Commerce proposes to amend the system of records entitled ''COMMERCE/DEPT–1, Attendance, Leave, and Payroll Records of Employees and Certain Other Persons,'' to include data fields collected by the Defense Manpower Data Center and previously omitted in this System of Records Notice; to include a new routine use, for the issuance of Common Access Cards (CAC) identification cards to eligible National Oceanic and Atmospheric (NOAA) Commissioned Corps, NOAA civilian employees and NOAA contractors, to support compliance with HSPD–12, PIV–II requirements under Federal Information Processing Standard 201 (FIPS 201); to update notification procedures; and other administrative updates. We invite public comment on the amended system announced in this publication.

DATES: To be considered, written comments must be submitted on or before July 28, 2014. Unless comments are received, the new system of records will become effective as proposed on the date of publication of a subsequent notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Dana Shields, National Oceanic and Atmospheric Administration, 301–713–0850, extension 193.

ADDRESSES: Comments may be mailed to Dana Shields, National Oceanic and Atmospheric Administration, Room 5309, 1305 East-West Hwy., Silver Spring, MD 20910.

SUPPLEMENTARY INFORMATION: The purpose of this amendment is to add citizenship country code and U.S. citizenship status code. This amendment will complete all data fields collected by the Defense Manpower Data Center and previously omitted in this System of Records Notice; to include a new routine use for the issuance of Common Access Cards (CAC) identification cards to eligible National Oceanic and Atmospheric (NOAA) Commissioned Corps, NOAA civilian employees and NOAA contractors, to support compliance with HSPD–12, PIV–II requirements under Federal Information Processing Standard 201 (FIPS 201); to update notification procedures; and other administrative updates.

COMMERCE/DEPT–1

SYSTEM NAME:

COMMERCE/DEPT–1, Attendance, Leave, and Payroll Records of Employees and Certain Other Persons.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

a. For employees of Office of the Secretary, Bureau of Economic Analysis, Bureau of Industry and Security, Bureau of the Census, Economic Development Administration, Economics and Statistics Administration, International Trade Administration, Minority Business Development Agency, National Institute of Standards and Technology, National Oceanic and Atmospheric Administration, National Telecommunications and Information Administration, National Technical Information Service, Office of the Inspector General, Patent and Trademark Office: National Finance Center, U.S. Department of Agriculture, P.O. Box 60000, New Orleans, Louisiana 70160–0001.

b. For Census Field Representative employees: Field Administrative Payroll System, Bureau of the Census, 4600 Silver Hill Road, Suitland, Maryland 20746.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Commerce Department employees and certain other persons as categorized by organizational component above.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, date of birth, social security number and employee number, citizenship country code, U.S. citizenship status code, service computation date, grade, step, and salary; organization (code), retirement or FICA data as applicable; Federal, State, and local tax deductions, as appropriate; IRS tax lien data; savings bond and charity deductions; regular and optional Government life insurance deduction(s), health insurance deduction and plan of code; cash award data; jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number, type of account; leave status and leave data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability, sick, transferred, absence without leave, and without pay); time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked; pay period number and ending date of living allowances; mailing address, co-owner and/or beneficiary of bonds, marital status and number of dependents; and Notification of Personnel Action. The individual records listed herein are included only as pertinent or applicable to the individual employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Title 31 U.S.C. 66a, 492, Title 44 U.S.D. 3101, 3309.

PURPOSE(S):

The purpose of this system is to allow for access to attendance, leave and payroll records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Transmittal of data of U.S. Department of Agriculture, and Treasury, and employee designated financial institutions to effect issuance of paycheck to employees and distributions of pay according to employee directions for savings bonds, allotments, alimony, child support, and other authorized purposes.

2. Reporting: Tax withholding to Internal Revenue Service and appropriate State and local taxing authorities; FICA deductions to the Social Security Administration; dues deductions to labor unions; withholding for health and life insurance to the insurance carriers and the U.S. Office of Personnel Management; charity contribution deductions to the agents of charitable institutions; annual W–2 statements to taxing authorities and the individuals; wage, employment, and separation information to state unemployment compensation agencies, to the U.S. Department of Labor to determine eligibility for unemployment compensation, and to housing authorities for low-cost housing applications; and NOAA Corps data to U.S. Office of Personnel Management for preparation of statistical materials. Disclosure of information from this system of records may also be made to commercial contractors (debt collection agencies) for the purpose of collecting delinquent debts as authorized by the Debt Collection Act (31 U.S.C. 3718).

3. The names, social security numbers, home addresses, dates of birth, dates of hire, quarterly earnings, employer information, and State of hire of employees may be disclosed to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services, for the purpose of locating individuals to establish paternity, establishing and modifying orders of child support, identifying sources of income, and for other child support enforcement actions as required by the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA; Pub.–193).

4. Disclosure to consumer reporting agencies: Disclosures to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f), and the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

5. A record in this system of records may be disclosed, as a routine use, to appropriate agencies, entities, and persons when (1) it is suspected or determined that the security or confidentiality of information in the system of records has been compromised; (2) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and to prevent, minimize, or remedy such harm.

6. In the event that a system of records maintained by the Department to carry out its functions indicates a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or contract, or rule, regulation, or order issued pursuant thereto, or the necessity to protect an interest of the Department, the relevant records in the system of records may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or contract, or rule, regulation or order issued pursuant thereto, or protecting the interest of the Department.

7. A record from this system of records may be disclosed to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a Department decision concerning the assignment, hiring or retention of an individual, the issuance of a security clearance, the letting of a contract, or

the issuance of a license, grant or other benefit.

8. A record from this system of records may be disclosed to a Federal, state, local or international agency, in response to its request, in connection with the assignment, hiring or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. A record from this system of records may be disclosed in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

10. A record in this system of records may be disclosed to a Member of Congress submitting a request involving an individual when the individual has requested assistance from the Member with respect to the subject matter of the record.

11. A record from this system of records may be disclosed to the Department of Justice in connection with determining whether disclosure thereof is required by the Freedom of Information Act 5 U.S.C. 552.

12. A record from this system of records may be disclosed to a contractor of the Department having need for the information in the performance of the contract, but not operating a system of records within the meaning of 5 U.S.C. 552a(m).

13. A record from this system of records may be disclosed to the National Archives and Records Administration or to the Administrator, General Services, or his designee during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e. GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

14. A record from this system of records may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

15. A record from this system of records may be transferred to the Office of Personnel Management: For personnel research purposes; as a data source for management information; for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained; or for related manpower studies.

16. A record from this system of records may be disclosed to the Defense Manpower Data Center in connection with the issuance of Common Access Cards (CAC) identification cards to eligible National Oceanic and Atmospheric (NOAA) Commissioned Corps, NOAA civilian employees and NOAA contractors.

POLICIES AND PRACTICED FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are contained in file folders stored in file cabinets; electronic records are contained in computers, electronic databases, and servers.

RETRIEVABILITY:

By name and/or employee or social security number.

SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable security rules and policies. Paper records are kept in locked cabinets in secure facilities and access to them is restricted to individuals whose official duties require access. Access to computers, electronic databases, and servers containing the records in this system is limited to personnel who have the need to know the information for the performance of their official duties. The computer servers in which records are stored are located in facilities with access codes, security codes, and security guards. Access to networks and data requires a valid username and password.

RETENTION AND DISPOSAL:

Retained on site until after GAO audit, then disposed of, or transferred either to Federal Records Storage Centers in accordance with the fiscal records program approved by GAO, as appropriate or general Record Schedules of GSA.

SYSTEM MANAGER(S) AND ADDRESS:

National Finance Center, U.S. Department of Agriculture, P.O. Box 70160, New Orleans, Louisiana 70160.

Field Administrative Payroll System, Demographic and Decennial Census Staff, Bureau of the Census, 4600 Silver Hill Road, Suitland, MD 20746.

NOTIFICATION PROCEDURES:

For Economics and Statistics Administration and Bureau of the Census records of employees employed in the Washington, DC, metropolitan area, a Census Regional Office, the Census Hagerstown Telephone Center and the Census Tucson Telephone Center, information may be obtained from: Bureau of the Census, Human Resources Division, 4600 Silver Hill Road, Room 2J423, Washington, DC 20233, (301) 763–4748.

For records of Census employees employed by the Jeffersonville Census Data Preparation Division, information may be obtained from: Bureau of the Census, National Processing Center, Human Resource Branch, Room 126, Bldg. 66, Jeffersonville, Indiana 47132, (812) 218–3161.

For Patent and Trademark Office records, information may be obtained from: Office of Human Resources, U.S. Patent and Trademark Office, 550 Elizabeth Lane, 1A72, Alexandria, VA 22314, (571) 272–6000.

For records of International Trade Administration employees employed in the Washington, DC, metropolitan area, information may be obtained from: Office of Human Resource Management, Human Resource Operations Center, Office of the Secretary, Room 7412, 1401 Constitution Avenue NW., Washington, DC 20230, (202) 482–3301.

For records of International Trade Administration, U.S. Foreign Commercial Service employees, information may be obtained from: Office of Foreign Service Resources, Room 3227, 1401 Constitution Avenue NW., Washington, DC 20230, (202) 482–4938.

For records of National Institute of Standards and Technology employees other than those employed in Colorado and Hawaii and for Personnel Officer, Office of Human Resource Management, 100 Bureau Drive, Mail Stop 1720, Gaithersburg, Maryland 20899, (301) 975–3000.

For National Technical Information Service records, information may be obtained from: National Institute of Standards and Technology, Office of Human Resource Management, 100 Bureau Drive, Mail Stop 1720, Gaithersburg, MD 20899, (301) 975–3000.

For Office of Inspector General records, information may be obtained from: Human Resource Management Office, Room 7089, 1401 Constitution Avenue NW., Washington, DC 20230, (202) 482–4948.

For records of National Oceanic and Atmospheric Administration employees in the Washington, DC, metropolitan

area, information may be obtained from: Office of Work Force Management, National Oceanic and Atmospheric Administration, 1305 East-West Highway, SSMC#4, Room 12434, Silver Spring, Maryland 20910, (301) 713–6302.

For records of Office of the Secretary, Bureau of Economic Analysis, Bureau of Industry and Security, Economic Development Agency, Minority Business Development Agency, National Telecommunications and Information Administration employees in the Washington, DC, metropolitan area, information may be obtained from: Office of Human Resource Management, Human Resource Operations Center, Office of the Secretary, Room 7412, 1401 Constitution Avenue NW., Washington, DC 20230, (202) 482–3301.

For records of regional employees of the National Oceanic and Atmospheric Administration, National Institute of Standards and Technology, Bureau of Industry and Security, Economic Development Administration, Minority Business Development Agency, International Trade Administration, and National Telecommunications and Information Administration, information may be obtained from the Human Resources Manager servicing the region or state in which they are employed as follows:

a. Central Region. For National Oceanic and Atmospheric Administration employees in the States of Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin; for National Marine Fisheries Service employees in the States of North Carolina, South Carolina and Texas; and for National Weather Service employees in the States of Colorado, Kansas, Nebraska, North Dakota, South Dakota, and Wyoming; for employees in the Bureau of Industry and Security, Economic Development Administration, Minority Business Development Agency, and International Trade Administration in the States of Arkansas, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, and Wisconsin: Human Resources Manager, Central Administrative Support Center (CASC), Federal Building, Room 1736, 601 East 12th Street, Kansas City, Missouri 64106, (816) 426–2056.

b. Eastern Region. For National Oceanic and Atmospheric Administration employees in the States of Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Puerto Rico, and the Virgin Islands; for employees in the Bureau of Industry and Security, Economic Development Administration, Minority Business Development Agency, and International Trade Administration in the States of Alabama, Delaware, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Puerto Rico, and the Virgin Islands: Human Resources Manager, Eastern Administrative Support Center (EASC), National Oceanic and Atmospheric Administration EC, 200 World Trade Center, Norfolk, Virginia 23510, (757) 441–6517.

c. Mountain Region. For National Oceanic and Atmospheric Administration employees in the States of Alaska, Colorado, Florida, Hawaii, Idaho and Oklahoma, at the South Pole and in American Samoa; and for the National Weather Service employees in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, Texas and in Puerto Rico; for employees in Bureau of Industry and Security, Economic Development Administration, Minority Business Development Agency, National Institute of Standard and Technology, and National Telecommunications and Information Administration in the States of Arkansas, Colorado, Hawaii, Iowa, Louisiana, Missouri, Montana, South Dakota, Texas, Utah and Wisconsin: Human Resources Office, Mountain Administrative Support Center (MASC), MC22A, 325 Broadway, Boulder, Colorado 80303–3328, (303) 497–3578.

d. Western Region. For National Oceanic and Atmospheric Administration employees in the States of Arizona, California, Montana, Nevada, Oregon, Utah, Washington, and the Trust Territories; for employees in Bureau of Industry and Security, Economic Development Administration, Minority Business Development Agency, and International Trade Administration in the States of Arizona, California, Nevada, Oregon, Utah, Washington, and the Trust Territories: Human Resources Manager, Western Administrative Support Center (WASC), National Oceanic and Atmospheric Administration WC2, 7600 Sand Point Way NE., Bin C15700, Seattle, Washington 98115–0070, (206) 6057.

For all other records, information may be obtained from: Office of Human Resources Management, Human Resources Operations Center, U.S. Department of Commerce, Office of the Secretary, Room 7412 HCHB, 1401 Constitution Avenue NW., Washington, DC, 20230, (202) 482–3301.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Same address of the desired location as stated in the Notification section above.

CONTESTING RECORDS PROCEDURES:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individuals concerned appear in 15 CFR part 4b. Use above address for desired location.

RECORD SOURCE CATEGORIES:

Subject individuals; those authorized by the individual to furnish information, supervisors, timekeepers, official personnel records, and Internal Revenue Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: June 23, 2014.

Brenda Dolan,

Department of Commerce, Freedom of Information and Privacy Act Officer.

[FR Doc. 2014–15110 Filed 6–26–14; 8:45 am]

BILLING CODE 3510–12–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

SUMMARY: The Department of Commerce (''the Department'') has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with May anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews.

DATES: *Effective Date:* June 27, 2014.

FOR FURTHER INFORMATION CONTACT: Brenda E. Waters, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various antidumping and countervailing duty orders and findings with May anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting time.

Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (''POR''), it must notify the Department within 60 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at *http://iaaccess.trade.gov* in accordance with 19 CFR 351.303.[1] Such submissions are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (''Act''). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on the Department's service list.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews, the Department intends to select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports during the POR. We intend to release the CBP data under Administrative Protective Order (''APO'') to all parties having an APO within seven days of publication of this initiation notice and to make our decision regarding respondent selection within 21 days of publication of this **Federal Register** notice. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the applicable review. Rebuttal comments will be due five days after submission of initial comments.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department has found that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (''Q&V'') Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where the Department considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance has prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

Separate Rates

In proceedings involving non-market economy (''NME'') countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each entity exporting the subject merchandise under a test arising from the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China,* 56 FR 20588 (May 6, 1991), as amplified by *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China,* 59 FR 22585 (May 2, 1994). In accordance with the separate rates criteria, the Department assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate rate eligibility, the Department requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to the Department no later than 60 calendar days after publication of this **Federal Register** notice. The deadline and requirement

[1] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding [2] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[3] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Status Application will be available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Status Application, refer to the instructions contained in the application. Separate Rate Status Applications are due to the Department no later than 60 calendar days of publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Status Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

For exporters and producers who submit a separate-rate status application or certification and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than May 31, 2015.

	Period to be reviewed
Antidumping Duty Proceedings	
Belgium: Stainless Steel Plate in Coils, A–423–808	5/1/13–4/30/14
Aperam Stainless Belgium N.V. ("ASB")	
Canada: Citric Acid and Certain Citrate Salts, A–122–853	5/1/13–4/30/14
Jungbunzlauer Canada Inc.	
India: Silcomanganese, A–533–823	5/1/13–4/30/14
Nava Bharat Ventures Limited	
Republic of Korea: Polyester Staple Fiber, A–580–839	5/1/13–4/30/14
Huvis Corporation	
Woongjin Chemical Company, Ltd.	
Taiwan: Certain Stilbenic Optical Brightening Agents, A–583–848	5/1/13–4/30/14
The Fong Min International Co., Ltd.	
Taiwan: Polyester Staple Fiber, A–583–833	5/1/13–4/30/14
Far Eastern New Century Corporation	
Nan Ya Plastics Corporation	
The People's Republic of China: Aluminum Extrusions, A–570–967	5/1/13–4/30/14
Acro Import and Export Co.	
Activa International Inc.	
Allied Maker Limited	
Alnan Aluminium Co., Ltd.	
Aluminicaste Fundicion de Mexico	
Changshu Changshen Aluminum Products Co., Ltd.	
Changzhou Changzheng Evaporator Co., Ltd.	
Changzhou Tenglong Auto Parts Co., Ltd.	
China Zhongwang Holdings, Ltd.	
Chiping One Stop Industrial & Trade Co., Ltd.	
Classic & Contemporary Inc.	
Clear Sky Inc.	
Cosco (J.M.) Aluminum Co., Ltd.	
Dongguan Aoda Aluminum Co., Ltd.	
Dongguan Golden Tiger	
Dongguan Golden Tiger Hardware Industrial Co., Ltd.	

[2] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

[3] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

	Period to be reviewed
Dragonluxe Limited	
Dynabright International Group (HK) Limited	
Dynamic Technologies China	
First Union Property Limited	
Foreign Trade Co. of Suzhou New & Hi-Tech Industrial Development Zone	
Foshan City Nanhai Hongjia Aluminum Alloy Co., Ltd.	
Foshan Guancheng Aluminum Co., Ltd.	
Foshan Jinlan Aluminum Co. Ltd.	
Foshan JMA Aluminum Company Limited	
Foshan Shanshui Fenglu Aluminum Co., Ltd.	
Foshan Shunde Aoneng Electrical Appliances Co., Ltd.	
Foshan Yong Li Jian Alu. Ltd.	
Fujian Sanchuan Aluminum Co., Ltd.	
Global PMX Dongguan Co., Ltd.	
Global Point Technology (Far East) Limited	
Gold Mountain International Development, Ltd.	
Golden Dragon Precise Copper Tube Group, Inc.	
Gran Cabrio Capital Pte. Ltd.	
Gree Electric Appliances	
GT88 Capital Pte. Ltd.	
Guang Ya Aluminum Industries (HK) Ltd.	
Guang Ya Aluminum Industries Co., Ltd	
Guangdong Hao Mei Aluminum Co., Ltd.	
Guangdong Jianmei Aluminum Profile Company Limited	
Guangdong JMA Aluminum Profile Factory (Group) Co., Ltd.	
Guangdong Nanhai Foodstuffs Imp. & Exp. Co., Ltd.	
Guangdong Weiye Aluminum Factory Co., Ltd.	
Guangdong Whirlpool Electrical Appliances Co., Ltd.	
Guangdong Xingfa Aluminum Co., Ltd.	
Guangdong Xin Wei Aluminum Products Co., Ltd.	
Guangdong Yonglijian Aluminum Co., Ltd	
Guangdong Zhongya Aluminum Company Limited	
Guangzhou Jangho Curtain Wall System Engineering Co., Ltd.	
Guangzhou Mingcan Die-Casting Hardware Products Co., Ltd.	
Hangzhou Xingyi Metal Products Co., Ltd.	
Hanwood Enterprises Limited	
Hanyung Alcobis Co., Ltd.	
Hao Mei Aluminum Co., Ltd.	
Hao Mei Aluminum International Co., Ltd.	
Henan New Kelong Electrical Appliances Co., Ltd.	
Hong Kong Gree Electric Appliances Sales Limited	
Honsense Development Company	
Hui Mei Gao Aluminum Foshan Co., Ltd.	
Idex Dinglee Technology (Tianjin Co., Ltd.)	
Idex Health	
Innovative Aluminum (Hong Kong) Limited	
iSource Asia	
Jangho Curtain Wall Hong Kong Ltd.	
Jiangmen Qunxing Hardware Diecasting Co., Ltd.	
Jiangsu Changfa Refrigeration Co., Ltd.	
Jiangsu Susan Group (HK) Co., Ltd.	
Jiangyin Trust International Inc	
Jiangyin Xinhong Doors and Windows Co., Ltd.	
Jiaxing Jackson Travel Products Co., Ltd.	
Jiaxing Taixin Metal Products Co., Ltd.	
Jiuyan Co., Ltd.	
JMA (HK) Company Limited	
Justhere Co., Ltd.	
Kam Kiu Aluminum Products Sdn Bhd	
Kanal Precision Aluminum Product Co., Ltd.	
Karlton Aluminum Company Ltd.	
Kong Ah International Company Limited	
Kromet International Inc.	
Kunshan Giant Light Metal Technology Co., Ltd.	
Liaoning Zhongwang Group Co., Ltd.	
Liaoyang Zhongwang Aluminum Profiled Co. Ltd.	
Longkou Donghai Trade Co., Ltd.	
Metaltek Group Co., Ltd.	
Metaltek Metal Industry Co., Ltd.	
Midea Air Conditioning Equipment Co., Ltd.	
Midea International Trading Co., Ltd./Midea International Trading Co., Ltd.	
Miland Luck Limited	

	Period to be reviewed
Nanhai Textiles Import & Export Co., Ltd.	
New Asia Aluminum & Stainless Steel Product Co., Ltd.	
Nidec Sankyo Singapore Pte. Ltd.	
Nidec Sankyo (Zhejiang) Corporation	
Ningbo Coaster International Co., Ltd.	
Ningbo Hi Tech Reliable Manufacturing Company	
Ningbo Minmetals & Machinery Imp. & Exp. Corp.	
Ningbo Lakeside Machinery Factory	
Ningbo Yili Import and Export Co., Ltd.	
North China Aluminum Co., Ltd.	
Northern States Metals	
PanAsia Aluminum (China) Limited	
Pengcheng Aluminum Enterprise Inc.	
Permasteelisa South China Factory	
Permasteelisa Hong Kong Ltd.	
Pingguo Aluminum Company Limited	
Pingguo Asia Aluminum Co., Ltd.	
Popular Plastics Company Limited	
Press Metal International Ltd	
Samuel, Son & Co., Ltd.	
Sanchuan Aluminum Co., Ltd.	
Shangdong Huasheng Pesticide Machinery Co.	
Shangdong Nanshan Aluminum Co., Ltd.	
Shanghai Automobile Air Conditioner Accessories Ltd.	
Shanghai Canghai Aluminum Tube Packaging Co., Ltd	
Shanghai Dongsheng Metal	
Shanghai Shen Hang Imp & Exp Co., Ltd.	
Shanghai Tongtai Precise Aluminum Alloy Manufacturing Co., Ltd.	
Shenyang Yuanda Aluminum Industry Engineering Co., Ltd.	
Shenzhen Hudson Technology Development Co., Ltd.	
Shenzhen Jiuyuan Co., Ltd.	
Sihui Shi Guo Yao Aluminum Co., Ltd.	
Sincere Profit Limited	
Skyline Exhibit Systems (Shanghai) Co., Ltd.	
Suzhou JRP Import & Export Co., Ltd.	
Suzhou New Hongji Precesion Part Co	
Tai-Ao Aluminum (Taishan) Co. Ltd.	
Taishan City Kam Kiu Aluminum Extrusion Co., Ltd.	
Taizhou Lifeng Manufacturing Corporation	
tenKsolar (Shanghai) Co., Ltd.	
tenKsolar, Inc.	
Taogoasei America Inc./Toagoasei America Inc.	
Tianjin Ganglv Nonferrous Metal Materials Co., Ltd.	
Tianjin Jinmao Import & Export Corp., Ltd.	
Tianjin Ruxin Electric Heat Transmission Technology Co., Ltd.	
Tianjin Xiandai Plastic & Aluminum Products Co., Ltd.	
Tiazhou Lifeng Manufacturing Corporation/Taizhou Lifeng Manufacturing Corporation, Ltd.	
Top-Wok Metal Co., Ltd.	
Traffic Brick Network, LLC	
Union Industry (Asia) Co., Ltd.	
USA Worldwide Door Components (Pinghu) Co., Ltd.	
Wenzhou Shengbo Decoration & Hardware	
Whirlpool (Guangdong)	
WTI Building Products, Ltd.	
Xin Wei Aluminum Company Limited	
Xinya Aluminum & Stainless Steel Product Co., Ltd.	
Zahoqing China Square Industry Limited/Zhaoqing China Square Industry Limited	
Zhaoqing Asia Aluminum Factory Company Ltd.	
Zhaoqing China Square Industrial Ltd.	
Zhaoqing New Zhongya Aluminum Co., Ltd.	
Zhejiang Anji Xinxiang Aluminum Co., Ltd.	
Zhejiang Yongkang Listar Aluminum Industry Co., Ltd.	
Zhejiang Zhengte Group Co., Ltd.	
Zhenjiang Xinlong Group Co., Ltd.	
Zhongshan Gold Mountain Aluminum Factory Ltd.	
Zhongya Shaped Aluminum (HK) Holding Limited	
Zhuhai Runxingtai Electrical Equipment Co., Ltd.	
The People's Republic of China: Citric Acid and Certain Citrate Salts, A–570–937	5/1/13–4/30/14
Laiwu Taihe Biochemistry Co., Ltd.	
RZBC Co., Ltd., RZBC Imp. & Exp. Co., Ltd., RZBC (Juxian) Co., Ltd.	
Yixing Union Biochemical Co., Ltd.	
The People's Republic of China: Pure Magnesium, A–570–832	5/1/13–4/30/14

	Period to be reviewed
Tianjin Magnesium International Co., Ltd. (''TMI'')	
Tianjin Magnesium Metal Co., Ltd. (''TMM'')	
Turkey: Circular Welded Carbon Steel Pipes and Tubes, A–489–501	5/1/13–4/30/14
Borusan Group	
Borusan Istikbal Ticaret T.A.S.	
Borusan Mannesmann Boru Sanayi ve Ticaret A.S.	
ERBOSAN Erciyas Boru Sanayi ve Ticaret A.S.	
Tosyali Dis Ticaret A.S.	
Toscelik Profil ve Sac Endustrisi A.S.	
Turkey: Light-Walled Rectangular Pipe and Tube, A–489–815	5/1/13–4/30/14
CINAR Boru Profil Sanayi ve Ticaret A.S.	
United Arab Emirates: Certain Steel Nails, A–520–804	5/1/13–4/30/14
Dubai Wire FZE	
Precision Fasteners LLC	
Countervailing Duty Proceedings	
The People's Republic of China: Aluminum Extrusions, C–570–968	1/1/13–12/31/13
Acro Import and Export Co.	
Activa International Inc.	
Allied Maker Limited	
Alnan Aluminium Co., Ltd.	
Aluminicaste Fundicion de Mexico	
Bracalente Metal Products (Suzhou) Co. Ltd.	
Changshu Changshen Aluminum Products Co., Ltd.	
Changzhou Changzheng Evaporator Co., Ltd.	
Changzhou Tenglong Auto Parts Co., Ltd.	
China Zhongwang Holdings, Ltd.	
Chiping One Stop Industrial & Trade Co., Ltd.	
Classic & Contemporary Inc.	
Clear Sky Inc.	
Cosco (J.M.) Aluminum Co., Ltd.	
Danfoss Micro Channel Heat Exchanger (Jia Xing) Co. Ltd.	
Dongguan Aoda Aluminum Co., Ltd.	
Dongguan Golden Tiger Hardware Industrial Co., Ltd.	
Dragonluxe Limited	
Dynabright International Group (HK) Limited	
Dynamic Technologies China	
Ever Extend Ent. Ltd.	
Fenghua Metal Product Factory	
First Union Property Limited	
Foreign Trade Co. of Suzhou New & Hi-Tech Industrial Development Zone	
Foshan City Nanhai Hongjia Aluminum Alloy Co., Ltd.	
Foshan Guancheng Aluminum Co., Ltd.	
Foshan Jinlan Aluminum Co. Ltd.	
Foshan JMA Aluminum Company Limited	
Foshan Shanshui Fenglu Aluminum Co., Ltd.	
Foshan Shunde Aoneng Electrical Appliances Co., Ltd.	
Foshan Yong Li Jian Alu. Ltd.	
Fujian Sanchuan Aluminum Co., Ltd.	
Global PMX Dongguan Co., Ltd.	
Global Point Technology (Far East) Limited	
Gold Mountain International Development, Ltd.	
Golden Dragon Precise Copper Tube Group, Inc.	
Gran Cabrio Capital Pte. Ltd.	
Gree Electric Appliances	
GT88 Capital Pte. Ltd.	
Guang Ya Aluminum Industries (HK) Ltd.	
Guang Ya Aluminum Industries Co., Ltd	
Guangdong Hao Mei Aluminum Co., Ltd.	
Guangdong Jianmei Aluminum Profile Company Limited	
Guangdone JMA Aluminum Profile Factory (Group) Co., Ltd.	
Guangdong Nanhai Foodstuffs Imp. & Exp. Co., Ltd.	
Guangdong Weiye Aluminum Factory Co., Ltd.	
Guangdong Whirlpool Electrical Appliances Co., Ltd.	
Guangdong Xingfa Aluminum Co., Ltd.	
Guangdong Xin Wei Aluminum Products Co., Ltd.	
Guangdong Yonglijian Aluminum Co., Ltd	
Guangdong Zhongya Aluminum Company Limited	
Guangzhou Jangho Curtain Wall System Engineering Co., Ltd.	
Guangzhou Mingcan Die-Casting Hardware Products Co., Ltd.	

	Period to be reviewed
Hangzhou Xingyi Metal Products Co., Ltd.	
Hanwood Enterprises Limited	
Hanyung Alcobis Co., Ltd.	
Hanyung Metal (Suzhou) Co., Ltd.	
Hao Mei Aluminum Co., Ltd.	
Hao Mei Aluminum International Co., Ltd.	
Henan New Kelong Electrical Appliances Co., Ltd.	
Hong Kong Gree Electric Appliances Sales Limited	
Honsense Development Company	
Hui Mei Gao Aluminum Foshan Co., Ltd.	
Idex Dinglee Technology (Tianjin Co., Ltd.)	
Idex Health	
IDEX Technology Suzhou Co., Ltd.	
Innovative Aluminum (Hong Kong) Limited	
iSource Asia	
Jangho Curtain Wall Hong Kong Ltd.	
Jiangmen Qunxing Hardware Diecasting Co., Ltd.	
Jiangsu Changfa Refrigeration Co., Ltd.	
Jiangsu Susan Group (HK) Co., Ltd.	
Jiangyin Trust International Inc	
Jiangyin Xinhong Doors and Windows Co., Ltd.	
Jiaxing Jackson Travel Products Co., Ltd.	
Jiaxing Taixin Metal Products Co., Ltd.	
Jiuyan Co., Ltd.	
JMA (HK) Company Limited	
Justhere Co., Ltd.	
Kam Kiu Aluminum Products Sdn Bhd	
Kanal Precision Aluminum Product Co., Ltd.	
Karlton Aluminum Company Ltd.	
Kong Ah International Company Limited	
Kromet International Inc.	
Kunshan Giant Light Metal Technology Co., Ltd.	
Liaoning Zhongwang Group Co., Ltd.	
Liaoyang Zhongwang Aluminum Profiled Co. Ltd.	
Longkou Donghai Trade Co., Ltd.	
Massoud & Bros. Co., Ltd.	
Metaltek Group Co., Ltd.	
Metaltek Metal Industry Co., Ltd.	
Midea Air Conditioning Equipment Co., Ltd.	
Midea International Trading Co., Ltd./Midea International Trading Co., Ltd.	
Miland Luck Limited	
Nanhai Textiles Import & Export Co., Ltd.	
New Asia Aluminum & Stainless Steel Product Co., Ltd.	
Nidec Sankyo Singapore Pte. Ltd.	
Nidec Sankyo (Zhejiang) Corporation	
Ningbo Coaster International Co., Ltd.	
Ningbo Hi Tech Reliable Manufacturing Company	
Ningbo Lakeside Machiery Factory	
Ningbo Minmetals & Machinery Imp. & Exp. Corp.	
Ningbo Yili Import and Export Co., Ltd.	
North China Aluminum Co., Ltd.	
North Fenghua Aluminum Limited	
Northern States Metals	
PanAsia Aluminum (China) Limited	
Pengcheng Aluminum Enterprise Inc.	
Permasteelisa Hong Kong Ltd.	
Permasteelisa South China Factory	
Pingguo Aluminum Company Limited	
Pingguo Asia Aluminum Co., Ltd.	
Popular Plastics Company Limited	
Press Metal International Ltd	
Samuel, Son & Co., Ltd.	
Sanchuan Aluminum Co., Ltd.	
Sapa Profiles (Shanghai) Co., Ltd.	
Shangdong Huasheng Pesticide Machinery Co.	
Shangdong Nanshan Aluminum Co., Ltd.	
Shanghai Automobile Air Conditioner Accessories Ltd.	
Shanghai Canghai Aluminum Tube Packaging Co., Ltd	
Shanghai Dongsheng Metal	
Shanghai Shen Hang Imp & Exp Co., Ltd.	
Shanghai Tongtai Precise Aluminum Alloy Manufacturing Co., Ltd.	

	Period to be reviewed
Shenyang Yuanda Aluminum Industry Engineering Co., Ltd.	
Shenzhen Hudson Technology Development Co., Ltd.	
Shenzhen Jiuyuan Co., Ltd.	
Sihui Shi Guo Yao Aluminum Co., Ltd.	
Sincere Profit Limited	
Skyline Exhibit Systems (Shanghai) Co., Ltd.	
Suzhou JRP Import & Export Co., Ltd.	
Suzhou New Hongji Precesion Part Co	
Tai-Ao Aluminum (Taishan) Co. Ltd.	
Taishan City Kam Kiu Aluminum Extrusion Co., Ltd.	
Taizhou Lifeng Manufacturing Corporation	
Taizhou United Imp. & Exp. Co Ltd.	
tenKsolar (Shanghai) Co., Ltd.	
tenKsolar, Inc.	
Taogoasei America Inc./Toagoasei America Inc.	
Tianjin Ganglv Nonferrous Metal Materials Co., Ltd.	
Tianjin Jinmao Import & Export Corp., Ltd.	
Tianjin Ruxin Electric Heat Transmission Technology Co., Ltd.	
Tianjin Xiandai Plastic & Aluminum Products Co., Ltd.	
Tiazhou Lifeng Manufacturing Corporation/Taizhou Lifeng Manufacturing Corporation, Ltd.	
Top-Wok Metal Co., Ltd.	
Traffic Brick Network, LLC	
Union Industry (Asia) Co., Ltd.	
USA Worldwide Door Components (Pinghu) Co., Ltd.	
Wenzhou Shengbo Decoration & Hardware	
Whirlpool (Guangdong)	
Whirlpool Microwave Products Development Ltd.	
WTI Building Products, Ltd.	
Xin Wei Aluminum Company Limited	
Xinya Aluminum & Stainless Steel Product Co., Ltd.	
Zahoqing China Square Industry Limited/Zhaoqing China Square Industry Limited	
Zhaoqing Asia Aluminum Factory Company Ltd.	
Zhaoqing China Square Industrial Ltd.	
Zhaoqing New Zhongya Aluminum Co., Ltd.	
Zhejiang Anji Xinxiang Aluminum Co., Ltd.	
Zhejiang Dongfeng Refrigeration Components Co., Ltd.	
Zhejiang Yongkang Listar Aluminum Industry Co., Ltd.	
Zhejiang Zhengte Group Co., Ltd.	
Zhenjiang Xinlong Group Co., Ltd.	
Zhongshan Daya Hardware Co., Ltd.	
Zhongshan Gold Mountain Aluminum Factory Ltd.	
Zhongya Shaped Aluminum (HK) Holding Limited	
Zhuhai Runxingtai Electrical Equipment Co., Ltd.	
The People's Republic of China: Citric Acid and Certain Citrate Salts, C–570–938	1/1/13–12/31/13
Changsha Huir Biological-Tech Co., Ltd.	
Huangshi Xinghua Biochemical Co., Ltd.	
Hunan Dongting Pharmaceutical Co., Ltd.	
Jiali Bio Group (Qingdao) Co., Ltd.	
Juxian Hongde Citric Acid Co., Ltd.	
Laiwu Taihe Biochemical Co., Ltd.	
Lianyungang Debang Fine Chemical Co., Ltd.	
Lianyungang Dongtai Food Ingredients Co., Ltd.	
Lianyungang Hengsheng Fine Chemical Co., Ltd.	
Lianyungang Yunbo Chemical Co., Ltd.	
Lianyungang Zhengrong Food Additive Factory	
Nantong Feiyu Fine Chemical Co., Ltd.	
Ningxiang Xinyang Chemical Co., Ltd.	
Penglai Marine Bio-Tech Co., Ltd.	
Qingdao Fuso Refining & Processing Co., Ltd.	
Reephos Chemical Co., Ltd.	
Rugao Jiangbei Additive Co., Ltd.	
RZBC Group Shareholding Co., Ltd. (RZBC Group), RZBC Co., Ltd., RZBC (Juxian) Co., Ltd., and RZBC Imp. & Exp. Co., Ltd.	
Shandong Hongshide Chemical Co., Ltd.	
Shandong TTCA Biochemistry Co., Ltd.	
Shihezi City Changyum Biochemical Co., Ltd.	
Weifang Ensign Industry Co., Ltd.	
Wuhan Shuangfeng Citric Acid Co., Ltd.	
Yixing Union Biochemical Co., Ltd.	
Yixing Zhenfen Medical Chemical Co., Ltd.	
Yunnan No. 2 Fuel Factory	

Suspension Agreements

None.

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine, consistent with *FAG Italia* v. *United States,* 291 F.3d 806 (Fed Cir. 2002), as appropriate, whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period, of the order, if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Revised Factual Information Requirements

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013), which modified two regulations related to antidumping and countervailing duty proceedings: the definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all segments initiated on or after May 10, 2013. Please review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013–08227.txt,* prior to submitting factual information in this segment.

Any party submitting factual information in an antidumping duty or countervailing duty proceeding must certify to the accuracy and completeness of that information.[4] Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives. Ongoing segments of any antidumping duty or countervailing duty proceedings initiated on or after March 14, 2011 should use the formats for the revised certifications provided at the end of the *Interim Final Rule.*[5] All segments of any antidumping duty or countervailing duty proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule.*[6] The Department intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable revised certification requirements.

Revised Extension of Time Limits Regulation

On September 20, 2013, the Department modified its regulation concerning the extension of time limits for submissions in antidumping and countervailing duty proceedings: *Final Rule,* 78 FR 57790 (September 20, 2013). The modification clarifies that parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning U.S. Customs and Border Protection data; and (5) quantity and value questionnaires. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely-filed requests for the extension of time

[4] *See* section 782(b) of the Act.

[5] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings: Interim Final Rule,* 76 FR 7491 (February 10, 2011) (''*Interim Final Rule*''), amending 19 CFR 351.303(g)(1) and (2); *Certification of Factual Information to Import Administration during Antidumping and Countervailing Duty Proceedings: Supplemental Interim Final Rule,* 76 FR 54697 (September 2, 2011).

[6] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (''*Final Rule*''); *see also* the frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

limits. These modifications are effective for all segments initiated on or after October 21, 2013. Please review the final rule, available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: June 20, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–15165 Filed 6–26–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–982]

Utility Scale Wind Towers From the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2013

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

SUMMARY: The Department of Commerce (the Department) is rescinding its administrative review of the countervailing duty (CVD) order on utility scale wind towers (wind towers) from the People's Republic of China (PRC) for the period February 13, 2013, through December 31, 2013.

DATES: *Effective Date:* June 27, 2014.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson or Patricia Tran, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4793 or (202) 482–1503, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department initiated an administrative review of the CVD order on wind towers from the PRC with respect to 47 companies for the period February 13, 2013, through December 31, 2013, based on a request by the petitioner, the Wind Tower Trade Coalition (WTTC).[1] On June 5, 2014, WTTC timely withdrew its request for an administrative review of all 47 companies.[2] No other party requested a review.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review in whole or in part, if the party that requested a review withdraws its request within 90 days of the date of publication of notice of initiation of the requested review. In this case, WTTC withdrew its request for review within the 90-day deadline, and no other party requested an administrative review of the CVD order. Therefore, in accordance with 19 CFR 351.213(d)(1), we are rescinding the administrative review of the CVD order on wind towers from the PRC for the period February 13, 2013, through December 31, 2013.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess CVDs on all entries of wind towers from the PRC during the period February 13, 2013, through December 31, 2013, at rates equal to the cash deposit of estimated CVDs required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after the publication of this notice.

Notifications

This notice serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO, in accordance with 19 CFR 351.305.(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: June 20, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–15146 Filed 6–26–14; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 79 FR 18262 (April 1, 2014).

[2] *See* Letter from the WTTC regarding ''Withdrawal of Request for Administrative Review'' (June 5, 2014).

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Visiting Committee on Advanced Technology

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Visiting Committee on Advanced Technology (VCAT or Committee), National Institute of Standards and Technology (NIST), will hold an open meeting via webinar/teleconference on Monday, July 14, from 11:00 a.m. to 12:30 p.m. Eastern Time. The primary purpose of this meeting is to review, discuss, finalize, and adopt recommendations of the VCAT Subcommittee on Cybersecurity regarding NIST's cryptographic standards and guidelines program.

DATES: The VCAT will meet via webinar/teleconference on Monday, July 14, 2014 from 11:00 a.m. to 12:30 p.m. Eastern Time. The meeting will be open to the public.

ADDRESSES: Questions regarding the meeting should be sent to VCAT, NIST, 100 Bureau Drive, Mail Stop 1060, Gaithersburg, Maryland 20899–1060. For instructions on how to participate in this meeting via webinar/teleconference, please see the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Stephanie Shaw, VCAT, NIST, 100 Bureau Drive, Mail Stop 1060, Gaithersburg, Maryland 20899–1060, telephone number 301–975–2667. Ms. Shaw's email address is *stephanie.shaw@nist.gov.*

SUPPLEMENTARY INFORMATION:

Authority: 15 U.S.C. 278 and the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

The VCAT is composed of fifteen members appointed by the NIST Director who are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations. Background information about the VCAT is available at *http://www.nist.gov/director/vcat/.*

The primary purpose of this meeting is to review, discuss, finalize, and adopt the recommendations of the VCAT Subcommittee on Cybersecurity regarding NIST's cryptographic standards and guidelines program. The agenda may change to accommodate Committee business. The final agenda

will be posted on the NIST Web site at *http://www.nist.gov/director/vcat/agenda.cfm.* Interested members of the public will be able to participate in the meeting from remote locations by participating in a webinar/teleconference.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs are invited to request a place on the agenda. Approximately one-half hour of the meeting will be reserved from 12:00 p.m.–12:30 p.m. Eastern Time for public comments, and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about 3 minutes each. Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to participate are invited to submit written statements to VCAT, NIST, 100 Bureau Drive, MS 1060, Gaithersburg, Maryland, 20899, via fax at 301–216–0529 or electronically by email to *laurel.miner@nist.gov.*

All participants in the meeting are required to pre-register. Anyone wishing to participate must register by close of business Monday, July 7, 2014 in order to be included. Please submit your name, email address and phone number to Stephanie Shaw by 5:00 p.m. Eastern Time, Monday, July 7, 2014. After pre-registering, participants will be provided with detailed instructions on how to dial in from a remote location in order to participate. Ms. Shaw's email address is *stephanie.shaw@nist.gov* and her phone number is 301–975–2667.

Dated: June 19, 2014.

Willie E. May,

Acting Under Secretary for Standards and Technology and Acting Director.

[FR Doc. 2014–15181 Filed 6–26–14; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD356

Caribbean Fishery Management Council; Public Hearing

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

ACTION: Notice of a public hearing.

SUMMARY: The Caribbean Fishery Management Council (Council) will hold a public hearing to obtain comments from fishers, the general public and the local agencies representatives on the proposed actions for closed seasons in each of the Abrir la Sierra, Bajo de Sico and Tourmaline Bank closed areas.

DATES: The hearing will be held on July 18, 2014, from 7 p.m. to 10 p.m.

ADDRESSES: The hearing will be held at the Mayaguez Holiday Inn, 2701 Hostos Avenue, Mayaguez, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903, telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The Council will hold a public hearing to take comments on the following proposed actions:

Action 1: Modify the Length of the Closed Fishing Season

Alternative 1: No Action: Retain the existing length of the closed season in each of the Abrir La Sierra Bank, Bajo de Sico, and Tourmaline Bank closed areas.

Alternative 2: Modify the Bajo de Sico closed season to be December 1–February 28.

Alternative 3: Modify the closed season to be October 1–March 31 (Preferred).
- Sub-Alternative a: Abrir La Sierra Bank (Preferred).
- Sub-Alternative b: Tourmaline Bank (Preferred).

Alternative 4: Modify the closed season to be December 1–May 31.
- Sub-Alternative a: Abrir La Sierra Bank.
- Sub-Alternative b: Bajo de Sico.
- Sub-Alternative c: Tourmaline Bank.

Alternative 5: Modify the closed season to be year round.
- Sub-Alternative a: Abrir La Sierra Bank.
- Sub-Alternative b: Bajo de Sico.
- Sub-Alternative c: Tourmaline Bank.

Action 2: Modify Reef Fish Fishing Activities

Alternative 1: No Action: Retain the existing reef fish harvest regulations in each of the Abrir La Sierra Bank, Bajo de Sico, and Tourmaline Bank closed areas.

Alternative 2: Prohibit fishing for Council-managed reef fish in Bajo de Sico during the seasonal closure established in Action 1.

Alternative 3: Prohibit fishing for and possession of Council-managed reef fish during the seasonal closure established in Action 1 (Preferred).
- Sub-Alternative a: Abrir La Sierra Bank (Preferred).
- Sub-Alternative b: Tourmaline Bank (Preferred).

Action 3: Modify Spiny Lobster Fishing Activities

Alternative 1: No Action: Retain the existing spiny lobster regulations in each of the Abrir La Sierra Bank, Bajo de Sico, and Tourmaline Bank closed areas.

Alternative 2: Prohibit fishing for spiny lobster in Bajo de Sico during the seasonal closure established in Action 1.

Alternative 3: Prohibit fishing for and possession of spiny lobster during the seasonal closure established in Action 1.
- Sub-Alternative a: Abrir La Sierra Bank.
- Sub-Alternative b: Bajo de Sico.
- Sub-Alternative c: Tourmaline Bank.

Alternative 4: Prohibit fishing for spiny lobster year round.
- Sub-Alternative a: Abrir La Sierra Bank.
- Sub-Alternative b: Bajo de Sico.
- Sub-Alternative c: Tourmaline Bank.

Alternative 5: Prohibit fishing for and possession of spiny lobster year round.
- Sub-Alternative a: Abrir La Sierra Bank.
- Sub-Alternative b: Bajo de Sico.
- Sub-Alternative c: Tourmaline Bank.

Alternative 6: Allow fishing for spiny lobster year round (Preferred).
- Sub-Alternative a: Abrir La Sierra Bank (Preferred).
- Sub-Alternative b: Bajo de Sico (Preferred).
- Sub-Alternative c: Tourmaline Bank (Preferred).

Action 4: Prohibit Anchoring

Alternative 1: No Action: Retain the existing anchoring prohibitions in each of the Abrir La Sierra Bank, Bajo de Sico, and Tourmaline Bank closed areas.

Alternative 2: Prohibit anchoring during the seasonal closure established in Action 1.
- Sub-Alternative a: Abrir La Sierra Bank.
- Sub-Alternative b: Bajo de Sico.
- Sub-Alternative c: Tourmaline Bank.

Alternative 3: Prohibit anchoring year round (Preferred).
- Sub-Alternative a: Abrir La Sierra Bank (Preferred).
- Sub-Alternative b: Tourmaline Bank (Preferred).

Action 5: Modify Highly Migratory Species Fishing Activities

Alternative 1: No Action: Retain the current Highly Migratory Species (HMS) fishing regulations in each of the Abrir La Sierra Bank, Bajo de Sico, and Tourmaline Bank closed areas.

Alternative 2: Upon request of the Council, prohibit bottom longline fishing for HMS year-round in Bajo de Sico (Preferred).

Alternative 3: Upon request of the Council, prohibit fishing for, and possession of, HMS in some or all of the three areas during the seasonal closure established in Action 1.

Sub-Alternative a: Abrir La Sierra Bank.

Sub-Alternative b: Bajo de Sico.

Sub-Alternative c: Tourmaline Bank.

Alternative 4: Upon request of the Council, prohibit fishing for HMS in some or all of the three areas during the seasonal closure established in Action 1, with an exception that would allow only surface trolling, as defined at § 635.21(a)(4)(iv), for all HMS (Preferred).

Sub-Alternative a: Abrir La Sierra Bank (Preferred).

Sub-Alternative b: Bajo de Sico (Preferred).

Sub-Alternative c: Tourmaline Bank (Preferred).

Alternative 5: Upon request of the Council, allow fishing for bigeye, albacore, yellowfin and skipjack (BAYS) tunas with speargun fishing gear in some or all of the three areas during the seasonal closure established in Action 1.

Sub-Alternative a: Abrir La Sierra Bank.

Sub-Alternative b: Bajo de Sico.

Sub-Alternative c: Tourmaline Bank.

Action 6: Modify Spearfishing Activities

Alternative 1: No Action: Retain the existing spearfishing regulations in each of the Abrir La Sierra Bank, Bajo de Sico, and Tourmaline Bank closed areas.

Alternative 2: Prohibit spearfishing for Council-managed reef fish during the seasonal closure established in Action 1.

Sub-Alternative a: Abrir La Sierra Bank.

Sub-Alternative b: Bajo de Sico.

Sub-Alternative c: Tourmaline Bank.

Alternative 3: Prohibit spearfishing for all non-HMS-managed species during the seasonal closure established in Action 1 (Preferred).

Sub-Alternative a: Abrir La Sierra Bank (Preferred).

Sub-Alternative b: Bajo de Sico (Preferred).

Sub-Alternative c: Tourmaline Bank (Preferred).

Alternative 4: Prohibit spearfishing for all non-HMS-managed species year-round.

Sub-Alternative a: Abrir La Sierra Bank.

Sub-Alternative b: Bajo de Sico.

Sub-Alternative c: Tourmaline Bank.

Written comments can be sent to the Council not later than July 31st, 2014, by regular mail to the address below, or via email to *graciela_cfmc@yahoo.com.*

Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or request for sign language interpretation and other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico, 00918–1903, telephone (787) 766–5926, at least 5 days prior to the meeting date.

Dated: June 24, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–15057 Filed 6–26–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD355

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) ad hoc Lower Columbia River Natural Coho Workgroup (LRC Workgroup) will hold a public work session in Portland, OR. The meeting is open to the public, but is not intended as a public hearing. Public comments will be taken at the discretion of the LRC Workgroup chair as time allows.

DATES: The work session will begin at 9 a.m. on Wednesday, July 16, 2014 and will proceed until 5 p.m. or until business for the day is completed.

ADDRESSES: The work session will be held at the Pacific Council office, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384; telephone: (503) 820–2280 (voice) or (503) 820–2299 (fax). The Pacific Council may provide one-way streaming of the meeting audio and presentations to broaden the potential audience. If such arrangements are made, the details will be posted on the Pacific Council Web page in advance of the session.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Burner, telephone: (503) 820–2414.

SUPPLEMENTARY INFORMATION: The primary purpose of the work session is to review and respond to Pacific Council guidance from the June 2014 Pacific Council meeting and to continue to develop recommendations on the status of Lower Columbia River coho stocks, alternative harvest policies, and risk assessment analyses and criteria.

Although non-emergency issues not contained in the LRC Workgroup meeting agendas may come before the LRC Workgroup for discussion, those issues may not be the subject of formal LRC Workgroup action during this meeting. LRC Workgroup action will be restricted to those issues specifically listed in this document and to any issues arising after publication of this document requiring emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the LRC Workgroup's intent to take final action to address the emergency.

Special Accommodations

This public meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2425 (voice), or (503) 820–2299 (fax) at least 5 days prior to the meeting date.

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

Dated: June 24, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–15056 Filed 6–26–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Multistakeholder Process To Develop Consumer Data Privacy Code of Conduct Concerning Facial Recognition Technology

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of Open Meeting.

SUMMARY: The National Telecommunications and Information Administration (NTIA) will convene a meeting of a privacy multistakeholder process concerning the commercial use of facial recognition technology on July 24, 2014.

DATES: The meeting will be held on July 24, 2014 from 1:00 p.m. to 5:00 p.m., Eastern Time. See Supplementary Information for details.

ADDRESSES: The meeting will be held in the Boardroom at the American Institute of Architects, 1735 New York Avenue NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: John Verdi, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4725, Washington, DC 20230; telephone (202) 482–8238; email *jverdi@ntia.doc.gov.* Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482–7002; email *press@ntia.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background: On February 23, 2012, the White House released *Consumer Data Privacy in a Networked World: A Framework for Protecting Privacy and Promoting Innovation in the Global Digital Economy* (the ''Privacy Blueprint'').[1] The Privacy Blueprint directs NTIA to convene multistakeholder processes to develop legally enforceable codes of conduct that specify how the Consumer Privacy Bill of Rights applies in specific business contexts.[2] On December 3, 2013, NTIA announced that it would convene a multistakeholder process with the goal of developing a code of conduct to protect consumers' privacy and promote trust regarding facial recognition technology in the commercial context.[3] On February 6, 2014, NTIA convened the first meeting of the multistakeholder process, followed by additional meetings through June 2014.

Matters to Be Considered: The July 24, 2014 meeting is a continuation of a series of NTIA-convened multistakeholder discussions concerning facial recognition technology. Stakeholders will engage in an open, transparent, consensus-driven process to develop a code of conduct regarding facial recognition technology. The July 24, 2014 meeting will build on stakeholders' previous work. More information about stakeholders' work is available at: *http://www.ntia.doc.gov/other-publication/2014/privacy-multistakeholder-process-facial-recognition-technology.*

Time and Date: NTIA will convene a meeting of the privacy multistakeholder process regarding facial recognition technology on July 24, 2014, from 1:00 p.m. to 5:00 p.m., Eastern Time. The meeting date and time are subject to change. The meeting is subject to cancelation if stakeholders complete their work developing a code of conduct. Please refer to NTIA's Web site, *http://www.ntia.doc.gov/other-publication/2014/privacy-multistakeholder-process-facial-recognition-technology,* for the most current information.

Place: The meeting will be held in the Boardroom at the American Institute of Architects, 1735 New York Avenue NW., Washington, DC 20006. The location of the meeting is subject to change. Please refer to NTIA's Web site, *http://www.ntia.doc.gov/other-publication/2014/privacy-multistakeholder-process-facial-recognition-technology,* for the most current information.

Other Information: The meeting is open to the public and the press. The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to John Verdi at (202) 482–8238 or *jverdi@ntia.doc.gov* at least seven (7) business days prior to the meeting. The meeting will also be webcast. Requests for real-time captioning of the webcast or other auxiliary aids should be directed to John Verdi at (202) 482–8238 or *jverdi@ntia.doc.gov* at least seven (7) business days prior to the meeting. There will be an opportunity for stakeholders viewing the webcast to participate remotely in the meeting through a moderated conference bridge, including polling functionality. Access details for the meeting are subject to change. Please refer to NTIA's Web site, *http://www.ntia.doc.gov/other-publication/2013/privacy-multistakeholder-process-facial-recognition-technology,* for the most current information.

Dated: June 24, 2014.

Kathy Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2014–15094 Filed 6–26–14; 8:45 am]

BILLING CODE 3510–60–P

[1] The Privacy Blueprint is available at *http://www.whitehouse.gov/sites/default/files/privacy-final.pdf.*

[2] *Id.*

[3] NTIA, *Facial Recognition Technology, http://www.ntia.doc.gov/other-publication/2013/privacy-multistakeholder-process-facial-recognition-technology.*

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–P–2014–0031]

Request for Comments on Trial Proceedings Under the America Invents Act Before the Patent Trial and Appeal Board

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Request for comments.

SUMMARY: The Leahy-Smith America Invents Act (AIA) provided for new administrative trial proceedings before the Patent Trial and Appeal Board (Board). The United States Patent and Trademark Office (USPTO) issued a number of final rules and a trial practice guide in August and September of 2012 to implement the new administrative trial provisions of the AIA. The USPTO now is seeking public comment on all aspects of the new administrative trial proceedings, including the administrative trial proceeding rules and trial practice guide.

DATES: *Comment Deadline Date:* Written comments must be received on or before September 16, 2014.

ADDRESSES: Comments must be sent by electronic mail message over the Internet addressed to: *TrialsRFC2014@uspto.gov.*

Electronic comments submitted in plain text are preferred, but also may be submitted in ADOBE® portable document format or MICROSOFT WORD® format. Comments not submitted electronically should be submitted on paper in a format that facilitates convenient digital scanning into ADOBE® portable document format. The comments will be available for viewing via the USPTO's Internet Web site (*http://www.uspto.gov*). Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments.

FOR FURTHER INFORMATION CONTACT: Scott R. Boalick, Vice Chief Administrative Patent Judge (Acting),

Patent Trial and Appeal Board, at 571–272–8138.

SUPPLEMENTARY INFORMATION: Sections 3, 6, and 18 of the AIA provided for the following new Board administrative trial proceedings: (1) *Inter partes* review; (2) post-grant review; (3) covered business method patents review; and (4) derivation proceedings. Public Law 112–29, 125 Stat. 284 (2011). The USPTO issued a number of final rules and a trial practice guide in August and September of 2012 to implement the new administrative trial provisions of the AIA. *See Rules of Practice for Trials Before the Patent Trial and Appeal Board and Judicial Review of Patent Trial and Appeal Board Decisions,* 77 FR 48612 (Aug. 14, 2012) (final rule); *Changes to Implement Inter Partes Review Proceedings, Post-Grant Review Proceedings, and Transitional Program for Covered Business Method Patents,* 77 FR 48680 (Aug. 14, 2012) (final rule); *Transitional Program for Covered Business Method Patents—Definitions of Covered Business Method Patent and Technological Invention,* 77 FR 48734 (Aug. 14, 2012) (final rule); *Changes to Implement Derivation Proceedings,* 77 FR 56068 (Sept. 11, 2012) (final rule); and *Office Patent Trial Practice Guide,* 77 FR 48756 (Aug. 14, 2012).

During the rulemaking to implement the administrative trial provisions of the AIA, the USPTO held AIA roadshows in eighteen cities to engage with the public. In issuing the administrative trial proceeding rules and trial practice guide, the USPTO committed to revisiting the rules and practice guide once the Board and public had operated under the rules and practice guide for some period and had gained experience with the new administrative trial proceedings. The Board and public now have eighteen months of experience with the new administrative trial proceedings, and, therefore, the USPTO has determined that it is time to seek public input on the AIA administrative trial proceeding rules and trial practice guide in light of this experience.

The USPTO began the process of revisiting the AIA administrative trial proceeding rules and trial practice guide by engaging in a nation-wide listening tour. The USPTO conducted a series of eight roundtables in April and May of 2014, held in Alexandria, New York City, Chicago, Detroit, Silicon Valley, Seattle, Dallas, and Denver, to share information concerning the AIA administrative trial proceedings with the public and obtain public feedback on these proceedings. At these roundtables, the Board provided the public with statistics concerning the administrative trial proceedings, as well as lessons learned for filing effective petitions and preliminary patent owner statements, engaging in successful discovery and amendment practice, and effectively presenting a case at oral hearing. The Board also received feedback from the public on the AIA administrative trial proceeding rules and trial practice guide, as well as on experiences in general with the AIA administrative trial proceedings. More information about the roundtables is available at *http://www.uspto.gov/ip/boards/bpai/ptab_aia_trial_roundtables_2014.jsp.*

More specifically, during the AIA roundtables, the USPTO received some comments of a non-rule specific nature. The Board does not anticipate these comments necessitating any changes to the current AIA trial proceeding rules, as discussed below.

At least one participant at the AIA roundtables commented that the Board's Scheduling Order should require parties to an AIA trial to engage in a settlement discussion. The current AIA trial proceeding rules do not dictate the contents of scheduling orders in AIA trials. Rather, Appendix A of the Office Patent Trial Practice Guide (''trial practice guide'') provides sample scheduling orders. Further, the trial practice guide states, ''There are strong public policy reasons to favor settlement between the parties to a proceeding. The Board will be available to facilitate settlement discussions, and where appropriate, may require a settlement discussion as part of the proceeding.'' Trial practice guide, section N. Generally, the Board strongly encourages the parties to engage in settlement discussions. Should the Board move forward with changes to the AIA trial proceeding rules, the Board will consider whether to amend Appendix A of the trial practice guide to provide an example order in which the parties are required to engage in a settlement discussion by a specified date. The exact content of any scheduling order will remain within the discretion of the judge(s) issuing the order.

At least one participant at the AIA roundtables commented that a notice of appeal from a Board decision rendered in an AIA trial should be required to be served on the Solicitor. The USPTO has experienced problems in the past with parties who seek an appeal from a Board decision in an AIA trial failing to comply with the notice and service requirements of 37 CFR 90.2. Section 90.2 requires, in pertinent part, ''In all appeals, the notice of appeal required by 35 U.S.C. 142 must be filed with the Director of the United States Patent and Trademark Office as provided in § 104.2 of this title,'' and that the notice must include a description of the issues expected to be pursued on appeal. Section 104.2 provides that such notice should be sent to the Office of the General Counsel, of which the Solicitor's Office is a part. Thus, the current Office rules governing service of a notice of appeal already provide for service on the Solicitor. Importantly, notice to the Office of the General Counsel of an appeal taken from a Board decision provides the Solicitor with an opportunity to intervene in the appeal on behalf of the USPTO. Failure to notify the USPTO properly of the filing of a notice of appeal may result in the Solicitor belatedly seeking to intervene in the appeal once the USPTO becomes aware of the appeal through other means. Due to past failures of parties to comply with this rule, the Board typically adds a reminder at the end of final, appealable Board decisions that the parties must comply with the notice and service requirements of § 90.2, should they seek judicial review of the decision.

At least one participant at the AIA roundtables commented that the Board should not continue a trial if the parties settle the matter because continuation of the trial is unfair to the parties. The statute provides for settlement of *inter partes* review, post-grant review, and covered business method patents review proceedings. 35 U.S.C. 317, 327, and section 18(a)(1) of the AIA. The statute also provides that after termination of such a proceeding with respect to a petitioner, if no petitioner remains in the proceeding, ''the Office may terminate the review or proceed to a final written decision.'' In keeping with the statute, 37 CFR 42.74(a) provides that, while the parties may agree to settle any issue in a proceeding, the Board is not a party to the settlement and independently may determine any question of jurisdiction, patentability, or Office practice. In issuing this final rule, the USPTO responded to comments on this matter explaining that the statutory language for *inter partes* and post-grant reviews confers discretion to the Board to terminate or proceed to a final written decision based on the facts in a particular review. 77 FR at 48469. The determination by the Board to proceed to a final written decision is made taking into account public policy considerations. In particular, if the parties settle the matter late in the proceeding after the Board has reached a determination of unpatentability as to

one or more claims of the patent under review, the Board, in its discretion, may determine that proceeding to a final written decision is in the best interests of the public. Parties seeking to avoid having a proceeding reach final written decision after settlement are encouraged to settle the issues in the proceeding well in advance of the oral hearing.

At least one participant at the AIA roundtables asked for the USPTO's interpretation of the estoppel effect of a Board decision on civil actions and other proceedings. *See* 35 U.S.C. 315(e)(2) and 325(e)(2). The scope or interpretation of the estoppel provisions of the statute as they pertain to civil actions and other proceedings outside the Office is not a matter for comment by the USPTO. Rather, the federal courts are best positioned to interpret the statutory estoppel language as it applies to civil actions and other proceedings outside the USPTO in the context of the particular facts in a given case.

At least one participant at the AIA roundtables commented that the Board should issue more precedential and informative AIA trial decisions to provide guidance for practitioners. The Board has posted representative decisions from AIA trials on its Web page. The Board is in the process of vetting additional AIA trial decisions for potential designation as precedential and informative. Additional precedential and informative AIA trial decisions will be posted to the Board's Web page as these designations are made. The Board's Standard Operating Procedure 2, which concerns publication of opinions and designation of opinions as precedential, provides that an appellant, patentee, petitioner, or a third party member of the public may, within 60 days of issuance of an opinion, request in writing that an opinion be made precedential by forwarding the request, along with accompanying reasons, to the Chief Judge. SOP2, § II.C. The Board encourages members of the public to notify the Chief Judge if members of the public deem an opinion rendered by the Board in an AIA trial suitable for designation as precedential.

At least one participant at the AIA roundtables commented that the Board should make audio files or transcripts of oral arguments in AIA trials available to the public. The Board currently employs court reporters at all AIA trial hearings to create a written transcript of each hearing. These transcripts are made available to the public through the Patent Review Processing System (PRPS), which is accessible via the Board's Web page.

At least one participant at the AIA roundtables commented that the Board should enhance PRPS to permit non-parties to register to receive notices of decisions in a case. Another participant at the AIA roundtables commented that the Board should enhance PRPS to provide for better searchability of AIA trial decisions. The Board is currently in the process of developing a new PTAB End-to-End information technology system (''PTAB E2E'') that, once fully deployed, will provide additional features to the public portion of the system. The Board will bear in mind the input received at the AIA roundtables in developing requirements for PTAB E2E. In the meantime, interim solutions are being explored to make AIA trial decisions more easily accessible and searchable on the PTAB Web page.

At least one participant at the AIA roundtables commented that the Board should offer more statistics about AIA trial proceedings, including showing the outcome of final written decisions by the technology center that issued the patent and correlating the number of preliminary patent owner responses with decisions to institute trial. PRPS has certain limitations in its structure that do not allow for easy extraction of data in an automated fashion. These limitations make it particularly difficult and time consuming for the Board to present statistics on AIA trials. Currently, the Board calculates AIA trial statistics through manual data collection means. With the number of AIA filings and the number of active AIA trials on the rise, the Board is finding the collection of such data to be even more difficult and time consuming. As requirements are developed for PTAB E2E, data extraction and analysis will be kept in mind so that the next generation PTAB IT system will allow provision of more statistical data about AIA trials. In the meantime, the Board is working to enhance AIA trial statistics published regularly on the Board's Web page.

As discussed previously, the USPTO is seeking public comment on all aspects of the new administrative trial proceedings, including the administrative trial proceeding rules and trial practice guide. The following are issues on which the USPTO is especially interested in receiving public comment, as these issues were most frequently raised during the roundtables:

Claim Construction Standard

1. Under what circumstances, if any, should the Board decline to construe a claim in an unexpired patent in accordance with its broadest reasonable construction in light of the specification of the patent in which it appears?

Motion To Amend

2. What modifications, if any, should be made to the Board's practice regarding motions to amend?

Patent Owner Preliminary Response

3. Should new testimonial evidence be permitted in a Patent Owner Preliminary Response? If new testimonial evidence is permitted, how can the Board meet the statutory deadline to determine whether to institute a proceeding while ensuring fair treatment of all parties?

Obviousness

4. Under what circumstances should the Board permit discovery of evidence of non-obviousness held by the petitioner, for example, evidence of commercial success for a product of the petitioner? What limits should be placed on such discovery to ensure that the trial is completed by the statutory deadline?

Real Party in Interest

5. Should a patent owner be able to raise a challenge regarding a real party in interest at any time during a trial?

Additional Discovery

6. Are the factors enumerated in the Board's decision in *Garmin* v. *Cuozzo,* IPR2012–00001, appropriate to consider in deciding whether to grant a request for additional discovery? What additional factors, if any, should be considered?

Multiple Proceedings

7. How should multiple proceedings before the USPTO involving the same patent be coordinated? Multiple proceedings before the USPTO include, for example: (i) Two or more separate AIA trials; (ii) an AIA trial and a reexamination proceeding; or (iii) an AIA trial and a reissue proceeding,

8. What factors should be considered in deciding whether to stay, transfer, consolidate, or terminate an additional proceeding involving the same patent after a petition for AIA trial has been filed?

9. Under what circumstances, if any, should a copending reexamination proceeding or reissue proceeding be stayed in favor of an AIA trial? If a stay is entered, under what circumstances should the stay be lifted?

10. Under what circumstances, if any, should an AIA trial be stayed in favor of a copending reexamination proceeding or reissue proceeding? If a stay is entered, under what circumstances should the stay be lifted?

11. Under what circumstances, if any, should a copending reexamination proceeding or reissue proceeding be consolidated with an AIA trial?

12. How should consolidated proceedings be handled before the USPTO? Consolidated proceedings include, for example: (i) Consolidated AIA trials; (ii) an AIA trial consolidated with a reexamination proceeding; or (iii) an AIA trial consolidated with a reissue proceeding.

13. Under what circumstances, if any, should a petition for an AIA trial be rejected because the same or substantially the same prior art or arguments previously were presented to the USPTO in a different petition for an AIA trial, in a reexamination proceeding or in a reissue proceeding?

Extension of 1 Year Period To Issue Final Determination

14. What circumstances should constitute a finding of good cause to extend the 1-year period for the Board to issue a final determination in an AIA trial?

Oral Hearing

15. Under what circumstances, if any, should live testimony be permitted at the oral hearing?

16. What changes, if any, should be made to the format of the oral hearing?

General

17. What other changes can and should be made in AIA trial proceedings? For example, should changes be made to the Board's approach to instituting petitions, page limits, or request for rehearing practice?

Dated: June 23, 2014.

Michelle K. Lee,

Deputy Under Secretary of Commerce for Intellectual Property and, Deputy Director of the United States Patent and Trademark Office.

[FR Doc. 2014–15171 Filed 6–26–14; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Addition to and Deletions From Procurement List.

SUMMARY: The Committee is proposing to add a service to the Procurement List that will be furnished by nonprofit agency employing persons who are blind or have other severe disabilities and to delete products previously furnished by such agencies.

DATES: *Comments Must Be Received on or Before:* 7/28/2014.

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.

Addition

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the service listed below from nonprofit agency employing persons who are blind or have other severe disabilities.

The following service is proposed for addition to Procurement List for production by the nonprofit agency listed:

Service

Service Type/Location: Contact Center, Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, MD.

NPA: InspiriTec, Inc., Philadelphia, PA.

Contracting Activity: DEPT OF HHS/CMS, Centers for Medicare and Medicaid Services, Baltimore, MD.

Deletions

The following products are proposed for deletion from the Procurement List:

Products

NSN: 8115–00–511–5750—Box, Set-Up, Mailing Dental.

NPA: Blind Industries & Services of Maryland, Baltimore, MD.

Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA.

NSN: 7530–01–515–7900—Paper, Printer, Ink Jet, Photo Quality, Double Side, Matte, Letter, 99 Bright White.

NSN: 7530–01–515–7471—Paper, Printer, Ink Jet, Photo Quality, 24 lb., Letter, 94 Bright White.

NPA: Wiscraft, Inc., Milwaukee, WI.

Contracting Activity: GSA/FSS OFC SUP CTR—PAPER PRODUCTS, NEW YORK, NY.

Patricia Briscoe,

Deputy Director, Business Operations (Pricing and Information Management).

[FR Doc. 2014–15048 Filed 6–26–14; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions And Deletion

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and Deletion from 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, and deletes a service from the Procurement List previously furnished by such agencies.

DATES: *Effective Date:* 7/28/2014.

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 5/2/2014 (78 FR No. 85) and 5/23/2014 (79 FR No. 100), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice 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–0113—Clean-Up Kit, Body Fluid Spill and Splatter, Surface Decontamination
NPA: Envision, Inc., Wichita, KS
Contracting Activity: Defense Logistics Agency, DLA 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: MR 1189—Drying Mat, Microfiber, Holiday Themed
NPA: New York City Industries for the Blind, Inc., Brooklyn, NY
NSN: MR 1194—Bottle, Water, Reusable, 26oz
NPA: Industries for the Blind, Inc., West Allis, WI
Contracting Activity: Military Resale-Defense Commissary Agency, Fort Lee, VA
Coverage: C-List for the requirements of military commissaries and exchanges as aggregated by the Defense Commissary Agency.

NSN: 7520–00–NIB–2194—Pen, Ergonomic, Low Viscosity Ink, Retractable, Wide body, Black, 1mm
NSN: 7520–00–NIB–2196—Pen, Ergonomic, Low Viscosity Ink, Retractable, Wide body, Blue, 1mm
NPA: Industries for the Blind, Inc., West Allis, WI
Contracting Activity: FEDERAL ACQUISITION SERVICE, GSA/FSS OFC SUP CTR—PAPER PRODUCTS, New York, NY
Coverage: A-List for the Total Government Requirement as aggregated by the General Services Administration.

Deletions

On 5/16/2014 (79 FR No. 95), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the service listed below are no longer 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 additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the service 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 service deleted from the Procurement List.

End of Certification

Accordingly, the following service is deleted from the Procurement List:

Service

Service Type/Location: Janitorial/Custodial, Social Security Administration Building, 612 N. Church Street, Rockford, IL.
NPA: OMNI Business Services, Inc., Rockford, IL.
Contracting Activity: GENERAL SERVICES ADMINISTRATION, FPDS AGENCY COORDINATOR, Washington DC.

Patricia Briscoe,

Deputy Director, Business Operations, Pricing and Information Management.

[FR Doc. 2014–15049 Filed 6–26–14; 8:45 am]

BILLING CODE 6353–01–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: Wednesday June 25, 2014, 10 a.m.–12 p.m.

PLACE: Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Commission Meeting—Open to the Public.

MATTER TO BE CONSIDERED: Briefing Matter: Infant Slings Proposed Rule (Section 104).

A live webcast of the Meeting can be viewed at *www.cpsc.gov/live*.

For a recorded message containing the latest agenda information, call (301) 504–7948.

CONTACT PERSON FOR MORE INFORMATION: Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: June 17, 2014.

Todd A. Stevenson,

Secretary.

[FR Doc. 2014–15240 Filed 6–25–14; 4:15 pm]

BILLING CODE 6355–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, CNCS is soliciting comments concerning its proposed national evaluation of School Turnaround AmeriCorps. The primary purpose of the analysis is to assess the effects that AmeriCorps members who provide direct services in schools make on the success of school turnaround models and seek to understand the mechanisms by which this happens. Data will be collected from School Turnaround AmeriCorps grantees and schools as well as from a group of matched comparison schools. School Turnaround AmeriCorps grantees are required to participate in the evaluation as a condition of their funding.

Copies of the information collection request can be obtained by contacting the office listed in the Addresses section of this Notice.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by August 26, 2014.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By mail sent to:* Corporation for National and Community Service, Office

of Research and Evaluation; Attention Diana Epstein, Senior Research Analyst, 10th floor; 1201 New York Avenue NW., Washington, DC 20525.

(2) By hand delivery or by courier to the CNCS mailroom at Room 8100 at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday, except Federal holidays.

(3) Electronically through *www.regulations.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.

FOR FURTHER INFORMATION CONTACT: Diana Epstein, 202–606–7564, or by email at *depstein@cns.gov*.

SUPPLEMENTARY INFORMATION: CNCS is particularly interested in comments that:

- 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;
- 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 expected to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submissions of responses).

Background

The national evaluation of School Turnaround AmeriCorps will use a quasi-experimental design that compares schools affected by School Turnaround AmeriCorps (i.e., the treatment group) to a matched comparison group of low performing schools without the School Turnaround AmeriCorps initiative (i.e., the comparison group). This research design will attempt to isolate the effects of AmeriCorps members' service.

This is a new information collection request. Information will be collected from AmeriCorps grantee staff, AmeriCorps members, school leaders, teachers, and parents using online surveys and semi-structured interviews and focus groups conducted in person and by phone.

Type of Review: New.

Agency: Corporation for National and Community Service.

Title: National Evaluation of School Turnaround AmeriCorps.

OMB Number: None.

Agency Number: None.

Affected Public: AmeriCorps grantee staff, AmeriCorps members, school leaders, teachers, and parents.

Total Respondents: 4236. Note that this is the sum total of survey respondents and parents, since the same individuals in the categories of grantee staff, AmeriCorps members, school leaders, and teachers will take the survey and participate in interview or focus groups.

Frequency: Some instruments will be administered twice per year, some only once per year. Data collection will occur for two years. See charts below for details on respondents and frequency of data collection.

Average Time per Response: Averages 30 minutes.

Estimated Total Burden Hours: 2300 hours per year; 4600 total over 2 years.

Survey	AmeriCorps	Comparison	Pre/post?	Total
Grantee staff	13	0	No	13
AmeriCorps members	440	0	No	440
Principals	62	62	Yes	248
Teachers	348	348	Yes	1392
	863	410		2093

Total respondents: 4186.
Minutes—125580
Hours—2093

Interviews	AmeriCorps	Comparison	Pre/post?	Total
Grantee staff	13	0	Yes	26
AmeriCorps members	26	0	No	26
Principals	26	26	Yes	104
Teachers	26	26	Yes	104
Parents	50	0	No	50

Total respondents: 310.
Minutes—9300
Hours—155

Focus group	AmeriCorps
Grantee staff	13
AmeriCorps members	39
Principals	13
Teachers	39

Total respondents: 104.
Minutes —3120
Hours—52
Total hours per year—2300
Total hours 2 years—4600

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 20, 2014.

Stephen Plank,

Director, Office of Research and Evaluation.

[FR Doc. 2014–14999 Filed 6–26–14; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Establishment of Department of Defense Federal Advisory Committees

AGENCY: DoD.

ACTION: Establishment of Federal Advisory Committee.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that it is establishing the charter for the Judicial Proceedings Since Fiscal Year 2012 Amendments Panel (''the Judicial Proceedings Panel'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: This committee's charter is being established under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b) (''the Sunshine Act''), and 41 CFR 102–3.50(d).

The Judicial Proceedings Panel is a non-discretionary Federal advisory committee that will conduct an independent review and assessment of judicial proceedings conducted under the Uniform Code of Military Justice (UCMJ) involving adult sexual assault and related offenses since the amendments made to the UCMJ by section 541 of the National Defense Authorization Act of Fiscal Year 2012 (''the FY 2012 NDAA'') (Pub. L. 112–81) for the purpose of developing recommendations for improvements to such proceedings. The Judicial Panel shall:

a. Assess and make recommendations for improvements in the implementation of the reforms to the offenses relating to rape, sexual assault, and other sexual misconduct under the UCMJ that were enacted by section 541 of the FY 2012 NDAA.

b. Review and evaluate current trends in response to sexual assault crimes whether by courts-martial proceedings, non-judicial punishment and administrative actions, including the number of punishments by type, and the consistency and appropriateness of the decisions, punishments, and administrative actions based on the facts of individual cases.

c. Identify any trends in punishments rendered by military courts, including general, special, and summary courts-martial, in response to sexual assault, including the number of punishments by type, and the consistency of the punishments, based on the facts of each case compared with the punishments rendered by Federal and State criminal courts.

d. Review and evaluate court-martial convictions for sexual assault in the year covered by the most-recent report of the Judicial Proceedings Panel and the number and description of instances when punishments were reduced or set aside upon appeal and the instances in which the defendant appealed following a plea agreement, if such information is available.

e. Review and assess those instances in which prior sexual conduct of the alleged victim was considered in a proceeding under 10 U.S.C. 832 (article 32 of the UCMJ), and any instances in which prior sexual conduct was determined to be inadmissible.

f. Review and assess those instances in which evidence of prior sexual conduct of the alleged victim was introduced by the defense in a court-martial and what impact that evidence had on the case.

g. Building on the data compiled as a result of the assessment conducted by the Response Systems to Adult Sexual Assault Crimes Panel (''the Response Systems Panel''), a Federal advisory committee established pursuant to section 576(a)(1) of the FY 2013 NDAA and in accordance with FACA, of the training level of military defense and trial counsel, assess the trends in the training and experience levels of military defense and trial counsel in adult sexual assault cases and the impact of those trends in the prosecution and adjudication of such cases.

h. Monitor trends in the development, utilization and effectiveness of the special victims capabilities required by Section 573 of the FY 2013 NDAA.

i. Monitor the implementation of the April 20, 2012, Secretary of Defense policy memorandum regarding withholding initial disposition authority under the UCMJ in certain sexual assault cases.

j. An assessment of the likely consequences of amending the definition of rape and sexual assault under 10 U.S.C. 920 (article 120 of the UCMJ), to expressly cover a situation in which a person subject to the UCMJ, commits a sexual act upon another person by abusing one's position in the chain of command of the other person to gain access to or coerce the other person.

k. An assessment of the implementation and effect of the Special Victim's Counsel for victims of sex-related offenses established by 10 U.S.C. 1044e, as added by section 1716 of the FY 2014 NDAA, and make such recommendations for modifications of section 1044e as the Judicial Proceedings Panel considers appropriate.

l. An assessment of the implementation and effect of the mandatory minimum sentences established by 10 U.S.C. 856(b) (article 56(b) of the UCMJ), as added by section 1705 of the FY 2014 NDAA, which requires at a minimum, that upon a finding of guilt for the offenses of rape, sexual assault, aggravated sexual contact, abusive sexual contact, rape and sexual assault of a child, forcible sodomy, and attempts to commit such acts, the punishment include dismissal or dishonorable discharge, except as provided for by Article 60 of the UCMJ, and the appropriateness of statutorily mandated minimum sentencing provisions for additional offenses under 10 U.S.C. chapter 47 (the UCMJ).

m. An assessment of the adequacy of the provision of compensation and restitution for victims of offenses under 10 U.S.C. chapter 47 (the UCMJ), and develop recommendations on expanding such compensation and restitution, including consideration of the options as follows:

i. Providing the forfeited wages of incarcerated members of the Armed Forces to victims of offenses as compensation.

ii. Including bodily harm among the injuries meriting compensation for redress under 10 U.S.C. 939 (article 139 of the UCMJ).

iii. Requiring restitution by members of the Armed Forces to victims of their offenses upon the direction of a court-martial.

n. Consider such other matters and materials as the Judicial Proceedings Panel considers appropriate for purposes of the reports.

In conducting reviews and assessments and preparing reports, the Judicial Proceedings Panel may review, and incorporate as appropriate, the data and findings of applicable ongoing and completed studies. The Judicial Proceedings Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it considers appropriate to carry out its duties. Upon request by the chair of the Judicial Proceedings Panel, a department or agency of the Federal Government shall provide information that the Judicial Proceedings Panel considers necessary to carry out its duties.

Pursuant to sections 576(b)(1)(B) and (b)(2) of the FY 2013 NDAA, the Judicial Proceedings Panel shall be appointed by the Secretary of Defense and consist of five members, two of whom must have served on the Response Systems to Adult Sexual Assault Crimes Panel.

The members shall be selected from among private United States citizens who collectively possess expertise in military law, civilian law, the

investigation, prosecution, and adjudication of sexual assaults in State and Federal criminal courts, victim advocacy, treatment for victims, military justice, the organization and missions of the Armed Force, and offenses relating to rape, sexual assault, and other adult sexual assault crimes. The Chair shall be appointed by the Secretary of Defense from among the members of the Judicial Proceedings Panel.

Members shall be appointed for the life of the Judicial Proceedings Panel, subject to annual renewals. Any vacancy on the Judicial Proceedings Panel shall be filled in the same manner as the original appointment. Panel members shall be appointed as experts or consultants pursuant to 5 U.S.C. 3109 to serve as special government employee (SGE) members. With the exception of reimbursement of official travel and per diem, Judicial Proceedings Panel members shall serve without compensation.

The DoD General Counsel, according to DoD policies and procedures, may select experts and consultants as subject matter experts under the authority of 5 U.S.C. 3109 to advise the Judicial Proceedings Panel or its subcommittees; these individuals do not count toward the Judicial Proceedings Panel's total membership nor do they have voting privileges. In addition, these subject matter experts, when appointed, shall not participate in any discussions dealing with the substantive matters before the Judicial Proceedings Panel or its subcommittees nor shall they participate in any voting.

The DoD, when necessary and consistent with the Judicial Proceedings Panel's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Judicial Proceedings Panel. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the DoD General Counsel as the DoD Sponsor.

These subcommittees shall not work independently of the Judicial Proceedings Panel and shall report all of their recommendations and advice to the Judicial Proceedings Panel for full deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Judicial Proceedings Panel. No subcommittee or any of its members can update or report, verbally or in writing, on behalf of the Judicial Proceedings Panel directly to the DoD or any Federal officer or employee.

The Secretary of Defense shall appoint subcommittee members even if the member in question is already a member of the Judicial Proceedings Panel. Such individuals, if not full-time or part-time government personnel, shall be appointed as experts or consultants under the authority of 5 U.S.C. 3109 to serve as SGE members. Subcommittee members shall serve for the life of the subcommittee. With the exception of travel and per diem for official travel related to the Judicial Proceedings Panel or its subcommittees, subcommittee members shall serve without compensation.

All subcommittees operate pursuant to the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

The Judicial Proceedings Panel's Designated Federal Officer (DFO), pursuant to the DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed, in accordance with governing the DoD policies and procedures.

In addition, the Judicial Proceedings Panel's DFO is required to be in attendance at all meetings of the Judicial Proceedings Panel and its subcommittees for the entire duration of each and every meeting. However, in the absence of the Judicial Proceedings Panel's DFO, a properly approved Alternate DFO, duly appointed to the Judicial Proceedings Panel according to the DoD policies and procedures, shall attend the entire duration of the Judicial Proceedings Panel and its subcommittee meetings.

The DFO, or the Alternate DFO, shall approve all of the meetings of the Judicial Proceedings Panel and its subcommittees called by the Chair; prepare and approve all meeting agendas; and adjourn any meeting when the DFO or the Alternate DFO determines adjournment to be in the public interest or required by governing regulations or the DoD policies and procedures.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to the Judicial Proceedings Since Fiscal Year 2012 Amendments Panel membership about the Judicial Proceedings Panel's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of Judicial Proceedings Since Fiscal Year 2012 Amendments Panel.

All written statements shall be submitted to the Designated Federal Officer for the Judicial Proceedings Since Fiscal Year 2012 Amendments Panel, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Judicial Proceedings Since Fiscal Year 2012 Amendments Panel's Designated Federal Officer can be obtained from the GSA's FACA Database—*http://facadatabase.gov/.*

The Designated Federal Officer, pursuant to 41 CFR 102–3.150, will announce planned meetings of the Judicial Proceedings Since Fiscal Year 2012 Amendments Panel. The Designated Federal Officer, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: June 24, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–15066 Filed 6–26–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas per Diem Rates

AGENCY: Defense Travel Management Office, DoD.

ACTION: Notice of Revised Non-Foreign Overseas Per Diem Rates.

SUMMARY: The Defense Travel Management Office is publishing Civilian Personnel Per Diem Bulletin Number 293. This bulletin lists revisions in the per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States when applicable. AEA changes announced in Bulletin Number 194 remain in effect. Bulletin Number 293 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

DATES: *Effective Date:* July 1, 2014.

FOR FURTHER INFORMATION CONTACT: Ms. Sonia Malik, 571–372–1276.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Defense Travel Management Office for non-foreign areas outside the contiguous United States. It supersedes Civilian Personnel Per Diem Bulletin Number 292. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of

revisions in per diem rates to agencies and establishments outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office. Civilian Bulletin 293 includes updated rates for Alaska and Wake Island.

Dated: June 24, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA						
[OTHER]						
01/01 - 12/31	110		118		228	01/01/2013
ADAK						
01/01 - 12/31	192		69		261	07/01/2014
ANCHORAGE [INCL NAV RES]						
05/16 - 09/30	190		102		292	12/01/2013
10/01 - 05/15	99		93		192	12/01/2013
BARROW						
05/15 - 09/14	177		94		271	04/01/2013
09/15 - 05/14	159		93		252	04/01/2013
BETHEL						
01/01 - 12/31	179		109		288	12/01/2013
BETTLES						
01/01 - 12/31	175		83		258	06/01/2014
CLEAR AB						
01/01 - 12/31	90		82		172	10/01/2006
COLDFOOT						
01/01 - 12/31	165		70		235	10/01/2006
COPPER CENTER						
05/15 - 09/15	149		85		234	01/01/2013
09/16 - 05/14	99		80		179	01/01/2013
CORDOVA						
01/01 - 12/31	95		102		197	12/01/2013
CRAIG						
04/01 - 09/30	129		77		206	06/01/2014
10/01 - 03/31	85		72		157	06/01/2014
DEADHORSE						
01/01 - 12/31	170		70		240	05/01/2014
DELTA JUNCTION						
01/01 - 12/31	128		54		182	12/01/2013

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
DENALI NATIONAL PARK						
05/01 - 09/30	159		94		253	12/01/2013
10/01 - 04/30	89		87		176	12/01/2013
DILLINGHAM						
05/15 - 10/15	185		111		296	01/01/2011
10/16 - 05/14	169		109		278	01/01/2011
DUTCH HARBOR-UNALASKA						
01/01 - 12/31	121		102		223	02/01/2012
EARECKSON AIR STATION						
01/01 - 12/31	90		77		167	06/01/2007
EIELSON AFB						
05/15 - 09/15	154		96		250	01/01/2013
09/16 - 05/14	75		88		163	01/01/2013
ELFIN COVE						
05/15 - 09/10	175		46		221	01/01/2013
09/11 - 05/14	150		44		194	01/01/2013
ELMENDORF AFB						
05/16 - 09/30	190		102		292	12/01/2013
10/01 - 05/15	99		93		192	12/01/2013
FAIRBANKS						
09/16 - 05/14	75		88		163	01/01/2013
05/15 - 09/15	154		96		250	01/01/2013
FOOTLOOSE						
01/01 - 12/31	175		18		193	10/01/2002
FT. GREELY						
01/01 - 12/31	128		54		182	12/01/2013
FT. RICHARDSON						
05/16 - 09/30	190		102		292	12/01/2013
10/01 - 05/15	99		93		192	12/01/2013
FT. WAINWRIGHT						
05/15 - 09/15	154		96		250	01/01/2013
09/16 - 05/14	75		88		163	01/01/2013
GAMBELL						
01/01 - 12/31	137		59		196	06/01/2014

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
GLENNALLEN						
05/15 - 09/15	149		85		234	01/01/2013
09/16 - 05/14	99		80		179	01/01/2013
HAINES						
01/01 - 12/31	107		101		208	01/01/2011
HEALY						
10/01 - 04/30	89		87		176	12/01/2013
05/01 - 09/30	159		94		253	12/01/2013
HOMER						
05/05 - 09/16	159		99		258	12/01/2013
09/17 - 05/04	89		92		181	12/01/2013
JUNEAU						
05/16 - 09/15	159		104		263	12/01/2013
09/16 - 05/15	135		102		237	12/01/2013
KAKTOVIK						
01/01 - 12/31	165		86		251	10/01/2002
KAVIK CAMP						
01/01 - 12/31	200		65		265	06/01/2014
KENAI-SOLDOTNA						
05/01 - 10/31	99		110		209	01/01/2013
11/01 - 04/30	79		108		187	01/01/2013
KENNICOTT						
01/01 - 12/31	275		109		384	01/01/2013
KETCHIKAN						
05/01 - 09/30	135		88		223	01/01/2013
10/01 - 04/30	99		85		184	01/01/2013
KING SALMON						
05/01 - 10/01	225		91		316	10/01/2002
10/02 - 04/30	125		81		206	10/01/2002
KLAWOCK						
04/01 - 09/30	129		77		206	06/01/2014
10/01 - 03/31	85		72		157	06/01/2014
KODIAK						
05/01 - 09/30	152		93		245	02/01/2012

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
10/01 - 04/30	100		88		188	02/01/2012
KOTZEBUE						
01/01 - 12/31	219		115		334	02/01/2012
KULIS AGS						
05/16 - 09/30	190		102		292	12/01/2013
10/01 - 05/15	99		93		192	12/01/2013
MCCARTHY						
01/01 - 12/31	275		109		384	01/01/2013
MCGRATH						
01/01 - 12/31	160		82		242	07/01/2014
MURPHY DOME						
05/15 - 09/15	154		96		250	01/01/2013
09/16 - 05/14	75		88		163	01/01/2013
NOME						
01/01 - 12/31	150		132		282	01/01/2013
NUIQSUT						
01/01 - 12/31	250		70		320	07/01/2014
PETERSBURG						
01/01 - 12/31	110		118		228	01/01/2013
POINT HOPE						
01/01 - 12/31	181		81		262	06/01/2014
POINT LAY						
01/01 - 12/31	265		72		337	07/01/2014
PORT ALEXANDER						
01/01 - 12/31	150		43		193	08/01/2010
PORT ALSWORTH						
01/01 - 12/31	135		88		223	10/01/2002
PRUDHOE BAY						
01/01 - 12/31	170		70		240	05/01/2014
SELDOVIA						
05/05 - 09/16	159		99		258	12/01/2013
09/17 - 05/04	89		92		181	12/01/2013
SEWARD						
10/16 - 04/30	84		85		169	01/01/2013

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
05/01 - 10/15	174		94		268	01/01/2013
SITKA-MT. EDGECUMBE						
10/01 - 04/30	169		113		282	01/01/2013
05/01 - 09/30	209		117		326	01/01/2013
SKAGWAY						
05/01 - 09/30	135		88		223	01/01/2013
10/01 - 04/30	99		85		184	01/01/2013
SLANA						
05/01 - 09/30	139		55		194	02/01/2005
10/01 - 04/30	99		55		154	02/01/2005
SPRUCE CAPE						
05/01 - 09/30	152		93		245	02/01/2012
10/01 - 04/30	100		88		188	02/01/2012
ST. GEORGE						
01/01 - 12/31	220		51		271	05/01/2014
TALKEETNA						
01/01 - 12/31	100		89		189	10/01/2002
TANANA						
01/01 - 12/31	150		132		282	01/01/2013
TOK						
10/01 - 05/14	85		84		169	01/01/2013
05/15 - 09/30	95		85		180	01/01/2013
UMIAT						
01/01 - 12/31	350		64		414	02/01/2012
VALDEZ						
05/16 - 09/14	219		121		340	01/01/2013
09/15 - 05/15	139		113		252	01/01/2013
WAINWRIGHT						
01/01 - 12/31	175		83		258	01/01/2011
WASILLA						
05/01 - 09/30	164		103		267	01/01/2013
10/01 - 04/30	96		96		192	01/01/2013
WRANGELL						
05/01 - 09/30	135		88		223	01/01/2013

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
10/01 - 04/30	99		85		184	01/01/2013
YAKUTAT						
01/01 - 12/31	105		94		199	01/01/2011
AMERICAN SAMOA						
AMERICAN SAMOA						
01/01 - 12/31	139		96		235	09/01/2012
GUAM						
GUAM (INCL ALL MIL INSTAL)						
01/01 - 12/31	159		84		243	12/01/2013
HAWAII						
[OTHER]						
07/01 - 08/21	145		98		243	05/01/2014
08/22 - 06/30	115		98		213	05/01/2014
CAMP H M SMITH						
01/01 - 12/31	177		111		288	05/01/2014
EASTPAC NAVAL COMP TELE AREA						
01/01 - 12/31	177		111		288	05/01/2014
FT. DERUSSEY						
01/01 - 12/31	177		111		288	05/01/2014
FT. SHAFTER						
01/01 - 12/31	177		111		288	05/01/2014
HICKAM AFB						
01/01 - 12/31	177		111		288	05/01/2014
HONOLULU						
01/01 - 12/31	177		111		288	05/01/2014
ISLE OF HAWAII: HILO						
07/01 - 08/21	145		98		243	05/01/2014
08/22 - 06/30	115		98		213	05/01/2014
ISLE OF HAWAII: OTHER						
01/01 - 12/31	189		134		323	05/01/2014
ISLE OF KAUAI						
01/01 - 12/31	305		141		446	05/01/2014
ISLE OF MAUI						
01/01 - 12/31	259		131		390	05/01/2014

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ISLE OF OAHU						
01/01 - 12/31	177		111		288	05/01/2014
KEKAHA PACIFIC MISSILE RANGE FAC						
01/01 - 12/31	305		141		446	05/01/2014
KILAUEA MILITARY CAMP						
07/01 - 08/21	145		98		243	05/01/2014
08/22 - 06/30	115		98		213	05/01/2014
LANAI						
01/01 - 12/31	229		121		350	05/01/2014
LUALUALEI NAVAL MAGAZINE						
01/01 - 12/31	177		111		288	05/01/2014
MCB HAWAII						
01/01 - 12/31	177		111		288	05/01/2014
MOLOKAI						
01/01 - 12/31	157		77		234	05/01/2014
NAS BARBERS POINT						
01/01 - 12/31	177		111		288	05/01/2014
PEARL HARBOR						
01/01 - 12/31	177		111		288	05/01/2014
SCHOFIELD BARRACKS						
01/01 - 12/31	177		111		288	05/01/2014
WHEELER ARMY AIRFIELD						
01/01 - 12/31	177		111		288	05/01/2014
MIDWAY ISLANDS						
MIDWAY ISLANDS						
01/01 - 12/31	125		77		202	05/01/2014
NORTHERN MARIANA ISLANDS						
[OTHER]						
01/01 - 12/31	85		76		161	07/01/2012
ROTA						
01/01 - 12/31	140		106		246	12/01/2013
SAIPAN						
01/01 - 12/31	140		96		236	12/01/2013
TINIAN						

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
01/01 - 12/31	85		76		161	07/01/2012
PUERTO RICO						
[OTHER]						
01/01 - 12/31	109		112		221	06/01/2012
AGUADILLA						
01/01 - 12/31	124		76		200	10/01/2012
BAYAMON						
01/01 - 12/31	195		128		323	09/01/2010
CAROLINA						
01/01 - 12/31	195		128		323	09/01/2010
CEIBA						
01/01 - 12/31	139		92		231	10/01/2012
CULEBRA						
01/01 - 12/31	150		98		248	03/01/2012
FAJARDO [INCL ROOSEVELT RDS NAVSTAT]						
01/01 - 12/31	139		92		231	10/01/2012
FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO]						
01/01 - 12/31	195		128		323	09/01/2010
HUMACAO						
01/01 - 12/31	139		92		231	10/01/2012
LUIS MUNOZ MARIN IAP AGS						
01/01 - 12/31	195		128		323	09/01/2010
LUQUILLO						
01/01 - 12/31	139		92		231	10/01/2012
MAYAGUEZ						
01/01 - 12/31	109		112		221	09/01/2010
PONCE						
01/01 - 12/31	149		89		238	09/01/2012
RIO GRANDE						
01/01 - 12/31	169		123		292	06/01/2012
SABANA SECA [INCL ALL MILITARY]						
01/01 - 12/31	195		128		323	09/01/2010
SAN JUAN & NAV RES STA						
01/01 - 12/31	195		128		323	09/01/2010

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
VIEQUES						
01/01 - 12/31	175		95		270	03/01/2012
VIRGIN ISLANDS (U.S.)						
ST. CROIX						
04/15 - 12/14	135		92		227	05/01/2006
12/15 - 04/14	187		97		284	05/01/2006
ST. JOHN						
04/15 - 12/14	163		98		261	05/01/2006
12/15 - 04/14	220		104		324	05/01/2006
ST. THOMAS						
04/15 - 12/14	240		105		345	05/01/2006
12/15 - 04/14	299		111		410	05/01/2006
WAKE ISLAND						
WAKE ISLAND						
01/01 - 12/31	173		66		239	07/01/2014

[FR Doc. 2014–15079 Filed 06–26–14; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF EDUCATION

[Docket No. ED–2014–ICCD–0062]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Evaluation of the Technical Assistance and Dissemination (TA&D) Program: Grantee Questionnaire/Interview and State Survey Data Collection

AGENCY: Institute of Education Sciences/National Center for Education Statistics (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before July 28, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0062 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E105, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Meredith Bachman, 202–219–2014.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: National Evaluation of the Technical Assistance and Dissemination (TA&D) Program: Grantee Questionnaire/Interview and State Survey Data Collection

OMB Control Number: 1850–0887

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, or Tribal Governments

Total Estimated Number of Annual Responses: 3,702

Total Estimated Number of Annual Burden Hours: 927

Abstract: This data collection is Phase II of the National Evaluation of the

TA&D Program and will focus on gathering relevant information on the State Deaf-Blind Projects funded under the OSEP Technical Assistance and Dissemination (TA&D) Program. Data will be obtained through three questionnaires. A State Deaf-Blind Project Questionnaire will be administered to all Project Directors and will yield detailed descriptive information about the technical assistance products and services provided by the TA&D Program grantees and to whom they provide them. A questionnaire administered to providers who are identified as those who work at least on a weekly basis with students aged 6–21 with deaf blindness will provide information concerning characteristics of these providers and their needs for technical assistance to support their work with students. A subset of these providers who have received child-specific technical assistance or other individualized staff-specific technical assistance from a state deaf-blind project will receive a short set of additional questions about their experiences with the TA received, and their satisfaction with that support.

This data collection will provide unique, detailed data and information that are not currently available from other sources but that are necessary in order to accurately understand the role that the State Deaf-Blind Projects play in supporting local providers in their work with children and youth with deafblindness. The National Evaluation of the TA&D Program is part of the National Assessment of the Individuals with Disabilities Education Improvement Act of 2004 (hereafter referred to as the National Assessment). Failure to collect these data may result in the ED being unable to adequately report to Congress on the National Assessment.

Dated: June 24, 2014.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–15116 Filed 6–26–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Reopening; Applications for New Awards; Training and Information for Parents of Children With Disabilities—Parent Training and Information Centers

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.328M

SUMMARY: This notice reopens the FY 2014 Parent Training and Information Centers competition, authorized by the Individuals with Disabilities Education Act (IDEA), as amended. We published a notice inviting applications (NIA) for this competition on April 9, 2014, in the **Federal Register**. The notice provided a deadline date of May 27, 2014, as well as other information, for the transmittal of applications.

SUPPLEMENTARY INFORMATION: Significant technical problems with the Grants.gov Apply site's ability to accept security enabled Adobe Acrobat files in the Parent Training and Information Centers competition that was announced in the NIA published on April 9, 2014, in the **Federal Register** (79 FR 19595–19604) may have prevented some eligible applicants from meeting the May 27, 2014 deadline. Therefore, we are reopening the competition to provide applicants with additional time to submit an application.

Any applicant that has already submitted an application under the FY 2014 Parent Training and Information Centers competition does not need to resubmit its application, including those applicants whose submissions were accepted but not processed because of the problems with Grants.gov.

DATES:

Deadline for Transmittal of Applications: June 30, 2014.

Note to Applicants: The notice published on April 9, 2014, provides other information that applies to this competition. Specifically, the priority in that notice, entitled ''Parent Training and Information Centers,'' identifies the requirements for applications submitted in response to this notice, including the eligible entities, the States from which we are accepting applications, and the instructions for submitting applications.

Deadline for Intergovernmental Review: August 29, 2014.

FOR FURTHER INFORMATION CONTACT: Carmen Sanchez, U.S. Department of Education, 400 Maryland Avenue SW., Room 4057, Potomac Center Plaza (PCP), Washington, DC 20202–2600. Telephone: (202) 245–6595.

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.

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: June 23, 2014.

Michael K. Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2014–15071 Filed 6–26–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Extension of Deadline; Teacher Quality Partnership Grant Program

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice extending deadline date for the FY 2014 grant competition.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.336S.

SUMMARY: On May 28, 2014, we published in the **Federal Register** (79 FR 30584) a notice inviting applications for the Teacher Quality Partnership Grant Program. The notice established July 14, 2014, as the deadline date for eligible applicants to apply for funding under the program. However, the Department has been informed that the Grants.gov Web site will be unavailable to applicants on July 12–13, 2014, due to a scheduled maintenance outage. To allow applicants additional time to complete their applications as a result of this outage, we are extending the deadline date for transmittal of applications to July 15, 2014.

DATES: *Deadline for Transmittal of Applications:* July 15, 2014.

FOR FURTHER INFORMATION CONTACT: Christine Miller, U.S. Department of Education, 400 Maryland Avenue SW., Room 4C119, Washington, DC 20202–5950. Telephone: (202) 453–5680 or by email: *tqpartnership@ed.gov.*

If you use a telecommunications device for the deaf or a text telephone, call, toll free: 1–877–576–7734.

SUPPLEMENTARY INFORMATION: All other information in the May 28, 2014, notice inviting applications for this competition remains the same, including the application submission instructions.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the 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 this 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. 1021–1022(c).

Dated: June 23, 2014.

Nadya Chinoy Dabby,

Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2014–15093 Filed 6–26–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[Docket No. PP–398]

Notice of Intent To Prepare an Environmental Impact Statement and To Conduct Public Scoping Meetings, and Notice of Floodplains and Wetlands Involvement; Great Northern Transmission Line

AGENCY: Department of Energy.

ACTION: Notice of Intent.

SUMMARY: The Department of Energy (DOE) announces its intent to prepare an environmental impact statement (EIS) to assess the potential environmental impacts from its proposed federal action of granting a Presidential permit to Minnesota Power to construct, operate, maintain, and connect a new electric transmission line across the U.S.-Canada border in northern Minnesota. The *Great Northern Transmission Line Project Environmental Impact Statement* (DOE/EIS–0499) will address potential environmental impacts from the proposed action and the range of reasonable alternatives.

The purpose of this Notice of Intent (NOI) is to inform the public about the proposed action, announce eight public scoping meetings, and solicit public comments on the scope of the EIS. Because the proposed project would involve actions in floodplains and wetlands, in accordance with 10 CFR part 1022, *Compliance with Floodplain and Wetland Environmental Review Requirements,* the EIS will include a floodplain and wetland assessment.

DATES: The public scoping period starts with the publication of this Notice in the **Federal Register** and will continue until August 11, 2014. Written and oral comments will be given equal weight, and DOE will consider all comments submitted or postmarked by August 11, 2014 in defining the scope of this EIS. Comments submitted or postmarked after that date will be considered to the extent practicable.

Eight public scoping meetings will be held between July 16 and July 24. Locations, dates, and start times for the public scoping meetings are listed in the **SUPPLEMENTARY INFORMATION** section of this NOI.

Requests to speak at any one or more public scoping meeting(s) should be received by Julie Ann Smith at the address indicated below on or before July 14, 2014; requests received by that date will be given priority in the speaking order. However, requests to speak also may be made at the scoping meetings.

ADDRESSES: Comments on the scope of the EIS and requests to be added to the document mailing list should be addressed to: Julie Ann Smith, Office of Electricity Delivery and Energy Reliability (OE–20), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; by electronic mail to *Juliea.Smith@hq.doe.gov;* or by facsimile to 202–586–1472.

FOR FURTHER INFORMATION CONTACT: Julie Ann Smith at the addresses above, or at 202–586–7668. For general information on the DOE National Environmental Policy Act (NEPA) process, contact Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (GC–54) at: U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; by electronic mail at *askNEPA@hq.doe.gov;* by facsimile at 202–586–7031; by phone at 202–586–4600 or leave a message at 800–472–2756.

SUPPLEMENTARY INFORMATION: Executive Order (E.O.) 10485, as amended by E.O. 12038, requires that a Presidential permit be issued by DOE before electric transmission facilities may be constructed, operated, maintained, or connected at the U.S. international border. The E.O. provides that a Presidential permit may be issued after a finding that the proposed project is consistent with the public interest and after favorable recommendations from the U.S. Departments of State and Defense. In determining consistency with the public interest, DOE considers the potential environmental impacts of the proposed project under NEPA, determines the project's impact on electric reliability (including whether the proposed project would adversely affect the operation of the U.S. electric power supply system under normal and contingency conditions), and considers any other factors that DOE may find relevant to the public interest. The regulations implementing the E.O. have been codified at 10 CFR part 205. DOE's issuance of a Presidential permit indicates that there is no federal objection to the project, but does not mandate that the project be undertaken.

Minnesota Power, an operating division of ALLETE, Inc., applied on April 15, 2014, to DOE's Office of Electricity Delivery and Energy Reliability (OE) for a Presidential permit to construct, operate, maintain, and connect an approximately 220-mile, 500-kilovolt (kV) overhead, single-circuit, alternating current (AC) electric transmission system from the Canadian Province of Manitoba to the existing Blackberry Substation near Grand Rapids, Minnesota. After due consideration of the nature and extent of the proposed project, including evaluation of the ''Information Regarding Potential Environmental Impacts'' section of the Presidential permit application, DOE has determined that the appropriate level of NEPA review for this project is an EIS.

The Great Northern Transmission Line Presidential permit application,

including associated maps and drawings, can be viewed or downloaded in its entirety from the OE program Web site at: *http://energy.gov/oe/downloads/application-presidential-permit-oe-docket-no-pp-398-great-northern-transmission-line.* Also available at this same OE Web site location is the May 14, 2014, **Federal Register** Notice of Receipt of Application (79 FR 27587).

The proposed federal action is the granting of the Presidential permit for the international border crossing. The proposed construction, operation, maintenance, and connection of the portion of the transmission line within the United States is a connected action to DOE's proposed action. DOE will analyze potential environmental impacts from the proposed federal action and the connected action in the EIS. The EIS will be prepared in accordance with NEPA of 1969, as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality (CEQ) NEPA regulations (40 CFR parts 1500–1508), and the DOE NEPA implementing procedures (10 CFR part 1021). Because the proposed project may involve actions in floodplains and wetlands, in accordance with 10 CFR part 1022, *Compliance with Floodplain and Wetland Environmental Review Requirements,* the EIS will include a floodplain and wetland assessment. DOE will include a floodplain statement of findings in the final EIS or issue such statement separately.

The Minnesota Public Utilities Commission (MN PUC) regulates transmission line construction in the state of Minnesota: First, by determining whether there is a need for a transmission line through its Certificate of Need (CON) process; and second, through its Route Permit process. The CON process establishes the size, type and required end points of a proposed project. Minnesota Power filed its CON application for the proposed GNTL Project with the MN PUC on October 22, 2013, and anticipates a decision on the CON by May 2015.

Under the state's Power Plant Siting Act (PPSA), the MN PUC must also determine the route for the proposed line and any conditions it will require for the construction, operation, and maintenance of the proposed GNTL Project through its Route Permit process. Specifically, the PPSA requires proposals for high-voltage transmission lines (defined as a transmission line of 100 kV or more and one that is greater than 1,500 feet in length with associated facilities) to be issued a Route Permit by the MN PUC prior to construction. Minnesota Power filed its Route Permit application for the proposed GNTL Project concurrently with the DOE Presidential permit application on April 15, 2014. As part of the MN PUC Route Permit decision-making process, an environmental impact statement must be prepared.

DOE will act as federal joint lead agency with the Minnesota Department of Commerce—Energy Environmental Review and Analysis (DOC–EERA) acting as state joint lead agency per 40 CFR 1501.5(b). DOC–EERA prepares EISs for proposed high-voltage transmission lines pursuant to Minnesota Statute Section 216E.03, Subdivision 5. In order to avoid duplication with state environmental review procedures, DOE and DOC–EERA will prepare a single EIS to comply with environmental review requirements under NEPA and the PPSA.

DOE invites Tribal governments and federal, state, and local agencies with jurisdiction by law or special expertise with respect to environmental issues to be cooperating agencies in the preparation of the EIS, as defined at 40 CFR 1501.6.

The U.S. Army Corps of Engineers (USACE), St. Paul District, will be a cooperating agency on this EIS. A Department of the Army permit is expected to be required for proposed discharges of dredged or fill material into waters of the United States, including wetlands, under Section 404 of the Clean Water Act (33 U.S.C. 1344), and also for proposed crossing(s) of navigable waterways under Section 10 of the Rivers and Harbors Act (33 U.S.C. 403). Minnesota Power will apply to the USACE for the required Department of Army permit as part of the proposed GNTL Project.

Applicant's Proposal

The Applicant proposes to construct, operate, maintain, and connect a 220-mile, overhead, single-circuit 500 kV AC transmission line between the Minnesota-Manitoba border crossing northwest of Roseau, Minnesota, and the existing Blackberry 230/115 kV Substation near Grand Rapids, Minnesota. The Applicant's proposal also includes associated substation facilities and transmission system modifications at the Blackberry Substation site, and construction of a new 500 kV Series Compensation Station (a structure which will house the 500 kV series capacitor banks necessary for reliable operation and performance of the proposed transmission line). A new Blackberry 500 kV Substation would be required for the proposed Project and would be constructed adjacent to and east of the existing Blackberry 230/115 kV Substation. The proposed GNTL Project would carry hydropower generated by facilities operated by Manitoba Hydro, a Canadian electric utility, and would support the regional electric grid.

The proposed GNTL Project would be located on all new right-of-way (ROW) that would be approximately 200-feet wide. A wider ROW would be required for certain spans of the proposed Project, at angle and corner structures, for guyed structures, or where special design requirements are dictated by topography. Steel lattice tower structure types and configurations would be considered for the proposed Project to accommodate variations in terrain and land use including a self-supporting lattice structure, a lattice guyed-V structure, and a lattice guyed delta structure. The Applicant currently estimates approximately 4 to 5 structures per mile of transmission line with towers spaced approximately 1,000 to 1,450 feet apart, with shorter or longer spans as necessary. The type of structure in any given section of transmission line would be dependent on land type, land use, and potential effect on the surrounding landscape, and would typically range in height from approximately 100 feet above ground to approximately 150 feet above ground. In some instances, such as where the proposed Project crosses an existing transmission line, taller structures would be required. In cultivated lands, the Applicant would use self-supporting lattice structures (free-standing towers constructed in a crisscrossed pattern of steel beams) so as not to interfere with existing land use.

The Applicant proposes to expand the site of its existing Blackberry 230/115 kV Substation near Grand Rapids, Minnesota, to incorporate the new Blackberry 500 kV Substation, which would be constructed adjacent to and east of the existing substation. The 500 kV Substation would accommodate the new 500 kV line, existing 230kV lines, and all associated 500 kV and 230 kV equipment. Additionally, the proposed GNTL Project would require construction of a new 500 kV Series Compensation Station, which would be located within or adjacent to the final route approved by the State of Minnesota, and would include the 500 kV series capacitor banks necessary for reliable operation and performance of the proposed transmission line, and all associated equipment. The final location for the 500 kV Series Compensation Station would be determined by electric design optimization studies and final route selection. The Applicant has initiated the electric design

optimization studies to identify generally what would be a preferred location of the 500 kV Series Compensation Station along the final route permitted by the state. Based on these studies, candidate sites in Minnesota include the overall midpoint of the line and at one-third of the overall transmission line distance from Blackberry to the existing Dorsey Substation in Manitoba, Canada. Minnesota Power will provide more information on these studies and the preferred location of the 500 kV Series Compensation Station when available.

The proposed GNTL Project (Blue Route) would originate at the Minnesota-Manitoba border roughly 1.4 miles west of Highway 89. It would proceed southeast 0.5 miles to 410th Street, approximately 0.16 of a mile from the intersection of 410th Street and County Road 3. The proposed GNTL Project would travel south 2 miles to 390th Street and turn east following 390th Street for 10.5 miles (where 390th Street then turns into County Road 118). At 0.25 miles from Highway 310 the proposed line would turn southeast and continue for another 12 miles. At 0.5 miles from 510th Avenue the proposed line would again turn and travel 2.3 miles east to join the existing Minnkota Power 230 kV line. The proposed GNTL Project would parallel the existing Minnkota Power 230 kV line southeast for 1.8 miles and then turn south where it would meet the existing Xcel 500 kV line. Beginning at a tenth of mile north of US Highway 11, the proposed transmission line would parallel the existing Xcel 500 kV line route for 36 miles after which it would turn east, leaving the Xcel 500 kV line 2 miles southeast of the intersection of Faunce Forest Road and 19th Street Southwest in Lake of the Woods County.

The proposed GNTL Project would proceed east for 5.8 miles and then turn northeast to rejoin the existing Minnkota Power 230 kV line at its intersection with Pitt Grade Trail. The proposed line would then parallel this existing 230 kV line in an easterly direction for 31 miles to a point 1.5 miles west of the County Road 86 in Koochiching County where it would then proceed southeast for 8.3 miles and then south for 1.8 miles. At this point, the proposed GNTL Project would be roughly 1.5 miles south from the intersection of County Road 32 and County Road 36 in Koochiching County. The line would then continue southeast for 21.3 miles and intersect Highway 71 roughly 4.5 miles northeast of Big Falls, where it would continue an additional 9.6 miles to the southeast where it would rejoin the existing Minnkota Power 230 kV line, following the existing line in a southerly direction for 12.3 miles.

The proposed GNTL Project would continue south for 3 miles following Deer River Line Road (also called County Road 62). The transmission line would turn east for 3.5 miles and then turn southeast again and travel 5 miles to Itasca County near the intersection of County Road 523 and South Lofgrin Forest Road. The proposed line would extend south for 6.4 miles, turning south, southeast for another 2.8 miles, and then head south for 11.5 miles. At 2.8 miles north of Scooty Lake, the proposed GNTL Project would continue to travel 7.5 miles south to County Road 530, where it would cross the West Fork Prairie River. At County Road 530, the proposed line would again turn south southwest and continue 6.5 miles to County Road 57. The line would turn south, southwest for 3.7 miles, and then head south for 3.8 miles to Diamond Lake Road. The route then heads south, southeast for 2.7 miles. At the Swan River, proposed GNTL Project heads south for 4.4 miles where it would meet an existing Minnesota Power 230 kV line, paralleling it for 1 mile to the existing Blackberry Substation near Grand Rapids, Minnesota.

Agency Purpose and Need, Proposed Action, and Alternatives

The DOE proposed federal action is the granting of a Presidential permit to Minnesota Power to construct, operate, maintain, and connect a new electric transmission line across the U.S.-Canada border northwest of Roseau, Minnesota. The *Great Northern Transmission Line Project Environmental Impact Statement* (DOE/EIS–0499) will address potential environmental impacts from the proposed action and the range of reasonable alternatives. The purpose and need for DOE's action is to decide whether to grant Minnesota Power a Presidential permit. It should be noted, however, that although the potential environmental impacts are important, they are not the only criteria that form the basis for the final permitting decision. DOE also considers the impact of the proposed action on electric reliability. If granted, the Presidential permit would authorize only that portion of the line that would be constructed, operated, and maintained wholly within the United States.

Four action alternatives (routes) for constructing the proposed transmission line inside the United States have been identified by the Applicant: Two overall proposed route alternatives (Blue Route and Orange Route) and one segment option proposed for each complete route alternative (Blue Route Segment C2 and Orange Route Segment J2, respectively). The Blue Route would parallel existing transmission lines for 84.2 miles, while the Orange Route would parallel existing transmission lines for 66.4 miles. The proposed route alternatives vary slightly in total length: 219.5 miles for the Blue Route, 232.7 miles for Blue Route Segment C2, 219.9 miles for the Orange Route and 222.8 total miles for Orange Route Segment J2. While the Blue Route is shorter in total length, it goes through undeveloped forest. Blue Route Segment C2 is longest in total length of the line and is closer to residences than the Blue Route alternative. The Orange Route alternative goes through undeveloped forest, whereas Orange Route Segment J2 is closer to residences. The majority of potentially impacted land for any route alternative would consist of woody wetlands and deciduous, evergreen, and mixed forest lands. Impacted agricultural land would include pasture and hay, row crops, and small grains. The combined Blackberry 500-kV Substation and the 500-kV Series Compensation Station for any route alternative would require approximately 25 acres.

An interactive map showing the proposed GNTL Project route alternative (shown on the map as the ''Blue Route''), a second route alternative (shown on the map as the ''Orange Route''), and two route alternative segment options (shown on the map as ''Segments Options C2 and J2'') may be found at *http://www.greatnorthern transmissionline.com/map/.*

All route alternatives would cross the U.S.-Canada border in Roseau County, Minnesota, roughly 1.4 miles west of Highway 89. The Blue Route, the Applicant's preferred alternative, is described in detail above.

The northwestern-most portion (approximately 65 miles) of the Orange Route alternative would be collocated with the Blue Route; therefore, the descriptions of this portion of the routes are the same up to the point at which both propose route alternatives would meet up with the existing Xcel 500 kV transmission line. Once arriving at the existing Xcel 500 kV line, the Orange Route alternative would parallel the existing 500 kV line ROW, in a general southeast orientation, for approximately 60 miles into extreme southeast Lake of the Woods County, to a point approximately 0.5 miles west of State Highway 72 and 1 mile north of Beltrami County. At this point, the Orange Route would turn south for approximately 1 mile, where it would

cross into Beltrami County, and continue south for an additional 4.6 miles, then would turn to head east for approximately 0.5 miles, crossing State Highway 72.

After crossing Highway 72, the Orange Route would turn southeast for 7.5 miles, crossing into Koochiching County, after which, the route would continue southeast for another 3 miles to a point approximately 0.5 miles east of Pine Island Road. At this point, the Orange Route alternative would turn south for 15.7 miles to the vicinity of Flowing Well Trail. Approximately 0.1 miles north of Flowing Well Trail, the line would turn east for 11.1 miles, to a point approximately 1.7 miles north of the City of Gemmell and 0.7 miles east of County Road 64. The Orange Route would then turn southeast for 13.0 miles, head east for another 4.5 miles to a point approximately 0.8 miles west of State Highway 6 and 1.3 miles north of the Itasca County Line. At this point, the Orange Route would turn southeast for 4.2 miles, crossing into Itasca County, before it would head east for 3.8 miles, to a point approximately 0.4 miles east of County Road 5 and 1.6 miles south of the City of Craigville.

The Orange Route alternative would turn southeast for 1.3 miles, and then head south for 1.7 miles to cross State Highway 1. After crossing State Highway 1, the proposed line would continue south for 2.4 miles, to a point approximately 2.4 miles east of State Highway 38, where it would then head east for 6.1 miles. At this point, the Orange Route would be approximately 2.4 miles west of the intersection between State Highway 1 and Bass Lake Campground Road, where it would veer southeast for 11.5 miles, to a point approximately 3 miles east of State Highway 65 and 0.6 miles north of County Road 52. At this location, this route alternative would follow a southern orientation for approximately 14.7 miles, crossing County Road 52, Wolf Lake Road (among others) and the West Fork Prairie River.

Approximately 2.8 miles west of State Highway 65 and 1.1 miles north of County Rd 57, the Orange Route alternative would turn southwest for 5.1 miles, before it would follow a general south orientation for another 8.8 miles to meet up with an existing Minnesota Power 115 kV transmission ROW. The Orange Route would continue south, paralleling the existing 115 kV line for 2.7 miles, then would veer southeast at Diamond Lake Rd and crossing U.S. Highway 169 between the Cities of Taconite and Marble. After crossing Highway 169, this route alternative would continue southeast for another 4.0 miles, crossing the Swam River. Approximately 0.3 miles north of Foot Lake, the route would then turn south for 1.1 miles, where it meets up with the existing Minnesota Power 115 kV line. The Orange Route would parallel this existing 115 kV line ROW southeast for 1.4 miles, where it would turn south for another 0.8 miles, terminating at the existing Blackberry Substation near Grand Rapids, Minnesota.

The Blue Route Segment C2 alternative would be the same as the proposed Blue Route alternative until the line reaches a point roughly 1.5 mile south from the intersection of County Road 32 and County Road 36 in Koochiching County. From this point the Blue Route Segment C2 alternative would follow the existing Minnkota and Minnesota Power 230 kV transmission lines east and then head south for 47.0 miles to the point where the Blue Route alternative would follow the existing Minnkota Power 230 kV line.

The Orange Route Segment J2 alternative would be the same as the Orange Route until the line would reach approximately 5.0 miles northeast of Kelliher. From this point, the Orange Route Segment J2 would head southeast for 2.5 miles, turn south for 6.0 miles, and then proceed southeast for 1.0 mile to County Road 1. It would continue southeast for 1.0 mile, head east for 24.0 miles to County Road 6, continuing east for another 2.0 miles. The Orange Route Segment J2 alternative would then head southeast for 3.0 miles, cross TH 1, and turn slightly east for 2.0 miles, crossing TH 38, where it would join back up with the Orange Route alternative.

Under the No Action alternative, DOE would not grant a Presidential permit for the proposed project. Under the No Action alternative, the EIS assumes for purposes of analysis that the proposed line and associated facilities would not be constructed.

Identification of Environmental Issues

The EIS will examine potential public health and safety effects and environmental impacts in the U.S. from the proposed transmission facilities. This notice is intended to inform agencies and the public of the proposed project, and to solicit comments and suggestions for consideration in the preparation of the EIS. To help the public frame its comments, the following is a list of examples of several potential environmental issues that DOE has identified for analysis:

1. Protected, threatened, endangered, or sensitive species of animals or plants, or their critical habitats: The EIS will consider the potential effects of the construction and operation of the project on protected or candidate species, including the Canada lynx (federally listed threatened species), piping plover (federally listed threatened species), Western prairie fringed orchid (federally listed threatened species), Sprague's pipit (federally listed threatened species), Poweshiek skipperling (proposed federally listed endangered species as of October 24, 2013), Dakota skipper (proposed federally listed threatened species as of October 24, 2013), and Northern long-eared bat (proposed federally listed endangered species as of October 2, 2013).

2. Biological resources: The EIS will consider the potential effects of the construction and operation of the project on shellfish, insects, birds and other wildlife, as well as effects on forests, shrubland, wetland, peatland, and grassland plant species, and the potential for introduction of invasive species.

3. Floodplains and wetlands: The EIS will consider the potential effects of the construction and operation of the project on freshwater floodplains and wetlands, including those associated with peatland and lowland forest type vegetation, as well as calcareous fens communities.

4. Cultural or historic resources: The EIS will consider the potential effects of the construction and operation of the project on archeological, architectural, and Traditional Cultural Properties (i.e., properties of religious and cultural importance), National Historic Landmarks, historic properties currently listed and potentially eligible for listing on the National Historic Register, prehistoric sites, and cultural landscape.

5. Human health and safety: The EIS will consider the nature and potential effects of electric and magnetic fields that may be generated by the operation of the project.

6. Air quality: The EIS will consider the potential effects of the construction and operation of the project on air quality, including the emission and effects of greenhouse gases such as carbon dioxide.

7. Soil: The EIS will consider the potential effects of the construction and operation of the project on the loss or disturbance of soils.

8. Water resources: The EIS will consider the potential effects of the construction and operation of the project on a diverse set of water resource types that are found throughout the proposed project area including, but not limited to, major watersheds, public water inventory watercourses and basins, groundwater,

trout streams, and impaired water bodies.

9. Land use: The EIS will consider the potential effects of the installation and operation of the project on land uses, including agricultural lands, parks, recreational areas, and other public lands.

10. Visual resources: The EIS will consider the potential effects of the installation and operation of the project on visual resources, mainly from tower structures and conductors that could be viewed from residences and where recreational trails are either crossed or paralleled by route alternatives including, but not limited to, potential effects to recreational users of the Big Fork Canoe and Red Lake Canoe Trails in Koochiching County and Beltrami County, respectively, and Big Bog State Recreation Area in Beltrami County.

11. Noise: The EIS will consider the potential effects of the installation and operation of the project on noise levels at location(s) along the proposed line as well as at the location(s) of the 500-kV Blackberry Substation and the 500 kV Series Compensation Station.

12. Socioeconomics: This EIS will consider potential impacts on community services.

This list is not intended to be all inclusive or to imply any predetermination of impacts. DOE invites interested parties to suggest specific issues within these general categories, or other issues not included above, to be considered in the EIS.

Scoping Process

Interested parties are invited to participate in the scoping process, both to help define the environmental issues to be analyzed and to identify the range of reasonable alternatives. DOE invites interested agencies, organizations, Native American tribes, and members of the public to submit comments to assist in identifying significant environmental issues and in determining the appropriate scope of the EIS. Written and oral comments will be given equal weight. Public scoping meetings will be held at the locations, dates, and times as indicated below:

1. Roseau, MN: Roseau Civic Center, 121 Center Street East, Roseau, MN, 56751; Wednesday. July 16, 2014, at 11:00 a.m.

2. Baudette, MN: Lake of the Woods School, 236 15th Ave. SW., Baudette, MN, 56623; Wednesday, July 16, 2014, at 6:00 p.m.

3. Littlefork, MN: Littlefork Community Center, 220 Main Street, Littlefork, MN, 56653; Thursday, July 17, 2014, at 11:00 a.m.

4. International Falls, MN: AmericInn, 1500 Highway 71, International Falls, MN, 56649; Thursday, July 17, 2014, 6:00 p.m.

5. Kelliher, MN: Kelliher Public School, 345 4th Street NW., Kelliher, MN, 56650; Wednesday, July 23, 2014, at 11:00 a.m.

6. Bigfork, MN: Bigfork School, 100 Huskie Boulevard, Bigfork, MN, 56628; Wednesday, July 23, 2014, at 6:00 p.m.

7. Grand Rapids, MN: Sawmill Inn, 2301 South Hwy 169, Grand Rapids, MN, 55744; Thursday, July 24, 2014, at 11:00 a.m.

8. Grand Rapids, MN: Sawmill Inn, 2301 South Hwy 169, Grand Rapids, MN, 55744; Thursday, July 24, 2014, at 6:00 p.m.

The scoping meetings will be structured in two parts: first, a ''workshop'' period with presentations on the proposed GNTL Project, and the state and federal decisions, followed by informal discussion that will not be recorded; and, second, the formal taking of comments with transcription by a court stenographer. The meetings will provide interested parties the opportunity to view proposed project exhibits, ask questions, and make comments. The Applicant, DOE, and MN DOC–EERA will be available to answer questions and provide additional information to attendees to the extent that additional information is available at this early stage of the proceedings.

Persons submitting comments during the scoping process, whether orally or in writing, will receive either paper or electronic copies of the draft EIS, according to their preference. Persons who do not wish to submit comments or suggestions at this time but who would like to receive a copy of the document for review and comment when it is issued should notify Julie Ann Smith as provided above, with their paper-or-electronic preference.

EIS Preparation and Schedule

In preparing the draft EIS, DOE will consider comments submitted during the scoping period. They can be submitted to Julie Ann Smith either electronically or by paper copy; if the latter, consider using a delivery service because materials submitted by regular mail are subject to security screening, which both causes extended delay and potential damage to the contents. DOE will summarize all comments received in a ''Scoping Report'' that will be available on a project EIS Web site, and will be distributed either electronically to all parties of record for whom we have an email address, or by mailing paper copies upon request. DOE and the MN DOC–EERA expect to issue the draft GNTL EIS in February 2015 and the final EIS in July 2015.

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

Patricia A. Hoffman,

Assistant Secretary, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2014–15070 Filed 6–26–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

New Information Collection

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

ACTION: Notice and Request for Comments.

SUMMARY: The Department of Energy (DOE) invites public comment on a proposed collection of information that DOE is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995. The proposed collection of information relates to DOE's Superior Energy Performance certification program. 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, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before August 26, 2014. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible.

ADDRESSES: Written comments may be sent to Paul Scheihing, EE–5A/Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, by fax at 202–586–9234, or by email at *paul.scheihing@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or

copies of the information collection instrument and instructions should be directed to Paul Scheihing, EE–5A/ Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, by fax at 202–586–9234, or by email at *paul.scheihing@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.:* New.

(2) *Information Collection Request Title:* Department of Energy Superior Energy Performance™ Certification Program Information Collection Request.

(3) *Type of Request:* New.

(4) *Purpose:* This Information Collection Request applies to the Department of Energy (DOE) voluntary certification program for industrial facilities: Superior Energy Performance™ (SEP). The information being collected is needed so as to include participants in the DOE's SEP. SEP is an energy efficiency certification and recognition program for industrial facilities demonstrating energy management excellence and sustained energy savings. SEP builds on the ISO 50001 energy management system standard and provides a rigorous, internationally-recognized business process for companies to continually improve their energy performance. The SEP third-party verification of energy performance improvement is unique in the marketplace, and assists to differentiate certified companies from their competitors. This request for information consists of a voluntary data collection process for SEP participation: To enroll industrial facilities, manage and track certification cycles, and relay the costs and benefits of SEP certification to industry.

There are four types of information to be collected from primary participants: (1) Background data, including contact information and basic information about the facility's experience with energy management—collected in the SEP Enrollment Form; (2) Basic facility information about its energy use, energy consumption, and energy performance indicators—collected in the SEP Application Form; (3) Information on energy performance improvement in SEP-certified facilities—collected in the SEP Energy Performance Improvement Report; (4) Information on the costs and benefits of participating in SEP (optional; not required for SEP certification)—collected in the SEP Voluntary Costs/Benefits Form.

Background data will primarily be used to track basic information about SEP participants and identify opportunities to provide participants with technical assistance. Basic information about a facility's energy use, energy consumption, and energy performance indicators will be used to administer the SEP program and determine readiness for SEP certification audit. Information on energy performance improvement will be used by DOE to manage and track certification cycles, and to track the results of SEP participation. Optional information on costs and benefits of SEP participation will be used to conduct and refine analysis on the costs and benefits of SEP participation, as called for in Executive Order 13624: Accelerating Investment in Industrial Energy Efficiency. Responses to the DOE's Information Collection Request will be voluntary.

(5) *Annual Estimated Number of Respondents:* 575.

(6) *Annual Estimated Number of Total Responses:* 475.

(7) *Annual Estimated Number of Burden Hours:* 650.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $31,295.

Statutory Authority: Accelerating Investment in Industrial Energy Efficiency. Executive Order 13624, 77 FR 54779 (Aug. 30, 2012); 42 U.S.C. 16191.

Paul Scheihing,

Technology Manager, Advanced Manufacturing Office.

[FR Doc. 2014–15065 Filed 6–26–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RD14–4–000]

Proposed Agency Information Collection

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice and Request for Comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission) invites public comment in Docket No. RD14–4–000 on a proposed collection of information that the Commission is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995. 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, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before August 26, 2014.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways:

- Electronic Filing through *http://www.ferc.gov.* Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.
- Mail/Hand Delivery: Those unable to file electronically may mail or hand-deliver an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION: The proposed information collection in Docket No. RD14–4–000 relates to a proposed revision to the Interchange Scheduling and Coordination (INT) group of Reliability Standards, developed by the North American Electric Reliability Corporation (NERC), and submitted to the Commission for approval. The proposed revision modifies the Interchange Scheduling and Coordination Reliability Standards in response to Commission directives in Order No. 693,[1] as well as some other clarifying revisions relating to the ten revised definitions and four new definitions to be added to the NERC Glossary of Terms Used in NERC Reliability Standards (NERC Glossary). The information collection requirements contained in the Interchange Scheduling and Coordination group of Reliability Standards are contained in FERC–725A (OMB Control Number 1902–0244).

On March 16, 2007, the Commission issued Order No. 693, approving 83 of the 107 Reliability Standards and

[1] *Mandatory Reliability Standards for the Bulk-Power System,* Order No. 693, 72 FR 16416 (Apr. 4, 2007), FERC Stats. & Regs. ¶ 31,242, at PP 819, 821, 843, 848, 872, 875 & 887, *order on reh'g,* Order No. 693–A, 120 FERC ¶ 61,053 (2007).

associated definitions filed by NERC, including the Interchange Scheduling and Coordination group of Reliability Standards INT–001, INT–003, INT–004, INT–005, INT–006, INT–007, INT–008, INT–009, and INT–010.[2] In Order No. 693, the Commission directed NERC to make changes through the Reliability Standards development process to address certain directives. Specifically, the Commission directed NERC to: (1) Develop a modification to INT–001–2 that includes a requirement that interchange information must be submitted for all point-to-point transfers entirely within a balancing authority area, including all grandfathered and ''non-Order No. 888'' transfers; and (2) to develop a modification to INT–006–1 through the Reliability Standards development process to make the standard applicable to reliability coordinators and transmission operators, and require reliability coordinators and transmission operators to review energy interchange transactions from the wide-area and local area reliability viewpoints respectively and, where their review indicates a potential detrimental reliability impact, communicate to the sink balancing authorities necessary transaction modifications.

In its February 27, 2014 petition, NERC seeks Commission approval of proposed revisions to the currently effective Reliability Standards, as well as one new Reliability Standard to address the Commission's directives. NERC asserts that, collectively, the five proposed Reliability Standards, consisting of fourteen requirements, consolidate the body of Interchange Scheduling and Coordination Reliability Standards. In its petition, NERC also seeks approval for the retirement of the currently effective Reliability Standards.[3] NERC also seeks approval of ten revised definitions and four new definitions to be added to the NERC Glossary. NERC proposes to add the term ''Interchange'' to the existing definition for ''Operational Planning Analysis.''[4] NERC States that ''by explicitly including 'Interchange' in the definition of 'Operational Planning Analysis,' the Reliability Coordinator must consider Interchange when performing the analysis required in Reliability Standard IRO–008–1.''[5] Therefore, the estimates for this information collection are based on the proposed modifications.

The Commission estimates a modest increase in information collection and reporting that would result from implementing NERC's proposed revision to the NERC Glossary definition of ''Operational Planning Analysis'' and new proposed Reliability Standard INT–011–1. The estimate reflects NERC's proposal to include a requirement that interchange information must be submitted for all point-to-point transfers entirely within a balancing authority area, including all grandfathered and ''non-Order No. 888'' transfers; and NERC's alternative proposal to address the Commission's concern regarding INT–006–1, as described above.

NERC explains that ''by explicitly including 'Interchange' in the definition of 'Operational Planning Analysis,' the Reliability Coordinator must consider Interchange when performing the analysis required in Reliability Standard IRO–008–1.''[6] These administrative burdens fall into three categories of ''Submit Interchange Information,'' ''Communicate Transaction Modification'' and ''Submit a Request for Interchange'' as described in NERC's petition.[7] NERC's technical justification has shown that when the results of reliability coordinator studies indicate the need for action, the reliability coordinator is required to share the results per Requirement R3 of Reliability Standard IRO–008–1. NERC explains that because energy transfers within a balancing authority area that use point-to-point transmission service can impact transmission congestion, proposed Reliability Standard INT–011–1 ensures that these transfers are communicated and accounted for in congestion management procedures. If a transfer within a balancing authority area is submitted as a request for interchange or otherwise accounted for in congestion management procedures, it can be evaluated and processed comparable to a request for interchange that crosses balancing authority areas.[8]

Accordingly, we estimate an increase of one hour needed for ''Submit Interchange Information'' for balancing authorities, ''Communicate Transaction Modification'' for the reliability coordinators, and ''Submit a Request for Interchange'' for the load-serving entities, respectively. With respect to the proposed revisions and retirement of the currently-effective Reliability Standards, the Commission estimates no material change in information collection because the consolidation of the standards does not impact the paperwork burden.

Burden Statement: Public reporting burden for this proposed collection is estimated as:

FERC–725A

	Number and type of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1)*(2) = (3)	Average burden & cost per response[9] (4)	Total annual burden hours & total annual cost (3)*(4) = (5)	Cost per respondent ($) (5) ÷ (1)
Submit Interchange Information	114, Balancing authority (BA)	52	5,928	1, $60	5,928, $355,680	$3,120
Communicate Transaction Modification.	21, Reliability coordinator (RC)	12	252	1, $60	252, $15,120	720
Submit Request for Interchange (INT–011–1).	502, Load-serving entity (LSE)	12	6,024	1, $60	6,024, $361,440	720
Evidence Retention	637, BA/RC/LSE	1	637	1, $32	637, $20,384	32
Total			12,841		12,841, $752,624	

[2] Order No. 693, FERC Stats. & Regs. ¶ 31,242 at PP 814–887.

[3] NERC Petition at 4.

[4] ''Interchange'' is defined in the NERC Glossary as ''Energy transfers that cross Balancing Authority Boundaries.

[5] NERC Petition at 32.

[6] NERC Petition at 32.

[7] NERC Petition, Exhibit E at 1–2.

[8] NERC Petition at 22.

[9] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * XX per Hour = Average Cost per

Continued

Dated: June 18, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–15091 Filed 6–26–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–498–000]

Notice of Application; Rockies Express Pipeline LLC

Take notice that on June 10, 2014, Rockies Express Pipeline LLC (Rockies Express), 370 Van Gordon Street, Lakewood, Colorado 80228–1519, filed an application under section 7(c) of the Natural Gas Act to modify, construct and operate certain facilities that will enable the bi-directional flow of natural on the Rockies Express mainline from Monroe County, Ohio to the existing Natural Gas Pipeline Company of America (NGPL) delivery interconnect located in Moultrie County, Illinois, all as more fully set forth in the application. This filing 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. 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, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Any questions regarding this project should be directed to Robert F. Harrington, Vice President, Regulatory, Rockies Express Pipeline LLC, 370 Van Gordon Street, Lakewood, CO 80228–1519 at (303) 763–3258 (phone) or *robert.harrington@tallgrassenergyylp.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice, the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on July 14, 2014.

Dated: June 23, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–15076 Filed 6–26–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1388–075]

Southern California Edison Company; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Application for Temporary Variance of Minimum Pool Elevation Requirement.

b. *Project No.:* 1388–075.

c. *Date Filed:* June 16, 2014.

d. *Applicant:* Southern California Edison Company (licensee).

e. *Name of Project:* Lee Vining.

f. *Location:* Lee Vining Creek in Mono County, CA.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Wayne Allen, Southern California Edison Company, 1515 Walnut Grove Avenue,

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Response. The estimates for cost per hour (rounded to the nearest dollar) are derived as follows:

- $60/hour, the average salary plus benefits per engineer (from Bureau of Labor Statistics at *http://bls.gov/oes/current/naics3_221000.htm*).
- $82/hour, the salary plus benefits per manager (from Bureau of Labor Statistics at *http://bls.gov/oes/current/naics3_221000.htm*).
- $32/hour, the salary plus benefits per information and record clerks (from Bureau of Labor Statistics at *http://bls.gov/oes/current/naics3_221000.htm*).

Rosemead, CA 91770. Phone (626) 302–9741.

i. *FERC Contact:* Mr. John Aedo, (415) 369–3335, or *john.aedo@ferc.gov.*

j. Deadline for filing comments, motions to intervene, protests, and recommendations is 30 days from the issuance date of this notice by the Commission (July 18, 2014). The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, or recommendations 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. Please include the project number (P–1388–075) on any comments, motions to intervene, protests, or recommendations filed.

k. *Description of Request:* The licensee requests Commission approval to temporarily reduce the surface elevation of Tioga Lake below the minimum pool elevation requirement of its project license. U.S. Forest Service Section 4(e) Condition No. 4 requires that the licensee maintain Tioga Lake within 2 feet of the spillway crest during dry years, from May 1st through September 30th. In order to accommodate the planned installation of geomembrane liners on the main and auxiliary dams, the licensee requests Commission approval to begin draining Tioga Lake on September 2, 2014, thereby reducing lake levels below the required elevation prior to September 30th. The licensee would maintain natural flows through the outlet valve through the duration of the proposed project.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also 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, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* 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.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (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, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the license surrender. 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. If an intervener 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. 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.

Dated: June 18, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–15087 Filed 6–26–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

North East Wisconsin Hydro, LLC; Notice Soliciting Scoping Comments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Major License.

b. *Project No.:* P–2744–039.

c. *Date filed:* February 28, 2013.

d. *Applicant:* North East Wisconsin Hydro, LLC.

e. *Name of Project:* Menominee-Park Mill Hydroelectric Project.

f. *Location:* On the Menominee River in Menominee County, Michigan, and Marinette County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Scott Klabunde, Senior VP of Operations; North American Hydro Holdings, LLC; P.O. Box 167; 116 N State Street; Neshkoro, WI 54960; (920) 293–4628 (Ext. 314).

i. *FERC Contact:* Chelsea Hudock, (202) 502–8448 or *chelsea.hudock@ferc.gov.*

j. *Deadline for filing scoping comments:* July 23, 2014.

The Commission strongly encourages electronic filing. Please file scoping comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov*, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2744–039.

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 is not ready for environmental analysis at this time.

l. The Menominee-Park Mill Project consists of two developments: the Menominee Development and the Park Mill Development.

The Park Mill Development consists of the following existing features:

(1) A 538.58-long concrete gravity dam that includes the following segments (from south to north):

(a) A 22-foot-high, 303.5-foot-long spillway with a crest elevation of 607.0 feet mean sea level (msl), topped with flashboards providing a crest elevation of 610.0 feet msl;

(b) An 18-foot-long abandoned fishway and log sluice blocked with wooden stop logs having a crest elevation of 610.0 feet msl;

(c) A 168.58-foot-long spillway with seven 20-foot-wide by 11-foot-high Tainter gates with a sill elevation of 598 feet msl and a top of gate elevation 610 feet msl;

(d) A 22-foot-high, 48.5-foot-long concrete gravity spillway with a crest elevation of 607.0 feet msl, topped with flashboards providing a crest elevation of 610.0 feet msl;

(2) A reservoir with a normal operating elevation of 610.0 feet msl, a surface area of about 539 acres, and a normal operating head of 16 feet;

(3) Inlet works that consist of a 100-foot-wide concrete gravity section with five 16-foot-wide Tainter gates having a sill elevation of 598 feet msl and a top of gate elevation 610 feet msl;

(4) A 2,400-foot-long power canal that is created by an earthen embankment with a 16 foot top width and a crest elevation of 613 feet;

(5) A 138-foot-long stone and brick powerhouse at the downstream end of the headrace canal with a total installed capacity of 2.375 MW and a total combined maximum hydraulic capacity of 2,309 cfs, consisting of:

(a) One 300-horsepower (HP) Kaplan turbine connected to a 0.225–MW generator,

(b) two 800–HP Francis turbines each connected to a 0.420–MW generator,

(c) two 700–HP Kaplan turbines each connected to a 0.430–MW generator,

(d) one 465–HP Kaplan turbine connected to a 0.450–MW generator;

(6) A 3-phase 3,000-kilovolt ampere (kVA), 0.48/24.9-kilovolt (kV) step-up transformer;

(7) A 4,430-foot-long, 24.900-kV transmission line from the Park Mill transformer to its interconnection with Wisconsin Public Service Corporation (WPSC); and

(8) appurtenant facilities.

The Park Mill Development consists of the following existing features:

(1) a 20-foot-long earthen embankment with a concrete core wall connected to the concrete dam at the south end of the dam;

(2) a 466.5-long concrete gravity dam that includes the following segments (from south to north):

(a) a 15-foot-long dam with a crest elevation of 598.5 feet msl;

(b) a 24-foot-high, 293-foot-long spillway with a sill elevation of 582.0 feet, consisting of 12 20-foot-wide by 11-foot-high Tainter gates;

(c) a 150.5-foot-long overflow spillway with a crest elevation of 594.0 feet msl;

(d) an 8-foot-long abandoned fishway blocked with wooden stop logs having a crest elevation of 594.0 feet msl;

(3) a reservoir with a normal operating elevation of 594.0 feet msl, a surface area of about 143 acres and a normal operating head of 12 feet;

(4) a 204-foot-long concrete and brick powerhouse integral with the dam on the north side of the river with a total installed capacity of 2.240 MW and a total combined maximum hydraulic capacity of 2,622 cfs, consisting of:

(a) two 500–HP Kaplan turbines each connected to a 0.458 MW generator, and

(b) two 1,130–HP Kaplan turbines each connected to a 0.662 MW generator,

(5) a 3-phase 3,000-kVA 4.16/24.9-kV step-up transformer;

(6) a 575-foot-long, 24.900-kV transmission line from the Menominee transformer to its interconnection with WPSC; and

(7) appurtenant facilities.

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 address the document. For assistance, contact FERC Online Support. A copy is available for inspection and reproduction at the address in Item H above.

n. You may also 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.

o. *Scoping Process:*

The Commission staff intends to prepare a single Environmental Assessment (EA) for the Menominee-Park Mill Hydroelectric Project in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

Commission staff does not propose to conduct any on-site scoping meetings at this time. Instead, we are soliciting comments, recommendations, and information, on the Scoping Document (SD) issued on June 23, 2014.

Copies of the SD outlining the subject areas to be addressed in the EA were distributed to the parties on the Commission's mailing list and the applicant's distribution list. Copies of the SD may be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call 1–866–208–3676 or for TTY, (202) 502–8659.

Dated: June 23, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–15078 Filed 6–26–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP14–1052–000.
Applicants: East Tennessee Natural Gas, LLC.
Description: EQT temporary release to Range to be effective 6/16/2014.
Filed Date: 6/18/14.
Accession Number: 20140618–5052.
Comments Due: 5 p.m. ET 6/30/14.

Docket Numbers: RP14–1053–000.
Applicants: Equitrans, L.P.
Description: Revised Formula-Based Negotiated Rates Effective 3–1–2014 to be effective 3/1/2014.
Filed Date: 6/18/14.
Accession Number: 20140618–5076.
Comments Due: 5 p.m. ET 6/30/14.

Docket Numbers: RP14–1054–000.
Applicants: Rockies Express Pipeline LLC.
Description: Neg Rate 2014–06–18 A&R NC BP to be effective 6/19/2014.
Filed Date: 6/18/14.

Accession Number: 20140618–5124.
Comments Due: 5 p.m. ET 6/30/14.

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 19, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–15067 Filed 6–26–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC14–101–000.
Applicants: NRG Yield, Inc., NRG Yield Operating LLC, Alta Wind I, LLC, Alta Wind II, LLC, Alta Wind III, LLC, Alta Wind IV, LLC, Alta Wind V, LLC, Alta Wind X, LLC, Alta Wind XI, LLC.
Description: Amendment to June 10, 2014 Joint Application for Approval under Section 203 of the Federal Power Act and Request for Shortened Comment Period of NRG Yield, Inc., et. al.
Filed Date: 6/18/14.
Accession Number: 20140618–5093.
Comments Due: 5 p.m. ET 7/9/14.

Docket Numbers: EC14–105–000.
Applicants: Safeway Inc.
Description: Application for Authorization under Section 203 of the Federal Power Act of Safeway Inc.
Filed Date: 6/18/14.
Accession Number: 20140618–5150.
Comments Due: 5 p.m. ET 7/9/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–1955–001.
Applicants: RTO Energy Trading, LLC.
Description: Amended FERC Electric Tariff No. 1 to be effective 6/27/2014.
Filed Date: 6/16/14.
Accession Number: 20140616–5071.
Comments Due: 5 p.m. ET 6/26/14.

Docket Numbers: ER14–1955–001.
Applicants: RTO Energy Trading, LLC.
Description: Supplement to May 13, 2014 and June 16, 2014 RTO Energy Trading, LLC tariff filing.
Filed Date: 6/18/14.
Accession Number: 20140618–5085.
Comments Due: 5 p.m. ET 6/26/14.

Docket Numbers: ER14–2217–000.
Applicants: Southwest Power Pool, Inc.
Description: 2893 Steele Flats GIA; Cancellation of 2490R1 & 2642 to be effective 5/23/2014.
Filed Date: 6/18/14.
Accession Number: 20140618–5078.
Comments Due: 5 p.m. ET 7/9/14.

Docket Numbers: ER14–2218–000.
Applicants: California Independent System Operator Corporation.
Description: 2014–06–18_Amendment_PNM_DTBAOA to be effective 6/19/2014.
Filed Date: 6/18/14.
Accession Number: 20140618–5104.
Comments Due: 5 p.m. ET 7/9/14.

Docket Numbers: ER14–2219–000.
Applicants: Southwest Power Pool, Inc.
Description: Integrated Marketplace Filing—Clean-Up—Phase II to be effective 3/1/2014.
Filed Date: 6/18/14.
Accession Number: 20140618–5121.
Comments Due: 5 p.m. ET 7/9/14.

Docket Numbers: ER14–2220–000.
Applicants: PJM Interconnection, L.L.C.
Description: Queue Nos. N15, P10/Y2–043; 2nd Rev. SA Nos. 2199, et al and SA No. 3873 to be effective 5/19/2014.
Filed Date: 6/19/14.
Accession Number: 20140619–5000.
Comments Due: 5 p.m. ET 7/10/14.

Docket Numbers: ER14–2221–000.
Applicants: PJM Interconnection, L.L.C.
Description: Original Service Agreement No. 3859; Queue No. Z1–082 to be effective 5/19/2014.
Filed Date: 6/19/14.
Accession Number: 20140619–5001.
Comments Due: 5 p.m. ET 7/10/14.

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 19, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–15089 Filed 6–26–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP13–941–000.

Applicants: Southern Star Central Gas Pipeline, Inc.

Description: Rate Case (RP13–941) Refund Report Filing.

Filed Date: 6/19/14.

Accession Number: 20140619–5019.

Comments Due: 5 p.m. ET 7/1/14.

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 23, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–15068 Filed 6–26–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission's staff may attend the following meetings related to the transmission planning activities of the Midcontinent Independent System Operator, Inc. (MISO):

MISO Planning Subcommittee Meeting—June 24, 2014.

MISO Planning Advisory Committee—June 25, 2014.

The above-referenced meetings will be held at: MISO Headquarters, 720 City Center Drive, Carmel, IN 46032.

The above-referenced meetings are open to the public.

Further information may be found at *www.misoenergy.org.*

The discussions at the meeting described above may address matters at issue in the following proceedings:

Docket No. ER11–1844, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER12–2302, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER13–186, *et. al., Midwest Independent Transmission System Operator, Inc.*

Docket No. ER13–187, *et. al., Midwest Independent Transmission System Operator, Inc.*

Docket No. ER13–1923, *Midcontinent Independent System Operator, Inc.*

Docket No. ER13–1924, *Duquesne Light Company, PJM Interconnection, L.L.C.*

Docket No. ER13–1930, *Louisville Gas and Electric Company*

Docket No. ER13–1937, *Southwest Power Pool, Inc.*

Docket No. ER13–1938, *Midcontinent Independent System Operator, Inc.*

Docket No. ER13–1939, *Southwest Power Pool, Inc.*

Docket No. ER13–1940, *Ohio Valley Electric Corporation*

Docket No. ER13–1941, *Alabama Power Company*

Docket No. ER13–1943, *Midcontinent Independent System Operator, Inc.*

Docket No. ER13–1944, *PJM Interconnection, L.L.C.*

Docket No. ER13–1945, *Midcontinent Independent System Operator, Inc.*

Docket No. ER13–1955, *Entergy Services, Inc.*

Docket No. ER13–1956, *Cleco Power LLC*

Docket No. ER14–1912, *Midcontinent Independent System Operator, Inc.*

Docket No. EL13–75, *Indicated Load-Serving Entities* v. *Midcontinent Independent System Operator, Inc. and PJM Interconnection, L.L.C.*

Docket No. EL13–76, *AmerenEnergy Resources Generating Co.* v. *Midcontinent Independent System Operator, Inc.*

Docket No. EL13–88, *Northern Indiana Public Service Company* v. *Midcontinent Independent System Operator, Inc. and PJM Interconnection, L.L.C.*

Docket No. AD12–16, *Capacity Deliverability Across the Midwest Independent Transmission System Operator, Inc./PJM Interconnection, L.L.C. Seam*

Docket No. AD14–3, *Coordination Across the Midcontinent Independent System Operator, Inc./PJM Interconnection, L.L.C. Seam*

Docket No. OA08–53, *Midwest Independent Transmission System Operator, Inc.*

Docket No. EL14–21, *Southwest Power Pool, Inc.*

Docket No. EL14–30, *Midcontinent Independent System Operator, Inc.*

Docket No. ER14–1174, *Southwest Power Pool, Inc.*

Docket No. ER14–1713, *Midcontinent Independent System Operator, Inc.*

Docket No. ER14–1736, *Midcontinent Independent System Operator, Inc.*

Docket No. ER14–2022, *Midcontinent Independent System Operator, Inc.*

Docket No. ER14–2059, *Midcontinent Independent System Operator, Inc.*

Docket No. ER14–2062, *Southwest Power Pool, Inc.*

Docket No. ER14–2159, *Midcontinent Independent System Operator, Inc.*

For more information, contact Jason Strong, Office of Energy Markets Regulation, Federal Energy Regulatory Commission at (202) 502–6124 or *jason.strong@ferc.gov.*

Dated: June 18, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–15086 Filed 6–26–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–69–000]

Entergy Texas, Inc. (Complainant) v. East Texas Electric Cooperative, Inc., Sam Rayburn Electric Cooperative, Inc., Tex-La Electric Cooperative of Texas, Inc., (Respondents); Notice of Complaint

Take notice that on June 20, 2014, pursuant to Rules 206 and 212 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 and 385.212 and sections 206 and 306 of the Federal Power Act, 16 U.S.C. 824(e) and 825(e), Entergy Texas, Inc. (ETI) filed: (1) A formal complaint against East Texas Electric Cooperative, Inc., Sam Rayburn Electric Cooperative, Inc., and Tex-La Electric Cooperative of Texas, Inc. (collectively, ETEC) alleging that, ETI's allocation of its 2005 Bandwidth receipts to ETEC was unjust and unreasonable,[1] and (2) request that this proceeding be consolidated with Docket No. EL14–43–000.

The ETI certifies that copies of the complaint were served on the contacts for ETEC as listed on the Commission's list of Corporate Officials, as well as ETEC's counsel in Docket No. EL14–43–000.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies

[1] The Complainant argues that such allocation is unjust and unreasonable to the extent that the Commission holds, in Docket No. EL14–43–000, that ETI is required to allocate its Bandwidth payments or receipts, using an energy method or otherwise violated the Second Amended and Restated Agreement for Partial Requirements Wholesale Service between ETI and ETEC.

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 21, 2014.

Dated: June 20, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–15081 Filed 6–26–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13124–015]

Copper Valley Electric Association, Inc.; Notice of Availability of Supplemental Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission or FERC's) regulations, 18 Code of Federal Regulations (CFR) Part 380 (Order No. 486, 52 **Federal Register** 47897), the Office of Energy Projects has reviewed Copper Valley Electric Association, Inc.'s application to amend its license for the Allison Creek Hydroelectric Project (FERC Project No. 13124). The 6.5-megawatt (MW) project is located on Allison Creek near Valdez, Alaska. The project does not occupy any federal lands.

The licensee is proposing to amend its powerhouse and tailrace to include a single 6.5 MW turbine generator unit instead of the two smaller 3.25 MW units that were licensed. This amendment would shift the powerhouse location and pivot the tailrace approximately 90 degrees to the north. In addition to the changes to the powerhouse and tailrace, the licensee proposes to shift the transmission line route south and uphill of the original licensed route along the Trans-Alaska Pipeline System right-of-way. In addition the voltage would change from 34.5 kilovolts (kV) to 25 kV. Staff prepared a supplemental environmental assessment (EA) which analyzes the potential environmental effects of the proposed amendment, and concludes that amending the license, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the EA may be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–13124) in the docket number field to access the document. You may also 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, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the Commission's Public Reference Room located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371.

Dated: June 20, 2014.

Kimberly D. Bose,

Secretary.

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT FOR AMENDMENT OF LICENSE

Allison Creek Hydroelectric Project—FERC Project No. 13124—Alaska

Federal Energy Regulatory Commission, Office of Energy Projects, Division of Hydropower Administration and Compliance, 888 First Street NE., Washington, DC 20426

June 2014

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

Federal Energy Regulatory Commission, Office of Energy Projects, Division of Hydropower Administration and Compliance, Washington, DC

Allison Creek Hydroelectric Project

FERC Project No. 13124—Alaska

Introduction

On August 1, 2013, the Federal Energy Regulatory Commission (Commission) issued an original license for the unconstructed Allison Creek Hydroelectric Project No. 13124.[1] On September 27, 2013, Copper Valley Electric Association, Inc. (licensee) filed an application to amend its license for the Allison Creek Hydroelectric Project to modify the penstock design, modify the temporary construction access roads, and construct a penstock/access tunnel. This amendment was approved by the Commission on November 20, 2013[2] and was supported by an Environmental Assessment (EA) issued concurrently with the order.

On April 11, 2014, the licensee filed another application to amend its license. In its amendment application, the licensee proposes to change the powerhouse and tailrace to accommodate a single 6.5 megawatt (MW) turbine unit instead of the licensed two 3.25 MW units. The licensee is also requesting permission to change the transmission line from 34.5 kilovolts (kV) to 25 kV and to relocate the transmission line route south and uphill of the currently licensed route. As licensed, the project will be constructed on Allison Creek at river mile 1.89, about 10,000 feet upstream of the mouth of Allison Creek and about 2,350 feet downstream of the outlet of Allison Lake near the city of Valdez, Alaska. The project does not occupy any lands of the United States.

This supplemental EA is intended to analyze the environmental impacts of the licensee's most recent April 14, 2014 amendment request and relies, in part, on the EA that was issued by the Commission on November 20, 2013. Only the environmental impacts of the changes to the powerhouse, tailrace, and transmission line will be considered in this supplemental EA.

Proposed Action

As licensed, the powerhouse would be 65 feet by 65 feet and would contain two 3.25 MW generator units that discharge into a 120 feet long concrete tailrace that exits the powerhouse to the west. This amendment would slightly shift the powerhouse location and would pivot the tailrace approximately 90 degrees to the north. This would allow for a shorter, shallower, and steeper tailrace. The tailrace would still return flow to Allison Creek above the natural salmon barrier known as ''The Chutes.'' The new powerhouse would be 55 feet by 65 feet and would contain a single 6.5 MW turbine generator unit. The new tailrace would be a 70.5 feet long concrete channel exiting the powerhouse to the north.

The project's transmission line, as licensed, is a 34.5 kV line that runs for 3.8 miles along the Trans-Alaska Pipeline System (TAPS) right-of-way,

[1] Order Issuing Original License, 144 FERC ¶ 62,089.

[2] Order Amending License, Approving Temporary Penstock Access Route Plan, and Deleting Article 415 (145 FERC ¶ 62,124).

including 1 mile of the Solomon Gulch trail. The Solomon Gulch trail is a recreational feature of Copper Valley Electric's Solomon Gulch Hydroelectric Project (FERC No. 2742). This amendment would change the transmission line to a 25 kV line that would run 3.8 miles south and uphill of the original route along the TAPS right-of-way terminating at the Petro Star refinery. The revised transmission line route would utilize a designated section line utility corridor for a portion of the route. The line would no longer follow the Solomon Gulch trail; however, it would cross the trail at one location. No changes to project operations are proposed.

Pre-Filing Consultation and Public Comment

Pre-Filing Consultation

Prior to filing the application, the licensee consulted with the Alaska State Historic Preservation Officer (SHPO), National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service, and Alaska Department of Fish and Game (Alaska DFG). On May 8, 2013, the SHPO concurred that no historic properties would be affected. The FWS stated that it had no objection to the proposed amendment by email dated March 11, 2014. On April 3, 2014, NMFS replied by email and stated that the proposed license amendment does not pose any risk to salmon or other aquatic resources. The NMFS also pointed out that the new transmission line route reduces the possibility of some sensitive wetland impacts. The NMFS had no objections to the proposed amendment.

Alaska DFG commented in its email dated April 3, 2014, that it had no objection to the amendment and specifically stated it had no concerns with the new alignment of the transmission line or with the change in the footprint and location of the powerhouse. However, the Alaska DFG requested the single generator powerhouse be designed with a generator water bypass system to maintain immediate flow in the downstream reach in the event of a project shutdown. This would allow for bypass reach ramping and reduce effects on fish in the downstream reach, if the penstock must also be dewatered.

Public Notice

On May 1, 2014, the Commission issued a public notice that the amendment application was accepted for filing and soliciting comments, motions to intervene, and protests. On May 29, 2014, the U.S. Department of the Interior (Interior) filed comments pursuant to the public notice. In its letter, the Interior expressed concerns about the licensee's lack of analysis in support of its license amendment application with regard to potential recreation and aesthetic impacts associated with the new routing of the transmission line. Because the new route is a significant change from the route analyzed in the June 21, 2013 EA issued by the Commission, Interior, recommends that the Commission scope, study, and analyze potential impacts related to the proposed new route as appropriate and that the licensee subsequently revise its April 14, 2014 application for amendment of license. Interior also stated in its letter that it had no comments on the proposed changes to the powerhouse and the tailrace.

In a letter dated June 3, 2014, the licensee responded to the Interior's comments on the revised transmission line route and provided an expanded explanation of the aesthetic and recreational effects of the proposed revised line. Interior's comments and the licensee's responses will be further discussed in the environmental analysis section of this supplemental EA.

Environmental Analysis

Powerhouse and Tailrace

The environmental impacts of the powerhouse would be essentially the same as those considered during the preparation of the June 21, 2013, EA to support the license. Construction would essentially occur in the same location but the footprint of the new powerhouse would be slightly smaller than the powerhouse originally licensed. The new tailrace would also be about 45.5 feet shorter than the currently licensed tailrace, but it would also be constructed with a higher grade.

The concrete tailrace channel outfall would be constructed about ¼ mile upstream of Dayville Road on the south side of Allison Creek, above the high water mark. A bar grate barrier with 1-inch spacing would be installed across the channel to prevent fish from swimming up the tailrace channel to the turbine. During construction a cofferdam would be utilized and after installation, fish would be removed from behind the cofferdam in accordance with a valid Fish Resource Permit from the Alaska DFG and placed back in the flowing water of the creek.

During project construction, best management practices would be followed to protect Allison Creek. The only work that would be conducted in flowing water is the installation and removal of the cofferdam. Disturbed areas would be stabilized with erosion control blankets and revegetated with native grasses. During in-water construction, daily turbidity monitoring would be conducted by an environmental compliance monitor upstream and downstream of the work area. If downstream turbidity measures greater than 25 Nephelometric Turbidity Units (NTUs) higher than upstream measurements, then related construction activities would be stopped and appropriate protection measures would be taken. Alaska DFG would be notified of any non-compliance event that may affect fish resources. To further protect aquatic species, the licensee would comply with the Commission's December 20, 2013, Order Approving Phase I of the Biotic Monitoring Plan Pursuant to License Article 407.[3]

On February 7, 2014, the Alaska DFG issued a Fish Habitat Permit for the project. This permit contains additional fish protection and enhancement measures that must be followed by the licensee. Any other environmental impacts of the construction and operation of the powerhouse and tailrace would be similar to those considered in the September 27, 2013 license and associated EA.

Our Analysis

In, its comments, Alaska DFG requested the single generator powerhouse be designed with a generator water bypass system to maintain immediate flow in the downstream reach in the event of a project shutdown. This would allow for bypass reach ramping and reduce effects on fish in the downstream reach, if the penstock must also be dewatered.

The Alaska DFG made a similar 10(j) request during licensing. In the final license order, the Commission concluded that the constant delivery of minimum flows at the project's diversion, required by Article 403, would provide a stable amount of flow to protect fishery resources downstream of the powerhouse. Therefore, an additional failsafe provision for the powerhouse was not needed.[4] Since there are no changes in this amendment that would alter this determination, we have not incorporated this recommendation. The licensee is still required to comply with article 403, which should provide adequate protection for downstream fisheries.

[3] 145 FERC ¶ 62,223.

[4] Order Issuing Original License, 144 FERC ¶ 62,089.

Transmission Line

The licensed project would be located in a scenic, largely undeveloped area above the south shore of Port Valdez and at the base of the Chugach Mountains. The dramatic natural landscape provides an important scenic backdrop to the Valdez community, and is integral to the multiple recreation and tourism activities occurring in the region, such as boating, fishing, camping, and sightseeing. The project area is most visible from Port Valdez, the city of Valdez, a portion of the Richardson Highway (a designated scenic byway), and from the Solomon Gulch Trail.

The project's transmission line, as licensed, is a 34.5 kV line that runs for 3.8 miles with a 30-foot-wide right-of-way along the TAPS right-of-way, including 1 mile of the Solomon Gulch trail which is a cleared route that runs through a Sitka spruce and mountain hemlock forest, low on the slopes above Dayville Road. The wooden power poles would match the scale and appearance of existing transmission lines associated with the nearby Solomon Gulch Project. The transmission line and poles would be camouflaged by dense vegetation and forest canopy along the TAPS right-of-way which is not visible from Dayville Road. The visual impacts from the licensed transmission line route would be greatest where it follows the Solomon Gulch Trail for approximately 1 mile. See Commission's staff's EA issued June 21, 2013 for a complete description of the anticipated environmental effects of the licensed transmission line.

The proposed new transmission line would be a 25 kV line that would run 3.8 miles with a 30-foot-wide right-of-way, south and uphill while paralleling the licensed route along the TAPS right-of-way. The proposed new transmission line route would utilize a designated section line utility corridor for a portion of the route. The line would no longer follow the Solomon Gulch trail; however, it would cross the trail at one location. The existing environment surrounding the proposed new transmission line route is very similar to the licensed route. A wetland survey was conducted for the new route and no new waters or wetland types were found. Wetlands accounted for 2.29 acres within the proposed new transmission line corridor. The U.S. Army Corps of Engineers issued a wetland permit for the project on October 22, 2013. The licensee is also required to conduct restoration activities and mange invasive species pursuant to the Commission's Order Approving Vegetation Management Plan Pursuant to License Article 410.[5]

The proposed new transmission line route would be farther from previously identified active raptor nests than the licensed line. The proposed new line would also be designed to protect resident and migratory birds similar to the licensed line.

In its comments, Interior notes that the proposed new transmission line route would run much higher on the mountainside, above the forest and in a new right-of-way that has less vegetation to shield the line from view. Since the licensee is proposing to clear and maintain a new 30-foot-wide right-of-way, Interior says the licensee would be creating a new linear feature that could be visible from the three key Valdez viewpoints (Alaska State Marine Highway Ferry Dock, Valdez Convention and Civic Center, and scenic pullout along Richardson Highway) that were used to analyze the original project's potential impacts.

Interior points out that, although the proposed new transmission line would no longer follow the Solomon Gulch trail, it would be visible from long stretches of the trail, from the edge of the forest up to the dam and beyond. While users of the trail encounter non-natural features like the TAPS pipeline, access road, and the Solomon Gulch Project penstock, Interior states that since trail users eventually climb out of the forest and into subalpine and alpine environments, they eventually leave these features behind. Interior concludes that the new higher elevation proposed transmission line would be more intrusive. Aside from where the proposed new line crosses the Solomon Gulch Trail, Interior states the new line may be visible from other vantage points on the trail, both above and below the crossing location, particularly because the new line does not run through a forest. Interior says there is virtually no way to mitigate the appearance of the proposed new transmission line.

In its June 3, 2014, response to Interior, the licensee provides additional aesthetic and recreational analysis of the proposed new transmission line route, following the Recreation and Aesthetic Resources Report that was filed during licensing of the project. The licensee states that the proposed new transmission line is still camouflaged by thick vegetation and has a similar visual impact from the three key Valdez viewpoints that look across the Port of Valdez to Allison Creek. The licensee points out that the Allison Creek Project is located adjacent to the largest industrial complex in Alaska, the Valdez Marine Terminal. In addition, the viewing distance from these three key viewpoints is so great that the visibility of both the licensed and proposed new transmission lines would be very low. The terminus of the proposed new line is the Petro Star refinery which already impacts the view with its industrial complex. The existing transmission line for the nearby Solomon Gulch Project is not visible to the naked eye from these three key viewing sites.

The fourth viewpoint that was analyzed for the licensed transmission line is the view from Allison Point Campground. The Allison Point Campground is the closest recreation area to the project site, located approximately 0.7 mile away. Because there is a steep embankment on the south side of the park the entire view of the licensed and proposed new transmission lines would be blocked.

The final viewpoint which was analyzed prior to licensing is the view from the Solomon Gulch Trail and the TAPS right-of-way. The licensee concludes that the proposed new line would dramatically improve this viewpoint because the 1 mile stretch of poles that would have followed the trail via the licensed line is eliminated. The proposed new line which would only be visible at one section of the Solomon Gulch Trail where the proposed line would be perpendicular to the Solomon Gulch transmission line. However, the licensee points out that in this area, hikers already see the utility line and poles from Solomon Gulch Project that parallel the penstock. Hikers cross over a bridge and under the penstock and Solomon Gulch transmission line to continue to the lake. Since there are already so many manmade structures in this area, the routing of the proposed new line through this area should not be considered more intrusive. The proposed new line would only be visible from Solomon Gulch Lake if a hiker is standing on the Solomon Gulch Dam looking away from the lake. However the Solomon Gulch poles and lines are already present there and the licensed line would be visible from that location also.

The licensee also states that Interior's comment that hikers ''eventually climb out of the forest and into subalpine and alpine environments,'' is inaccurate because the trail ends at the lake and does not extend into higher elevations.

Our Analysis

We've reviewed Commission staff's original EA issued for this project and staff's EA issued November 20, 2013 for

[5] Issued January 3, 2014 (146 FERC ¶ 62,004).

the licensee's previous amendment application. We've also reviewed the Recreation and Aesthetic Resources report that was included in Volume III of the original license application filed on August 25, 2011, Interior's comments and the licensee's response to those comments. We agree with the licensee that the proposed new transmission line would have similar aesthetic and recreation effects as the licensed line. From key viewpoints, the proposed new line would be difficult to see, similar to the licensed line, and routing the line away from a 1 mile stretch of the Solomon Gulch trail could improve aesthetics. We disagree with Interior that additional scoping and studies are warranted for the licensee's proposed changes. We recommend approving the licensee's proposed new transmission line with existing mitigation measures already required by the license.

Conclusions

The environmental effects of construction and operation of the amended powerhouse and tailrace are not significantly different from those that were already considered and approved in the project license.

Based on our review, the proposed transmission line route would not result in any significant changes in recreation or aesthetics from the route that was previously studied and licensed. For a majority of its length the transmission line would not be visible to recreationists and in the areas where it would be visible the new line would be in character with the other manmade intrusions surrounding it. Implementation of environmental measures already required by the project license would minimize or avoid identified impacts.

On the basis of our independent analysis, the approval of the proposed amendment to the Allison Creek Hydroelectric Project would not constitute a major federal action significantly affecting the quality of the human environment.

Literature Cited

Copper Valley Electric Association, Inc. 2011. License Application. August, 2011.

Copper Valley Electric Association, Inc. 2014a. Application to Amend License. April 11, 2014.

Copper Valley Electric Association, Inc. 2014b. Letter from Robert Wilkinson, CEO of Copper Valley Electric Association, Inc. Filed June 3, 2014.

Federal Energy Regulatory Commission, 2013. Final Environmental Assessment for Hydropower License, Allison Creek Hydroelectric Project. June 2013.

List of Preparers

Federal Energy Regulatory Commission

Steven Sachs—Project Coordinator (Civil Engineer; B.S., Environmental Systems Engineering)

Rebecca Martin—Environmental Coordinator (Environmental Biologist; Master of Science, Environmental Science; B.S., Environmental Science)

[FR Doc. 2014–15088 Filed 6–26–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–2145–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization; Fourmile Wind Energy, LLC

This is a supplemental notice in the above-referenced proceeding of Fourmile Wind Energy, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is July 10, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 20, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–15085 Filed 6–26–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–2141–000]

Selmer Farm, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Selmer Farm, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 10, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic

service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 20, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–15084 Filed 6–26–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–2138–000]

Limon Wind III, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Limon Wind III, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 10, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 20, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–15082 Filed 6–26–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–2144–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization; Beebe 1B Renewable Energy, LLC

This is a supplemental notice in the above-referenced proceeding of Beebe 1B Renewable Energy, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is July 10, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 20, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–15090 Filed 6–26–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–2187–001]

Grand Ridge Energy Storage LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Grand Ridge Energy Storage LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is July 14, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 23, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–15077 Filed 6–26–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–2140–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization; Mulberry Farm, LLC

This is a supplemental notice in the above-referenced proceeding of Mulberry Farm, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is July 10, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 20, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–15083 Filed 6–26–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–68–000]

Bloom Energy Corporation; Notice of Petition for Declaratory Order

Take notice that on June 19, 2014, pursuant to Rule 207(a) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a), 366.3(b)(1), 366.3(d), and 366.4(b)(3), Bloom Energy Corporation (Bloom) filed a petition for declaratory order seeking that the Commission exempt Bloom and certain of its subsidiaries from the Commission's regulation under the Public Utility Holding Company Act of 2005,[1] as a result of their generation and sales to non-captive customers of electric energy generated from fuel cells using natural gas or renewable energy biogas as a fuel.

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

[1] 16 U.S.C. 16451 *et seq.* (2013).

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 21, 2014.

Dated: June 20, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–15080 Filed 6–26–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9015–6]

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 06/16/2014 Through 06/20/2014

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. 20140177, Final EIS, NRCS, UT, Green River Diversion Rehabilitation Project, Review Period Ends: 07/28/2014, Contact: David Brown 801–524–4551.

EIS No. 20140178, Final EIS, FERC, TX, Freeport LNG Liquefaction Project and Phase II Modification Project, Review Period Ends: 07/28/2014, Contact: Eric Tomasi 202–502–8097.

EIS No. 20140179, Final EIS, USFS, CA, Sugarloaf Hazardous Fuels Reduction, Review Period Ends: 07/28/2014, Contact: Carol Spinos 530–534–6500.

EIS No. 20140180, Draft EIS, NPS, CA, Sequoia and Kings Canyon National Parks Wilderness Stewardship Plan, Comment Period Ends: 08/25/2014, Contact: Nancy Hendricks 559–565–3102.

EIS No. 20140181, Draft Supplement, BR, ND, Northwest Area Water Supply Project, Comment Period Ends: 08/11/2014, Contact: Alicia Waters 701–221–1206.

EIS No. 20140182, Final EIS, DOI, 00, PROGRAMMATIC—Deepwater Horizon Oil Spill: Phase III Early Restoration Plan, Review Period Ends: 07/28/2014, Contact: Nanciann Regalado 404–679–4161.

Dated: June 24, 2014.

Dawn Roberts,

Management Analyst, Office of Federal Activities.

[FR Doc. 2014–15160 Filed 6–26–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2010–0173; FRL–9912–63]

Request for Nominations of Scientific Peer Reviewers for EPA's Approach for Estimating Exposures and Incremental Health Effects From Lead During Renovation, Repair, and Painting Activities in Public and Commercial Buildings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA invites the public to nominate scientific experts to be considered as peer reviewers for the draft document entitled, ''Approach for Estimating Exposures and Incremental Health Effects from Lead During Renovation, Repair, and Painting Activities in Public and Commercial Buildings'' (Technical Approach Document). A nominee, if selected, will assess the accuracy, content, and interpretation of findings of the Technical Approach Document, ensuring that they are factual and scientifically sound. The peer review will assure the Agency of the soundness of the technical approach.

DATES: The nomination period begins on June 27, 2014 and ends on July 18, 2014.

ADDRESSES: Submit the nominations, identified by docket ID number EPA–HQ–OPPT–2010–0173. In addition, the nomination, must include the nominee's full name, address, affiliation, telephone number, email address, and a statement on the nominee's expertise. Use one of the following submission methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Stan Barone, Jr., Risk Assessment Division (7403M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number (202) 564–1169; email address: *barone.stan@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are in environmental and human health; independent contractors and contracting companies involved in renovation, repair, and painting; members of the public interested in the assessment of chemical risks. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Building construction (NAICS code 236).
- Specialty trade contractors (NAICS code 238).
- Real estate (NAICS code 531).
- Other general governmental support (NAICS code 921).

B. What should I consider as I prepare my nominations for EPA?

When submitting a nomination, remember to:

i. Identify the nomination by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions.

iii. Explain as clearly as possible, avoiding the use of profanity or personal threats.

iv. Make sure to submit your nomination by the deadline identified.

II. Background

The work described in the Technical Approach Document is being performed as part of EPA's continuing comprehensive approach to assess and manage risk from lead contamination in painted surfaces under the Toxic Substances Control Act (TSCA), Subtitle IV (15 U.S.C. 2681 *et seq.*), and specifically to identify lead-based paint hazards created by renovation, repair and painting (RRP) activities in public and commercial buildings (P&CBs), under TSCA section 403. The focus of the Technical Approach Document is to assess the U.S. population's exposure and incremental health effects from renovation and repair activities in P&CBs. EPA published a **Federal Register** notice on May 30, 2014 (79 FR 31072) (FRL–9910–44) that described an approach under consideration for identifying and evaluating hazards in P&CBs. Estimates of incremental health effect changes associated with exposure to lead in the modeled renovation scenarios in the Technical Approach Document will be used by the Agency as we consider how to identify and evaluate hazards, and make a hazard finding as required by TSCA. EPA plans to publish the Technical Approach Document with a presentation of results in the docket and announce its availability in the **Federal Register** later this calendar year.

The EPA's Office of Pollution Prevention and Toxics (OPPT) has identified the Technical Approach Document as an influential product and according to Agency peer review guidance is required to conduct an external peer review of that document, supplemental files, appendices, and attendant models used for exposure scenarios. The reviewers are asked to assess the accuracy, content, and interpretation of findings ensuring that they are factual and scientifically sound. The review shall generate comments from the individual expert reviewers.

III. Expertise Sought

Any interested person or organization may nominate him or herself or any qualified individual in the areas of the expertise described in this unit. Peer reviewers should have demonstrated expertise in one or more of the following areas:

1. *Multimedia routes of human exposure to lead.* Includes knowledge of measurement methods and observed environmental concentrations for multimedia human exposure pathways (relevant concentrations for various sources: Soil, dust, drinking water, food, and lead-based paint).

2. *Modeling of multimedia human exposures.* Includes, modeling of multimedia human exposure uptake/absorption of lead to predict internal biokinetic distribution (blood/bone lead burdens).

3. *Lead exposure pathway assessment.* Expertise in the physical and chemical properties of lead and the biogeochemical processes involved in the pathways involved in human exposure to lead. These pathways include:

i. Air (both direct inhalation and deposition to surfaces likely to be contacted by humans).

ii. Soil/dust ingestion.

4. *Lead uptake/absorption.* Expertise in the processes of uptake or absorption of lead in the digestive tract and lungs, including knowledge of digestive processes that affect the form of lead thus making it more (or less) available for absorption. Experience on the fate of inhaled particles is also desirable, including olfactory uptake.

5. *Internal biokinetic distribution and physiological effects of lead.* Expertise on the physiological processes that determine the distribution of absorbed lead among the various organs and tissues of the human body. This would include expertise on the mechanisms of transport within the human body, the organs and tissues that accumulate significant amounts of lead, the concentrations at the organ/tissue level that might impair physiological processes, and the residence times (or other measures of potential impact) of lead in these tissues and organs. In addition, expertise on the various mechanisms and routes of elimination and the mechanisms of this elimination is desirable.

6. *Tissue concentrations of lead.* Includes expertise on measurement methods and observed concentrations for various biological tissues, including blood, teeth, and bone lead concentrations and lead levels in soft tissues such as brain, kidney, etc.

7. *Human growth and activity patterns.* Expertise on growth patterns and typical human activity patterns from prenatal to elderly, including recreational, occupational, leisure, and household activities. This would include knowledge of published data and of modeling applications.

8. *Exposure assessment modeling.* Expertise and experience in measuring human population exposure to lead and/or in modeling human exposure to ambient and indoor pollutants. Expertise in relating indicators of human exposure to potential health outcomes and quantification of risk related to adverse health outcomes.

9. *Lead-induced health effects.* Experience in using statistical methods such as Cox regression for modeling concentration response data from epidemiologic/clinical evaluation of lead-induced effects on:

i. Neurological development and other neurological endpoints.

ii. Cardiovascular function.

iii. Renal effects.

iv. Developmental toxicity.

10. *Risk assessment and uncertainty characterization.* Expertise in human health risk assessment for lead or other pollutants causing non-cancer and cancer health effects, including Bayesian statistical approaches and biostatistics. Expertise in designing uncertainty characterization frameworks for complex multi-media health assessments involving use of physiologically-based pharmacokinetic (PBPK) models, empirical data, micro environmental exposure modeling, and concentration-response functions drawing on both toxicological and epidemiological data. Specific areas of expertise should include probabilistic methods and Bayesian techniques.

IV. Peer Panel Selection Criteria

Selection criteria for individuals nominated to serve as external peer reviewers include the following:

1. Demonstrated expertise through relevant peer reviewed publications.

2. Professional accomplishments and recognition by professional societies.

3. Demonstrated ability to work constructively and effectively in a committee setting.

4. Absence of financial conflicts of interest.

5. No actual conflicts of interest or the appearance of lack of impartiality.

6. Skills working on committees and advisory panels.

7. Background and experiences that would contribute to the diversity of viewpoints on the panel, e.g., workforce sector; geographical location; social, cultural, and educational backgrounds; and professional affiliations.

8. Willingness to commit adequate time for the thorough review of the draft external peer review document in July–September 2014 (exact date to be determined).

9. Availability to participate in-person in a 2-day peer review meeting in the Washington, DC metro area in August or September 2014 (exact date will be published in the **Federal Register** at least 30 days prior to the external peer review meeting).

Further information regarding the external peer review meeting will be announced at a later date in the **Federal Register**.

V. Peer Panel Selection Process

EPA's contractor will notify candidates of selection or non-selection. EPA's contractor will follow-up with nominees and request additional information such as:

1. The disciplinary and specific areas of expertise of the nominee.
2. The nominee's curriculum vita.
3. A biographical sketch of the nominee indicating current position; educational background; past and current research activities; recent service on other advisory committees, peer review panels, editorial boards, or professional organizations; sources of recent grant and/or contract support; and other comments on the relevance of the nominee's expertise to this peer review topic.

EPA's contractor may also conduct an independent search for candidates to assemble a balanced group representing the expertise needed to fully evaluate EPA's draft documents. EPA's contractor will consider and screen all candidates against the criteria listed in Unit III. and the Agency's Conflict of Interest (COI) and appearance of bias guidance (*http://www.epa.gov/peerreview/pdfs/spc_peer_rvw_handbook_addendum.pdf* and *http://www.epa.gov/osa/pdfs/epa-process-for-contractor.pdf*). Following the screening process, EPA's contractor will narrow the list of potential reviewers. Prior to selecting the final peer reviewers, a second **Federal Register** notice will be published to solicit comments on the interim list of 12–15 candidates. The public will be requested to provide relevant information or documentation on the nominees that EPA's contractor should consider in evaluating the candidates within 21 days following the announcement of the interim candidates. Once the public comments on the interim list of candidates have been reviewed, EPA's contractor will select the final peer reviewers who, collectively, best provide expertise spanning the multiple areas listed Unit III. and, to the extent feasible, best provide a balance of perspectives. Compensation of non-Federal peer reviewers will be provided by EPA's contractor.

List of Subjects

Environmental protection, Business and industry, Commercial buildings, Renovation, Risk assessment, Lead.

Dated: June 20, 2014.

Jeff Morris,

Acting Director, Office of Pollution Prevention and Toxics.

[FR Doc. 2014–15123 Filed 6–26–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation Has Been Appointed Either Receiver, Liquidator, or Manager

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Update Listing of Financial Institutions in Liquidation.

SUMMARY: Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institutions effective as of the Date Closed as indicated in the listing. This list (as updated from time to time in the **Federal Register**) may be relied upon as ''of record'' notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992 issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions which have been placed in liquidation, please visit the Corporation Web site at *www.fdic.gov/bank/individual/failed/banklist.html* or contact the Manager of Receivership Oversight in the appropriate service center.

Dated: June 23, 2014.

Federal Deposit Insurance Corporation.

Pamela Johnson,

Regulatory Editing Specialist.

INSTITUTIONS IN LIQUIDATION

[In alphabetical order]

FDIC Ref. No.	Bank name	City	State	Date closed
10501	Valley Bank	Fort Lauderdale	FL	6/20/2014
10502	Valley Bank	Moline	IL	6/20/2014

[FR Doc. 2014–15069 Filed 6–26–14; 8:45 am]

BILLING CODE 6741–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–CECANF–2014–03; Docket No. 2014–0005; Sequence No. 3]

Commission To Eliminate Child Abuse and Neglect Fatalities; Announcement of Meeting

AGENCY: Commission To Eliminate Child Abuse and Neglect Fatalities, GSA.

ACTION: Meeting notice.

SUMMARY: The Commission to Eliminate Child Abuse and Neglect Fatalities (CECANF), a Federal Advisory Committee established by the Protect Our Kids Act of 2012, Public Law 112–275, will hold a meeting open to the public on Thursday, July 10, 2014 in Tampa, Florida.

DATES: The meeting will be held on Thursday, July 10, 2014, from 8:00 a.m. to 4:30 p.m. Eastern Time.

ADDRESSES: CECANF will convene its meeting at the Children's Board of Hillsborough County, 1002 East Palm Avenue, Tampa, FL 33605. This site is accessible to individuals with disabilities. The meeting will also be made available via teleconference. Access information for people who are hearing impaired will be provided upon request. Please indicate your request in your online registration.

Submit comments identified by ''Notice–CECANF–2014–03'', by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by searching for ''Notice–CECANF–2014–03''. Select the link ''Comment Now'' that corresponds with ''Notice–CECANF–2014–03''. Follow the instructions provided at screen. Please include your name,

company name (if any), and ''Notice–CECANF–2014–03'' on your attached document.

• *Mail:* Commission to Eliminate Child Abuse and Neglect Fatalities, c/o General Services Administration, Agency Liaison Division, 1800 F St. NW., Room 7003D, Washington, DC 20006.

Instructions: Please submit comments only and cite ''Notice–CECANF–2014–03'' in all correspondence related to this notice. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Visit the CECANF Web site at *https://eliminatechildabusefatalities.sites.usa.gov/*. Or contact Ms. Patricia Brincefield, Communications Director, at 202–818–9596, 1800 F St. NW., Room 7003D, Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

Background: CECANF was established to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

Agenda: The purpose of the meeting is for Commission members to gather information to better understand the extent of, and risks associated with, child abuse and neglect fatalities. The Commission will hear from researchers regarding strategies for improving national data and preventing fatalities; learn more about the federal policy framework for addressing these fatalities; gain a better understanding of confidentiality issues and possible solutions; and hear about child welfare, law enforcement, health, and public health strategies for addressing the issue of child abuse and neglect fatalities.

Attendance at the Meeting: Individuals interested in attending the meeting in person must register in advance because of limited space. To register to attend in person or by phone, please go to *https://www.surveymonkey.com/s/7JCP6W9* and follow the prompts. Detailed meeting minutes will be posted within 90 days of the meeting. Interested members of the public may listen to the CECANF discussion by calling 1–866–928–2008, and entering pass code 556476. Members of the public will not have the opportunity to ask questions or otherwise participate in the meeting.

However, members of the public wishing to comment should follow the steps detailed under the heading addresses in this publication or contact us via the CECANF Web site at *https://eliminatechildabusefatalities.sites.usa.gov/contact-us/*.

Dated: June 23, 2014.

Patricia Brincefield,

CECANF Communications Director.

[FR Doc. 2014–15054 Filed 6–26–14; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Scientific Information Request on Interventions To Improve Appropriate Antibiotic Use for Acute Respiratory Tract Infections

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Request for Scientific Information Submissions.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) is seeking scientific information submissions from the public. Scientific information is being solicited to inform our review of Interventions to Improve Appropriate Antibiotic Use for Acute Respiratory Tract Infections, which is currently being conducted by the Evidence-based Practice Centers for the AHRQ Effective Health Care Program. Access to published and unpublished pertinent scientific information will improve the quality of this review. AHRQ is conducting this systematic review pursuant to Section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Public Law 108–173, and Section 902(a) of the Public Health Service Act, 42 U.S.C. 299a(a).

DATES: Submission Deadline on or before July 28, 2014.

ADDRESS: Online submissions: *http://effectivehealthcare.AHRQ.gov/index.cfm/submit-scientific-information-packets/*. Please select the study for which you are submitting information from the list to upload your documents. Email submissions: *SIPS@epc-src.org*.

Print Submissions

Mailing Address

Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, PO Box 69539, Portland, OR 97239.

Shipping Address (FedEx, UPS, etc.)

Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, 3710 SW. U.S. Veterans Hospital Road, Mail Code: R&D 71, Portland, OR 97239.

FOR FURTHER INFORMATION CONTACT: Ryan McKenna, Telephone: 503–220–8262 ext. 58653 or Email: *SIPS@epc-src.org*.

SUPPLEMENTARY INFORMATION: The Agency for Healthcare Research and Quality has commissioned the Effective Health Care (EHC) Program Evidence-based Practice Centers to complete a review of the evidence for Interventions to Improve Appropriate Antibiotic Use for Acute Respiratory Tract Infections.

The EHC Program is dedicated to identifying as many studies as possible that are relevant to the questions for each of its reviews. In order to do so, we are supplementing the usual manual and electronic database searches of the literature by requesting information from the public (e.g., details of studies conducted). We are looking for studies that report on Interventions to Improve Appropriate Antibiotic Use for Acute Respiratory Tract Infections, including those that describe adverse events. The entire research protocol, including the key questions, is also available online at: *http://effectivehealthcare.AHRQ.gov/search-for-guides-reviews-and-reports/?pageaction=displayproduct&productID=1913*.

This notice is to notify the public that the EHC Program would find the following information on Interventions to Improve Appropriate Antibiotic Use for Acute Respiratory Tract Infections helpful:

• A list of completed studies that your company has sponsored for this indication. In the list, indicate whether results are available on ClinicalTrials.gov along with the ClinicalTrials.gov trial number.

• For completed studies that do not have results on ClinicalTrials.gov, please provide a summary, including the following elements: study number, study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, primary and secondary outcomes, baseline characteristics, number of patients screened/eligible/enrolled/lost to follow-up/withdrawn/analyzed, effectiveness/efficacy, and safety results.

• A list of ongoing studies your company has sponsored for this indication. In the list, please provide the ClinicalTrials.gov trial number or, if the trial is not registered, the protocol for the study including a study number, the study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, and primary and secondary outcomes.

• Description of whether the above studies constitute ALL Phase II and above clinical trials sponsored by your company for this indication and an index outlining the relevant information in each submitted file.

Your contribution is very beneficial to the EHC Program. Since the contents of all submissions will be made available to the public upon request, materials submitted must be publicly available or can be made public. Materials that are considered confidential; marketing materials; study types not included in the review; or information on indications not included in the review cannot be used by the EHC Program. This is a voluntary request for information, and all costs for complying with this request must be borne by the submitter.

The draft of this review will be posted on AHRQ's EHC Program Web site and available for public comment for a period of 4 weeks. If you would like to be notified when the draft is posted, please sign up for the email list at: *http://effectivehealthcare.AHRQ.gov/index.cfm/join-the-email-list1/*.

The systematic review will answer the following questions. This information is provided as background. AHRQ is not requesting that the public provide answers to these questions. The entire research protocol is also available online at: *http://effectivehealthcare.AHRQ.gov/search-for-guides-reviews-and-reports/?pageaction=displayproduct&productID=1913*.

The Key Questions

Key Question 1

For patients with an acute respiratory tract infection (RTI) and no clear indication for antibiotic treatment, what is the comparative effectiveness of particular strategies in improving the appropriate prescription or use of antibiotics compared with other strategies or standard care?

I. Does the comparative effectiveness of strategies differ according to how appropriateness is defined?

II. Does the comparative effectiveness of strategies differ according to the intended target of the strategy (i.e., clinicians, patients, and both)?

III. Does the comparative effectiveness of strategies differ according to patient characteristics, such as type of Rh, signs and symptoms (nature and duration), when counting began for duration of symptoms, previous medical history (e.g., frailty, comorbidity), prior RTIs, and prior use of antibiotics, age, ethnicity, socioeconomic status, and educational level attained?

IV. Does the comparative effectiveness of strategies differ according to clinician characteristics, such as specialty, number of years in practice, type of clinic organization, geographic region, and population served?

V. Does the comparative effectiveness differ according to the diagnostic method or definition used, the clinician's perception of the patient's illness severity, or the clinician's diagnostic certainty?

VI. Does the comparative effectiveness differ according to various background contextual factors, such as the time of year, known patterns of disease activity (e.g., an influenza epidemic, a pertussis outbreak), system-level characteristics, or whether the intervention was locally tailored?

Key Question 2

For patients with an acute RTI and no clear indication for antibiotic treatment, what is the comparative effect of particular strategies on antibiotic resistance and medical complications (including mortality and adverse effects of receiving or not receiving antibiotics) compared with other strategies or standard care?

I. Does the comparative effect of strategies differ according to the intended target of the strategy (i.e., clinicians, patients, and both)?

II. Does the comparative effect of strategies differ according to patient characteristics, such as type of RTI, signs and symptoms (nature and duration), when counting began for duration of symptoms, previous medical history (e.g., frailty, comorbidity), prior RTIs, prior use of antibiotics, age, ethnicity, socioeconomic status, and educational level attained?

III. Does the comparative effect of strategies differ according to clinician characteristics, such as specialty, number of years in practice, type of clinic organization, geographic region, and population served?

IV. Does the comparative effectiveness differ according to the diagnostic method or definition used, the clinician's perception of the patient's illness severity, or the clinician's diagnostic certainty?

V. Does the comparative effect differ according to various background contextual factors, such as the time of year, known patterns of disease activity (e.g., an influenza epidemic, a pertussis outbreak), whether the intervention was locally tailored, system-level characteristics, or the source of the resistance data (i.e., population versus study sample)?

Key Question 3

For patients with an acute RTI and no clear indication for antibiotic treatment, what is the comparative effect of particular strategies on other clinical outcomes (e.g., hospitalization, health care utilization, patient satisfaction) compared with other strategies or standard care?

I. Does the comparative effect of strategies differ according to the intended target of the strategy (i.e., clinicians, patients, and both)?

II. Does the comparative effect of strategies differ according to patient characteristics, such as type of RTI, signs and symptoms (nature and duration), when counting began for duration of symptoms, previous medical history (e.g., frailty, comorbidity), prior RTIs, prior use of antibiotics, age, ethnicity, socioeconomic status, and educational level attained?

III. Does the comparative effect of strategies differ according to clinician characteristics, such as specialty, number of years in practice, type of clinic organization, geographic region, and population served?

IV. Does the comparative effectiveness differ according to the diagnostic method or definition used, the clinician's perception of the patient's illness severity, or the clinician's diagnostic certainty?

V. Does the comparative effect differ according to various background contextual factors, such as the time of year, known patterns of disease activity (e.g., an influenza epidemic, a pertussis outbreak), whether the intervention was locally tailored or system-level characteristics?

Key Question 4

For patients with an acute Rh I and no clear indication for antibiotic treatment, what is the comparative effect of particular strategies on achieving intended intermediate outcomes, such as improved knowledge regarding use of antibiotics for acute RTIs (clinicians and/or patients), improved shared decision making regarding the use of antibiotics, and improved clinician skills for appropriate antibiotic use (e.g., communication appropriate for patients' literacy level and/or cultural background)?

Key Question 5

What are the comparative non-clinical adverse effects of strategies for improving the appropriate use of antibiotics for acute RTIs (e.g., increased time burden on clinicians, patients, clinic staff)?

The following inclusion/exclusion criteria reflect input from key informants, public comments, AHRQ and the TEP.

PICOTS (Population, Interventions, Comparators, Outcomes, Timing, Setting)

Populations

I. Adult and pediatric patients with an acute RTI and no clear indication for antibiotic treatment. Respiratory tract infections of interest include: acute bronchitis; otitis media; sore throat/pharyngitis/tonsillitis; rhinitis; sinusitis; cough and common cold.

II. Parents of pediatric patients with acute RTI and no clear indication for antibiotic treatment.

III. Healthy adults and/or children without a current acute RTI, who may develop an acute RTI in the future.

IV. Clinicians and others who care for patients with acute RTI in outpatient settings.

V. Groups whose attendance policies may indirectly affect the use of antibiotics, such as employers or school officials.

Interventions

Any strategy for improving appropriate use of antibiotics when not indicated for acute RTI, which may fall into various categories, including:

I. Educational, behavioral and psychological interventions that target clinicians, patients, or both.

II. Strategies to improve communication between clinicians and patients, such as those designed to improve shared decision making.

III. Clinical strategies, such as delayed prescribing of antibiotics, clinical prediction rules, use of risk assessment or diagnostic prediction, use of non-antibiotic alternatives, or use of relevant point-of-care (POC) diagnostic tests.

A. EPC will include any POC test that is available and used in primary care settings for diagnostic purposes with the ability to provide results within a reasonable period (e.g. during the clinic visit). Examples include inflammatory tests (e.g., procalcitonin, c-reactive protein [CRP], white blood cell, etc.), rapid multiplex polymerase chain reaction (PCR) tests used to rule in/out organisms (e.g. rapid strep test, influenza, RSV), routine diagnostic tests, such as chest x-ray, pulse oximetry, and blood gasses, when they are specifically evaluated as an intervention for improving antibiotic use.

IV. System level strategies, such as clinician reminders (paper-based or electronic), clinician audit and feedback, financial or regulatory incentives for clinicians or patients, antimicrobial stewardship programs, pharmacist review.

V. Multifaceted approaches that include numerous elements of one or more of the above strategies.

Comparators

I. Different strategies for improving appropriate use of antibiotics when not indicated for acute RTI.

II. Standard care without a strategy for improving appropriate use of antibiotics.

Outcomes

Key Question 1

- Increased appropriate prescription of antibiotics (primary outcome)
- Increased appropriate use of antibiotics (primary outcome)

Note: Studies may vary in how appropriateness is defined or determined. We will accept and record any definition of appropriateness. We will group together studies that use similar definitions of appropriateness and categorize the different groups based on concordance with (e.g., high, medium, low) select clinical practice guidelines (e.g., AAP, ACCP, AAFP). We will then evaluate whether the comparative effectiveness of strategies differ across categories. We may also find that overall reduction in antibiotic prescription or use is reported, without a determination of appropriateness. While this is not a direct measure of the primary outcomes, we will report these as indirect measures of the impact of the intervention.

Key Question 2

- Mortality
- Antibiotic resistance
- Medical complications
- Adverse drug effects, including clostridium difficile infections

Key Question 3

- Admission to hospital
- Clinic visits (Index, return and subsequent episodes), ED visits
- Time to return to work and/or school
- Patient satisfaction
- Quality of life
- Improvement in patient symptoms, speed of improvement
- Use of non-antibiotic treatments, such as over-the-counter medications
- Utilization of vaccinations
- Quality metrics

Key Question 4

Intermediate outcomes, such as improved knowledge regarding use of antibiotics for acute RTI (clinician and/or patient), or improved shared decision making

Key Question 5

Adverse effects of the strategy, such as increased time burden on clinicians, sustainability of intervention (e.g. measures of continued effectiveness over time), diagnostic resource use associated with POC testing, diagnostic coding (e.g. ICD billing codes) according to desired action (prescribe/not prescribe)

Timing

Any duration of follow-up.

Setting

I. Outpatient care settings including institutional settings
II. Emergency care settings
III. Other settings, such as school or workplace

Study Design

We will prioritize comparative studies with concurrent control groups (e.g. randomized controlled trial, prospective and retrospective cohort studies including database studies). For areas in which direct comparative evidence is lacking, we will include before-after studies, with or without a control group and with or without repeated measures.

Dated: June 16 2014.

Richard Kronick,

AHRQ Director.

[FR Doc. 2014–14962 Filed 6–26–14; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10526, CMS–2540–10, CMS–265–11, CMS–10106 and CMS–R–235]

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 26, 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–10526 Cost Sharing Reduction Reconciliation

CMS–2540–10 Skilled Nursing Facility and Skilled Nursing Facility Health Care Complex Cost Report

CMS–265–11 Independent Renal Dialysis Facility Cost Report and Supporting Regulations

CMS–10106 Medicare Authorization to Disclose Personal Health Information

CMS–R–235 Data Use Agreement (DUA) for Data Acquired from the Centers for Medicare & Medicaid Services (CMS)

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 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:* New collection (Request for a new OMB control number); *Title of Information Collection:* Cost Sharing Reduction Reconciliation; *Use:* Under established Department of Health and Human Services (HHS) regulations, qualified health plan (QHP) issuers will receive estimated advance payments of cost-sharing reductions throughout the year. Each issuer will then be subject to a reconciliation process at the end of the benefit year to ensure that HHS reimburses each issuer only for actual cost sharing. This information collection establishes the data elements that a QHP issuer would be required to report to HHS in order to establish the cost-sharing reductions provided on behalf of enrollees for the benefit year.

Form Number: CMS–10526 (OMB control number: 0938–NEW); *Frequency:* Annually; *Affected Public:* Private Sector—Business or other for-profits; *Number of Respondents:* 295; *Total Annual Responses:* 4,000,000; *Total Annual Hours:* 2,469. (For policy questions regarding this collection contact Patricia Meisol at 410–786–1917.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Skilled Nursing Facility and Skilled Nursing Facility Health Care Complex Cost Report; *Use:* Providers of services participating in the Medicare program are required under sections 1815(a), 1833(e) and 1861(v)(1)(A) of the Social Security Act (42 U.S.C. 1395g) to submit annual information to achieve settlement of costs for health care services rendered to Medicare beneficiaries. In addition, regulations at 42 CFR 413.20 and 413.24 require adequate cost data and cost reports from providers on an annual basis. Form CMS–2540–10 is used by Skilled Nursing Facilities (SNFs) and Skilled Nursing Facility Complexes participating in the Medicare program to report health care costs to determine the amount of reimbursable costs for services rendered to Medicare beneficiaries.

Form Number: CMS–2540–10 (OMB control number: 0938–0463); *Frequency:* Yearly; *Affected Public:* Private Sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 14,185; *Total Annual Responses:* 14,185; *Total Annual Hours:* 2,865,370. (For policy questions regarding this collection contact Amelia Citerone at 410–786–3901.)

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Independent Renal Dialysis Facility Cost Report and Supporting Regulations; *Use:* Providers of services participating in the Medicare program are required under sections 1815(a) and 1861(v)(1)(A) of the Social Security Act (42 U.S.C. 1395g) to submit annual information to achieve settlement of costs for health care services rendered to Medicare beneficiaries. In addition, regulations at 42 CFR 413.20 and 413.24 require adequate cost data and cost reports from providers on an annual basis. The Form CMS–265–11 cost report is needed to determine a provider's reasonable costs incurred in furnishing medical services to Medicare beneficiaries.

Form Number: CMS–265–11 (OMB control number: 0938–0263); *Frequency:* Yearly; *Affected Public:* Private Sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 5,677; *Total Annual Responses:* 5,677; *Total Annual Hours:* 369,005. (For policy questions regarding this collection contact Gail Duncan at 410–786–7278.)

4. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Medicare Authorization to Disclose Personal Health Information; *Use:* Unless permitted or required by law, the

Health Insurance Portability and Accountability Act (HIPAA) prohibits Medicare (a HIPAA covered entity) from disclosing an individual's protected health information without a valid authorization. In order to be valid, an authorization must include specified core elements and statements. Medicare will make available to Medicare beneficiaries a standard, valid authorization to enable beneficiaries to request the disclosure of their protected health information. This standard authorization will simplify the process of requesting information disclosure for beneficiaries and minimize the response time for Medicare. Form CMS–10106, the Medicare Authorization to Disclose Personal Health Information, will be used by Medicare beneficiaries to authorize Medicare to disclose their protected health information to a third party. *Form Number:* CMS–10106 (OMB control number: 0938–0930); *Frequency:* Occasionally; *Affected Public:* Individuals or Households; *Number of Respondents:* 1,298,329; *Total Annual Responses:* 1,298,329; *Total Annual Hours:* 324,582. (For policy questions regarding this collection contact Sam Jenkins at 410–786–3261.)

5. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Data Use Agreement (DUA) for Data Acquired from the Centers for Medicare & Medicaid Services (CMS); *Use:* The Privacy Act of 1974 allows for discretionary releases of data maintained in Privacy Act protected systems of records under § 552a(b) (Conditions of Disclosure). The mandate to account for disclosures of data under the Privacy Act is found at § 552a(c)(Accounting of Certain Disclosures). This section states that certain information must be maintained regarding disclosures made by each agency. This information is: Date, Nature, Purpose, and Name/Address of Recipient. Section 552a(e) sets the overall requirements that each agency must meet in order to maintain records under the Privacy Act. The Data Use Agreement (DUA) form is needed as part of the review of each CMS data request to ensure compliance with the requirements of the Privacy Act for disclosures that contain personally identifiable information (PII). The DUA form also provides data requestors and custodians with a formal means to agree to the data protection and destruction statutory and regulatory requirements of CMS' PII data. The Health Insurance Portability and Accountability Act (HIPAA) of 1996, § 1173(d) (Security Standards for Health Information) requires us to protect PII. Additionally, the Federal Information Security Management Act (FISMA) of 2002, § 3544 (b) (Federal Agency Responsibilities—Agency Program) also requires us to develop policies and procedures for the protection and destruction of sensitive data to include PII. We use the information collected by the DUA to track disclosures, conditions for disclosure, accounting of disclosures and agency requirements dictated by the Privacy Act, HIPAA and FISMA.

Form Number: CMS–R–235 (OMB control number: 0938–0734); *Frequency:* Annually; *Affected Public:* Private sector—business or other for-profits and not-for-profit institutions; *Number of Respondents:* 9,220; *Total Annual Responses:* 9,220; *Total Annual Hours:* 2,740. (For policy questions regarding this collection contact Sharon Kavanagh at 410–786–5441.)

Dated: June 24, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–15075 Filed 6–26–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–370 and CMS–377, CMS 437, CMS–10510, CMS–216–94, CMS–10494, CMS–10224, CMS–10472 and CMS–10499]

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 28, 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:* Revision of a currently approved collection; *Titles of Information Collection:* Health Insurance Benefits Agreement and Ambulatory Surgical Request for Certification or Update of Certification Information in the Medicare Program; *Use:* The CMS–370 is used to establish eligibility for payment. This agreement, upon submission by the ambulatory surgical center (ASC) and acceptance for filing by the Secretary of Health & Human Services, shall be binding on both the ASC and the Secretary. The agreement may be terminated by either party in accordance with regulations. In the event of termination, payment will not be available for ASC services furnished on or after the effective date of termination. The CMS–377 is used to collect facility-specific characteristics that facilitate CMS' oversight of ambulatory surgical centers. The CMS–377 is submitted by ASCs when they request initial certification of compliance with the ASC conditions for coverage or to update an ASC's existing certification information. It is also used by State agencies who conduct certification surveys on CMS' behalf to maintain information on the facility's characteristics that facilitate conducting surveys, e.g., determining the size and the composition of the survey team on the basis of the number of operating and procedure rooms and the types of surgical procedures performed in the ASC.

Form Numbers: CMS–370 and CMS–377 (OMB control number: 0938–0266); *Frequency:* Occasionally; *Affected Public:* Private Sector—Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 5,449; *Total Annual Responses:* 1,833; *Total Annual Hours:* 633. (For policy questions regarding this collection contact Erin McCoy at 410–786–2337.)

2. *Type of Information Collection Request:* Reinstatement with Change of a currently approved collection; *Title of Information Collection:* Psychiatric Unit Criteria Work Sheet and Supporting Regulations; *Use:* Certain hospital units are excluded from the Medicare Prospective Payment System (PPS). The exclusion of units is not optional on the part of the provider but is required by section 1886(d)(1)(B) of the Social Security Act. That section excludes psychiatric hospitals, rehabilitation hospitals, hospitals whose inpatients are predominantly individuals under 18 years of age (children's hospitals), and psychiatric and rehabilitation units which are a distinct part of a hospital. We propose to continue the current process of performing initial verifications and annual re-verifications to determine that psychiatric units continue to comply with the regulatory criteria at 42 CFR 412.25 and 42 CFR 412.27 of the PPS regulations. These regulations state the criteria that distinct part units must meet for exclusion.

If, as a result of the regular survey process a hospital is certified as a psychiatric hospital by the State survey agency (SA), then it automatically satisfies the regulatory criteria for exclusion. Thus, no additional verification is required for psychiatric hospitals. Some verification is needed, however, to ensure that other types of hospitals and units meet the criteria for exclusion. Consequently, we instructed the Medicare Administrative Contractors (MACs) (formerly known as FIs) and SAs to perform certain verification activities, beginning in October 1983 when PPS was implemented. We originally developed the CMS–437 as an SA Worksheet for verifying exclusions from PPS for psychiatric units.

Since April 9, 1994, PPS-excluded psychiatric units already excluded from the PPS have met our annual requirement for PPS-exclusion by self-attesting that they remain in compliance with the PPS exclusion criteria. Under the current procedure, all psychiatric units applying for first-time exclusion are surveyed by the SAs. The SAs also perform surveys to investigate complaint allegations and conduct annual sample re-verification surveys on 5 percent of all psychiatric units. The aforementioned exclusions continue to exist and thus we propose to continue to use the Criteria Worksheet, Forms CMS–437, for verifying first-time exclusions from the PPS, for complaint surveys, for its annual 5 percent validation sample, and for facility self-attestation. These forms are related to the survey and certification and Medicare approval of the PPS-excluded units.

Form Number: CMS–437 (OMB control number: 0938–0358); *Frequency:* Annually; *Affected Public:* Private sector—Business or other for-profits; *Number of Respondents:* 1,614; *Total Annual Responses:* 1,614; *Total Annual Hours:* 404. (For policy questions regarding this collection contact Donald Howard at 410–786–6764.)

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Basic Health Program Report for Health Insurance Exchange Premium; *Use:* The Basic Health Program (BHP) is federally funded by determining the amount of payments that the federal government would have made through the premium tax credit (PTC) and cost sharing reductions (CSR) for people enrolled in BHP had they instead been enrolled in an Exchange. To calculate the amounts for each state, we need the reference premiums for the second lowest cost silver plans (SLCSP) in each geographic area in a state, as SLCSPs are a basic unit in the calculation of PTC and CSRs under the Exchanges. To estimate what PTC and CSRs would have been paid, the reference premiums for these SLCSPs are critical components in the BHP payment methodology. Similarly, we also need to collect reference premiums for the lowest cost bronze plans to appropriately account for CSR calculations for American Indians and Alaskan Natives. Reference premiums are foundational inputs into the BHP payment methodology. We have the necessary information to determine these reference premiums for states with Exchanges operated by the Federally Facilitated Exchange (FFE) or are operated in partnership with the FFE. Consequently, this collection only pertains to the 17 states that are operating State Based Exchanges.

Form Number: CMS–10510 (OMB control number: 0938–1218); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 17; *Total Annual Responses:* 17; *Total Annual Hours:* 68. (For policy questions regarding this collection contact Carey Appold at 410–786–2117).

4. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Organ Procurement Organization/Histocompatibility Laboratory Cost Report; *Use:* We are requesting an extension of the Form CMS 216–94, Organ Procurement Organization (OPO)/Histocompatibility Laboratory Cost Report. These cost reports are filed annually by freestanding OPO and Histocompatibility Lab providers participating in the Medicare program to determine the reasonable costs incurred to furnish treatment for renal transplant patients. *Form Number:* CMS–216–94 (OMB control number: 0938–0102); *Frequency:* Annually; *Affected Public:* Private sector—Business or other for-profits; *Number of Respondents:* 107; *Total Annual Responses:* 107 *Total Annual Hours:* 4,815. (For policy questions regarding this collection contact Angela Havrilla at 410–786–4516.)

5. *Type of Information Collection Request:* Revision of a previously approved information collection; *Title of Information Collection:* Consumer

Assistance Tools and Programs of an Exchange and Certified Application Counselors; Exchange and Insurance Market Standards for 2015; *Use:* Section 1321(a)(1) of the Affordable Care Act directs and authorizes the Secretary to issue regulations setting standards for meeting the requirements under title I of the Affordable Care Act, with respect to, among other things, the establishment and operation of Exchanges. Pursuant to this authority, regulations establishing the certified application counselor program are being finalized at 45 CFR 155.225. Specifically, 45 CFR 155.225(a) requires an Exchange to establish a certified application counselor program that complies with the requirements of the rule. Section 155.225(b)(1) allows each Exchange to designate certain organizations, including organizations designated by state Medicaid or CHIP agencies, which will certify their staff and volunteers to act as certified application counselors. In accordance with 45 CFR 155.225(b)(2), Exchanges may choose to certify directly individuals who seek to act as certified application counselors, designate certain organizations which will certify staff or volunteers to perform application services, or do both. In accordance with 155.225(d)(7), certified application counselors in all Exchanges are required to be recertified on at least an annual basis and successfully complete Exchange-required recertification training.

Form Number: CMS–10494 (OMB control number: 0938–1205); *Frequency:* On Occasion; *Affected Public:* State, Local, or Tribal Governments, Private Sector: not-for-profit institutions; individuals or households; *Number of Respondents:* 35,000; *Number of Responses:* 160,000; *Total Annual Hours:* 19,610. (For policy questions regarding this collection, contact Tricia Beckmann at 301–492–4328.)

6. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Healthcare Common Procedure Coding System (HCPCS)—Level II Code Modification Request Process; *Use:* Each year in the United States healthcare insurers process over 5 billion claims for payment. For Medicare and other health insurance programs to ensure that these claims are processed in an orderly and consistent manner, standardized coding systems are essential. The Healthcare Common Procedure Coding System (HCPCS) Level II Code Set is one of the standard code sets used for this purpose. Level II of the HCPCS, also referred to as alpha-numeric codes, is a standardized coding system that is used primarily to identify products, supplies, and services not included in the CPT codes, such as ambulatory services and durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) when used in the home or outpatient setting.

The HCPCS codeset has been maintained and distributed via modifications of codes, modifiers and descriptions, as a direct result of data received from applicants. The HCPCS codeset maintenance is an ongoing process, as changes are implemented and updated annually; therefore, the process requires continual collection of information from applicants on an annual basis. As new technology evolves and new devices, drugs and supplies are introduced to the market, applicants submit applications to us requesting modifications to the HCPCS Level II codeset.

Form Number: CMS–10224 (OMB control number: 0938–1042); *Frequency:* Annually; *Affected Public:* Private sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 300; *Total Annual Responses:* 300 *Total Annual Hours:* 3,300. (For policy questions regarding this collection contact Kimberlee Combs Miller at 410–786–6707.)

7. *Type of Information Collection Request:* Revision of a previously approved information collection; *Title of Information Collection:* Exchange Functions: Standards for Navigators and Non-Navigator Assistance Personnel; *Use:* Section 1321(a)(1) of the Affordable Care Act directs and authorizes the Secretary to issue regulations setting standards for meeting the requirements under title I of the Affordable Care Act, with respect to, among other things, the establishment and operation of Exchanges. Pursuant to this authority, regulations have been finalized at 45 CFR 155.210(e)(6) and 45 CFR 155.215(g) to require Navigators, as well as those non-Navigator personnel to whom 45 CFR 155.215 applies, to inform consumers of the functions and responsibilities of Navigators and non-Navigator assistance personnel (as applicable) and obtain authorization for the disclosure of consumer information to the Navigator or non-Navigator assistance personnel prior to obtaining the consumer's personally identifiable information. Navigators and non-Navigator assistance personnel to whom 45 CFR 155.215 applies are also required to maintain a record of the authorization provided in a form and manner as determined by the Exchange.

Form Number: CMS–10472 (OMB control number. 0938–1220); *Frequency:* On Occasion; *Affected Public:* State, Local, or Tribal Governments, Private Sector (not-for-profit institutions); individuals or households; *Number of Respondents:* 5,610; *Number of Responses:* 5,610; *Total Annual Hours:* 35,709. (For policy questions regarding this collection, contact Emily Ames at 301–492–4246.)

8. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Public Health Agency/Registry Readiness to Support Meaningful Use; *Use:* The Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs provide incentives for the meaningful use of Certified Electronic Health Record Technology (CEHRT). We defined meaningful use as a set of objectives and measures in either Stage 1 or Stage 2 depending on how long an eligible provider has participated in the program. Both Stage 1 (3 objectives) and Stage 2 (5 objectives) of meaningful use contain objectives and measures that require eligible providers to determine the readiness of public health agencies and registries to receive electronic data from CEHRT. Public comments on the notice of proposed rulemaking for Stage 2 of meaningful use (77 FR 13697) asserted that the burden for each individual eligible provider to determine the readiness of multiple public health agencies and registries could be nearly eliminated if we were to maintain a database on the readiness of public health agencies and registries. In the final rule for Stage 2 of meaningful use (77 FR 53967), we agreed that the burden on eligible providers, public health agencies and registries would be greatly reduced and established that we would create such a database and it would serve as the definitive information source for determining public health agency and registry readiness to receive electronic data associated with the public health meaningful use objectives. The information will be made publicly available on the CMS Web site (*www.cms.gov/EHRincentiveprograms*) in order to provide a centralized repository of this information to eligible providers and eliminate there multiple individual inquiries to multiple public health agencies and registries. *Form Number:* CMS–10499 (OMB control number: 0938–New); *Frequency:* Yearly; *Affected Public:* Private sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 250; *Total Annual Responses:* 250; *Total Annual Hours:* 83. (For policy questions regarding this collection contact Kathleen Connors de Laguna at 410–786–2256.

Dated: June 24, 2014.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–15073 Filed 6–26–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3301–PN]

Medicare and Medicaid Programs; Application From Det Norske Veritas Healthcare for Continued CMS-Approval of Its Critical Access Hospital Accreditation Program

AGENCY: Centers for Medicare and Medicaid Services, HHS.

ACTION: Proposed notice.

SUMMARY: This proposed notice acknowledges the receipt of an application from Det Norske Veritas Healthcare (DNVHC) for continued recognition as a national accrediting organization for critical access hospitals (CAHs) that wish to participate in the Medicare or Medicaid programs.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on July 28, 2014.

ADDRESSES: In commenting, please refer to file code CMS–3301–PN. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways:

1. *Electronically.* You may submit electronic comments on specific issues in this regulation to *http://www.regulations.gov* . Follow the ''submit a comment'' instructions.

2. *By regular mail.* You may mail written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3301–PN, P.O. Box 8016, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3301–PN, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* Alternatively, you may deliver (by hand or courier) your written comments to the following addresses:

a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

Comments erroneously mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, call telephone number (410) 786–9994 in advance to schedule your arrival with one of our staff members.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Barbara Easterling, (410) 786–0482, Cindy Melanson, (410) 786–0310, Patricia Chmielewski, (410) 786–6899, or Lillian Williams, (410) 786–8636.

SUPPLEMENTARY INFORMATION:

Submitting Comments: We welcome comments from the public on all issues set forth in this proposed notice to assist us in fully considering issues and developing policies. Referencing the file code CMS–3301–PN and the specific ''issue identifier'' that precedes the section on which you choose to comment will assist us in fully considering issues and developing policies.

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that Web site to view public comments.

Comments received timely will also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services in a Critical Access Hospital (CAH) provided certain requirements are met by the CAH. Section 1820(e) and 1861(mm) of the Social Security Act (the Act), establishes distinct criteria for facilities seeking designation as a CAH. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488. The regulations at 42 CFR part 485, subpart F specify the conditions that a CAH must meet to participate in the Medicare program, the scope of covered services, and the conditions for Medicare payment for CAHs.

Generally, to enter into an agreement, a CAH must first be certified by a state survey agency as complying with the conditions or requirements set forth in part 485, subpart F of our CMS regulations. Thereafter, the CAH is subject to regular surveys by a state survey agency to determine whether it continues to meet these requirements. There is an alternative, however, to surveys by state agencies.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by an approved national accrediting organization that all applicable Medicare conditions are met or exceeded, we will deem those provider entities as having met the requirements. Accreditation by an accrediting organization is voluntary and is not required for Medicare participation.

If an accrediting organization is recognized by the Secretary as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program would be deemed to meet the Medicare conditions. A national accrediting organization applying for approval of its accreditation program under part 488, subpart A, must provide us with reasonable assurance that the

accrediting organization requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of accrediting organizations are set forth at § 488.4 and § 488.8(d)(3). The regulations at § 488.8(d)(3) require an accrediting organization to reapply for continued approval of its accreditation program every 6 years or as determined by CMS. Det Norske Veritas Healthcare's (DNVHC) current term of approval for its CAH accreditation program expires December 23, 2014.

II. Approval of Deeming Organizations

Section 1865(a)(2) of the Act and our regulations at § 488.8(a) require that our findings concerning review and approval of a national accrediting organization's requirements consider, among other factors, the applying accrediting organization's requirements for accreditation; survey procedures; resources for conducting required surveys; capacity to furnish information for use in enforcement activities; monitoring procedures for provider entities found not in compliance with the conditions or requirements; and ability to provide us with the necessary data for validation.

Section 1865(a)(3)(A) of the Act further requires that we publish, within 60 days of receipt of an organization's complete application, a notice identifying the national accrediting body making the request, describing the nature of the request, and providing at least a 30-day public comment period. We have 210 days from the receipt of a complete application to publish notice of approval or denial of the application.

The purpose of this proposed notice is to inform the public of DNVHC's request for continued CMS approval of its CAH accreditation program. This notice also solicits public comment on whether DNVHC's requirements meet or exceed the Medicare conditions of participation (CoPs) for CAHs.

III. Evaluation of Deeming Authority Request

DNVHC submitted all the necessary materials to enable us to make a determination concerning its request for continued approval of its CAH accreditation program. This application was determined to be complete on May 2, 2014. Under section 1865(a)(2) of the Act and our regulations at § 488.8 (federal review of accrediting organizations), our review and evaluation of DNVHC will be conducted in accordance with, but not necessarily limited to, the following factors:

- The equivalency of DNVHC's standards for CAHs as compared with CMS' CAH CoPs.
- DNVHC's survey process to determine the following:

++ The composition of the survey team, surveyor qualifications, and the ability of the organization to provide continuing surveyor training.

++ The comparability of DNVHC's processes to those of state agencies, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities.

++ DNVHC's processes and procedures for monitoring a CAH found out of compliance with DNVHC's program requirements. These monitoring procedures are used only when DNVHC identifies noncompliance. If noncompliance is identified through validation reviews or complaint surveys, the state survey agency monitors corrections as specified at § 488.7(d).

++ DNVHC's capacity to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner.

++ DNVHC's capacity to provide CMS with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

++ The adequacy of DNVHC's staff and other resources, and its financial viability.

++ DNVHC's capacity to adequately fund required surveys.

++ DNVHC's policies with respect to whether surveys are announced or unannounced, to assure that surveys are unannounced.

++ DNVHC's agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey as CMS may require (including corrective action plans).

IV. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

V. Response to Public Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

Upon completion of our evaluation, including evaluation of comments received as a result of this notice, we will publish a final notice in the **Federal Register** announcing the result of our evaluation.

Dated: June 18, 2014.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2014–15100 Filed 6–26–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3297–PN]

Medicare and Medicaid Programs: Application From the Joint Commission for Continued Approval of Its Ambulatory Surgical Center Accreditation Program

AGENCY: Centers for Medicare and Medicaid Services, HHS.

ACTION: Proposed notice.

SUMMARY: This proposed notice acknowledges the receipt of an application from the Joint Commission for continued recognition as a national accrediting organization for ambulatory surgical centers (ASCs) that wish to participate in the Medicare or Medicaid programs.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on July 28, 2014.

ADDRESSES: In commenting, please refer to file code CMS–3297–PN. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways:

1. *Electronically.* You may submit electronic comments on specific issues in this regulation to *http://www.regulations.gov*. Follow the ''submit a comment'' instructions.

2. *By regular mail.* You may mail written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3297–PN, P.O. Box 8016, Baltimore, MD 21244–8010.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3297–PN, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* Alternatively, you may deliver (by hand or courier) your written comments to the following addresses:

a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

Comments erroneously mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, call telephone number (410) 786–9994 in advance to schedule your arrival with one of our staff members.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Monda Shaver, (410) 786–3410. Cindy Melanson, (410) 786–0310. Patricia Chmielewski, (410) 786–6899.

SUPPLEMENTARY INFORMATION:

Submitting Comments: We welcome comments from the public on all issues set forth in this proposed notice to assist us in fully considering issues and developing policies. Referencing the file code CMS–3297–PN and the specific ''issue identifier'' that precedes the section on which you choose to comment will assist us in fully considering issues and developing policies.

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that Web site to view public comments.

Comments received timely will also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services from an ambulatory surgical center (ASC) provided certain requirements are met. Section 1832 (a)(2)(F)(i) of the Social Security Act (the Act) establishes distinct criteria for facilities seeking designation as an ASC. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488. The regulations at 42 CFR part 416 specify the minimum conditions that an ASC must meet to participate in the Medicare program.

Generally, to enter into an agreement, an ASC must first be certified by a State survey agency as complying with the conditions or requirements set forth in part 416 of our regulations. Thereafter, the ASC is subject to regular surveys by a State survey agency to determine whether it continues to meet these requirements.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by an approved national accrediting organization that all applicable Medicare conditions are met or exceeded, we will deem those provider entities as having met the requirements. Accreditation by an accrediting organization is voluntary and is not required for Medicare participation.

If an accrediting organization is recognized by the Secretary of the Department of Health and Human Services (the Secretary) as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program would be deemed to meet the Medicare conditions. A national accrediting organization applying for approval of its accreditation program under part 488, subpart A, must provide us with reasonable assurance that the accrediting organization requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of accrediting organizations are set forth at § 488.4 and § 488.8(d)(3). The regulations at § 488.8(d)(3) require accrediting organizations to reapply for continued approval of its accreditation program every 6 years or as determined by CMS.

The Joint Commission's current term of approval for their ASC accreditation program expires December 20, 2014.

II. Approval of Deeming Organizations

Section 1865(a)(2) of the Act and our regulations at § 488.8(a) require that our findings concerning review and approval of a national accrediting organization's requirements consider, among other factors, the applying accrediting organization's requirements for accreditation; survey procedures; resources for conducting required surveys; capacity to furnish information for use in enforcement activities; monitoring procedures for provider entities found not in compliance with the conditions or requirements; and ability to provide CMS with the necessary data for validation.

Section 1865(a)(3)(A) of the Act further requires that we publish, within 60 days of receipt of an organization's complete application, a notice identifying the national accrediting body making the request, describing the nature of the request, and providing at least a 30-day public comment period. We have 210 days from the receipt of a complete application to publish notice of approval or denial of the application.

The purpose of this proposed notice is to inform the public of the Joint Commission's request for continued approval of its ASC accreditation program. This notice also solicits public comment on whether the Joint Commission's requirements meet or exceed the Medicare conditions for coverage (CfCs) for ASCs.

III. Evaluation of Deeming Authority Request

The Joint Commission submitted all the necessary materials to enable us to make a determination concerning its request for continued approval of its ASC accreditation program. This application was determined to be

complete on May 2, 2014. Under Section 1865(a)(2) of the Act and our regulations at § 488.8 (Federal review of accrediting organizations), our review and evaluation of the Joint Commission will be conducted in accordance with, but not necessarily limited to, the following factors:

• The equivalency of the Joint Commission's standards for ASCs as compared with our ASC CfCs.

• The Joint Commission's survey process to determine the following:

++ The composition of the survey team, surveyor qualifications, and the ability of the organization to provide continuing surveyor training.

++ The comparability of the Joint Commission's processes to those of State agencies, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities.

++ The Joint Commission's processes and procedures for monitoring an ASC found out of compliance with the Joint Commission's program requirements. These monitoring procedures are used only when the Joint Commission identifies noncompliance. If noncompliance is identified through validation reviews or complaint surveys, the State survey agency monitors corrections as specified at § 488.7(d).

++ The Joint Commission's capacity to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner.

++ The Joint Commission's capacity to provide CMS with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

++ The adequacy of the Joint Commission's staff and other resources, and its financial viability.

++ The Joint Commission's capacity to adequately fund required surveys.

++ The Joint Commission's policies with respect to whether surveys are announced or unannounced, to assure that surveys are unannounced.

++ The Joint Commission's agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey that we may require (including corrective action plans).

IV. Collection of Information Requirements

This document does not impose information collection requirements, that is, no reporting, recordkeeping or third-party disclosure requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

V. Response to Public Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

Upon completion of our evaluation, including evaluation of comments received as a result of this notice, we will publish a final notice in the **Federal Register** announcing the result of our evaluation.

Dated: June 18, 2014.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2014–15101 Filed 6–26–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3290–FN]

Medicare and Medicaid Programs; Continued Approval of The Joint Commission's (TJC's) Hospital Accreditation Program

AGENCY: Centers for Medicare and Medicaid Services, HHS.

ACTION: Final notice.

SUMMARY: This final notice announces our decision to approve The Joint Commission (TJC) for continued recognition as a national accrediting organization for hospitals that wish to participate in the Medicare or Medicaid programs. A hospital that participates in Medicaid must also meet the Medicare conditions of participation (CoPs) as required under section 1905(a) of the Social Security Act (''Act'') and 42 CFR 482.1(a)(5). This approval is effective July 15, 2014 through July 15, 2020.

DATES: This final notice is effective July 15, 2014 through July 15, 2020.

FOR FURTHER INFORMATION CONTACT: Monda Shaver (410) 786–3410, Cindy Melanson, (410) 786–0310, or Patricia Chmielewski, (410) 786–6899.

SUPPLEMENTARY INFORMATION:

I. Background

A healthcare provider may enter into an agreement with Medicare to participate in the program as a hospital provided certain requirements are met. Section 1861(e) of the Social Security Act (the Act) establishes criteria for providers seeking participation as a hospital. Regulations concerning Medicare provider agreements in general are at 42 CFR part 489 and those pertaining to the survey and certification for Medicare participation of providers and certain types of suppliers are at part 488. The regulations at part 482 specify the specific conditions that a provider must meet to participate in the Medicare program as a hospital.

Generally, to enter into a Medicare hospital provider agreement, a facility must first be certified as complying with the conditions set forth in part 482 and recommended to us for participation by a state survey agency. Thereafter, the hospital is subject to periodic surveys by a state survey agency to determine whether it continues to meet these conditions. However, there is an alternative to certification surveys by state agencies. Accreditation by a nationally recognized Medicare accreditation program approved by us may substitute for both initial and ongoing state review.

Section 1865(a)(1) of the Act provides that, if the Secretary finds that accreditation of a provider entity by an approved national accrediting organization meets or exceeds all applicable Medicare conditions, we may treat the provider entity as having met those conditions, that is, we may ''deem'' the provider entity to be in compliance. Accreditation by an accrediting organization is voluntary and is not required for Medicare participation.

Part 488, subpart A, implements the provisions of section 1865 and requires that a national accrediting organization applying for approval of its Medicare accreditation program must provide us with reasonable assurance that the accrediting organization requires its accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of accrediting organizations are set forth at § 488.4 and § 488.8(d)(3). The regulations at § 488.8(d)(3) require an accrediting organization to reapply for continued approval of its Medicare accreditation program every 6 years or sooner as determined by us. TJC's current term of approval as a recognized

Medicare accreditation program for hospitals expires July 15, 2014.

II. Application Approval Process

Section 1865(a)(3)(A) of the Act provides a statutory timetable to ensure that our review of applications for CMS-approval of an accreditation program is conducted in a timely manner. The Act provides us 210 days after the date of receipt of a complete application, with any documentation necessary to make the determination, to complete our survey activities and application process. Within 60 days after receiving a complete application, we must publish a notice in the **Federal Register** that identifies the national accrediting body making the request, describes the request, and provides no less than a 30-day public comment period. At the end of the 210-day period, we must publish a notice in the **Federal Register** approving or denying the application.

III. Provisions of the Proposed Notice

In the January 29, 2014 **Federal Register** (79 FR 4727), we published a proposed notice announcing TJC's request for continued approval of its Medicare hospital accreditation program. In the January 29, 2014 proposed notice, we detailed our evaluation criteria. Under section 1865(a)(2) of the Act and in our regulations at § 488.4 and § 488.8, we conducted a review of TJC's Medicare hospital accreditation application in accordance with the criteria specified by our regulations, which include, but are not limited to the following:

- An onsite administrative review of TJC's: (1) Corporate policies; (2) financial and human resources available to accomplish the proposed surveys; (3) procedures for training, monitoring, and evaluation of its hospital surveyors; (4) ability to investigate and respond appropriately to complaints against accredited hospitals; and, (5) survey review and decision-making process for accreditation.
- The comparison of TJC's Medicare accreditation program standards to our current Medicare hospital CoPs.
- A documentation review of TJC's survey process to determine the following:

++ Determine the composition of the survey team, surveyor qualifications, and TJC's ability to provide continuing surveyor training.

++ Compare TJC's processes to those we require of state survey agencies, including periodic resurvey and the ability to investigate and respond appropriately to complaints against accredited hospitals.

++ Evaluate TJC's procedures for monitoring hospitals it has found to be out of compliance with TJC's program requirements. (This pertains only to monitoring procedures when TJC identifies non-compliance. If noncompliance is identified by a state survey agency through a validation survey, the state survey agency monitors corrections as specified at § 488.7(d).)

++ Assess TJC's ability to report deficiencies to the surveyed hospitals and respond to the hospital's plan of correction in a timely manner.

++ Establish TJC's ability to provide us with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

++ Determine the adequacy of TJC's staff and other resources.

++ Confirm TJC's ability to provide adequate funding for performing required surveys.

++ Confirm TJC's policies with respect to surveys being unannounced.

++ Obtain TJC's agreement to provide us with a copy of the most current accreditation survey together with any other information related to the survey as we may require, including corrective action plans.

In accordance with section 1865(a)(3)(A) of the Act, the January 29, 2014 proposed notice also solicited public comments regarding whether TJC's requirements met or exceeded the Medicare CoPs for hospitals. We received two unrelated comments in response to our proposed notice.

IV. Provisions of the Final Notice

A. Differences Between TJC's Standards and Requirements for Accreditation and Medicare Conditions and Survey Requirements

We compared TJC's hospital accreditation requirements and survey process with the Medicare CoPs of 42 CFR Part 482, and the survey and certification process requirements of Parts 488 and 489. Our review and evaluation of TJC's hospital application, which were conducted as described in section III of this final notice, yielded the following areas where, as of the date of this notice, TJC is in the process of or has completed revising its standards and certification processes in order to meet the requirements at:

- § 482.12(a)(1), to address the hospital's responsibility to determine which categories of practitioners are eligible candidates for appointment to the medical staff.
- § 482.12(a)(2), to ensure recommendations of the existing members of the medical staff are considered by the governing body during the medical staff appointment process.
- § 482.12(c)(2), to include the requirement that patients are admitted to the hospital only on the recommendation of a licensed practitioner.
- § 482.13(a)(1), to ensure hospitals inform each patient or patient's representative of the patient's rights, in advance of furnishing or discontinuing patient care whenever possible.
- § 482.13(b)(4), to address the patient's right to have a family member or representative of his or her choice notified promptly of the patient's admission to the hospital.
- § 482.13(h) and § 482.13(h)(1), to include the provisions that require hospitals inform each patient of his or her visitation rights and address the requirement for hospitals to have written policies and procedures regarding the visitation rights of patients, including those setting forth any clinical restriction or limitation that the hospital may need to place on such rights and the reasons for the clinical restriction or limitation.
- To meet the requirements at § 482.13(h)(2), TJC revised its standards to include the requirement that the hospital must inform each patient of their right to receive designated visitors.
- § 482.13(h)(4), to ensure all visitors enjoy full and equal visitation privileges consistent with patient preferences.
- § 482.21, to address the hospital governing body's responsibility for maintaining an ongoing quality assessment and performance improvement (QAPI) program that includes services provided under arrangement; maintenance and demonstration of evidence of its QAPI program for review by us; and that the QAPI program is developed and executed in a manner that reflects the complexity of the hospital scope and focus.
- § 482.22(a), to indicate that the medical staff may also include other categories of non-physician practitioners as eligible for appointment by the governing body.
- § 482.23(b)(3), to require that a registered nurse must supervise the nursing care of each patient.
- § 482.23(b)(5), to ensure a registered nurse assigns the nursing care of each patient to other nursing personnel.
- § 482.23(c)(6)(i)(A) and § 482.23(c)(6)(ii)(A), to require a written order permitting patient self-administration of hospital issued medications and the patient's own medications brought to the hospital.

• § 482.23(c)(6)(ii)(B), to include a provision for assessing the patient's capacity to self-administer medications and determining if the patient needs instruction in the safe and accurate administration of medications.

• § 482.24(a), to ensure the organization of the medical record service is appropriate to the scope and complexity of the services performed.

• § 482.24(b), related to the form and retention of the medical record.

• § 482.24(b)(2), to include a provision that hospitals have a system that allows for timely retrieval by diagnosis and procedure, in order to support medical care evaluation and studies.

• § 482.24(c)(2), to require all orders, including verbal orders, be dated, timed, and authenticated promptly by the ordering practitioner or another practitioner who is responsible for the care of the patient.

• § 482.24(c)(4)(iv), to require documentation of complications, hospital-acquired infections, and unfavorable reactions to drugs and anesthesia.

• § 482.25(a), to include the requirement that the pharmacy or drug storage area must be administered in accordance with accepted professional principles.

• § 482.26, to include therapeutic radiologic services and the requirement that radiologic services must meet professionally approved standards for safety and personnel qualifications.

• § 482.26(b)(3), to require radiation workers be checked periodically for amounts of radiation exposure.

• § 482.27, to require that the hospital maintain, or have available, adequate laboratory services to meet the needs of its patients and that such services are performed in a facility certified in accordance with part 493 of this chapter.

• § 482.28, to address the hospital's responsibility to have a dietitian who serves the hospital on a full-time, part-time, or consultant basis either directly or through a contractual arrangement.

• § 482.28(a)(1), to require that hospitals have a full-time employee responsible for the food and dietetic service.

• § 482.41, to address the hospital's responsibility to provide facilities for special services appropriate to the needs of the community.

• § 482.41(a)(1), to address the requirement for emergency power and lighting in intensive care and emergency rooms.

• § 482.41(b)(1)(i) and chapters 18/19.7.1.2 and 18/19.7.1.3 of the Life Safety Code (LSC), to address various fire drill requirements that include transmission of a fire alarm signal, simulation of emergency fire conditions, varying conditions, and employees being instructed in life safety procedures and devices.

• § 482.41(b)(2), to require submission of an equivalency or waiver request, including the supporting documentation along with TJC's recommendation for approval, to the applicable CMS Regional Office for processing.

• § 482.41(b)(6), to address the proper routine storage and prompt disposal of trash.

• § 482.41(b)(7), to include the requirement that the fire control plan must contain provisions for the prompt reporting of fires.

• § 482.43(c)(4), to address the hospital's responsibility to reassess the patient's discharge plan if there are factors that may affect continuing care needs or the appropriateness of the discharge plan.

• § 482.43(c)(6), to include the requirement that a home health agency (HHA) must request to be included on the list of HHAs a hospital provides to patients as part of their discharge plan.

• § 482.51(a)(4), to include a requirement for surgical services to maintain a roster of practitioners, specifying the surgical privileges of each practitioner.

• § 482.51(b)(2), to include a requirement that a properly executed informed consent for an operation must be in the patient's chart before surgery, except in emergencies.

• § 482.52(a)(5), to include a requirement that the supervising anesthesiologist for an anesthesiologist's assistant be immediately available if needed.

• § 482.53(b)(3), to ensure laboratory tests performed in the nuclear medicine service meet the applicable requirement for laboratory services specified in § 482.27.

• § 482.53(d)(3), to require the hospital maintain records of the disposition of radiopharmaceuticals.

• § 482.55, to require the hospital to meet the emergency needs of patients in accordance with acceptable standards of practice.

• § 482.56(a)(2), to ensure physical therapy, occupational therapy, speech-language pathology, and audiology services are provided by qualified therapists, as defined in 42 CFR part 484.

• § 482.56(b)(2), to require the personnel qualifications of those providing care must be in accordance with nationally accepted standards of practice and meet the requirements at § 409.17.

• § 482.57(b)(2), to require blood gases or other laboratory tests performed in the respiratory care unit to meet the applicable requirements for laboratory services specified in § 482.27.

• § 488.3(a), to ensure that all services, including physician and ambulatory care services, which are furnished under the hospital's Medicare provider agreement are surveyed for compliance with TJC's CMS-approved Medicare hospital accreditation program.

• § 488.4(a)(4), to clarify the minimum composition of its survey team for its Medicare hospital accreditation program.

• § 488.4(a)(4)(ii) through (v), to ensure compliance with its own policies that require evidence that its surveyors are appropriately qualified, trained, and evaluated.

• § 488.4(a)(6), to ensure compliance with its own policies that require plan of correction requests to be timely, follow-up surveys for ITL situations to be conducted timely, and that findings are accurately reported to us via the ASSURE database system.

• § 488.4(b)(3)(iii) and § 488.8(d), to ensure we are notified of any proposed changes in its CMS-approved Medicare hospital accreditation program prior to implementation of such changes within 30 days, and to confirm that it will not implement changes we have disapproved or required to be modified.

• § 488.8, to provide us with data that ensures the following information is accurately reported: The date of a complaint receipt; determination of complaints as substantiated or unsubstantiated; determinations of ITL situations; final accreditation decisions for surveys where no deficiencies are found; and surveyor documentation that includes a detailed deficiency statement that clearly supports the determination of manner and degree of non-compliance and the appropriate level of citation.

• To ensure comparability with the survey process requirements at § 488.26(d), TJC:

++ Updated its accreditation process policies to clarify that all surveys for TJC's Medicare hospital accreditation program are conducted unannounced.

++ Updated its accreditation process policies to ensure all required follow-up surveys for its Medicare hospital accreditation program meet the Medicare requirements.

++ Revised its accreditation process policies to clarify that the appropriate level of citation be made when an

Immediate Threat to Health or Safety (ITL) is identified.

++ Clarified its survey policies in the surveyor activity guide (SAG) to address how ''Special Issue Resolution'' is handled during surveys lasting only one day.

++ Updated its accreditation process policies to ensure its definition of a small hospital is consistent across its policies.

• § 488.28(a), to include all documented observations of non-compliance and all internal, uncompleted Plans for Improvement (PFI) listed in the accredited hospital's ''Statement of Condition (SOC) to correct Life Safety Code Deficiencies'' into the survey report.

• § 489.13, related to the effective date of accreditation for facilities undergoing a survey for purposes of its initial participation in Medicare to ensure the survey process and effective date of accreditation when deficiencies have been identified are consistent with the regulatory requirements.

• Complied with section 1861(e)(9)(C) of the Act, to require that waiver and equivalency requests submitted by accredited organizations for Life Safety Code deficiencies that would result in unreasonable hardship for such a facility to resolve and would not jeopardize patient health or safety, be reviewed by TJC, and forwarded to us for approval, as appropriate.

B. Term of Approval

Based on our review and observations described in section III of this final notice, we approve TJC as a national accreditation organization for hospitals that request participation in the Medicare program, effective July 15, 2014 through July 15, 2020.

To verify TJC's continued compliance with the provisions of this final notice, we will conduct a follow-up corporate on-site visit and survey observation within 18 months of the date of publication of this notice.

V. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

Dated: June 16, 2014.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2014–15103 Filed 6–26–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Proposed Collection; Comment Request; Evidence-Based Falls Prevention Program Standardized Data Collection

AGENCY: Administration on Aging (AoA), Administration for Community Living (ACL), HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL), Administration on Aging (AoA) is announcing an opportunity for public comment on the proposed collection of certain information. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection requirements relating to the Evidence-Based Falls Prevention Program.

DATES: Submit written or electronic comments on the collection of information by August 26, 2014.

ADDRESSES: Submit electronic comments on the collection of information to: *Michele.boutaugh@acl.gov.* Submit written comments on the collection of information to Michele Boutaugh, U.S. Administration on Aging, 61 Forsyth Street SW., Suite 5M69, Atlanta, GA 30303–8909.

FOR FURTHER INFORMATION CONTACT: Michele Boutaugh, 404–987–3411 or *Michele.boutaugh@acl.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency request or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, ACL/AoA is publishing notice of the proposed collection of information set forth in this document. With respect to the following collection of information, ACL/AoA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of ACL/AoA's functions, including whether the information will have practical utility; (2) the accuracy of ACL/AoA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques when appropriate, and other forms of information technology. ACL/AoA proposes to use this set of data collection tools to monitor grantees receiving cooperative agreements in response to the funding opportunity: *''PPHF–2014—Evidence-Based Falls Prevention Programs Financed Solely by 2014 Prevention and Public Health Funds (PPHF–2014).''* The statutory authority for cooperative agreements under this program announcement is contained in Section 411 of the Older Americans Act of 1965, as amended, and the Patient Protection and Affordable Care Act (ACA), Section 4002, 42 U.S.C. 300u–11 (Prevention and Public Health Fund).

This data collection is necessary for monitoring program operations and outcomes. ACL/AoA proposes to use the following tools: (1) Semi-annual performance reports to monitor grantee progress; (2) a Host Organization Data form to record location of agencies which sponsor programs which will allow mapping of the delivery infrastructure; and (3) a set of tools used to collect information at each program completed by the program leaders (Program Information Cover Sheet and Attendance Log) and a Participant Information Form and Post Program Survey completed by each participant. The Participant Information Form documents participants' demographic and health characteristics, including age, gender, race/ethnicity, types of chronic conditions, disability status, and education level. It also assesses some key outcome variables, which will be re-assessed in the Post Program survey, including falls self-efficacy, falls and injury rates, fear of falling, and interference with social activities. ACL/AoA intends to use an online data entry system for the program and participant survey data.

The proposed Falls Prevention Data Collection Tools can be found at ACL's Web site at: *http://www.aoa.gov/AoARoot/AoA_Programs/Tools_Resources/collection_tools.aspx.* ACL/AoA estimates the burden of this collection of information as 240 hours for project staff, 405 hours for local agency staff, and 1,000 hours for individuals. Total burden is 1,645 hours per year.

Dated: June 20, 2014.

Kathy Greenlee,

Administrator and Assistant Secretary for Aging.

[FR Doc. 2014–15141 Filed 6–26–14; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Proposed Collection; Comment Request; Reinstatement With Changes to Title III Supplemental Form to the Financial Status Report

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by July 28, 2014.

ADDRESSES: Submit written comments on the collection of information by fax 202.395.5806 or by email to *OIRA_submission@omb.eop.gov,* Attn: OMB Desk Officer for ACL.

FOR FURTHER INFORMATION CONTACT: Alice Kelsey, 312–938–9860.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, ACL has submitted the following proposed collection of information to OMB for review and clearance. The supplemental form to the financial status report for all ACL/AoA Title III grantees provides an understanding of how projects funded by the Older Americans Act are being administered by grantees, in conformance with legislative requirements, pertinent Federal regulations and other applicable instructions and guidelines issued by the Administration for Community Living (ACL). A template may be found on the ACL Web site at: *http://www.acl.gov/NewsRoom/NewsInfo/docs/FFR-ACL-AoA-TitleIII-Supplemental_SF-425.pdf.* The information will be used for Federal oversight of Title III projects. ACL estimates the burden of this collection of information as follows: 56 State Units on Aging (SUA) respond semiannually which should be an average burden of 2 hours per grantee for a total of 112 hours per submission.

Dated: June 20, 2014.

Kathy Greenlee,

Administrator and Assistant Secretary for Aging.

[FR Doc. 2014–15144 Filed 6–26–14; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Community Living

Availability of Program Instructions for MIPPA Funds Program Title: Medicare Improvements for Patients and Providers Act: State Plans for Medicare Savings Program, Low Income Subsidy & Prescription Drug Enrollment Outreach and Assistance

Announcement Type: Initial.

Funding Opportunity Number: AOA–MI–14–001

Statutory Authority: The Medicare Improvements for Patients and Providers Act of 2008—Section 119, Public Law (PL) 110–275 as amended by the Patient Protection and Affordable Care Act of 2010 (Affordable Care Act), reauthorized by the American Taxpayer Relief Act of 2012 (ATRA) and reauthorized by section 110 of the Protecting Access to Medicare Act of 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 93.071.

DATES: The deadline date for the submission of MIPPA state plans is 11:59PM EST 08/04/2014.

I. Funding Opportunity Description

The purpose of the funding is to enhance efforts through statewide and local coalition building focused on intensified outreach activities to help beneficiaries likely to be eligible for the Low Income Subsidy program (LIS), Medicare Savings Program (MSP), Medicare Prescription Drug Coverage (Part D) and in assisting beneficiaries in applying for benefits. ACL will provide funding to State Health Insurance Assistance Programs (SHIPs), Area Agencies on Aging (AAAs), and Aging and Disability Resource Center programs (ADRCs), to inform older Americans about available Federal and State benefits. ACL seeks plans from states that will describe how the MIPPA funds will be used for beneficiary outreach and education over the next three years.

ACL requests that states submit a three year state plan with specific project strategies to expand, extend, or enhance the outreach efforts to beneficiaries on Medicare Part D and for those with limited incomes. States should describe how the SHIP, AAA, and ADRC efforts will be coordinated to provide outreach to beneficiaries with limited incomes statewide, for general Medicare Part D outreach and assistance to beneficiaries in rural areas, and for outreach activities aimed at Medicare prevention and wellness benefits as well as the improvements in the Part D program under the Affordable Care Act as mandated by Section 3306 of the Act. States are asked to review their 2013 MIPPA plans and update these plans to reflect successes achieved to date and direct their efforts to enhance and expand their MIPPA outreach activities.

State agencies may prepare either one statewide plan or separate plans for each eligible State agency.

II. Award Information

1. Funding Instrument Type

These awards will be made in the form of grants to State Agencies for each MIPPA Priority Area.

Priority Area 1—Grants to State Agencies (the State Unit on Aging or the State Department of Insurance) that administer the State Health Insurance Assistance Programs to provide enhanced outreach to eligible Medicare beneficiaries regarding their benefits and enhanced outreach to individuals who may be eligible for the LIS or for the MSP.

Priority Area 2—Grants to State Units on Aging for AAAs to provide enhanced outreach to eligible Medicare beneficiaries regarding their benefits and enhanced outreach to individuals who may be eligible for the LIS, MSP, Medicare Part D and Part D in rural areas.

Priority Area 3—Grants to State Units on Aging that administer the Aging and Disability Resource Centers to provide outreach to individuals regarding the benefits available under Medicare Part D and under the MSP. Funds will be allocated to ADRCs via a formula patterned after the statutory formula used for SHIPs and AAAs.

2. Anticipated Total Priority Area Funding per Budget Period

ACL intends to make available, under this program announcement, grant

awards for the three MIPPA priority areas. Funding will be distributed through a formula as identified in statute. The amounts allocated are based upon factors defined in statute and will be distributed to each priority area based on the formula. ACL will fund total project periods of up to three (3) years contingent upon availability of federal funds.

Priority Area 1—SHIP: $7.5 million in FY 14 for state agencies that administer the SHIP Program.

Priority Area 2—AAA: $7.5 million in FY 14 for SUAs for Area Agencies on Aging and for Native American programs. Funding for Native American Programs ($264,000) is deducted from Priority 2 and is being allocated through a separate process.

Priority Area 3—ADRC: $5 million in FY 2014 for state agencies that administer ADRC programs that were established prior to March 2014.

III. Eligibility Criteria and Other Requirements

1. Eligible Applicants

MIPPA Priority Areas 1, 2 and 3: Awards made under this announcement, by statute, will be made only to agencies of State Governments.

Priority Area 1: Only existing SHIP grant recipients are eligible to apply.

Priority Area 2: Only State Units on Aging are eligible to apply.

Priority Area 3: Only State Agencies that received an ACL and CMS Aging and Disability Resource Center (ADRC) grant where the ADRC was established by March, 2014 are eligible in FY 2014. Eligibility may change if future funding is available.

2. Cost Sharing or Matching

Cost Sharing does not apply.

3. DUNS Number

All grant applicants must obtain and keep current a D–U–N–S number from Dun and Bradstreet. It is a nine-digit identification number, which provides unique identifiers of single business entities. The D–U–N–S number can be obtained from: *https://iupdate.dnb.com/iUpdate/viewiUpdateHome.htm*.

4. Intergovernmental Review

Executive Order 12372, Intergovernmental Review of Federal Programs, is not applicable to these grant applications.

IV. Submission Information

1. Application Kits

Application kits/Program Instructions are available at *www.grantsolutions.gov*. Instructions for completing the application kit will be available on the site.

2. Submission Dates and Times

To receive consideration, applications must be submitted by 11:59 p.m. Eastern time on August 4, 2014.

VII. Agency Contacts

Direct inquiries regarding programmatic issues to U.S. Department of Health and Human Services, Administration on Aging, Office of Supportive and Caregiver Services, Washington, DC 20201, attention: Katherine Glendening or by calling 202–357–3859, or by email *Katherine.Glendening@acl.hhs.gov*.

Dated: June 24, 2014.

Kathy Greenlee,

Administrator and Administration on Aging.

[FR Doc. 2014–15149 Filed 6–26–14; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1155]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Food Labeling Regulations

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Food Labeling Regulations'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: On December 31, 2013, the Agency submitted a proposed collection of information entitled ''Food Labeling Regulations'' to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0381. The approval expires on June 30, 2017. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain*.

Dated: June 23, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–15036 Filed 6–26–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0179]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: On December 13, 2013, the Agency submitted a proposed collection of information entitled ''Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002'' to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0520. The approval expires on June 30, 2017. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain*.

Dated: June 23, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–15034 Filed 6–26–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–1009]

Draft Guidance for Industry on Use of Nanomaterials in Food for Animals; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry (GFI #220) entitled ''Use of Nanomaterials in Food for Animals.'' The draft guidance describes FDA's current thinking regarding the use of nanomaterials or the application of nanotechnology in food for animals. It is intended to assist industry and other stakeholders in identifying potential issues related to safety or regulatory status of food for animals containing nanomaterials or otherwise involving the application of nanotechnology.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by September 10, 2014.

ADDRESSES: Submit written requests for single copies of the guidance to the Communications Staff (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Dragan Momcilovic, Center for Veterinary Medicine (HFV–226), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–453–6856, *dragan.momcilovic@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry (GFI #220) entitled ''Use of Nanomaterials in Food for Animals.'' This draft guidance applies to food ingredients that are intended for use in food for animals and either: (1) Consist entirely of nanomaterials, (2) contain nanomaterials as a component, or (3) otherwise involve the application of nanotechnology.

This guidance is not applicable to other products regulated by FDA, including food substances intended for use in food for humans. This guidance also does not apply to food contact substances or color additives intended for use in food for animals or food for humans.

Medicated feed contains new animal drugs approved for use in or on animal food. This guidance does not apply to a nanomaterial form of a new animal drug or drug component (e.g., drug carrier) in medicated feed. However, it does apply to nanomaterial animal food ingredients in medicated feed.

This guidance is not intended to bring into question the regulatory status of animal food ingredients that naturally exist in the nanoscale range or that contain incidental amounts of particles in the nanoscale range, and that have already been determined to be generally recognized as safe or approved in response to a food additive petition.

A notice announcing the availability of another draft guidance (GFI #221) entitled ''Recommendations for Preparation and Submission of Animal Food Additive Petitions'' was published in the **Federal Register** on September 11, 2013 (78 FR 55727). GFI #221, when finalized, would provide information regarding the submission of food additive petitions (FAPs) for animal food additives. This draft guidance (GFI #220) would provide additional information that would be useful when submitting FAPs for nanomaterial animal food additives and would supplement the information provided in GFI #221.

II. Significance of Guidance

This level 1 draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

III. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR 571.1 and 571.6 have been approved under OMB control number 0910–0546; the collections of information in 21 CFR 70.25, 71.1, 170.35, 171.1, 21 CFR parts 172, 173, 179, and 180, and in Form FDA 3503, have been approved under OMB control number 0910–0016.

IV. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

V. Electronic Access

Persons with access to the Internet may obtain the draft guidance at either *http://www.fda.gov/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/default.htm or http://www.regulations.gov.*

Dated: June 23, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–15030 Filed 6–26–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–0636]

Global Unique Device Identification Database; Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance entitled

''Global Unique Device Identification Database (GUDID): Guidance for Industry and Food and Drug Administration Staff.'' This guidance finalizes, as a single document, all sections of, ''Global Unique Device Identification (GUDID): Draft Guidance for Industry.'' The guidance includes, with minor modifications, the previously finalized sections on how device labelers will interface with the GUDID, establish GUDID accounts and begin initial submissions. The guidance also finalizes the sections on the Device Identifier (DI) record, Health Level 7 Structured Product Labeling (HL7 SPL) submission, search/retrieval of devices information, and GUDID submissions and maintaining and submitting electronic records. The guidance also finalizes Appendix A—GUDID Package Information Examples.

DATES: Submit either electronic or written comments on this guidance at any time. General comments on Agency guidance documents are welcome at any time.

ADDRESSES: An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the guidance document entitled ''Global Unique Device Identification Database (GUDID): Guidance for Industry and Food and Drug Administration Staff'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health (CDRH), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 5431, Silver Spring, MD 20993–0002 or to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Bldg. 71, rm. 3128, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to the office from which you are ordering to assist in processing your request.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: *For information concerning the guidance as it relates to devices regulated by CDRH:* Indira Konduri, UDI Regulatory Policy Support, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 3303, Silver Spring, MD 20993–0002, 301–796–5995, email: *udi@fda.hhs.gov.*

For information concerning the guidance as it relates to devices regulated by CBER: Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

Section 226 of the Food and Drug Administration Amendments Act of 2007 (Pub. L. 110–85) and section 614 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) amended the Federal Food, Drug, and Cosmetic Act to add section 519(f) (21 U.S.C. 360i(f)), which directs FDA to issue regulations establishing a unique device identification (UDI) system for medical devices along with implementation timeframes for certain medical devices. The UDI system final rule was published on September 24, 2013 (78 FR 58786).

In developing the final rule, FDA solicited and considered input from a variety of stakeholders including manufacturers, global regulatory bodies, the clinical community, and patient advocates to ensure that as many perspectives as possible were incorporated. The GUDID is a critical component of the UDI System. The UDI assigned to each device is a globally unique, yet unintelligent code identifying the device, and is composed of the static DI portion and the dynamic production identifier. The GUDID will house the DI, along with key descriptive or ''attribute'' information about the device, which is reported and updated to the GUDID by the device labeler. Being unique for each device, the DI component of the UDI can be effectively used by stakeholders to access the GUDID attribute information for that device.

On September 24, 2013 (78 FR 58545), FDA released a document titled ''Global Unique Device Identification (GUDID): Draft Guidance for Industry'' (the draft guidance). During the 60-day comment period, which ended on November 25, 2013, more than 300 comments were received from 21 entities. In order to finalize the sections with the most questions from GUDID submitters, FDA released the first part of this finalized guidance on June 11, 2014 (79 FR 33568), providing general information to labelers to enable them to obtain a GUDID account and begin initial submissions to the GUDID.

FDA is now, in a single document, finalizing all sections of the draft guidance. The finalized guidance includes, with minor modifications, the previously released information on how device labelers will interface with the GUDID, establish GUDID accounts, and begin initial submissions. The principal modifications include reformatting changes to rearrange sections from 3.2. to 3.1 to improve the document flow, adding a paragraph in section 2 in response to an industry comment, and adding a paragraph in section 4 that had been inadvertently omitted in the document released on June 11, 2014. In addition, this guidance finalizes sections in the draft guidance on the DI record, HL7 SPL submission, search/retrieval of devices information, and GUDID submissions and 21 CFR part 11 requirements. We also are finalizing Appendix A—GUDID Package Information Examples. This guidance supersedes the June 11, 2014, guidance entitled ''Global Unique Device Identification Database (GUDID): Guidance for Industry.''

Elsewhere, we continue to make available on the Internet at the FDA/UDI Web site (*http://www.fda.gov/udi*) updated versions of two appendices of the draft guidance: The section formerly identified as ''Appendix B'' which summarizes the device attribute information that will populate the GUDID, renamed as ''GUDID Data Elements Reference Table'' and the section formerly identified as ''Appendix C'' which summarizes the UDI formats accepted by the issuing Agencies that FDA has accredited to date, renamed as ''UDI Formats by FDA-Accredited Issuing Agency.'' These two documents contain technical specifications and will not be published as a part of this guidance that describes the Agency's interpretation of or policy on a regulatory issue. For those without Internet access or who otherwise would like to receive a hard copy of the currently updated version of either of these documents, formerly published as Appendix B and Appendix C of the draft guidance, should call the people listed under **FOR FURTHER INFORMATION CONTACT** to request the document(s).

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking about the GUDID. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach for interfacing with the GUIDID may be used with prior FDA

approval if such approach satisfies the technical requirements of the GUDID and the requirements of the applicable statute and regulations. If you wish to use an alternative approach for submitting a specific required data element, you may request FDA approval by email or writing to: UDI Regulatory Policy Support, Center for Devices and Radiological Health, Food and Drug Administration, Bldg. 66, Rm. 3303, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, email: *udi@fda.hhs.gov* (Attention: UDI Regulatory Policy Support). If a labeler has a waiver from electronic submission of GUDID data under 21 CFR 830.320(c), the labeler should send a letter containing all of the information otherwise required by this guidance, as well as any permitted ancillary information that the labeler wishes to submit, within the time permitted to: UDI Regulatory Policy Support at the address indicated in the previous sentence. See 21 CFR 830.320(c)(3).

III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the Internet. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* Guidance documents are also available at *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm*, or at *http://www.regulations.gov.* Persons unable to download an electronic copy of ''Global Unique Device Identification Database (GUDID): Guidance for Industry'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 1831 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information described in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collection of information in 21 CFR part 830 pertaining to GUDID labeler accounts and data submissions addressed in this guidance document have been approved under OMB control number 0910–0720.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Dated: June 23, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–15020 Filed 6–26–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–D–0489]

Guidance for Industry: Safety of Nanomaterials in Cosmetic Products; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the availability of a guidance for industry entitled ''Guidance for Industry: Safety of Nanomaterials in Cosmetic Products.'' The guidance represents our current thinking on the safety assessment of nanomaterials in cosmetic products. This guidance is intended to help industry identify the potential safety issues of nanomaterials in cosmetic products and develop a framework for evaluating them.

DATES: Submit either electronic or written comments on FDA guidances at any time.

ADDRESSES: Submit written requests for single copies of the guidance to the Office of Cosmetics and Colors, Center for Food Safety and Applied Nutrition (HFS–125), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Kapal Dewan, Center for Food Safety and Applied Nutrition (HFS–125), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–1130.

SUPPLEMENTARY INFORMATION:

I. Background

We are announcing the availability of a guidance for industry entitled ''Guidance for Industry: Safety of Nanomaterials in Cosmetic Products.'' This guidance is being issued consistent with our good guidance practices regulation (21 CFR 10.115). The guidance represents our current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

In the **Federal Register** of April 25, 2012 (77 FR 24722), we made available a draft guidance entitled ''Guidance for Industry: Safety of Nanomaterials in Cosmetic Products'' and gave interested parties an opportunity to submit comments by July 24, 2012, for us to consider before beginning work on the final version of the guidance. We received several comments on the draft guidance and have modified the final guidance where appropriate. Changes to the guidance include:

- The addition of several references, such as references pertaining to analytical techniques for measuring physicochemical properties of nanomaterials;
- Revised text concerning potential differences between nanomaterials and their larger-scale counterparts with the same chemical composition. For example, the guidance discusses how the small particle size of a nanomaterial has the potential to alter biodistribution and bioavailability;
- New text concerning thorough characterization of nanomaterials; and
- Revised text concerning toxicology considerations and toxicological testing.

In addition, we made editorial changes to improve clarity.

The guidance announced in this notice finalizes the draft guidance dated April 2012.

II. Comments

Interested persons may submit either electronic comments regarding the guidance to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It

is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

III. Electronic Access

Persons with access to the Internet may obtain the guidance at either *http://www.fda.gov/CosmeticGuidances or http://www.regulations.gov.* Use the FDA Web site listed in the previous sentence to find the most current version of the guidance.

Dated: June 23, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–15032 Filed 6–26–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–D–0490]

Guidance for Industry: Assessing the Effects of Significant Manufacturing Process Changes, Including Emerging Technologies, on the Safety and Regulatory Status of Food Ingredients and Food Contact Substances, Including Food Ingredients That Are Color Additives; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the availability of a guidance entitled ''Guidance for Industry: Assessing the Effects of Significant Manufacturing Process Changes, Including Emerging Technologies, on the Safety and Regulatory Status of Food Ingredients and Food Contact Substances, Including Food Ingredients that are Color Additives.'' The guidance explains FDA's current thinking on the factors to be considered when determining whether changes in manufacturing process, including the intentional reduction in particle size to the nanoscale, for a food substance already in the market affect the identity of the food substance, impact the safety of the use of the food substance, change the regulatory status of the use of the food substance, or warrant a new regulatory submission to FDA.

DATES: Submit either electronic or written comments on FDA guidances at any time.

ADDRESSES: Submit written requests for single copies of the guidance entitled ''Guidance for Industry: Assessing the Effects of Significant Manufacturing Process Changes, Including Emerging Technologies, on the Safety and Regulatory Status of Food Ingredients and Food Contact Substances, Including Food Ingredients that are Color Additives'' to the Office of Food Additive Safety (HFS–200), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5100 Paint Branch Pkwy, College Park, MD 20740. Send two self-addressed adhesive labels to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Teresa Croce, Center for Food and Applied Nutrition (HFS–265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–1281.

SUPPLEMENTARY INFORMATION:

I. Background

We are announcing the availability of a guidance entitled ''Guidance for Industry: Assessing the Effects of Significant Manufacturing Process Changes, Including Emerging Technologies, on the Safety and Regulatory Status of Food Ingredients and Food Contact Substances, Including Food Ingredients that are Color Additives.'' The guidance is being issued consistent with our good guidance practices regulation (21 CFR 10.115). The guidance represents FDA's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of applicable statutes and regulations. This guidance represents FDA's current thinking on the factors to be considered when determining whether changes in manufacturing process, including the intentional reduction in particle size to the nanoscale, for a food substance already in the market affect identity of the food substance, impact the safety of the use of the food substance, change the regulatory status of the use of the food substance, or warrant a new regulatory submission to FDA.

In the **Federal Register** of April 25, 2012 (77 FR 24722), we made available a draft guidance entitled ''Draft Guidance for Industry: Assessing the Effects of Significant Manufacturing Process Changes, Including Emerging Technologies, on the Safety and Regulatory Status of Food Ingredients and Food Contact Substances, Including Food Ingredients that are Color Additives'' and gave interested parties an opportunity to submit comments by July 24, 2012, for us to consider before beginning work on the final version of the guidance. We received several comments on the draft guidance and have modified the final guidance where appropriate. The guidance announced in this notice finalizes the draft guidance dated April 2012.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in §§ 170.101, 170.106, and 171.1 have been approved under OMB control number 0910–0495; the collections of information in §§ 70.25, 71.1, 170.35, and 171.1 have been approved under OMB control number 0910–0016; the collections of information in § 170.39 have been approved under OMB control number 0910–0298; and the collections of information in proposed § 170.36 (62 FR 18938, April 17, 1997) has been approved under OMB control number 0910–0342.

III. Comments

Interested persons may submit either written comments regarding the guidance to the Division of Dockets Management (see **ADDRESSES**) or electronic comments regarding the guidance to *http://www.regulations.gov.* It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

IV. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/FoodGuidances* or at *http://www.regulations.gov.* Use the FDA Web site listed in the previous

sentence to find the most current version of the guidance.

Dated: June 23, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–15031 Filed 6–26–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–D–0530]

Guidance for Industry: Considering Whether a Food and Drug Administration-Regulated Product Involves the Application of Nanotechnology; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the availability of a guidance entitled ''Guidance for Industry: Considering Whether an FDA-Regulated Product Involves the Application of Nanotechnology.'' This guidance explains FDA's current thinking on determining whether FDA-regulated products involve the application of nanotechnology. The guidance identifies two Points to Consider, which address both particle dimensions and dimension-dependent properties or phenomena. If either point applies to a given product, industry and FDA should consider whether evaluations of safety, effectiveness, public health impact, or regulatory status of that product have identified and adequately addressed any unique properties or behaviors of the product. These two Points to Consider are intended to provide an initial screening tool that can be broadly applied to all FDA-regulated products, with the understanding that these points are subject to change in the future as new information becomes available.

DATES: Submit either electronic or written comments on FDA guidances at any time.

ADDRESSES: Submit written requests for single copies of the guidance entitled ''Guidance for Industry: Considering Whether an FDA-Regulated Product Involves the Application of Nanotechnology'' to the Office of Policy, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Ritu Nalubola, Office of Policy, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, rm. 4236, Silver Spring, MD 20993–0002, 301–796–4830,email: *Ritu.Nalubola@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

We are announcing the availability of a guidance entitled ''Guidance for Industry: Considering Whether an FDA-Regulated Product Involves the Application of Nanotechnology.''

This guidance is intended for manufacturers, suppliers, importers, and other stakeholders. It describes FDA's current thinking on determining whether FDA-regulated products involve the application of nanotechnology. In the **Federal Register** of June 14, 2011 (76 FR 34715), we made available a draft guidance entitled ''Draft Guidance for Industry: Considering Whether an FDA-Regulated Product Involves the Application of Nanotechnology'' and gave interested parties an opportunity to submit comments by August 15, 2011, for us to consider before beginning work on the final version of the guidance. We received several comments on the draft guidance and have modified the final guidance, where appropriate. The guidance announced in this notice finalizes the draft guidance dated June 2011.

This guidance provides an overarching framework for FDA's approach to the regulation of nanotechnology products. Based on our current scientific and technical understanding of nanomaterials and their characteristics, FDA believes that evaluations of safety, effectiveness, public health impact, or regulatory status of nanotechnology products should consider any unique properties and behaviors that the application of nanotechnology may impart. This guidance identifies two Points to Consider that should be applied when considering whether FDA-regulated products involve the application of nanotechnology. These Points address both particle dimensions and dimension-dependent properties or phenomena. If either point applies to a given product, industry and FDA should consider whether the evaluations of safety, effectiveness, public health impact, or regulatory status of that product have identified and adequately addressed any unique properties or behaviors of the product.

These two Points to Consider are intended to provide an initial screening tool that can be broadly applied to all FDA-regulated products, with the understanding that these points are subject to change in the future as new information becomes available. In particular, FDA may further refine these points, either as applicable broadly to all FDA-regulated products or as applicable to particular products or classes of products, as justified by scientific information.

We will consider future revisions to our approach, including developing regulatory definitions relevant to nanotechnology, as warranted and in keeping with evolving scientific understanding. FDA may also provide additional guidance, including product-specific guidance documents, to address issues such as the regulatory status, safety, effectiveness, performance, quality, or public health impact of nanotechnology products.

We urge industry to consult early with FDA so that any questions related to the regulatory status, safety, effectiveness, or public health impact of products that involve the application of nanotechnology can be appropriately and adequately addressed.

II. Significance of Guidance

This level 1 guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. You may use an alternative approach if such approach satisfies the requirements of applicable statutes and regulations.

III. Comments

Interested persons may submit either electronic comments regarding the guidance to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

IV. Electronic Access

Persons with access to the Internet may obtain the guidance at either *http://www.fda.gov/ScienceResearch/SpecialTopics/Nanotechnology/default.htm* or *http://www.regulations.gov.* Use the FDA Web site listed in the previous sentence to find the most current version of the guidance.

Dated: June 23, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–15033 Filed 6–26–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–E–0038]

Determination of Regulatory Review Period for Purposes of Patent Extension; VICTRELIS

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for VICTRELIS and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov.* Submit written petitions (two copies are required) and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Submit petitions electronically to *http://www.regulations.gov* at Docket No. FDA–2013–S–0610.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Management, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6257, Silver Spring, MD 20993–0002, 301–796–7900.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product VICTRELIS (boceprevir). VICTRELIS is indicated for treatment of chronic hepatitis C genotype 1 infection, in combination with peginterferon alfa and ribavirin in adult patients with compensated liver disease, including cirrhosis, who are previously untreated or who have failed previous interferon and ribavirin therapy. Subsequent to this approval, the USPTO received a patent term restoration application for VICTRELIS (U.S. Patent No. RE43298) from Schering Corporation and Dendreon Corporation, and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated July 9, 2012, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of VICTRELIS represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for VICTRELIS is 2,160 days. Of this time, 1,980 days occurred during the testing phase of the regulatory review period, while 180 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)) became effective:* June 15, 2005. The applicant claims June 18, 2005, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was June 15, 2005, which was the date the applicant was informed that they could proceed with their proposed clinical investigations.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* November 15, 2010. FDA has verified the applicant's claim that the new drug application (NDA) for VICTRELIS (NDA 202–258) was submitted on November 15, 2010.

3. *The date the application was approved:* May 13, 2011. FDA has verified the applicant's claim that NDA 202–258 was approved on May 13, 2011.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,032 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by August 26, 2014. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by December 24, 2014. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and written or electronic petitions. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. If you submit a written petition, two copies are required. A petition submitted electronically must be submitted to *http://www.regulations.gov,* Docket No. FDA–2013–S–0610. Comments and petitions that have not been made publicly

available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 23, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–15021 Filed 6–26–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0421]

Privacy Act of 1974; System of Records Notice

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; changes to systems of records notices.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974 (the Privacy Act) and the Food and Drug Administration's (FDA) regulations for the protection of privacy, FDA is deleting four system of records notices (SORNs) from its existing inventory of SORNs and adding routine uses to the remaining SORNs. The systems related to the SORNs that are being deleted are no longer in use by FDA. The additional routine uses are for standard disclosures common to systems across the government. They allow disclosure to other Federal Agencies and contractors as needed to respond to a breach of system security or confidentiality, to contractors or other external individuals performing work for FDA that requires access to Agency records subject to the Privacy Act, to Federal record keeping authorities for the purpose of records management oversight, to appropriate public authorities when a record indicates a potential violation of law, and to the U.S. Department of Justice (DOJ) for guidance on Freedom of Information Act issues. FDA will require that all of these recipients comply with the requirements of the Privacy Act. The added routine uses will be inserted in each existing system notice and will be included in future FDA SORNs.

DATES: This notice will be effective on June 27, 2014, with the exception of the new and altered routine uses. Those routine uses will become effective on August 11, 2014. Submit either electronic or written comments by August 11, 2014.

ADDRESSES: You may submit comments, identified by Docket No. FDA–2014–N–0421, by any of the following methods:

Electronic Submissions

Submit electronic comments in the following way:

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

Written Submissions

Submit written submissions in the following ways:

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

Instructions: All submissions received must include the Agency name and Docket No. FDA–2014–N–0421 for this notice. All comments received may be posted without change to *http://www.regulations.gov,* including any personal information provided. For additional information on submitting comments, see the ''Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

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

FOR FURTHER INFORMATION CONTACT: Frederick Sadler or Cullen Cowley, Division of Freedom of Information, Food and Drug Administration, 12420 Parklawn Dr., Rm. 1050, Rockville, MD 20857, 301–796–3900.

SUPPLEMENTARY INFORMATION:

I. Deleted System of Records Notices

FDA is deleting the following SORNs because the record systems are no longer in use.

1. Science Advisor Research Associate Program, HHS/FDA/ORA, System No. 09–10–0007. First published in the **Federal Register**, September 29, 1977 (42 FR 51922 at 52146); complete text republished in the **Federal Register**, November 24, 1986 (51 FR 42524 at 42530).

2. Radiation Protection Program Personnel Monitoring System, HHS/FDA/CDRH, System No. 09–10–0008. First published in the **Federal Register**, September 29, 1977 (42 FR 51922 at 52147); complete text republished November 24, 1986 (51 FR 42524 at 42531); and published as revised with updated system location and manager information, December 31, 1992 (57 FR 62828 at 62829).

3. Certified Retort Operators, HHS/FDA/CFSAN, System No. 09–10–0011. First published in the **Federal Register**, September 29, 1977 (42 FR 51922 at 52148); complete text republished November 24, 1986 (51 FR 42524 at 42534); and published as revised with minor changes, December 29, 1993 (58 FR 69056).

4. Epidemiological Research Studies of the Center for Devices and Radiological Health, HHS/FDA/CDRH, System No. 09–10–0017. First published in the **Federal Register**, May 29, 1979 (44 FR 30765 at 30766); republished with minor changes in December 28, 1994 (59 FR 67087).

II. Routine Uses To Be Added to the FDA Inventory of SORNS

A. New Routine Uses

For the reasons described in this document, FDA is adding the following routine use disclosures to its SORNs.

1. ''Disclosure may be made to appropriate Federal agencies and Department contractors that have a need to know the information for the purpose of assisting the Department's efforts to respond to a suspected or confirmed breach of the security or confidentiality of information maintained in this system of records, and the information disclosed is relevant and necessary for that assistance.''

The Office of Management and Budget (OMB) and the Department of Health and Human Services (HHS) have directed agencies to include a routine use providing for disclosure of system information to facilitate a Federal level response to a breach of system security. In accordance with OMB Memorandum (M) 07–16, Safeguarding Against and Responding to the Breach of Personally Identifiable Information, HHS policy specifies that all HHS Operating and Staff Divisions incorporate this routine use language as a part of the normal SORN review and publication process. The underlying operational reason for this routine use is that other Federal Agencies, HHS officials and contractors, and FDA contractors may need access to individually identifiable information that is relevant and necessary for assisting in the response to a suspected or confirmed breach of the security or confidentiality of information maintained in systems of records.

Federal law and policy require the Agency to maintain appropriate safeguards for the systems, and, individuals whose data is in the systems expect the Agency to maintain the integrity of their information and secure

it against unauthorized use or disclosure. The Privacy Act requires that personal information be secured against potential misuse by unauthorized persons (5 U.S.C. 552a(e)(10)). The Federal Information Security Management Act of 2002 (FISMA), enacted as Title III of the E-Government Act of 2002 (44 U.S.C. 3541 *et seq.*), requires that agencies protect data and information systems from unauthorized use, disclosure, disruption, modification and destruction, in order to preserve data integrity, confidentiality, and availability.

2. ''Disclosure may be made to the National Archives and Records Administration and/or the General Services Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.''

This routine use is necessary to enable the National Archives and Records Administration (NARA) and/or the General Services Administration (GSA) to carry out records management functions.

3. ''Disclosure may be made to contractors and other persons who perform services for the agency related to this system of records and who need access to the records to perform those services. Recipients shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.''

Where FDA engages a contractor to carry out a function related to a system of records, this routine use permits disclosure to those individuals who require access to the records in order to perform the contracted work. The routine use is necessary to enable FDA to function in an effective and coordinated fashion. Additionally, OMB directs agencies to include such a routine use for disclosure to contractor personnel (Appendix I to OMB Circular A–130—Federal Agency Responsibilities for Maintaining Records About Individuals, available at *http://www.whitehouse.gov/omb/circulars_a130_a130trans4*). FDA will require that individuals to whom records are disclosed comply with the information handling obligations imposed on Federal Agencies by the Privacy Act.

4. ''When a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, disclosure may be made to the appropriate public authority, whether federal, foreign, state, local, or tribal, or otherwise, responsible for enforcing, investigating or prosecuting such violation, if the information disclosed is relevant to the responsibilities of the agency or public authority.''

When a record in an agency system of records by itself or in combination with other records indicates a violation of law, this routine use allows FDA to provide the record to the appropriate law enforcement entity in order to maintain the integrity of the program and ensure trust in the system.

5. ''In the event HHS/FDA deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.''

DOJ is the lead Agency on Federal implementation of the Freedom of Information Act (FOIA). This routine use enables FDA to share Privacy Act records with DOJ to effectively consult with DOJ regarding the potential disclosure of the records under the FOIA as permitted under the relevant provision of the Privacy Act, 5 U.S.C. 552a(b)(2).

B. FDA Systems of Records Notices to Which New Routine Uses Will Be Added

FDA will add the specified routine uses to the remaining FDA SORNs that do not already contain the same or similar provisions. A list of these SORNs is as follows:

09–10–0002 Regulated Industry Employee Enforcement Records.

09–10–0003 FDA Credential Holder File.

09–10–0004 Communications (Oral and Written) With the Public.

09–10–0005 State Food and Drug Official File.

09–10–0009 Special Studies and Surveys on FDA-Regulated Products. Only the first, second, fourth, and fifth routine uses described in this document will be added to this SORN. It already contains a routine use covering disclosure to contractors who perform services for FDA.

09–10–0010 Bioresearch Monitoring Information System. Only the second, fourth, and fifth routine uses described in this document will be added to this SORN. It already contains the routine uses regarding limited disclosure to contractors and other Agencies.

09–10–0013 Employee Conduct Investigative Records.

09–10–0018 Employee Identification Card Information Records.

09–10–0019 Mammography Quality Standards Act (MQSA) Training Records.

09–10–0020 FDA Records Related to Research Misconduct Proceedings. Only the fifth routine use listed in this document will be added to this SORN. It already contains routine uses that are the same as or similar to the other four.

09–10–0021 User Fee System. Only the fourth routine use listed in this document will be added to this SORN. It already contains routine uses that are the same as or similar to the other four.

III. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Dated: June 23, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–15022 Filed 6–26–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received no later than August 26, 2014.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Title V Maternal and Child Health Services Block Grant to States Program: Guidance and Forms for the Title V Application/Annual Report OMB No. 0915–0172—Revision.

Abstract: HRSA is revising the *Title V Maternal and Child Health Services Block Grant to States Program: Guidance and Forms for the Title V Application/Annual Report*. The Guidance is used annually by the 50 states and nine jurisdictions in applying for Block Grants under Title V of the Social Security Act and in preparing the required Annual Report. In partnership with the leadership in State Title V Maternal and Child Health (MCH) programs as well as with other national MCH leaders and stakeholders, HRSA's Maternal and Child Health Bureau (MCHB) has been working over the past year to develop and refine a vision for transforming the MCH Block Grant to States Program to better meet current and future challenges facing our nation's mothers and children, including children with special health care needs (CSHCN) and their families. The proposed revisions to the Application and Annual Reporting requirements and to the data forms that are contained in the revised Guidance reflect this vision.

The aims of the MCH Block Grant to States Program transformation are threefold: (1) Reduce burden to states, (2) maintain state flexibility, and (3) improve accountability. Revisions to this edition are intended to enable the state to tell a more cohesive and comprehensive Title V story and to better reflect on the program's leadership role and its contributions to the state's public health system in building improved and expanded systems of care for the MCH population. It is recognized that the full extent of the anticipated burden reduction will be realized over time as states become more familiar with the new instructions and reporting requirements. The burden estimates presented in the table below are based on previous burden estimates and consultations with a few states on the proposed changes. HRSA plans to solicit additional information from no more than nine states to derive more accurate estimates.

Specific changes to this edition of the *Title V Maternal and Child Health Services Block Grant to States Program: Guidance and Forms for the Title V Application/Annual Report* include the following:

(1) Narrative reporting will be organized by six population health domains (i.e., maternal and women's health, perinatal health, child health, CSHCN, adolescent health, and life course); (2) Revised National Performance Measure (NPM) framework will be implemented with states selecting 8 of 15 NPMs for their programmatic focus; (3) State-level data for the selected NPMs will be provided by MCHB from national data sources thus reducing burden; (4) For each selected NPM, the state will establish and report only on a Structural/Process Measure (S&PM); (5) Revised instructions for the State Application/Annual Report process reflect the need for state priority needs and national MCH priority areas to drive the state's reporting on the 5-year (and ongoing) Needs Assessment findings, the selection of NPMs which target the state-identified priority needs, the development of evidence-based strategies and S&PMs for addressing the selected NPMs, and the establishment of State Performance Measures which respond to the state's identified unique needs; (6) State Application/Annual Report will include a 5-year Action Plan for addressing the identified MCH priority areas; (7) An Executive Summary will be included with each submitted Application/Annual Report; (8) A 5-year Needs Assessment Summary will be integrated into the State's Application/Annual Report and will replace the more comprehensive, standalone 5-year Needs Assessment document that the state previously submitted; (9) Health System Capacity Indicators will be eliminated; (10) Data for Health Status Indicators will be provided by the MCHB, as available, rather than collected and reported by the state; and (11) Federal and State Title V Program budget and expenditures will be reported separately by the state.

Need and Proposed Use of the Information: Each year, all states and jurisdictions are required to submit an Application/Annual Report for federal funds for their Title V MCH Services Block Grant to States Program to HRSA's MCHB (Section 505(a) of Title V of the Social Security Act). In addition, the state/jurisdictional MCH Block Grant programs are required to conduct a statewide, comprehensive Needs Assessment every 5 years. The information and instructions for the preparation and submission of this Application/Annual Report are contained in the *Title V Maternal and Child Health Services Block Grant to States Program: Guidance and Forms for the Title V Application/Annual Report.*

Likely Respondents: By legislation (Section 505(a) of Title V of the Social Security Act), the MCH Block Grant Application/Annual Report must be developed by, or in consultation with, the State MCH Health agency.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

Total Estimated Annualized burden hours:

Form name	Number of respondents	Number of responses per respondent	Total responses	Burden per response (in hours)	Total burden hours
Application and Annual Report without 5-Year Needs Assessment	59	1	59	123.0	7,257

Form name	Number of respondents	Number of responses per respondent	Total responses	Burden per response (in hours)	Total burden hours
Application and Annual Report with 5-Year Needs Assessment	59	1	59	189.3	11,169
Average Total Annual Burden	59		59		*8,561

*(Reflects the average of one Application/Annual Report with Needs Assessment and two Application/Annual Reports without Needs Assessment.)

In fiscal year (FY) 2016, states and jurisdictions will be submitting an application and annual report with a 5-year needs assessment for a total estimated burden of 11,169 hours. In FY 2017 and FY 2018, states and jurisdictions will be submitting an application and annual report without a 5-year needs assessment for a total estimated burden of 14,514.

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Dated: June 20, 2014.

Jackie Painter,

Acting Director, Division of Policy and Information Coordination.

[FR Doc. 2014–15051 Filed 6–26–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the Program), as required by Section 2112(b)(2) of the Public Health Service (PHS) Act, as amended. While the Secretary of Health and Human Services is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program in general, contact the Clerk, United States Court of Federal Claims, 717 Madison Place NW., Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 11C–26, Rockville, MD 20857; (301) 443–6593.

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.,* provides that those seeking compensation are to file a petition with the U.S. Court of Federal Claims and to serve a copy of the petition on the Secretary of Health and Human Services, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at Section 2114 of the PHS Act or as set forth at 42 CFR 100.3, as applicable. This Table lists for each covered childhood vaccine the conditions which may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that ''[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.'' Set forth below is a list of petitions received by HRSA on May 1, 2014, through May 31, 2014. This list provides the name of petitioner, city and state of vaccination (if unknown then city and state of person or attorney filing claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master ''shall afford all interested persons an opportunity to submit relevant, written information'' relating to the following:

1. The existence of evidence ''that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,'' and

2. Any allegation in a petition that the petitioner either:

(a) ''Sustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by'' one of the vaccines referred to in the Table, or

(b) ''Sustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine'' referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Director, Division of Vaccine Injury Compensation Program, Healthcare Systems Bureau, 5600 Fishers Lane, Room 11C–26, Rockville, MD 20857. The Court's caption

(Petitioner's Name v. Secretary of Health and Human Services) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

Dated: June 20, 2014.

Mary K. Wakefield,

Administrator.

List of Petitions Filed

1. Lauren E. Neeley, Boynton Beach, Florida, Court of Federal Claims No: 14–0373V.
2. Brandy Williams on behalf of LS, Gilbert, Arizona, Court of Federal Claims No: 14–0375V.
3. James Clark, Winchester, Massachusetts, Court of Federal Claims No: 14–0379V.
4. Angie F. French and Dan French on behalf of V.F., Phoenix, Arizona, Court of Federal Claims No: 14–0383V.
5. Gary Martz, Tempe, Arizona, Court of Federal Claims No: 14–0384V.
6. Reta Erxleben, Cincinnati, Ohio, Court of Federal Claims No: 14–0385V.
7. Markelle D. Vickers, Antioch, California, Court of Federal Claims No: 14–0386V.
8. Amy M. Nesbitt and Eric L. Nesbitt on behalf of MNN, Moline, Illinois, Court of Federal Claims No: 14–0392V.
9. Sheri Swigert, Lincoln, California, Court of Federal Claims No: 14–0395V.
10. Danielle N. Meyer, Knoxville, Tennessee, Court of Federal Claims No: 14–0399V.
11. James Rowden, Fort Benning, Georgia, Court of Federal Claims No: 14–0400V.
12. Steve H. Mitchell, Shreveport, Louisiana, Court of Federal Claims No: 14–0401V.
13. Lissa Garcia on behalf of Stefon Garcia, Deceased, Brownsville, Texas, Court of Federal Claims No: 14–0404V.
14. John Ciprus, Wethersfield, Connecticut, Court of Federal Claims No: 14–0410V.
15. Danny Wilson, St. Louis, Missouri, Court of Federal Claims No: 14–0411V.
16. Daniel Webb, Atlanta, Georgia, Court of Federal Claims No: 14–0412V.
17. Ivanka Pentcholov on behalf of Athena Pentcholov, Seattle, Washington, Court of Federal Claims No: 14–0414V.
18. Sonal Patel, New Haven, Connecticut, Court of Federal Claims No: 14–0421V.
19. Tammy Schettl, Olmstead County, Minnesota, Court of Federal Claims No: 14–0422V.
20. Chun-Xiang Mao, El Paso, Texas, Court of Federal Claims No: 14–0426V.
21. Jenelle and Arturo Escalera on behalf of Alivia Escalera, Phoenix, Arizona, Court of Federal Claims No: 14–0431V.
22. Kristin Mehner, Cape Girardeau, Missouri, Court of Federal Claims No: 14–0432V.
23. Michelle Stoke, Memphis, Tennessee, Court of Federal Claims No: 14–0433V.
24. Larry Johnston on behalf of Evan Johnston, Avon, Ohio, Court of Federal Claims No: 14–0434V.
25. Laura Mitchell, Laurel, Maryland, Court of Federal Claims No: 14–0438V.
26. Leigh Rolshoven on behalf of Hannah Huelsenbeck, Windom, Minnesota, Court of Federal Claims No: 14–0439V.
27. Jennifer Gowans and Mitchell Gowans on behalf of Ivy E. Gowans, Rehoboth, Massachusetts, Court of Federal Claims No: 14–0440V.
28. Leslie C. Potts, Jr., Grant, Nebraska, Court of Federal Claims No: 14–0441V.
29. Angela Allard, Jackson, California, Court of Federal Claims No: 14–0442V.
30. Jody Hupe on behalf of B.A.H., Manhattan, Kansas, Court of Federal Claims No: 14–0448V.
31. Richard Berrish, Freeport, Pennsylvania, Court of Federal Claims No: 14–0453V.
32. Barbara Wright, Winchester, Virginia, Court of Federal Claims No: 14–0454V.
33. Erin Menser, Seattle, Washington, Court of Federal Claims No: 14–0455V.
34. Julie Jones, Birmingham, Alabama, Court of Federal Claims No: 14–0456V.

[FR Doc. 2014–15047 Filed 6–26–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Outstanding New Environmental Scientist Review Meeting.

Date: July 22, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Environmental Health Sciences, Rall Building, Room 101, ABC, 111 T. W. Alexander Drive, Research Triangle Park, NC 27713.

Contact Person: Janice B. Allen, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Inst. of Environmental Health Sciences, P.O. Box 12233, MD EC–30/Room 3170 B, Research Triangle Park, NC 27709, 919/541–7556.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: June 23, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–15062 Filed 6–26–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Feasibility Studies to Build Collaborative Partnerships in Cancer Research (P20).

Date: July 22–23, 2014.

Time: 5:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Christopher L. Hatch, Ph.D., Chief, Health Scientist Administrator, Program Coordination & Referral Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W554, Rockville, MD 20850, 240–276–6454, *ch29v@nih.gov.*

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/sep/sep.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and

Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 24, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–15061 Filed 6–26–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–13–182: Drug Abuse Dissertation Research.

Date: July 8, 2014.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Mary Clare Walker, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5208, MSC 7852, Bethesda, MD 20892, (301) 435–1165, *walkermc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, [PAR] 14–073 Shared Instrumentation: Review of X-ray diffraction systems and/or NMR spectrometers.

Date: July 14–15, 2014.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Albert Wang, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7806, Bethesda, MD 20892, 301–435–1016, *wangca@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group, NeuroAIDS and Other End-Organ Diseases Study Section.

Date: July 21, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Kinzie Hotel, Twenty West Kinzie Street, Chicago, IL 60654.

Contact Person: Eduardo A. Montalvo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1168, *montalve@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships: Biochemistry and Biophysical Chemistry.

Date: July 21–22, 2014.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: David R. Jollie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7806, Bethesda, MD 20892, (301) 437–7927, *jollieda@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 23, 2014.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–15059 Filed 6–26–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cancer Immunopathology and Immunotherapy.

Date: July 21, 2014.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Lawrence Ka-Yun Ng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7804, Bethesda, MD 20892, 301–435–1719, *ngkl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Neuropharmacology.

Date: July 21, 2014.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Richard D. Crosland, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4190, MSC 7850, Bethesda, MD 20892, 301–435–1220, *crosland@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–RM–13–019: Broadening Experiences in Scientific Training (DP7/BEST) Panel 2.

Date: July 24, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Lawrence E. Boerboom, Ph.D., Chief, CVRS IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7814, Bethesda, MD 20892, (301) 435–8367, *boerboom@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Hypertension and Thrombosis.

Date: July 24–25, 2014.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Luis Espinoza, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7814, Bethesda, MD 20892, 301–435–0952, *espinozala@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Communication and Motor Function.

Date: July 24, 2014.

Time: 2:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Andrea B. Kelly, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7770, Bethesda, MD 20892, (301) 455–1761, *kellya2@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Projects: Neuropharmacology.

Date: July 25, 2014.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Richard D. Crosland, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4190, MSC 7850, Bethesda, MD 20892, 301–435–1220, *crosland@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Molecular Genetics.

Date: July 25, 2014.

Time: 2:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Cheryl M. Corsaro, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2204, MSC 7890, Bethesda, MD 20892, (301) 435–1045, *corsaroc@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 24, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–15060 Filed 6–26–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2014 Funding Opportunity

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of intent to award a single source grant to Link2Health Solutions, Inc.

SUMMARY: This notice is to inform the public that the Substance Abuse and Mental Health Services Administration (SAMHSA) intends to award up to $1,448,432 (total costs) for one year to Link2Health Solutions, Inc., as a program supplement to the National Suicide Prevention Lifeline. The purpose of this program is to provide national telephonic access at any time of the day or night to suicide prevention and crisis intervention services through toll-free suicide prevention hotline numbers, including 1–800–273–TALK (8255). Supplemental funding is being provided for the National Suicide Prevention Lifeline to expand and enhance the currently funded chat and text-based SMS services from 12 hours a day to 24/7 coverage. The Lifeline will continue awareness raising activities such as, but not limited to, social media engagement and promotion of services that will continue to be directed towards the suicide prevention needs of high-risk populations identified by the National Action Alliance for Suicide Prevention; lesbian, gay, bisexual, or transgender (LGBT) youth, American Indian/Alaska Native (AI/AN), military family members and veterans, and suicide attempt survivors. These services directly support the objectives of the National Strategy for Suicide Prevention.

Funding Opportunity Title: SM–14–021.

Catalog of Federal Domestic Assistance (CFDA) Number: 93.243.

Authority: Section 520A of the Public Health Service Act, as amended, and is financed by 2014 Prevention and Public Health Funds (PPHF–2014).

Justification: Eligibility is limited to Link2Health Solutions, Inc., the current grantee for the Cooperative Agreement for Networking, Certifying and Training Suicide Prevention Hotlines (the Lifeline). Under this one-year supplemental funding, Link2Solutions, Inc. will expand and enhance their current grant activities to increase chat technology infrastructure and expand and strengthen chat coverage for veterans, military families, suicide attempt survivors and other high-risk populations. Since Link2Health Solutions is currently operating the National Suicide Prevention Hotline, this is the most efficient and cost effective use of grant funds.

FOR FURTHER INFORMATION CONTACT: Cathy Friedman, Substance Abuse and Mental Health Services Administration, 1 Choke Cherry Road, Room 8–1097, Rockville, MD 20857; telephone: (240) 276–2316; email: *cathy.friedman@samhsa.hhs.gov.*

Cathy J. Friedman,

SAMHSA Public Health Analyst.

[FR Doc. 2014–15042 Filed 6–26–14; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2014 Funding Opportunity

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of intent to award a single source grant to the Education Development Center, Inc., Waltham, MA.

SUMMARY: This notice is to inform the public that the Substance Abuse and Mental Health Services Administration (SAMHSA) intends to award up to $1,182,918 (total costs) for one year to the Education Development Center, Inc., Waltham, MA, as a program supplement to the Suicide Prevention Resource Center. The purpose of this program supplement is to support high-impact objectives of the *National Strategy for Suicide Prevention* (NSSP), provide technical assistance for NSSP implementation, and develop an implementation plan for preventing suicide among men in mid-life, with the overall goal of reducing suicides and suicidal behaviors in the nation. This supplement represents an enhancement of the SPRC's capacity to carry out its primary mission of advancing implementation of the NSSP.

Funding Opportunity Title: SM–14–022.

Catalog of Federal Domestic Assistance (CFDA) Number: 93.243.

Authority: Sections 520A and 520C of the Public Health Service Act, as amended, and is financed by SAMHSA's Budget Authority and the 2014 Prevention and Public Health Funds (PPHF–2014).

Justification: Eligibility for this funding opportunity is limited to the Education Development Center, Inc., Waltham, MA. Education Development Center, Inc. is the current grantee for SAMHSA's Suicide Prevention Resource Center and acts as the Executive Secretariat for the National Action Alliance for Suicide Prevention, providing the infrastructure, administrative support, and guidance to its leadership, Executive Committee, and task forces. Education Development Center, Inc. has the infrastructure

already in place to immediately begin to implement the activities under this supplemental funding announcement. This is the most efficient and effective use of grant funds for advancing the impact of the NSSP in reducing suicidal behavior and preventing suicide in this nation.

FOR FURTHER INFORMATION CONTACT: Cathy Friedman, Substance Abuse and Mental Health Services Administration, 1 Choke Cherry Road, Room 8–1097, Rockville, MD 20857; telephone: (240) 276–2316; email: *cathy.friedman@samhsa.hhs.gov*.

Cathy J. Friedman,

SAMHSA Public Health Analyst.

[FR Doc. 2014–15041 Filed 6–26–14; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0123]

Agency Information Collection Activities: Application for Provisional Unlawful Presence Waiver of Inadmissibility, Form I–601A; Revision of a Currently Approved Collection

ACTION: 60-Day Notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information or new collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (i.e. the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until August 26, 2014.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0123 in the subject box, the agency name and Docket ID USCIS–2012–0003. To avoid duplicate submissions, please use only one of the following methods to submit comments:

(1) *Online.* You may access the **Federal Register** Notice and submit comments via the Federal eRulemaking Portal Web site by visiting *www.regulations.gov.* In the search box either copy and paste, or type in, the e-Docket ID number USCIS–2012–0003. Click on the link titled Open Docket Folder for the appropriate Notice and supporting documents, and click the Comment Now tab to submit a comment;

(2) *Email.* Submit comments to *USCISFRComment@uscis.dhs.gov*;

(3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

SUPPLEMENTARY INFORMATION:

Comments

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov*, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check ''My Case Status'' online at: *https://egov.uscis.gov/cris/Dashboard.do*, or call the USCIS National Customer Service Center at 1–800–375–5283.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Provisional Unlawful Presence Waiver of Inadmissibility.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–601A; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households: Individuals who are immediate relatives of U.S. citizens and who are applying from within the United States for a waiver of inadmissibility under INA section 212(a)(9)(B)(v) prior to obtaining an immigrant visa abroad.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

—Form I–601A: 35,000 at 1.5 hours.

—Biometrics: 35,000 at 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 93,450 total annual burden hours.

If you need a copy of the information collection instrument with instructions, or additional information, please visit the Federal eRulemaking Portal site at: *http://www.regulations.gov.* We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number 202–272–8377.

Dated: June 23, 2014.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2014–15114 Filed 6–26–14; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0028]

Agency Information Collection Activities: Petition To Classify Orphan as an Immediate Relative; Application for Advance Processing of an Orphan Petition; Supplement 1, Listing of an Adult Member of the Household, Forms I–600, I–600A and Supplement 1; Revision of a Currently Approved Collection

ACTION: 30-Day Notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection notice was previously published in the **Federal Register** on April 17, 2014, at 79 FR 21784, allowing for a 60-day public comment period. USCIS did receive comment(s) from three commenters in connection with the 60-day notice.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until July 28, 2014. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* The comments submitted to the OMB USCIS Desk Officer may also be submitted to DHS via the Federal eRulemaking Portal Web site at *http://www.regulations.gov* under e-Docket ID number USCIS–2008–0020 or via email at *uscisfrcomment@uscis.dhs.gov.* All submissions received must include the agency name and the OMB Control Number 1615–0028.

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check ''My Case Status'' online at: *https://egov.uscis.gov/cris/Dashboard.do,* or call the USCIS National Customer Service Center at 1–800–375–5283.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition to Classify Orphan as an Immediate Relative; Application for Advance Processing of an Orphan Petition; Supplement 1, Listing of an Adult Member of the Household.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Forms I–600, I–600A and Supplement 1; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households: USCIS uses Form I–600 to determine whether a child alien is an eligible orphan. Form I–600A is used to streamline the procedure for advance processing of orphan petitions. Supplement 1 is to be completed by every adult member (age 18 and older), who lives in the home of the prospective adoptive parent(s), except for the spouse of the applicant/petitioner.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

—Form I–600 respondents estimated at 2,665. The estimated average burden per response is .750 hours (45 minutes).

—Form I–600A respondents estimated at 3,576. The estimated average burden per response is .750 hours (45 minutes).

—Supplement 1 respondents estimated at 3,316. The estimated average burden per response is .25 hours (15 minutes).

—Biometrics Respondents estimated at 12,873. The estimated average burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 19,789.66 annual burden hours.

If you need a copy of the information collection instrument with supplementary documents, or need additional information, please visit *http://www.regulations.gov.* We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140; Telephone 202–272–8377.

Dated: June 24, 2014.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2014–15112 Filed 6–26–14; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5750–N–26]

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; ARMY: Ms. Veronica Rines, Office of the Assistant Chief of Staff for Installation Management, Department of Army, Room 5A128, 600 Army Pentagon, Washington, DC 20310, (571) 256–8145; COE: Mr. Scott Whiteford, Army Corps of Engineers, Real Estate, CEMP–CR, 441 G Street NW., Washington, DC 20314; (202) 761–5542; COAST GUARD: Commandant, United States Coast Guard, Attn: Jennifer Stomber, 2100 Second St. SW., Stop 7901, Washington, DC 20593–0001; (202) 475–5609; INTERIOR: Mr. Michael Wright, Acquisition & Property Management, Department of the Interior, 3960 N. 56th Ave. #104, Hollywood, FL. 33021; (443) 223–4639; 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 19, 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 06/27/2014

Suitable/Available Properties

Building

Arkansas

Shiloh Park Change Shelter
Greers Ferry Lake Project
Greers Ferry AR 72067
Landholding Agency: COE
Property Number: 31201420013
Status: Underutilized
Comments: off-site removal only; no future agency need; 420 sq. ft.; fair conditions; contact COE for more information.

South Fork Park Vault Toilet
Greers Ferry Lake Project
Shirley AR 72153
Landholding Agency: COE
Property Number: 31201420014
Status: Unutilized
Directions: Property ID# GFERRY–44567
Comments: off-site removal only; no future agency need; 172.8 sq. ft.; poor conditions; contact COE for more information.

Hawaii

3 Buildings
JBPHH
JBPHH HI 96860
Landholding Agency: Navy
Property Number: 77201420028
Status: Excess
Directions: 307; 308; 309
Comments: off-site removal only; 1,396 sq. ft. for each; deteriorated; restricted access; contact Navy for more information on a specific property & accessibility/removal requirements.

Kansas

7 Buildings
Fort Riley
610 Warrior Rd.
Fort Riley KS 66442
Landholding Agency: Army
Property Number: 21201420002
Status: Excess
Directions: 7610,7614,7616,7842, 7846,7850,8063
Comments: Off-site removal only; major repairs needed, mold and asbestos; secured area; contact Army for information on a specific property and accessibility/removal request.

Virginia

Blades Circle Sheds
JER Little Creek
Wallop Island VA
Landholding Agency: Navy
Property Number: 77201420019
Status: Unutilized
Comments: off-site removal only; no future agency need; age: 1987–1990; 2,496 total

sq. ft.; 24+ months vacant; poor conditions; contact Navy for more information.

Blades Circle Duplex Units
JER Little Creek
Wallop Island VA
Landholding Agency: Navy
Property Number: 77201420020
Status: Unutilized
Comments: off-site removal only; no future agency need; age: 1987–1990; 36,202 total sq. ft.; 24+ months vacant; poor conditions; contact Navy for more information.

Blades Circle Housing Units
JER Little Creek
Wallop Island VA
Landholding Agency: Navy
Property Number: 77201420021
Status: Unutilized
Comments: off-site removal only; no future agency need age: 1987–1990; 43,591 total sq. ft.; 24+ months vacant; poor conditions; contact Navy for more information.

Suitable/Unavailable Properties

Building

Arizona

Old Ehrenberg Office
49354 Ehrenberg-Poston Hwy.
Ehrenberg AZ
Landholding Agency: Interior
Property Number: 61201340009
Status: Unutilized
Comments: 800 sq. ft.; office; significant water damage; repairs a must; asbestos/lead; contact Interior for more info.

California

Siphon Drop Caretaker's Reside
(RPUI #00350000600B)
Yuma Main Canal
Winterhaven CA
Landholding Agency: Interior
Property Number: 61201340010
Status: Unutilized
Comments: 1,014 sq. ft.; 108+ months vacant; extensive termite damage; asbestos; mold, lead; escort required; contact Interior for more info.

Idaho

Black Canyon Office, Warehouse
& Classroom
3999 E. Black Canyon Hwy
Emmett ID 83617
Landholding Agency: Interior
Property Number: 61201330038
Status: Underutilized
Comments: 4,880 sf.; 48 yrs.-old; office's roof needs replacing; good/moderate conditions; secured area; contact Interior for more info.

0017–0501–00B, 0017–0502–00B
1359 Hanson Ave.
Burley ID 83318
Landholding Agency: Interior
Property Number: 61201410003
Status: Excess
Directions: 0017–0501–00B (4,608 sq. ft.); 0017–0502–00B (5,220 sq. ft.)
Comments: office & garage/storage; 66+ yrs.-old; 4+ months vacant; surrounding area: mixed resid./commercial; good condition; small cracks in 0017–0501 foundation; contact Interior for more info.

Indiana

Tract 85–107
910 Wilson Road
Beverly Shores IN 46301
Landholding Agency: Interior
Property Number: 61201330001
Status: Excess
Comments: residential; 2,548 sf., residential; 26+months vacant, extensive structural damage, asbestos & mold, contact Interior for more info.

Tract 25–111 Slaughter House
206 Prospect
Beverly Shore IN 46301
Landholding Agency: Interior
Property Number: 61201330002
Status: Excess
Comments: 1,180 sf.; 18+ month vacant; asbestos. mold & lead; rat-infested; contact interior for more info.

Tract 38–134 Olson House
1449 Hawley Wood Rd.
Chesterton IN 46304
Landholding Agency: Interior
Property Number: 61201330003
Status: Excess
Comments: 1,026 sf.; residential; significant repairs; 26+ months vacant; asbestos & lead; contact interior for more info.

Tract 11–250; Lane House
null
Portage IN 46368
Landholding Agency: Interior
Property Number: 61201330004
Status: Excess
Comments: 1,375 sf., residential; 25+ months vacant, asbestos; significant repairs need, contact Interior for more info.

Tract 11–101; Defauw House
9736 Maple Place
Gary IN 46401
Landholding Agency: Interior
Property Number: 61201330005
Status: Excess
Comments: 1,176 sf.; residential; 25+ months vacant; contact Interior for more information.

Tract 35–126 Millet House
Porter IN 46304
Landholding Agency: Interior
Property Number: 61201330006
Status: Excess
Comments: 1,170 sf.; residential; 25+ months vacant; asbestos & lead; significant repairs; contact interior for more info.

Tract 113–43, Kritlow House
Gary IN 46401
Landholding Agency: Interior
Property Number: 61201330007
Status: Excess
Comments: 1,000 sf., residential; 20+months vacant, mold & asbestos; contact Interior for more info.

Tract 64–156, Keys House
275 York Avenue
Beverly Shores IN 46301
Landholding Agency: Interior
Property Number: 61201330008
Status: Excess
Comments: 1,200 sf., residential; 3 yrs., vacant, mold, lead & asbestos; extensive deterioration, contact Interior for more info.

Tract 41–138 Meyer House
230 E 1500 N
Chesterton IN 46304
Landholding Agency: Interior
Property Number: 61201330009
Status: Excess
Comments: 1,152 sf.; residential; 24+ months vacant; asbestos & mold; extensive deterioration, contact interior for more info.

Indiana

Tract 11–228 Mache House
9621 Maple Avenue
Portage IN 46368
Landholding Agency: Interior
Property Number: 61201330010
Status: Excess
Comments: 840 sf.; 25+ months vacant; asbestos; structural unsound; contact interior for more info.

Tract 87–141 McClusky House
929 E Holy Place
Beverly Shores IN 46301
Landholding Agency: Interior
Property Number: 61201330011
Status: Excess
Comments: 2,688 sf.; residential; 26+ months vacant; mold; extensive damage; contact interior for more info.

Tract 85–100 McPharlin House
9 S Drake
Beverly Shore IN 46301
Landholding Agency: Interior
Property Number: 61201330012
Status: Excess
Comments: 1,302 sf.; residential; 3 yrs. + vacant, asbestos; lead; mold; extensive deterioration; contact interior for more info.

Tract 39–145, Tabor House
106 E Pottawatomie Court
Chesterton IN 46304
Landholding Agency: Interior
Property Number: 61201330013
Status: Excess
Comments: 1,351 sf., residential; 26+months vacant, extensive deterioration contamination; contact Interior for more info.

Tract 39–158 Jones House
1477 NE Pottawatomie
Chesterton IN 46304
Landholding Agency: Interior
Property Number: 61201330014
Status: Excess
Comments: 2,046 sf.; residential; 26+ months vacant; extensive deterioration; contact interior for more info.

Tract 40–177 Koehnemann House
1464 N Veden Road
Chesterton IN 46304
Landholding Agency: Interior
Property Number: 61201330015
Status: Excess
Comments: 1,347 sf.; residential; 24+ months vacant; mold; extensive deterioration; contact Interior for more info.

Tract 35–134; Willison House
901 W HWY 12
Porter IN 46304
Landholding Agency: Interior
Property Number: 61201330016
Status: Excess
Comments: 576 sf., residential; 25+months vacant, asbestos & lead; significant repairs; contact Interior for more info.

Tract 13–156 Barnes House
345 S Union
Gary IN 46401
Landholding Agency: Interior
Property Number: 61201330017
Status: Excess
Comments: 1,372 sf.; residential; 59 yrs. old; asbestos & lead; significant repairs needed, contact Interior for more info.

Tract 85–199; Zimmerman House
13 S Drake
Beverly Shore IN 46301
Landholding Agency: Interior
Property Number: 61201330018
Status: Excess
Comments: 1,133 sf., 3+ yrs. vacant, residential, extensive deterioration, contact Interior for more info.

Tract 39–103 Benson House
1485 Pottawatomie Road
Chesterton IN 46304
Landholding Agency: Interior
Property Number: 61201330019
Status: Excess
Comments: 1,305 sf.; residential; 26+ months vacant; significant repairs needed; asbestos & lead; contact interior for more info.

Tract 19–101 Brooks House
1507 N 300 E
Chesterton IN 46304
Landholding Agency: Interior
Property Number: 61201330022
Status: Excess
Comments: 865 sf.; residential; 24+ months vacant; asbestos mold & lead extensive damage, contact Interior for more info.

Tract 18–139; Parker House
156 N County Line Road
Gary IN 46401
Landholding Agency: Interior
Property Number: 61201330023
Status: Excess
Comments: 2,406 sf., residential; asbestos; Chimney, damage; structural unsound; contact Interior for more info.

Tract 38–145 Carney House
1451 Hawley Wood Road
Chesterton IN 46304
Landholding Agency: Interior
Property Number: 61201330024
Status: Excess
Comments: 1,736 sf.; residential; 26+ months vacant; asbestos; lead & mold; structurally unsound, contact Interior for more info.

Tract 27–146; Periolat House
940 E Valley
Beverly Shores IN 46301
Landholding Agency: Interior
Property Number: 61201330025
Status: Excess
Comments: 1,552 sf., residential; 72+ months vacant, asbestos, mold & lead; contact Interior for more info.

Tract 86–162; Pascale House
909 E. Lakefront Drive
Beverly Shores IN 46301
Landholding Agency: Interior
Property Number: 61201330026
Status: Excess
Comments: 2,100 sf., residential; 26+ months vacant, extensive deterioration; asbestos; contact Interior for more info.

Tract 35–117; Segal House
717 W HWY 12
Porter IN 46304
Landholding Agency: Interior
Property Number: 61201330027
Status: Excess
Comments: 608 sf., residential; 25+ months vacant, asbestos, mold & lead; contact Interior for more info.

Tract 39–175; Peterson House
103 Pottawatomie Trail
Chesterton IN 46304
Landholding Agency: Interior
Property Number: 61201330028
Status: Excess
Comments: 1,305 sf., residential; 25+ months vacant, extensive deterioration; asbestos & lead; contact Interior for more info.

Tract 114–23 Hartford House
3525 Tippecanoe
Gary IN 46401
Landholding Agency: Interior
Property Number: 61201330029
Status: Excess
Comments: 1,380 sf.; residential; 12+ months vacant; asbestos; lead & mold; structurally unsound; contact Interior for more info.

Tract 39–169 Goodwin House
114 Pottawatomie Road
Chesterton IN 46304
Landholding Agency: Interior
Property Number: 61201330030
Status: Excess
Comments: 2,178 sf.; residential; 25+ months vacant; extensive deterioration; contact Interior for more info.

Tract 87–142 Christphersen House
933 Holy Place
Beverly Shore IN 46301
Landholding Agency: Interior
Property Number: 61201330032
Status: Excess
Comments: 810 sf.; residential; asbestos; lead & mold; extensive damage; contact Interior for more info.

Tract 39–168 Leazer House
102 Pottawatomie
Chesterton IN 46304
Landholding Agency: Interior
Property Number: 61201330033
Status: Excess
Comments: 1,404 sf.; residential; 26+ months vacant; extensive deterioration; mold; roof needs to be replaced; contact Interior for more info.

Track 65–130 Lukas House
224 W Hastings
Beverly Shore IN 46301
Landholding Agency: Interior
Property Number: 61201330034
Status: Excess
Comments: 1,160 sf.; residential; 26+ months vacant; extensive deterioration; contact Interior for more info.

Tract 11–253 Grimm House
9655 Oak Place
Portage IN 46368
Landholding Agency: Interior
Property Number: 61201330035
Status: Excess
Comments: 1,541 sf.; residential; 25+ months vacant; asbestos; significant repairs needed; contact Interior for more info.

Tract 88–191 Specht Housr
925 E Beverly Drive
Beverly Shores IN 46301
Landholding Agency: Interior
Property Number: 61201330036
Status: Excess
Comments: 1,360 sf.; 30+ months vacant; residential; extensive damage asbestos & mold; contact Interior for more info.

Tract 25–123 Stroker House
270 Arkansas
Beverly Shores IN 46301
Landholding Agency: Interior
Property Number: 61201330037
Status: Excess
Comments: 2,640 sf.; 26+ months vacant; residential; asbestos; mold & lead; significant repairs; contact Interior for more info.

Tract 53–133, Hoffman House Pr
275 W. Carol Lane
Beverly Shores IN 46301
Landholding Agency: Interior
Property Number: 61201330039
Status: Excess
Comments: 1,503 sf., residential; 50 yrs.-old; repairs needed contact Interior for more info.

Tract 32–138, Dune Forest Dorm
108 Dune Forest Dorm
Chesterton IN 46304
Landholding Agency: Interior
Property Number: 61201330045
Status: Excess
Comments: 1,400 sf.; resid. 28+ months vacant; significant structural damage; termite infest.; asbestos; mold & lead; contact Interior for more info.

Tract 103–162, Eggbeer Property
3031 Dabbert Avenue
Porter IN 46304
Landholding Agency: Interior
Property Number: 61201330046
Status: Excess
Comments: 1,600 sf.; 24+ mos. vacant. resi.; extensive damage; asbestos; contact Interior for more info.

Maine

Two Trailers
Acadia Nat'l Park
Bar Harbor ME 04609
Landholding Agency: Interior
Property Number: 61201320020
Status: Unutilized
Comments: 768 sf. for each; residential; 15 yrs. vacant; repairs a must; contact Interior for more details.

Maryland

Tract #07–118; Cunningham Farm
18440 Shepherdstown Pike
Sharpsburg MD 21782
Landholding Agency: Interior
Property Number: 61201320023
Status: Excess
Comments: unsound structure; deteriorating; 1,190–1,535 sf.; wagon shed; 10 yrs. vacant.

North Carolina

Tract 01–106
129 Green Acres Lane
Greensboro NC 27410
Landholding Agency: Interior
Property Number: 61201240015
Status: Unutilized
Directions: Guilford Courthouse Nat'l Military Park

Comments: 1,647 sf.; 24 mons. vacant; erosion on structure; rapidly worsening.

Tract 01–134
121 Green Acres Lane
Greensboro NC 27410
Landholding Agency: Interior
Property Number: 61201240016
Status: Unutilized
Directions: Guilford Courthouse Nat'l Military Park
Comments: 1,385 sf.; 72 mons. vacant; erosion on structure; rapidly worsening; lead/asbestos identified.

Tract 01–141
119 British Lakes Dr.
Greensboro NC 27410
Landholding Agency: Interior
Property Number: 61201240017
Status: Unutilized
Directions: Guilford Courthouse Nat'l Military Park
Comments: 988 sf.; 53 mons. vacant; extensive deterioration.

Tract 01–144 A
3500 Battleground Ave.
Greensboro NC 27410
Landholding Agency: Interior
Property Number: 61201240018
Status: Unutilized
Directions: Guilford Courthouse Nat'l Military Park
Comments: 104 sf.; 53 mons. vacant; interior stripped out; conditions rapidly worsening; lead identified.

Tract 01–144B
103 British Lakes Dr.
Greensboro NC 27410
Landholding Agency: Interior
Property Number: 61201240025
Status: Unutilized
Directions: Guilford Courthouse Nat'l Military Park
Comments: 630 sf.; extensive deterioration.

Tract 01–162
107 British Lakes Dr.
Greensboro NC 27410
Landholding Agency: Interior
Property Number: 61201240026
Status: Unutilized
Directions: Guilford Courthouse Nat'l Military Park
Comments: 315 sf.; extensive deterioration; asbestos/lead identified; fuel leakage.

Pennsylvania

Tract 101–30
4501 County Line Rd.
King of Prussia PA 19406
Landholding Agency: Interior
Property Number: 61201240009
Status: Excess
Comments: 500 sf.; 7 yrs. vacant; extensive deterioration; hillside is used as stabilization; removal may be extremely difficult—may destroy property.

Virginia

Tract 02–103 Richardson House
700 Sunken Road
Fredericksburg VA 22401
Landholding Agency: Interior
Property Number: 61201320005
Status: Excess
Comments: 2,324 sf; resi. 16 yrs. vacant; structurally sound; however several roof leaks, ceiling damaged/lead base paint; contact interior for more info.

Tract 20–141
Blue Ridge Parkway
Galax VA 24333
Landholding Agency: Interior
Property Number: 61201320025
Status: Excess
Directions: Gibbs House; garage; cellar; milkhouse; workshop; barn; hay barn; tool shed
Comments: 200–1,430 sf.; residential, sheds; poor conditions; contamination; contact Interior for more info.

Tract 2731
Blue Ridge Parkway
Fancy Gap VA 24328
Landholding Agency: Interior
Property Number: 61201320028
Status: Excess
Directions: Poore House, Shed
Comments: range 12–1,200 sf.; residential, shed; 10+ yrs. vacant; poor conditions; contamination; contact Interior for more info.

Tract 27–120
Blue Ridge Parkway
Fancy Gap VA 24328
Landholding Agency: Interior
Property Number: 61201320029
Status: Excess
Directions: Semons House (frame); House (brick); Storage Shed; metal shed; privy; barn; storage bldg.; livestock shed
Comments: range 16–1,120 sf.; residential, sheds; 14+ yrs. vacant; poor conditions; contamination; contact Interior for more info.

Tract 30–146; Dean House
Blue Ridge Parkway
Galax VA 24333
Landholding Agency: Interior
Property Number: 61201320030
Status: Excess
Comments: 1,000–1,300 sf.; residential; 13+ yrs. vacant; poor conditions; contamination; contact Interior for more info.

Tract 14–114
Blue Ridge Parkway
Vinton VA 24179
Landholding Agency: Interior
Property Number: 61201320031
Status: Unutilized
Directions: Wilkinson Tree Barn; Barn
Comments: range 1,000–1,400 sf.; residential, sheds; 11+ yrs. vacant; poor conditions; contact Interior for more info.

Tract 22–121; Goff Barn
Blue Ridge Parkway
Floyd VA 24091
Landholding Agency: Interior
Property Number: 61201320032
Status: Unutilized
Comments: 720 sf.; residential, sheds; 32+ yrs. vacant; poor conditions; contamination.

Tract 30–141
Blue Ridge Parkway
Galax VA 24333
Landholding Agency: Interior
Property Number: 61201320033
Status: Excess
Directions: Lynch House; Barn w/lean-to shed; canning shed; shed on East side; shed in woods; springhouse; barn near road; barn in field
Comments: 120–1,600 sf.; residential, sheds; 172+ yrs. vacant; poor conditions; contamination.

Tract 26–137
Blue Ridge Parkway
Fancy Gap VA 24328
Landholding Agency: Interior
Property Number: 61201320035
Status: Excess
Directions: Morris House & garage; barn 1; barn 2; pigeon house; springhouse; hen house; storage building
Comments: 64–2,400 sf.; residential, sheds; 10+ yrs. vacant; poor conditions; contamination.

Tract 23–134
Blue Ridge Parkway
Floyd VA 24091
Landholding Agency: Interior
Property Number: 61201320036
Status: Excess
Directions: Pesman house; shed; springhouse; pole house
Comments: 88–1.352 sf.; residential, sheds; 13+ yrs. vacant; poor conditions; contamination.

Tract 19–140
Blue Ridge Parkway
Calloway VA 24067
Landholding Agency: Interior
Property Number: 61201320037
Status: Unutilized
Directions: House; Fruit Storage; Barn #1; Barn #2; Machine Shop; Storage; Shed; Privy; Chicken Coop; Hog Pen; Root Cellar; Meathouse
Comments: range from 36–1,200 sf.; residential, sheds; 32+ yrs. vacant; poor conditions; foundation in poor conditions.

Tract 20–141
Blue Ridge Parkway
Floyd VA 24091
Landholding Agency: Interior
Property Number: 61201320038
Status: Unutilized
Directions: Gibbs House; Shed #1; Shed #2; Hay Barn; Log Cabin; Tool Shed #1; Tool Shed #2; Barn
Comments: 36–840 sf.; residential, sheds; 7+ yrs. vacant; structurally unsound.

Tract 26–120
Richard Young House
Blue Ridge Parkway
Fancy Gap VA 24328
Landholding Agency: Interior
Property Number: 61201320041
Status: Excess
Comments: 60+ yrs.-old; 100–1,100 sf.; residential, shed; 13+ yrs. vacant; poor conditions; significant repairs needed; contamination; contact Interior for more info.

Tract 30–145
Blue Ridge Parkway
Galax VA 24333
Landholding Agency: Interior
Property Number: 61201320043
Status: Excess
Directions: Ramey House 1A; House IB; Cellar; Wood Storage; Shed A; Tool Shed; Horse Shed; Shed B
Comments: 40–1,200 sf.; residential, shed; 10+ yrs. vacant; poor conditions;

contamination; contact Interior for more info.

Tract 01–114; Large Shed
Cedar Creek & Belle Grove National Historical
Park; 621 Bowman's Mill Rd.
Middletown VA 22645
Landholding Agency: Interior
Property Number: 61201340003
Status: Excess
Comments: 200 sq. ft.; 10+ yrs. vacant; poor conditions; wood structure; attempt to relocate will likely result in a complete collapse of the structure.

Washington

Dry Falls Junction; Cafe
Columbia Basin Project
Ephrata Field Office
Coulee City WA
Landholding Agency: Interior
Property Number: 61201330048
Status: Excess
Comments: 4,455 total sq. ft.; restaurant; 36+ months vacant; renovations a must; contamination; contact Interior for more info.

Dry Falls Junction-Mini Mart
Columbia Basin Project
Ephrata Field Office
Coulee City WA
Landholding Agency: Interior
Property Number: 61201330049
Status: Excess
Comments: 1,675 sq. ft.; gas station/mini-mart; 36+ months vacant; renovations a must; contact Interior for more info.

Henke Triple Wide Mobile Home
10466 Idano Rd.
Moses Lake WA
Landholding Agency: Interior
Property Number: 61201340001
Status: Excess
Comments: 2,555 sq. ft.; residential; 3+ months vacant; good condition; contact Interior for more info.

Henke Garage-Columbia Basin Project
10466 Idano Rd.
Moses Lake WA
Landholding Agency: Interior
Property Number: 61201340002
Status: Excess
Comments: 720 sq. ft.; garage/shop/well house; 3+ months vacant; good condition; contact Interior for more info.

West Virginia

Tract #105–05
3011 New River Rd.
Hinton WV 25951
Landholding Agency: Interior
Property Number: 61201320007
Status: Excess
Directions: Tommy Ray & Cynthia Mullen's House; Shed#1; Shed #2; carport; Cinder Block Utility Bldg.
Comments: sf. varies; 6 yrs. vacant; structurally sound; lead, mold, & asbestos present; contact Interior for more details.

Tract #105–38
2901 New River Rd.
Hinton WV 25951
Landholding Agency: Interior
Property Number: 61201320012
Status: Excess
Directions: Betty Jane Adkins House; Cinder Block Bldg.
Comments: sf. varies; 7 yrs. vacant; repairs a must; contact Interior for more details.

Tract #161–37; Billy Joe
Adkins House
312 Silverbell Dr.
Terry WV 25864
Landholding Agency: Interior
Property Number: 61201320014
Status: Excess
Comments: overgrown by vegetation; 1,150 sf.; 10 yrs. vacant; repairs a must; contact Interior for more details.

New River Gorge Nat'l River
1303 New River Rd.
Hinton WV 25951
Landholding Agency: Interior
Property Number: 61201320015
Status: Excess
Directions: Tract #102–38 Steven & Mary Pat Duncan House; Shed #1; Shed #2
Comments: sf. varies; 6 yrs. vacant; structurally sound; contact Interior for more details.

New River Gorge Nat'l River
2319 New River Rd.
Hinton WV 25951
Landholding Agency: Interior
Property Number: 61201320017
Status: Excess
Directions: Tract 104–49 (Mr. & Mrs. Herron House); Shed #1; Shed #2; Carport; Cinderblock Bldg.
Comments: sf. varies; 4–6 yrs. vacant; structurally sound; contact Interior for more details.

New River Gorge Nat'l River
Misty River Rd./Rt. 27/2
Hinton WV 25951
Landholding Agency: Interior
Property Number: 61201320018
Status: Excess
Directions: Tract 176–06; Glenwood Corp. Cabins #1, #2, & #3
Comments: sf. varies; 5 yrs. vacant; structurally sound; contact Interior for more details.

Tract #161–05
Bobby Harrah House
Lot 9 Silverbell Dr.
Terry WV 25864
Landholding Agency: Interior
Property Number: 61201320019
Status: Excess
Comments: residential; 7 yrs. vacant; structurally sound but uninhabitable; repairs a must; contact Interior for more details.

Tract 161–17
Johnny & Brenda Adkins House
Lot 51 Silverbell Dr.
Terry WV 25864
Landholding Agency: Interior
Property Number: 61201320022
Status: Excess
Comments: 670 sf.; residential; 10 yrs. vacant; leaking roof/water damage; contact Interior for more info.

Wisconsin

Tract 07–149, Hanus House
14788 W. Phipps Road
Hayward WI 54843
Landholding Agency: Interior
Property Number: 61201330040
Status: Excess
Comments: 18,576 total sf.; log cabin (w/ detached garage); fair conditions; contact Interior for more into.

Tract 13–177, Ogren House
10035 Ogren Road
Hayward WI 54843
Landholding Agency: Interior
Property Number: 61201330041
Status: Excess
Comments: 1,500 sf.; residential (w/garage); 12+ months vacant; fair condition; contact Interior for more info.

Tract 04–117
42485 Randysek Road
Cable WI 54821
Landholding Agency: Interior
Property Number: 61201330044
Status: Excess
Comments: 1,408 sf.; log cabin; 36+ months vacant; fair conditions; contact Interior for more info.

Wyoming

Quarters 96
Grand Teton National Park
Moran WY 83013
Landholding Agency: Interior
Property Number: 61201410001
Status: Excess
Comments: foundation damage/cracks; repairs required for use; contamination; contact Interior for more information.

Unsuitable Properties

Building

California

4 Buildings
MCB Camp Pendleton
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77201420022
Status: Excess
Directions: SS001; SS002; SS003;SS005
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area.

3 Buildings
MCB Camp Pendleton
Camp Pendleton CA 92005
Landholding Agency: Navy
Property Number: 77201420023
Status: Excess
Directions: SS006; SS0013; SS010
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

3 Buildings
MCB Camp Pendleton
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77201420024
Status: Excess
Directions: 1142; 1362; 1674
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

3 Buildings
MCB Camp Pendleton

Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77201420025
Status: Excess
Directions: 2242; 21401; 22143
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

2 Buildings
MCB Camp Pendleton
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77201420026
Status: Excess
Directions: 31851; 43508
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Virginia

Lift Station (210) [26232]
1 Training Center
Yorktown VA 23690
Landholding Agency: Coast Guard
Property Number: 88201420009
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Lift Station (2101A) [26233]
1 Training Center
Yorktown VA 23690
Landholding Agency: Coast Guard
Property Number: 88201420010
Status: Excess
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

Unsuitable Properties

Land

Hawaii

Land; 11,502 Sq. Ft.
JBPHH
JBPHH HI 96860
Landholding Agency: Navy
Property Number: 77201420027
Status: Underutilized
Comments: public access denied and no alternative method to gain access without compromising national security.
Reasons: Secured Area

[FR Doc. 2014–14704 Filed 6–26–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2014–0018; FF09A1000 145 FXIA16710900000]

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Seventeenth Regular Meeting; Species Proposals for Consideration

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: We invite you to provide us with information and recommendations on animal and plant species that should be considered as candidates for U.S. proposals to amend Appendices I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or the Convention) at the upcoming seventeenth meeting of the Conference of the Parties (CoP17). Such amendments may concern the addition of species to Appendix I or II, the transfer of species from one Appendix to another or the removal of species from Appendix II. Finally, with this notice, we also describe the U.S. approach to preparations for CoP17. We will publish a second **Federal Register** notice to solicit information and recommendations on possible resolutions, decisions, and agenda items for discussion at CoP17 and to provide information on how to request approved observer status.

DATES: We will consider all information and comments we receive on or before August 26, 2014.

ADDRESSES: You may submit comments pertaining to recommendations on animal and plant species that should be considered as candidates for U.S. proposals to amend Appendices I and II of CITES at CoP17 by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–IA–2014–0018 (the docket number for this notice).
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn. FWS–HQ–IA–2014–0018; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington VA 22203.

We will not consider comments sent by email or fax, or to an address not listed in the **ADDRESSES** section. Comments and materials we receive in response to this notice will be posted for public inspection *on http://www.regulations.gov* and will be available by appointment, between 8:00 a.m. and 4:00 p.m. Monday through Friday at the U.S. Fish and Wildlife Service, Division of Scientific Authority, 4401 N. Fairfax Drive, room 110, Arlington, VA 22203; telephone 703–358–1708.

FOR FURTHER INFORMATION CONTACT: Rosemarie Gnam, Chief, Division of Scientific Authority; phone 703–358–1708; fax 703–358–2276; email: *scientificauthority@fws.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, hereinafter referred to as CITES or the Convention, is an international treaty designed to regulate international trade in certain animal and plant species that are now, or potentially may become, threatened with extinction. These species are listed in the Appendices to CITES, which are available on the CITES Secretariat's Web site at *http://www.cites.org/eng/app/appendices.php.*

Currently, 180 countries, including the United States, are Parties to CITES. The Convention calls for regular biennial meetings of the Conference of the Parties, unless the Conference decides otherwise. At these meetings, the Parties review the implementation of CITES, make provisions enabling the CITES Secretariat in Switzerland to carry out its functions, consider amendments to the list of species in Appendices I and II, consider reports presented by the Secretariat, and make recommendations for the improved effectiveness of CITES. Any country that is a Party to CITES may propose amendments to Appendices I and II, resolutions, decisions, and agenda items for consideration by all the Parties at the meeting.

This is our first in a series of **Federal Register** notices that, together with an announced public meeting (time and place to be announced), provide you with an opportunity to participate in the development of the U.S. submissions to, and negotiating positions for, the seventeenth regular meeting of the Conference of the Parties to CITES (CoP17). Our regulations governing this public process are found in title 50 of the Code of Federal Regulations (CFR) at § 23.87.

Announcement of the Seventeenth Meeting of the Conference of the Parties

We hereby notify you of the convening of CoP17, which is tentatively scheduled to be held in

South Africa, in 2016, at a venue city and date to be determined.

U.S. Approach for CoP17

What are the priorities for U.S. submissions for species proposals to CoP17?

Priorities for U.S. submissions to CoP17 continue to be consistent with the overall objective of U.S. participation in the Convention: To maximize the effectiveness of the Convention in the conservation and sustainable use of species subject to international trade. With this in mind, we plan to consider the following factors in determining what issues to submit for inclusion in the agenda at CoP17:

(1) *Does the proposed action address a serious wildlife or plant trade issue that the United States is experiencing as a range country for species in trade?* Since our primary responsibility is the conservation of our domestic wildlife resources, we will give native species the highest priority. We will place particular emphasis on terrestrial and freshwater species with the majority of their range in the United States and its territories that are or may be traded in significant numbers; marine species that occur in U.S. waters or for which the United States is a major trader; and threatened and endangered species for which we and other Federal and State agencies already have statutory responsibility for protection and recovery. We also consider CITES listings as a proactive measure to monitor and manage trade in native species to preclude the need for the application of stricter measures, such as listing under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), or inclusion in CITES Appendix I.

(2) *Does the proposed action address a serious wildlife or plant trade issue for species not native to the United States?* As a major importer of wildlife, plants, and their products, the United States has taken responsibility, by working in close consultation with range countries, for addressing cases of potential over-exploitation of foreign species in the wild. In some cases, the United States may not be a range country or a significant trading country for a species, but we will work closely with other countries to conserve species being threatened by unsustainable exploitation for international trade. We will consider CITES listings for species not native to the United States if those listings will assist in addressing cases of known or potential over-exploitation of foreign species in the wild, and in preventing illegal, unregulated trade, especially if the United States is a major importer. These species will be prioritized based on the extent of trade and status of the species, and also the role the species play in the ecosystem, with emphasis on those species for which a CITES listing would offer the greatest conservation benefits to the species, associated species, and their habitats.

(3) *Does the proposed action provide additional conservation benefit for a species already covered by another international agreement?* The United States will consider the listing of such a species under CITES when it would enhance the conservation of the species by ensuring that international trade is effectively regulated and not detrimental to the survival of the species.

Request for Information and Recommendations for Amending Appendices I or II

The purpose of this notice is to solicit information and recommendations that will help us identify species that the United States should propose for addition to, removal from, or reclassification in the CITES Appendices, or to identify issues warranting attention by the CITES specialists on zoological and botanical nomenclature. This request is not limited to species occurring in the United States. Any Party may submit proposals concerning animal or plant species occurring in the wild anywhere in the world. We encourage the submission of information on any species for possible inclusion in the Appendices if these species are subject to international trade that is, or may become, detrimental to the survival of the species. We also encourage you to keep in mind the U.S. approach to CoP17, described above in this notice, when considering what species the United States should propose for inclusion in the Appendices.

We are not necessarily requesting complete proposals, but they are always welcome. However, we are asking you to submit convincing information describing: (1) The status of the species, especially trend information; (2) conservation and management programs for the species, including the effectiveness of enforcement efforts; and (3) the level of international as well as domestic trade in the species, especially trend information. You may also provide any other relevant information, and we appreciate receiving a list of references.

The term ''species'' is defined in CITES as ''any species, subspecies, or geographically separate population thereof.'' Each species for which trade is controlled under CITES is included in one of three Appendices, either as a separate listing or incorporated within the listing of a higher taxon. The basic standards for inclusion of species in the Appendices are contained in Article II of CITES (text of the Convention is on the CITES Secretariat's Web site at *http://www.cites.org/eng/disc/text.php*). Appendix I includes species threatened with extinction that are or may be affected by trade. Appendix II includes species that, although not necessarily now threatened with extinction, may become so unless trade in them is strictly controlled. Appendix II also lists species that must be subject to regulation in order that trade in other CITES-listed species may be brought under effective control. Such listings usually are necessary because of difficulty inspectors have at ports of entry or exit in distinguishing one species from other species. Because Appendix III includes only species that any Party may list unilaterally, we are not seeking input on possible U.S. Appendix-III listings with this notice, and we will not consider or respond to comments received concerning Appendix-III listings.

CITES specifies that international trade in any readily recognizable parts or derivatives of animals listed in Appendices I or II, or plants listed in Appendix I, is subject to the same conditions that apply to trade in the whole organisms. With certain standard exclusions formally approved by the Parties, the same applies to the readily recognizable parts and derivatives of most plant species listed in Appendix II. Parts and derivatives often not included (i.e., not regulated) for Appendix-II plants are: seeds, spores, pollen (including pollinia), and seedlings or tissue cultures obtained in vitro and transported in sterile containers. You may refer to the CITES Appendices on the Secretariat's Web site at *http://www.cites.org/eng/app/index.php* for further exceptions and limitations.

In 1994, the CITES Parties adopted criteria for inclusion of species in Appendices I and II (Resolution Conf. 9.24 (Rev. CoP16)). These criteria apply to all listing proposals and are available from the CITES Secretariat's Web site at *http://www.cites.org/eng/res/index.php* or upon request from the Division of Scientific Authority at *ScientificAuthority@fws.gov*, or via mail from, CITES Division of Scientific Authority, 4401 North Fairfax Drive, Suite 110, Arlington, Virginia 22203. Resolution Conf. 9.24 (Rev. CoP16) also provides a format for proposals to

amend the Appendices. This information is also available upon request from the Division of Scientific Authority at *ScientificAuthority@fws.gov,* or via mail from CITES Division of Scientific Authority, 4401 North Fairfax Drive, Suite 110, Arlington, Virginia 22203.

What information should be submitted?

In response to this notice, to provide us with information and recommendations on species subject to international trade for possible proposals to amend the Appendices, please include as much of the following information as possible in your submission:

(1) Scientific name and common name;

(2) Population size estimates (including references if available);

(3) Population trend information;

(4) Threats to the species (other than trade);

(5) The level or trend of international trade (as specific as possible but without a request for new searches of our records);

(6) The level or trend in total take from the wild (as specific as reasonable); and

(7) A short summary statement clearly presenting the rationale for inclusion in, or removal or transfer from, one of the Appendices, including which of the criteria in Resolution Conf. 9.24 (Rev. CoP16) are met.

If you wish to submit more complete proposals for us to consider, please consult Resolution Conf. 9.24 (Rev. CoP16) for the format for proposals and a detailed explanation of each of the categories. Proposals to transfer a species from Appendix I to Appendix II, or to remove a species from Appendix II, must also be in accordance with the precautionary measures described in Annex 4 of Resolution Conf. 9.24 (Rev. CoP16).

What will we do with the information we receive?

The information that you submit will help us decide if we should submit, or co-sponsor with other Parties, a proposal to amend the CITES Appendices. However, there may be species that might qualify for CITES listing but for which we may decide not to submit a proposal to CoP17. Our decision will be based on a number of factors, including available scientific and trade information; whether or not the species is native to the United States; and for foreign species, whether or not a proposal is supported or co-sponsored by at least one range country for the species. These factors and others are included in the U.S. approach to CoP17, described above in this notice. We will carefully consider all factors of the U.S. approach when deciding which species the United States should propose for inclusion in the Appendices.

We will consult range countries for foreign species, and for species we share with other countries, after receiving and analyzing the information provided by the public in response to this notice as well as other information available to us.

One important function of the CITES Scientific Authority of each Party country is monitoring the international trade in plant and animal species, and ongoing scientific assessments of the impact of that trade on species. For native U.S. species listed in Appendices I and II, we monitor trade and export permits authorized so that we can prevent over-utilization and restrict exports if necessary. We also work closely with the States to ensure that species are correctly listed in the CITES Appendices (or not listed, if a listing is not warranted). For these reasons, we actively seek information about U.S. and foreign species subject to international trade.

Future Actions

As stated above, the next regular meeting of the Conference of the Parties (CoP17) is tentatively scheduled to be held in South Africa, in 2016. The United States must submit any proposals to amend Appendix I or II, or any draft resolutions, decisions, or agenda items for discussion at CoP17, to the CITES Secretariat 150 days prior to the start of the meeting. In order to meet this deadline and to prepare for CoP17, we have developed a tentative U.S. schedule.

We plan to publish a **Federal Register** notice approximately 15 months prior to CoP17; in that notice, we intend to request potential resolutions, decisions, and agenda items for discussion at CoP17, and to announce the tentative species proposals that the United States is considering submitting for CoP17 and solicit further information and comments on them.

Approximately 9 months prior to CoP17, we plan to publish a **Federal Register** notice announcing proposed resolutions, decisions, and agenda items the United States is considering submitting for CoP17.

Approximately 4 months prior to CoP17, we will post on our Web site an announcement of the species proposals, draft resolutions, draft decisions, and agenda items submitted by the United States to the CITES Secretariat for consideration at CoP17.

Through a series of additional notices and Web site postings in advance of CoP17, we will inform you about preliminary negotiating positions on resolutions, decisions, and amendments to the Appendices proposed by other Parties for consideration at CoP17, and about how to obtain observer status from us. We will also publish an announcement of a public meeting tentatively to be held approximately 3 months prior to CoP17; that meeting will enable us to receive public input on our positions regarding CoP17 issues. The procedures for developing U.S. documents and negotiating positions for a meeting of the Conference of the Parties to CITES are outlined in 50 CFR 23.87. As noted, we may modify or suspend the procedures outlined there if they would interfere with the timely or appropriate development of documents for submission to the CoP and of U.S. negotiating positions.

Author

The primary author of this notice is Jon Siemien, Division of Scientific Authority, U.S. Fish and Wildlife Service.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: May 20, 2014.

Rowan W. Gould,

Acting Director.

[FR Doc. 2014–15024 Filed 6–26–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–MB–2014–N098; FXMB12320100000P2–123–FF01M01000]

Golden Eagles; Programmatic Take Permit Decision; Finding of No Significant Impact of Final Environmental Assessment; Shiloh IV Wind Project, Solano County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service announces the availability of a Finding of No Significant Impact (FONSI) and final Environmental Assessment (FEA) under the National Environmental Policy Act (NEPA) for the issuance of a take permit for golden eagles pursuant to the Bald and Golden

Eagle Protection Act (Eagle Act), in association with the operation of the Shiloh IV Wind Project in Solano County, California. The FEA was prepared in response to an application from Shiloh IV Wind Project, LLC (applicant), an affiliate of EDF Renewable Development, Incorporated, for a 5-year programmatic take permit for golden eagles under the Eagle Act. The applicant will implement a conservation program to avoid, minimize, and compensate for the project's impacts to eagles, as described in the applicant's Eagle Conservation Plan (ECP). We solicited comments on the draft Environmental Assessment (Draft EA) and have reviewed those comments in the course of preparing our findings for this project. Based on the FEA the Service concludes that a Finding of No Significant Impact (FONSI) is appropriate. Based on the FONSI and findings we prepared associated with the permit application, we intend to issue the permit after 30 days.

ADDRESSES: *Obtaining Documents:* You may download copies of the FONSI, FEA, our Response to Comments on the Draft EA, and the Final ECP for Shiloh IV Wind Project on the Internet at *http://www.fws.gov/cno/conservation/migratorybirds.html*. Alternatively, you may use one of the methods below to request a CD–ROM of the document.

- *Email: ShilohIV_comments@fws.gov*.
- *U.S. Mail:* Heather Beeler, Migratory Bird Program, U.S. Fish and Wildlife Service, Pacific Southwest Regional Office, 2800 Cottage Way, W–2605, Sacramento, CA 95825.
- *Fax:* Heather Beeler, Migratory Bird Program; Fax: 916–414–6486, Attn: Shiloh IV FONSI.

FOR FURTHER INFORMATION CONTACT: Heather Beeler, Migratory Bird Program, at the address shown above or at (916) 414–6651 (telephone).

SUPPLEMENTARY INFORMATION:

Introduction

The U.S. Fish and Wildlife Service evaluated an application under the Bald and Golden Eagle Protection Act (16 U.S.C. 668a–d; Eagle Act) for a programmatic golden eagle (*Aquila chrysaetos*) take permit from the Shiloh IV Wind Project LLC, (applicant) an affiliate of EDF Renewable Development, Incorporated, for a 5-year programmatic take permit for golden eagles. The Shiloh IV Wind Project is an operational wind facility in the Montezuma Hills Wind Resource Area (WRA) within Solano County, California. The application includes an Eagle Conservation Plan (ECP) as the foundation of the applicant's permit application, as well as a Bird and Bat Conservation Strategy (BBCS). The ECP and BBCS describe actions taken and proposed future actions to avoid, minimize, and mitigate adverse effects on eagles, birds, and bats.

We prepared this FEA to evaluate the impacts of several alternatives associated with this permit application for compliance with our Eagle Act permitting regulations in the Code of Federal Regulations (CFR) at 50 CFR 22.26, as well as impacts of implementation of the supporting ECP, which is included as an appendix to the FEA.

Public Comments on the Draft EA

We invited public comment on the Draft EA. In response, we received 32 comment letters: One from the U.S. Environmental Protection Agency, 3 from Native American tribes, 6 from nongovernmental organizations (NGOs), and 22 from the general public. Three NGO comment letters combined comments from multiple organizations, the first letter representing two environmental groups, the second representing six environmental groups, and the third representing two industry associations. In total, the 32 comment letters contained approximately 125 individual comments. These comments generally fell under one of five main categories: (1) Effects (addressing a variety of issues including age of the birds killed, number of fatalities, local population effects, cumulative effects, other sources of fatalities, and overall population numbers), (2) advanced conservation practices (ACPs) (addressing the Technical Advisory Committee (TAC), seasonal shutdowns, transparency of the process and future ACPs, project design, and seasonal curtailment), (3) mitigation (addressing methods for calculating mitigation requirements, monitoring of retrofits, location of retrofits, biological value of retrofits, and additional alternative measures, such as using new technologies, capturing and relocating eagles, and promoting establishment of new eagle nests), (4) monitoring and reporting (addressing frequency and length of the monitoring program, the reporting system, study design, and the desire to have third-party verification), or (5) general comments about the permitting program (including comments opposing the issuance of an eagle take permit).

Overall, the comments raised issues regarding the opportunities and challenges associated with issuing eagle take permits. We made minor changes to three topic areas of the FEA based on these comments. First, under the adaptive management process, we clarified that the TAC was intended to include only Service staff as overseers of the permit. We added more detailed information on the compensation program (utility electric pole retrofitting) and the resource equivalency analysis process used to calculate compensation. We also expanded our discussion of climate change with respect to its potential effects to eagles. After considering the comments, and in light of the record, we determined that neither substantial revisions nor a new analysis are required for the FEA. Detailed responses to specific comments are included in the FONSI (Attachment 2).

Decision

The Service has selected Alternative 3, issuance of a 5-year permit based on the applicant's ECP with additional mitigation and monitoring, and has determined that a Finding of No Significant Impact (FONSI) is appropriate for this action. Based on the FONSI and findings prepared associated with the permit application, we intend to issue a permit after 30 days.

Authority

We provide this notice under Section 668a of the Eagle Act (16 U.S.C. 668–668c) and NEPA regulations (40 CFR 1506.6).

Dated: June 19, 2014.

Alexandra Pitts,

Deputy Regional Director, Pacific Southwest, Sacramento, California.

[FR Doc. 2014–14953 Filed 6–26–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R5–R–2014–N078; BAC–4311–K9]

Monomoy National Wildlife Refuge, Chatham, MA; Draft Comprehensive Conservation Plan and Environmental Impact Statement

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; extension of public comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), advise the public that we are extending the public review and comment period for the draft comprehensive conservation plan (CCP) and environmental impact statement (EIS) for Monomoy National Wildlife Refuge (NWR).

DATES: To ensure consideration, we must receive your written comments by October 10, 2014. We will hold public meetings during the public comment period. In addition, we will use special mailings, newspaper articles, Web site postings, and other media announcements to inform people of opportunities for input, including details on when and where public meetings will occur.

ADDRESSES: Send your comments or requests for more information by any one of the following methods:

- *Email: northeastplanning@fws.gov.* Include ''Monomoy NWR Draft CCP/EIS'' in the subject line of the message.
- *Fax:* Attention: Libby Herland, Project Leader, 978–443–2898.
- *U.S. Mail:* Attention: Libby Herland, Project Leader, Eastern Massachusetts National Wildlife Refuge Complex, 73 Weir Hill Road, Sudbury, MA 01776.
- *In-Person Drop Off:* You may drop off comments during regular business hours at the above address.

You will find the draft CCP/EIS, an Executive Summary, as well as information about the planning process, on the refuge's Web site: *http://www.fws.gov/refuge/monomoy/what_we_do/conservation.html.*

FOR FURTHER INFORMATION CONTACT: Libby Herland, 978–443–4661, x 11.

SUPPLEMENTARY INFORMATION:

Introduction

On April 10, 2014, we published a **Federal Register** notice (79 FR 19920) announcing the availability of the draft CCP/EIS for Monomoy NWR for public review and comment in accordance with National Environmental Policy Act (40 CFR 1506.6(b)) requirements. We originally opened the comment period from April 10, 2014, to June 9, 2014. We are extending the public comment period until October 10, 2014, in response to requests we have received from town of Chatham officials and local residents. For more information on the draft CCP/EIS and the planning process we followed, please see the April 2014 notice.

Public Involvement

We will give the public an opportunity to provide input at public meetings. You can obtain the schedule from the addresses or Web site listed in this notice (see **ADDRESSES**). You may also submit written comments anytime during the public comment period.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: June 10, 2014.

Deborah Rocque,

Acting Regional Director, Northeast Region.

[FR Doc. 2014–15129 Filed 6–26–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVW0000.L5110000.GN0000. LVEMF1402860.14X; MO# 4500065213]

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Coeur Rochester Mine Plan of Operations Amendment 10, Pershing County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Humboldt River Field Office, Winnemucca, Nevada, intends to prepare an Environmental Impact Statement (EIS) and by this notice is announcing the beginning of the scoping process to solicit public comments and identify issues.

DATES: This notice initiates the public scoping process for the EIS. Comments on issues may be submitted in writing until July 28, 2014 The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local media, newspapers and the BLM Web site at: *http://www.blm.gov/nv/st/en/fo/wfo.html.* In order to be included in the Draft EIS, all comments must be received prior to the close of the 30-day scoping period or 15 days after the last public meeting, whichever is later. We will provide additional opportunities for public participation upon publication of the Draft EIS.

ADDRESSES: You may submit comments related to the Coeur Rochester Mine Plan of Operations Amendment 10 by any of the following methods:

- *Web site: http://www.blm.gov/nv/st/en/fo/wfo.html.*
- *Email: wfoweb@blm.gov.* Include Coeur Rochester Mine EIS Comments in the subject line.
- *Fax:* (775) 623–1503.
- *Mail:* BLM Winnemucca District, Humboldt River Field Office 5100 E. Winnemucca Blvd., Winnemucca, NV 89445.

Documents pertinent to this proposal may be examined at the Humboldt River Field Office.

FOR FURTHER INFORMATION CONTACT: Kathleen Rehberg, Project Lead, telephone 775–623–1500; address BLM Winnemucca District, Humboldt River Field Office, 5100 E. Winnemucca Blvd., Winnemucca, NV 89445; email *krehberg@blm.gov.* Contact Ms. Rehberg to have your name added to our mailing list. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The applicant, Coeur Rochester, Inc., has requested an expansion of their operations at the existing Coeur Rochester Mine, which is located approximately 18 miles northeast of Lovelock, Nevada, in the Humboldt Range, Pershing County. The mine is currently authorized up to a disturbance of 1,930 acres (approximately 189 acres of private land and 1,741 acres of public land), which was permitted under a series of Environmental Assessments (EA N26–86–002P, February 1986; EA NV–020–99–12, February 1999; NV–020–01–06, December 2000; EA NV–020–01–06, February 2002; EA NV–020–03–13, August 2003; DOI–BLM–NV–W010–2010–0010–EA, October 2010). Proposed changes to their operations presented under this Plan of Operations modification would encompass 531 acres, of which 157 acres are already disturbed. A total of 348 acres of new disturbance is proposed on public land, as well as 26 acres on private land. All proposed disturbance would be within the existing approved Plan boundary and includes the following: an approximately 67-acre expansion to the existing Stage IV Heap Leach Pad (HLP); an increase of the allowable maximum Stage IV HLP stacking height from 330 feet to 400 feet; construction of a 124-acre Stage V HLP with associated ponds and tank; relocation of a portion of the American Canyon public access road

and establishment of an associated Right-of-Way (ROW); relocation of a portion of the paved Rochester main access road ROW; realignment of the Stage IV haul road and construction of secondary access roads; relocation of existing power lines consistent with the proposed ROW realignments and HLP construction; relocation of the electrical building, core shed, and production well PW–2a; excavation of new borrow areas and construction of one new growth medium stockpile; installation of the Stage IV HLP conveyor system, associated load out points, ore stockpiles, maintenance road, and utility corridor, including process solutions and fresh water supply pipelines; and changes to closure activities for existing facilities including altering the open pit safety berm sizes; HLP interim fluid management plans; HLP cover designs; the installation of evaporation cells (E-Cells); and long-term draindown management.

The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the process for developing the EIS. At present, the BLM has identified the following preliminary issues: (a) The potential to create acid rock drainage or heavy metals from mining activities, and ensuring that there is no degradation of waters of the state or undue or unnecessary degradation of public lands; (b) Potential impacts to wildlife habitat; and (c) Potential impacts to cultural sites.

The BLM will analyze a combination of proposed environmental measures and possible mitigation to eliminate or minimize any impacts associated with the proposed action. This could include the potential of identifying opportunities to apply mitigation hierarchy strategies for on-site, regional, and compensatory mitigation appropriate to the size of the proposal and management actions to achieve resource objectives.

The BLM will use NEPA public participation requirements to assist the agency in satisfying the public involvement requirements under Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470(f)) pursuant to 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed *Coeur Rochester Mine Plan of Operations Amendment 10* will assist the BLM in identifying and evaluating impacts to such resources in the context of both NEPA and Section 106 of the NHPA.

The BLM will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with tribes and stakeholders that may be interested in or affected by the proposed *Coeur Rochester Mine Plan of Operations Amendment 10* that the BLM is evaluating, are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the environmental analysis as a cooperating agency.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1501.7.

Victor W. Lozano,

Field Manager, Humboldt River Field Office.

[FR Doc. 2014–15163 Filed 6–26–14; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[14X 1109AF LLUT980300–L11500000.PH0000–24–1A]

Utah Resource Advisory Council/ Recreation Resource Advisory Council Meeting/Conference Call

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting/conference call.

SUMMARY: In accordance with the Federal Land Policy and Management Act, the Federal Advisory Committee Act, and the Federal Lands Recreation Enhancement Act, the Bureau of Land Management's (BLM) Utah Resource Advisory Council (RAC)/Recreation Resource Advisory Council (RecRAC) will host a meeting/conference call.

DATES: The BLM-Utah RAC/RecRAC will host a meeting/conference call on Wednesday, Aug. 13, 2014, from 8:30 a.m.–5:00 p.m., Mountain Daylight Time.

ADDRESSES: Those attending in person must meet at the Home2 Suites, Summit Conference Room, 3051 W. Club House Drive, Lehi, Utah 84043.

FOR FURTHER INFORMATION CONTACT: If you wish to listen to the teleconference, orally present material during the teleconference, or submit written material for the RAC/RecRAC to consider during the teleconference, please notify Sherry Foot, Special Programs Coordinator, Bureau of Land Management, Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, Utah 84101; phone (801) 539–4195; or, *sfoot@blm.gov* no later than Monday, Aug. 11, 2014.

SUPPLEMENTARY INFORMATION: Agenda topics will consist of introduction of new members; an overview of BLM-Utah issues; planning updates for the Greater sage- grouse, City Cedar and St. George; discussion on the Special Recreation Permit Application Fee Proposal; and an overview on BLM-Utah Wild Horse and Burro program.

The RecRAC will listen to three fee presentations from the Uinta-Wasatch-Cache National Forest on 11 new cabin rentals, Mirror Lake Scenic Byway Recreation Area, and the American Fork Canyon/Alpine Loop Recreation Area.

A half-hour public comment period will take place from 3:00–3:30 p.m. The meeting is open to the public; however, transportation, lodging, and meals are the responsibility of the participating individuals.

The conference call will be recorded for purposes of minute-taking. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to leave a message or question for the above individual. The FIRS is available 24 hours a day, seven days a week. Replies are provided during normal business hours.

Authority: 43 CFR 1784.4–1.

Juan Palma,

State Director.

[FR Doc. 2014–15045 Filed 6–26–14; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[14X 1109AF LLUT030000–L17110000–PH0000–24–1A]

Notice of Grand Staircase-Escalante National Monument Advisory Committee Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the Department of the Interior, Bureau of Land Management (BLM), Grand Staircase-Escalante National Monument Advisory Committee (GSENMAC) will meet as indicated below.

DATES: The GSENMAC will meet Tuesday, July 29, 2014, (1 p.m.–6:00 p.m.) and Wednesday, July 30, 2014, (8 a.m.–12 p.m.) in Kanab, Utah.

ADDRESSES: The Committee will meet in the Cottonwood Room at the Bureau of Land Management Complex, 669 South Highway 89A, Kanab, Utah.

FOR FURTHER INFORMATION CONTACT: Larry Crutchfield, Public Affairs Officer, Grand Staircase-Escalante National Monument, Bureau of Land Management, 669 South Highway 89A, Kanab, Utah 84741; phone (435) 644–1209. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to leave a message or question for the above individual. The FIRS is available 24 hours a day, seven days a week. Replies are provided during normal business hours.

SUPPLEMENTARY INFORMATION: The 15-member GSENMAC was appointed by the Secretary of the Interior on August 2, 2011, pursuant to the Monument Management Plan (MMP), the Federal Land Policy and Management Act of 1976 (FLPMA), and the Federal Advisory Committee Act of 1972 (FACA). As specified in the MMP, the GSENMAC will have several primary tasks: (1) Review evaluation reports produced by the Management Science Team and make recommendations on protocols and projects to meet overall objectives; (2) Review appropriate research proposals and make recommendations on project necessity and validity; (3) Make recommendations regarding allocation of research funds through review of research and project proposals as well as needs identified through the evaluation process above; and, (4) Could be consulted on issues such as protocols for specific projects.

One of the topics to be discussed by the GSENMAC during this meeting will be the ongoing Livestock Grazing Management Plan Amendment and Associated Environmental Impact Statement (LGMPA/AEIS). The BLM is preparing this Plan Amendment because the existing land use plans that provide land-use level decisions for livestock grazing were completed in 1981 and are outdated. The MMP that became effective in February 2000 did not address most of the prior livestock grazing decisions. This Plan Amendment will allow the integration of livestock and rangeland management with the other resources in the MMP.

The planning area consists of about 2.1 million acres of land which includes lands in the GSENM and non-monument lands administered by GSENM. The GSENM administers livestock grazing on lands managed by the National Park Service within Glen Canyon National Recreation Area, as well as, lands within BLM's Kanab and Arizona Strip Field Offices through intra-agency agreements. Additional topics include the formation of a LGMPA/AEIS subcommittee; GSENM division reports; and future meeting dates and other matters as may reasonably come before the GSENMAC.

The entire meeting is open to the public. Members of the public are welcome to address the Committee at 5:00 p.m., local time, on July 29, 2014, and at 12:00 p.m., local time, on July 30, 2014. Depending on the number of persons wishing to speak, a time limit could be established. Interested persons may make oral statements to the GSENMAC during this time or written statements may be submitted for the GSENMAC's consideration. Written statements can be sent to: Grand Staircase-Escalante National Monument, Attn: Larry Crutchfield, 669 South Highway 89A, Kanab, Utah 84741. Information to be distributed to the GSENMAC is requested 10 days prior to the start of the GSENMAC meeting.

All meetings are open to the public; however, transportation, lodging, and meals are the responsibility of the participating public.

Authority: 43 CFR 1784.4–1.

Juan Palma,

State Director.

[FR Doc. 2014–15044 Filed 6–26–14; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR06230000, 14XR0680A1, RN076949980000501]

Notice of Availability of the Northwest Area Water Supply Project Draft Supplemental Environmental Impact Statement; Burke, Bottineau, Divide, McHenry, McLean, Mountrail, Pierce, Renville, Ward, and Williams Counties, North Dakota

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation has completed the Northwest Area Water Supply Project Draft Supplemental Environmental Impact Statement (Draft SEIS). It is now available for public review and comment. The Draft SEIS describes the potential environmental effects of the No Action Alternative and four action alternatives to complete the Project, which would provide a reliable high quality water supply to local communities and rural water systems in northwestern North Dakota, including the City of Minot. Cooperating agencies assisting in the preparation of the Draft SEIS include the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, North Dakota State Water Commission, City of Minot, and Garrison Diversion Conservancy District.

DATES: Send written comments on the Draft SEIS on or before August 11, 2014.

One public hearing will be held on the following date:

- Wednesday, July 23, 2014, 6:30 p.m. to 8:30 p.m., Minot, North Dakota.

ADDRESSES: Send written comments or requests for copies to Ms. Alicia Waters, Project Manager, Bureau of Reclamation, P.O. Box 1017, Bismarck, ND 58502, or via email to *awaters@usbr.gov*. The Draft SEIS is also accessible from the following Web site: *http://www.usbr.gov/gp/dkao/naws/*.

The hearing location is:

- Comfort Inn, 1515 22nd Ave. SW., Minot, ND 58701.

FOR FURTHER INFORMATION CONTACT: Ms. Alicia Waters, Project Manager, 701.221.1206; or by email at *awaters@usbr.gov*.

SUPPLEMENTARY INFORMATION: The Draft SEIS documents the potential direct, indirect, and cumulative physical, biological, and socioeconomic environment effects that may result from the completion of a municipal, rural, and industrial water system in

northwestern North Dakota. The Project would supply water to specific delivery points. Each community or rural water system would be responsible for connecting to the distribution line and delivering water through their water system to end users.

The Draft SEIS evaluates the construction and operation of the components required to complete the proposed action (i.e., the Project). The purpose of the Project is to provide a reliable source of high quality water to communities and rural water systems in northwestern North Dakota for municipal, rural, and industrial uses; the Project is sized to serve projected population growth up to the year 2060. The water provided by the Project would be treated to meet the primary drinking water standards established by the Safe Drinking Water Act.

Project construction began in April 2002 after Reclamation completed an environmental assessment and finding of no significant impact. The Province of Manitoba, Canada, filed a lawsuit in October 2002 against the U.S. Department of the Interior in the U.S. District Court in Washington, DC. The Province challenged the adequacy of the environmental assessment and finding of no significant impact and requested an injunction prohibiting expenditure of federal funds on the Project.

In 2005 the U.S. District Court ordered Reclamation to revisit the finding of no significant impact after completing further environmental analysis. The order stated that additional analyses should consider potential impacts associated with not fully treating Missouri River water at its source, as well as the impacts of pipeline leaks and possible failure of water treatment systems. The court also partially denied the plaintiff's request for an injunction, allowing Project construction to continue with some restrictions. In response to the court order, Reclamation prepared an environmental impact statement (EIS) on water treatment in consultation with other federal, tribal, state and local government agencies, which also included public input. The EIS evaluated a wide range of methods for treating water from Lake Sakakawea in the Missouri River basin prior to conveyance of treated water via buried pipeline to users within the Hudson Bay basin. The EIS also evaluated environmental impacts that could occur due to pipeline leaks and failure of the water treatment systems. A Final EIS on Water Treatment was published in 2008, and Reclamation signed a Record of Decision in 2009.

Shortly thereafter, the Province of Manitoba filed a supplemental complaint contending the Final EIS on Water Treatment was insufficient. The State of Missouri also filed a complaint against the U.S. Department of the Interior and the U.S. Army Corps of Engineers in the same District Court. The State of Missouri alleged Reclamation's Final EIS was insufficient and that the Corps of Engineers failed to complete a separate National Environmental Policy Act assessment of the Project. These two complaints were combined by the District Court. In March 2010, the court remanded the case to Reclamation and stated that the injunction imposed in 2005 remained in effect. The court's remand focused on two specific issues: (1) Cumulative impacts of water withdrawals on Lake Sakakawea and on the Missouri River, and (2) the consequences of transferring potentially invasive species into the Hudson Bay basin. This Draft SEIS evaluates these issues, takes a hard look at potential impacts to other resources, examines the purpose and need for the Project, and evaluates a full range of alternatives to meet the purpose and need.

The geographic scope of analysis varies by resource but generally covers the Missouri and Souris river basins. The geographic scope for the aquatic invasive species analysis extends into Canada as directed by the court. The Hudson Bay basin, which includes Canada's Lake Winnipeg and the surrounding communities, is within the scope of study. The Lake Winnipeg area is included because the Souris River flows north into Manitoba where it meets the Assiniboine River, which flows into the Red River and eventually terminates in Lake Winnipeg.

Authority

The Project was authorized by the Garrison Diversion Reformulation Act of 1986 and the Dakota Water Resources Act of 2000 as part of the Municipal, Rural, and Industrial (MR&I) Grant Program.

Public Review of Draft SEIS

Copies of the Draft SEIS are available for public review at the following locations:

1. Bureau of Reclamation, Dakotas Area Office, 304 East Broadway Avenue, Bismarck, ND 58501.
2. Bureau of Reclamation, Great Plains Regional Office, 2021 4th Avenue North, Billings, MT 59101.
3. Bureau of Reclamation, Denver Office Library, Building 67, Room 167, Denver Federal Center, 6th and Kipling, Denver, CO 80225.
4. Natural Resources Library, U.S. Department of the Interior, 1849 C Street NW., Main Interior Building, Washington, DC 20240–0001.
5. Bismarck Public Library, 515 North 5th Street, Bismarck, ND 58501.
6. Bottineau City Hall, 115 West 6th Street, Bottineau, ND 58318.
7. Minot Public Library, 516 2nd Avenue SW., Minot, ND 58701.
8. Mohall Public Library, 115 Main Street West, Mohall, ND 58761.
9. North Dakota State Library, 604 East Boulevard Avenue, Bismarck, ND 58505.

Special Assistance for the Public Hearing

If special assistance is required at the public hearing, please contact Ms. Patience Hurley, Bureau of Reclamation, Public Affairs Office, at *phurley@usbr.gov*. Please notify Ms. Hurley as far in advance as possible to enable Reclamation to secure the needed services. If a request cannot be honored, the requestor will be notified.

Public Disclosure

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: June 19, 2014.

John F. Soucy,

Deputy Regional Director, Great Plains Region.

[FR Doc. 2014–15106 Filed 6–26–14; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–451 and 731–TA–1126–1127 (Review)]

Lightweight Thermal Paper From China and Germany; Scheduling of Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) (the Act) to determine whether revocation of the antidumping duty and

countervailing duty orders on lightweight thermal paper from China and Germany would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. The Commission has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B). For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* June 19, 2014.

FOR FURTHER INFORMATION CONTACT: Nathanael N. Comly (202–205–3174), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On January 23, 2014, the Commission determined that responses to its notice of institution of the subject five-year review were such that a full reviews pursuant to section 751(c)(5) of the Act should proceed (79 FR 6218, February 3, 2014). A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's Web site.

Participation in the reviews and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in these reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the reviews need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the reviews will be placed in the nonpublic record on Wednesday, October 8, 2014, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the reviews beginning at 9:30 a.m. on Thursday, October 30, 2014, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before Wednesday, October 22, 2014. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on Friday, October 24, 2014, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party to the reviews may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is Monday, October 20, 2014. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is Monday, November 10, 2014. In addition, any person who has not entered an appearance as a party to the reviews may submit a written statement of information pertinent to the subject of the reviews on or before Monday, November 10, 2014. On Tuesday, December 09, 2014, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before Thursday, December 11, 2014, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's Web site at *http://edis.usitc.gov*, elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff. In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These reviews is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: June 23, 2014.

Jennifer D. Rohrbach,

Supervisory Attorney.

[FR Doc. 2014–15097 Filed 6–26–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–914]

Certain Sulfentrazone, Sulfentrazone Compositions, and Processes for Making Sulfentrazone; Notice of Commission Determination Not To Review an Initial Determination Granting Complainant's Motion To Amend the Complaint and the Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 9) issued by the presiding administrative law judge (''ALJ'') on May 29, 2014, granting the complainant's unopposed motion to amend the complaint and notice of investigation to change the name of a respondent.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–5468. 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 (*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 investigation on April 14, 2014, based on a complaint filed by FMC Corporation (''FMC''). 79 FR 20907–08. The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain sulfentrazone, sulfentrazone compositions, and processes for making sulfentrazone, by reason of infringement of certain claims of U.S. Patent No. 7,169,952. *Id.* at 20907. The Commission's notice of investigation named as respondents Beijing Nutrichem Science and Technology Stock Co., Ltd., of Beijing, China; Summit Agro USA, LLC, of Cary, North Carolina; Summit Agro North America Holding Corporation of New York, New York; and Jiangxi Heyi Chemicals Co. Ltd. of Jiujiang City, China. *Id.* at 20908.

On May 23, 2014, FMC filed an unopposed motion to amend the complaint and the notice of investigation to change the name of respondent Beijing Nutrichem Science and Technology Stock Co., Ltd., to Nutrichem Co., Ltd. FMC states that Beijing Nutrichem Science and Technology Stock Co., Ltd. is the literal English translation of the company's Chinese name, but that the company's recent response to the complaint explained that the company's proper English-language name is Nutrichem Co., Ltd. FMC contends that good cause exists to amend the complaint because Nutrichem Co., Ltd. received proper notice of the proceedings, and that such amendment is in the public interest because the name correction will prevent confusion should any remedy be granted in this investigation.

On May 29, 2014, the ALJ issued the subject ID, granting FMC's motion to amend the complaint and the notice of investigation. The ALJ found good cause for granting the motion because the amendment will prevent confusion, and, prejudice, if any, will be minimal. No petitions for review were filed.

The Commission has determined not to review the subject ID.

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 23, 2014.

Jennifer D. Rohrbach,

Supervisory Attorney.

[FR Doc. 2014–15055 Filed 6–26–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0005]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office on Violence Against Women, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until August 26, 2014.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Cathy Poston, Office on Violence Against Women, at 202–514–5430.

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Office on Violence Against Women, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grants to

Reduce Violent Crimes Against Women on Campus Program (Campus Program).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0005. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 100 grantees (institutions of higher education) of the Campus Program whose eligibility is determined by statute. Campus Program grants may be used to enhance victim services and develop programs to prevent violent crimes against women on campuses. The Campus Program also enables institutions of higher education to develop and strengthen effective security and investigation strategies to combat violent crimes against women on campuses, including domestic violence, dating violence, sexual assault, and stalking.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 100 respondents (Campus Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Campus Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 200 hours, that is 100 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: June 24, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–15130 Filed 6–26–14; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Affirmative Decisions on Petitions for Modification Granted in Whole or in Part

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice.

SUMMARY: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR part 44 govern the application, processing, and disposition of petitions for modification. This **Federal Register** Notice notifies the public that MSHA has investigated and issued a final decision on certain mine operator petitions to modify a safety standard.

ADDRESSES: Copies of the final decisions are posted on MSHA's Web site at *http://www.msha.gov/indexes/petition.htm.* The public may inspect the petitions and final decisions during normal business hours in MSHA's Office of Standards, Regulations and Variances, 1100 Wilson Boulevard, Room 2349, Arlington, Virginia 22209. All visitors must first stop at the receptionist desk on the 21st Floor to sign-in.

FOR FURTHER INFORMATION CONTACT: Roslyn B. Fontaine, Office of Standards, Regulations and Variances at 202–693–9475 (Voice), *fontaine.roslyn@dol.gov* (Email), or 202–693–9441 (Telefax), or Barbara Barron at 202–693–9447 (Voice), *barron.barbara@dol.gov* (Email), or 202–693–9441 (Telefax). [These are not toll-free numbers].

SUPPLEMENTARY INFORMATION:

I. Introduction

Under section 101 of the Federal Mine Safety and Health Act of 1977, a mine operator may petition and the Secretary of Labor (Secretary) may modify the application of a mandatory safety standard to that mine if the Secretary determines that: (1) An alternative method exists that will guarantee no less protection for the miners affected than that provided by the standard; or (2) that the application of the standard will result in a diminution of safety to the affected miners.

MSHA bases the final decision on the petitioner's statements, any comments and information submitted by interested persons, and a field investigation of the conditions at the mine. In some instances, MSHA may approve a petition for modification on the condition that the mine operator complies with other requirements noted in the decision.

II. Granted Petitions for Modification

On the basis of the findings of MSHA's investigation, and as designee of the Secretary, MSHA has granted or partially granted the following petitions for modification:

- *Docket Number:* M–2009–049–C.
  FR Notice: 75 FR 3256 (1/20/2010).
  Petitioner: INR–WV Operating LLC, 100 Market Street, Suite A, Man, West Virginia 25635.
  Mine: Saunders Prep Plant, MSHA Mine I.D No. 46–02140, located in Logan County, West Virginia.
  Regulation Affected: 30 CFR 77.214(a) (Refuse piles; general).

- *Docket Number:* M–2012–001–C.
  FR Notice: 77 FR 14427 (3/9/2012).
  Petitioner: Wolf Run Mining Company, 99 Edmiston Way, Buckhannon, West Virginia 26201.
  Mine: Imperial Mine, MSHA I.D. No. 46–09115, located in Upshur County, West Virginia.
  Regulation Affected: 30 CFR 75.1700 (Oil and gas wells).

- *Docket Number:* M–2012–002–C.
  FR Notice: 77 FR 14427 (3/9/2014).
  Petitioner: Wolf Run Mining Company, 99 Edmiston Way, Buckhannon, West Virginia 26201.
  Mine: Sentinel Mine, MSHA I.D. No. 46–04168, located in Upshur County, West Virginia.
  Regulation Affected: 30 CFR 75.1700 (Oil and gas wells).

- *Docket Number:* M–2013–022–C.
  FR Notice: 78 FR 35977 (6/14/2013).
  Petitioner: Paramount Coal Company Virginia, LLC, Three Gateway Center, Suite 1500, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222.
  Mine: Deep Mine 41, MSHA I.D. No. 44–07223, located in Dickenson County, Virginia.
  Regulation Affected: 30 CFR 75.1700 (Oil and gas wells).

- *Docket Number:* M–2013–024–C.
  FR Notice: 78 FR 36599 (6/18/2013).
  Petitioner: Wolf Run Mining Company, 99 Edmiston Way, Buckhannon, West Virginia 26201.
  Mine: Sentinel Mine, MSHA I.D. No. 46–04168, located in Barbour County, West Virginia
  Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

- *Docket Number:* M–2013–025–C.
  FR Notice: 78 FR 36599 (6/18/2013).
  Petitioner: Wolf Run Mining Company, 99 Edmiston Way, Buckhannon, West Virginia 26201.
  Mine: Sentinel Mine, MSHA I.D. No. 46–04168, located in Barbour County, West Virginia
  Regulation Affected: 30 CFR 75.507–1(a) (Electric equipment other than

power-connection points; outby the last open crosscut; return air; permissibility requirements).

• *Docket Number:* M–2013–026–C.
FR Notice: 78 FR 36600 (6/18/2013).
Petitioner: Wolf Run Mining Company, 99 Edmiston Way, Buckhannon, West Virginia 26201.
Mine: Sentinel Mine, MSHA I.D. No. 46–04168, located in Barbour County, West Virginia
Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

• *Docket Number:* M–2013–027–C.
FR Notice: 78 FR 36601 (6/18/2013).
Petitioner: North American Drillers, 130 Meadow Ridge Road, Suite 22, Mount Morris, Pennsylvania 15349.
Mine: American Energy Corporation's Century Mine, MSHA I.D. No. 33–01070, located in Monroe County, Ohio.
Regulation Affected: 30 CFR 77.1914(a) (Electrical Equipment).

• *Docket Number:* M–2013–035–C.
FR Notice: 78 FR 55297 (9/10/2013).
Petitioner: Five Star Mining, Inc., 6594 West State Road 56, Petersburg, Indiana 47567.
Mine: Prosperity Mine, MSHA I.D. No. 12–02249, located in Pike County, Indiana.
Regulation Affected: 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.35(a)(5)(i) (Portable trailing cables and cords).

• *Docket Number:* M–2013–048–C.
FR Notice: 78 FR 69136 (11/18/2013).
Petitioner: Pocahontas Coal Company, LLC, 109 Appalachian Drive, Beckley, West Virginia 25801.
Mine: Josephine No. 2 Mine, MSHA I.D. No. 46–07191, located in Raleigh County, West Virginia.
Regulation Affected: 30 CFR 75.1101–1(b) Deluge-type water spray systems).

• *Docket Number:* M–2013–052–C.
FR Notice: 78 FR 78391 (12/26/2013).
Petitioner: Rosebud Mining Company, P.O. Box 1025, North Cambria, Pennsylvania 15714.
Mine: Brush Valley Mine, MSHA I.D. No. 36–09437, located in Indiana County, Pennsylvania.
Regulation Affected: 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.35(a)(5)(i) (Portable trailing cables and cords).

Sheila McConnell,
Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 2014–15035 Filed 6–26–14; 8:45 am]
BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR Part 44 govern the application, processing, and disposition of petitions for modification. This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below to modify the application of existing mandatory safety standards codified in Title 30 of the Code of Federal Regulations.

DATES: All comments on the petitions must be received by the Office of Standards, Regulations and Variances on or before July 28, 2014.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Electronic Mail: zzMSHA-comments@dol.gov.* Include the docket number of the petition in the subject line of the message.
2. *Facsimile:* 202–693–9441.
3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209–3939, *Attention:* Sheila McConnell, Acting Director, Office of Standards, Regulations and Variances. Persons delivering documents are required to check in at the receptionist's desk on the 21st floor. Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations and Variances at 202–693–9447 (Voice), *barron.barbara@dol.gov* (Email), or 202–693–9441 (Facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION:

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or
2. That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Number: M–2014–018–C.
Petitioner: S & J Coal Mine, Inc., 15 Motter Drive, Pine Grove, Pennsylvania 17963.
Mine: Slope #2 Mine, MSHA I.D. No. 36–09963, located in Schuylkill County, Pennsylvania.
Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).
Modification Request: The petitioner requests a modification of the existing standard to permit the use of nonpermissible electric drags and battery locomotives within 150 feet of pillar workings. The petitioner asserts that the request is due in part to the method of mining used in pitching anthracite mines and the alternative evaluation of the mine air quality for methane on an hourly basis during operation with one of the gas tests results to be recorded in the on-shift examination record. The petitioner states that:

(1) Equipment operation will be suspended any time methane concentration at the equipment reaches 0.5 percent either during operation or when found during a pre-shift examination.

(2) The equipment will be operated in the working section's only intake entry (gangway), which is regularly traveled and examined.

(3) The use of drags on less than moderate pitching veins (less than 20 degree pitch) is the only practical system of mining in use.

(4) Permissible drags are not commercially available, and due in part to their small size, permissible locomotives are not commercially available.

(5) As a result of low daily production rates and full timbering support, in-rushes of methane due to massive pillar falls are unlikely to occur.

(6) Recovery of the pillars above the first miner heading is usually accomplished on the advance within 150 feet of the section intake (gangway) and the remaining minable pillars are recovered from the deepest point of penetration outby.

(7) The 5,000 cubic feet per minute of required intake air flow is measured just outby the nonpermissible equipment with the ventilating air passing over the equipment to ventilate the pillar being mined.

(8) The electrical equipment is attended during operation, and either power to the unit is deenergized at the intersection of the working gangway and intake slope, or the equipment is moved to that area when production ceases, minimizing any ignition potential from the pillar recovery area.

(9) Where more than one active line of pillar breast recovery exists, the locomotive may travel to a point just outby the deepest active chute/breast (room) workings or last open crosscut in a developing set of entries.

The petitioner asserts that the proposed alternative method will provide the same measure of protection as that afforded by the existing standard.

Docket Number: M–2014–019–C.

Petitioner: The M–Class Coal Company, 11351 North Thompsonville Road, Macedonia, Illinois 62860.

Mine: M–Class Mine, MSHA I.D. No. 11–03189, located in Franklin County, Illinois.

Regulation Affected: 30 CFR 75.1909(b)(6) (Nonpermissible diesel-powered equipment; design and performance requirements).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance with respect to the braking systems on the Getman RDG–1504 Road Builder. The petitioner proposes to operate the Road Builder, Serial Number 7059, as it was originally designed without brakes. The petitioner states that:

(1) The standard does not address equipment with more than four wheels, specifically the Getman RDG–1504 Road Builder with six wheels. This machine has dual brake systems on the four rear wheels and is designed to prevent a loss of braking due to a single component failure.

(2) Seventy-four percent of the machine's total weight is over the four rear wheels. With the weight distribution, brakes on the rear of the machine are sufficient to safely stop the machine.

(3) Grader operators will be trained to lower the moldboard for additional stopping capability in emergency situations.

(4) Operators will be trained to recognize the appropriate speeds to use on different roadway conditions.

(5) The speed of the machine will be limited to 10 miles per hour.

(6) The safety of the miners will not be compromised if the machine is operated as described above.

The petitioner asserts that the proposed alternative method will guarantee the same measure of protection to the miners as the existing standard.

Docket Number: M–2014–004–M.

Petitioner: FMC Minerals Corporation, Box 872, Green River, Wyoming 82935.

Mine: FMC Westvaco Mine, MSHA I.D. No. 48–00152, located in Sweetwater County, Wyoming.

Regulation Affected: 30 CFR 57.22305 (Approved equipment (III mines)).

Modification Request: The petitioner requests a modification of the existing standard to permit a submersible mine pump installed and operated through a borehole from the surface to be operated in a flooded area of the mine.

The petitioner states that this modification involves operating a non-permissible pump in an area of the mine, which was previously a shortwall panel.

If additional pumps need to be installed in mine return airways in the future, the petitioner proposes to follow the requirements of this modification.

The depth of the new well will depend on the pump style, casing, and net positive suction head required. The pump will be monitored by a motor controller designed for submersible pumps. The existing well and submersible pump installation at the Granger operation uses a protector unit located between the motor and pump that isolates the motor and equalizes pressure, negating the possibility that the oil will leak from the motor. The pumps are used to pump oil, gas, and propane without any other safety systems. A similar pump will be used for the FMC Westvaco Mine.

The petitioner asserts that because the trona mining environment does not have the inherent safety hazards of coal mining, the requirements from the Granger operation pump modification should provide equivalent safety measures for the Westvaco submersible pump application.

The intent for installation of the pump is to recover trona resources and maintain production in the petitioner's ELDM plant. Solution mining allows trona resources to be safely recovered from the surface without using underground miners to extract the trona. The petitioner asserts that after reviewing the Mine Pump Approval Lists from the MSHA Approval and Certification Center, they did not find a permissible pump that will meet the process requirements for this application. The petitioner states that:

(1) The high-voltage three-phase alternating current electric power circuit for the pumps will be designed and installed to:

(a) Contain either a direct or derived neutral that will be grounded through a suitable resistor at the source transformer or power center. A grounding circuit originating at the grounded side of the grounding resistor will extend along with the power conductors and serve as the grounding conductor for the frame of the pumps and all associated electric equipment that may be supplied power from this circuit. Power will not be supplied to any other equipment from this circuit.

(b) Contain a grounding resistor that limits the ground-fault current to not more than 15 amperes. The grounding resistor will be rated for the maximum fault current available and will be insulated from the ground for a voltage equal to the phase-to-phase voltage of the system.

(c) Contain a suitable circuit breaker or vacuum contactor of adequate interrupting with devices to provide protection against under-voltage, grounding phases, short-circuit and overload.

(d) Contain a disconnecting device installed in conjunction with the circuit breaker to provide visual evidence that all power is disconnected from the pump.

(e) Include a fail-safe ground check circuit or other no less effective device approved by MSHA as required by 30 CFR 57.12028, that will cause the circuit breaker to open when either the ground or the ground check wire is broken.

(f) Contain a low resistance grounding medium for grounding of the lightning arrestor(s) of the high voltage power circuits of the pump(s) that is separated from the pump power neutral power circuit by a distance of no less than 25 feet.

(g) Protect all associated equipment with this pump on the surface of the mine from dust, rain, and rodents by a suitable enclosure.

(2) The electric control circuit for the pump will be designed and installed to:

(a) Maintain the electric connections of the pump and pump motor under 3 feet of water at all times.

(b) Automatically deenergize the pump motor when the water level falls below 3 feet at the pump location.

(c) Prevent the restarting of the pump motor at any time the water level is below 3 feet at the pump location.

(3) The pump installation will be equipped with a water level indicator located at the pump electrical controls so that the water level at the pump can be determined before the pump motor is restarted.

(4) All high- and low-water probes and float circuits associated with the pump will be MSHA-accepted intrinsically safe, and will be installed and maintained in accordance with MSHA acceptance.

(5) All surface installed equipment associated with the pump will be accessible for inspection.

(6) A functional test will be conducted weekly for the grounded-phase protective device(s) to determine if it is operating properly. A record of the tests will be kept for one year and will be made available for review by MSHA.

(7) Before installation and operation of any future pumps, not including replacement pump(s) for the pump in this proposed petition, the petitioner will notify the District Manager for approval prior to installation and operation.

(8) Implementation of the proposed decision and order will not begin until MSHA has conducted an inspection of the pump and associated electrical installation to ensure that the terms and conditions of the decision have been complied with.

(9) Within 60 days after this petition for modification is granted, the petitioner will submit to the District Manager proposed revisions for the approved 30 CFR part 48 training plan that will specify task training for all electricians who perform electric work on this pump. The training will include instructions in the following elements:

(a) Hazards that could exist if the water level falls below the electric connections of the pumps and pump motor; and

(b) Safe pump restart procedures when the water is 3 feet above the electric components and pump motor.

The petitioner asserts that adhering to the proposed requirements in this petition for modification will guarantee the same measure of protection as the existing standard.

Sheila McConnell,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 2014–15037 Filed 6–26–14; 8:45 am]

BILLING CODE 4510–43–P

PENSION BENEFIT GUARANTY CORPORATION

Agency Information Collection Activities: Submission of Information Collection for OMB Review; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval.

SUMMARY: This collection of information was developed as part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on service delivery. Pension Benefit Guaranty Corporation (''PBGC'') is requesting that the Office of Management and Budget (OMB) extend approval under the Paperwork Reduction Act of this collection of information on qualitative feedback on PBGC's service delivery (OMB Control Number 1212–0066; expires June 30, 2014).

DATES: Comments must be submitted July 28, 2014.

ADDRESSES: Comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, via electronic mail at *OIRA_DOCKET@omb.eop.gov* or by fax to (202) 395–6974.

A copy of the request (including the collection of information) is posted at *http://www.pbgc.gov/res/laws-andregulations/information-collections under-omb-review.html*. It may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC at the above address, visiting the Disclosure Division, faxing a request to 202–326–4042, or calling 202–326–4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.) The Disclosure Division will email, fax, or mail the request to you, as you request.

FOR FURTHER INFORMATION CONTACT: Jo Amato Burns, Attorney (326–4400, ext. 3072) or Catherine B. Klion, Assistant General Counsel (326–4400, ext. 3041), Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005, 202–326–4400 (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4400.)

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The information collection activity will gather qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback PBGC means information that provides useful insights on perceptions and opinions, but the information requests are not statistical surveys that yield quantitative results generalizable to the population of interest. 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 PBGC and its customers and stakeholders. These collections 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.

PBGC is requesting that OMB extend approval the information collection for another three years without change. 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.

Current Action: Extension of approval for a collection of information (OMB Control Number 1212–0066; expires June 30, 2014).

Type of Review: Regular.

Affected Public: Individuals and households.

Estimated Annual Number of Respondents: 1180.

Below are projected average annual estimates for the next three years:

Average Expected Annual Number of Activities: Three.

Average Number of Respondents per Activity (varies by activity):

- Usability Testing: 40.
- Focus Group: 90 (nine groups of ten respondents).
- Customer Satisfaction Survey: 1050.

Frequency of Response: Once per request.

Annual Responses: 1180 (based on one response per respondent).

Average Time per Response (varies by activity):

- Two hours per response for Usability Testing and Focus Groups;
- 15 minutes for Customer Satisfaction Survey.

Burden Hours (varies by activity):

- Usability Testing, 80 hours.
- Focus Group, 180 hours.
- Customer Satisfaction Survey, 263 hours.

Total: 523 hours.

Issued in Washington, DC, this 24 day of June 2014.

Judith Starr,

General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2014–15096 Filed 6–26–14; 8:45 am]

BILLING CODE 7709–02–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. IC–31093; File No. 812–14244]

Resource Real Estate Diversified Income Fund and Resource Real Estate, Inc.; Notice of Application

June 23, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 18(c) and 18(i) of the Act, under sections 6(c) and 23(c) of the Act for an exemption from rule 23c–3 under the Act, and for an order pursuant to section 17(d) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered closed-end management investment companies to issue multiple classes of shares and to impose asset-based distribution fees and early withdrawal charges (''EWCs'').

APPLICANTS: Resource Real Estate Diversified Income Fund (''Initial Fund'') and Resource Real Estate, Inc. (''Adviser'').

FILING DATES: The application was filed on November 22, 2013, and amended on March 26, 2014.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail.

Hearing requests should be received by the Commission by 5:30 p.m. on July 18, 2014 and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: Resource Real Estate Diversified Income Fund and Resource Real Estate, Inc., 1845 Walnut Street, 18th Floor, Philadelphia, Pennsylvania 19103.

FOR FURTHER INFORMATION CONTACT: Rochelle Kauffman Plesset, Senior Counsel, at (202) 551–6840, or James M. Curtis, Branch Chief, at (202) 551–6712 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Initial Fund is a recently-formed Delaware statutory trust that is registered under the Act as a diversified, closed-end management investment company. The Initial Fund's primary investment objective is to produce current income with a secondary objective to achieve long-term capital appreciation with moderate volatility and low to moderate correlation to the broader equity markets. Applicants represent that the Initial Fund pursues its investment objectives by investing, under normal circumstances, at least 80% of its assets in real estate and real estate related industry securities, primarily in income producing equity and debt securities.

2. The Adviser is a Delaware corporation and is registered as an investment adviser under the Investment Advisers Act of 1940. The Adviser serves as investment adviser to the Initial Fund.

3. The Applicants seek an order to permit the Initial Fund to issue multiple classes of shares, each having its own fee and expense structure, and to impose asset-based distribution fees and EWCs.

4. Applicants request that the order also apply to any continuously-offered registered closed-end management investment company that has been previously organized or that may be organized in the future for which the Adviser or any entity controlling, controlled by, or under common control with the Adviser, or any successor in interest to any such entity,[1] acts as investment adviser and which operates as an interval fund pursuant to rule 23c–3 under the Act or provides periodic liquidity with respect to its shares pursuant to rule 13e–4 under the Securities Exchange Act of 1934 (''Exchange Act'') (together with the Initial Fund, the ''Funds'').[2]

5. The Initial Fund is currently making a continuous public offering of its common shares following the effectiveness of its registration statement and that the Initial Fund anticipates that it will continue its continuous public offering of its common shares. Applicants state that additional offerings by any Fund relying on the order may be on a private placement or public offering basis. Shares of the Funds will not be listed on any securities exchange, nor quoted on any quotation medium. The Funds do not expect there to be a secondary trading market for their shares.

6. If the requested relief is granted, the Initial Fund intends to redesignate its common shares as ''Class A Shares'' and to continuously offer two additional

[1] A successor in interest is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

[2] Any Fund relying on this relief in the future will do so in a manner consistent with the terms and conditions of the application. Applicants represent that each entity presently intending to rely on the requested relief is listed as an applicant.

classes of shares (''Class I Shares'' and ''Class C Shares'') with each having its own fee and expense structure. Because of the different distribution fees, services and any other class expenses that may be attributable to the Class A Shares, Class I and Class C Shares, the net income attributable to, and the dividends payable on, each class of shares may differ from each other.

7. Applicants state that, from time to time, the Initial Fund may create additional classes of shares, the terms of which may differ from the Class A, Class I and Class C Shares in the following respects: (i) The amount of fees permitted by different distribution plans or different service fee arrangements; (ii) voting rights with respect to a distribution plan of a class; (iii) different class designations; (iv) the impact of any class expenses directly attributable to a particular class of shares allocated on a class basis as described in this application; (v) any differences in dividends and net asset value resulting from differences in fees under a distribution plan or in class expenses; (vi) any EWC or other sales load structure; and (vii) exchange or conversion privileges of the classes as permitted under the Act.

8. Applicants state that the Initial Fund has adopted a fundamental policy to repurchase a specified percentage of its shares (no less than 5%) at net asset value on a quarterly basis. Such repurchase offers will be conducted pursuant to rule 23c–3 under the Act. Each of the other Funds will likewise adopt fundamental investment policies in compliance with rule 23c–3 and make quarterly repurchase offers to its shareholders or provide periodic liquidity with respect to its shares pursuant to rule 13e–4 under the Exchange Act.[3] Any repurchase offers made by the Funds will be made to all holders of shares of each such Fund.

9. Applicants represent that any asset-based service and distribution fees for each class of shares will comply with the provisions of NASD Rule 2830(d) (''NASD Sales Charge Rule'').[4] Applicants also represent that each Fund will disclose in its prospectus the fees, expenses and other characteristics of each class of shares offered for sale by the prospectus, as is required for open-end multiple class funds under Form N–1A. As is required for open-end funds, each Fund will disclose its expenses in shareholder reports, and disclose any arrangements that result in breakpoints in or elimination of sales loads in its prospectus.[5] In addition, applicants will comply with applicable enhanced fee disclosure requirements for fund of funds, including registered funds of hedge funds.[6]

10. Each of the Funds will comply with any requirements that the Commission or FINRA may adopt regarding disclosure at the point of sale and in transaction confirmations about the costs and conflicts of interest arising out of the distribution of open-end investment company shares, and regarding prospectus disclosure of sales loads and revenue sharing arrangements, as if those requirements applied to the Fund. In addition, each Fund will contractually require that any distributor of the Fund's shares comply with such requirements in connection with the distribution of such Fund's shares.

11. Each Fund will allocate all expenses incurred by it among the various classes of shares based on the net assets of the Fund attributable to each class, except that the net asset value and expenses of each class will reflect distribution fees, service fees, and any other incremental expenses of that class. Expenses of the Fund allocated to a particular class of shares will be borne on a pro rata basis by each outstanding share of that class. Applicants state that each Fund will comply with the provisions of rule 18f–3 under the Act as if it were an open-end investment company.

12. Applicants state that each Fund may impose an EWC on shares submitted for repurchase that have been held less than a specified period and may waive the EWC for certain categories of shareholders or transactions to be established from time to time. Applicants state that each of the Funds will apply the EWC (and any waivers or scheduled variations of the EWC) uniformly to all shareholders in a given class and consistently with the requirements of rule 22d–1 under the Act as if the Funds were open-end investment companies.

13. Each Fund operating as an interval fund pursuant to rule 23c–3 under the Act may offer its shareholders an exchange feature under which the shareholders of the Fund may, in connection with the Fund's periodic repurchase offers, exchange their shares of the Fund for shares of the same class of (i) registered open-end investment companies or (ii) other registered closed-end investment companies that comply with rule 23c–3 under the Act and continuously offer their shares at net asset value, that are in the Fund's group of investment companies (collectively, ''Other Funds''). Shares of a Fund operating pursuant to rule 23c–3 that are exchanged for shares of Other Funds will be included as part of the amount of the repurchase offer amount for such Fund as specified in rule 23c–3 under the Act. Any exchange option will comply with rule 11a–3 under the Act, as if the Fund were an open-end investment company subject to rule 11a–3. In complying with rule 11a–3, each Fund will treat an EWC as if it were a contingent deferred sales load (''CDSL'').

Applicants' Legal Analysis

Multiple Classes of Shares

1. Section 18(c) of the Act provides, in relevant part, that a closed-end investment company may not issue or sell any senior security if, immediately thereafter, the company has outstanding more than one class of senior security. Applicants state that the creation of multiple classes of shares of the Funds may be prohibited by section 18(c), as a class may have priority over another class as to payment of dividends because shareholders of different classes would pay different fees and expenses.

2. Section 18(i) of the Act provides that each share of stock issued by a registered management investment company will be a voting stock and have equal voting rights with every other outstanding voting stock. Applicants state that multiple classes of shares of the Funds may violate section 18(i) of the Act because each class would be entitled to exclusive voting rights with respect to matters solely related to that class.

3. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provision of the Act, or from any rule thereunder, if and to the extent such exemption is

[3] Applicants submit that rule 23c–3 and Regulation M under the Exchange Act permit an interval fund to make repurchase offers to repurchase its shares while engaging in a continuous offering of its shares pursuant to Rule 415 under the Securities Act of 1933.

[4] Any reference to the NASD Sales Charge Rule includes any successor or replacement rule that may be adopted by the Financial Industry Regulatory Authority (''FINRA'').

[5] *See* Shareholder Reports and Quarterly Portfolio Disclosure of Registered Management Investment Companies, Investment Company Act Release No. 26372 (Feb. 27, 2004) (adopting release) (requiring open-end investment companies to disclose fund expenses in shareholder reports); and Disclosure of Breakpoint Discounts by Mutual Funds, Investment Company Act Release No. 26464 (June 7, 2004) (adopting release) (requiring open-end investment companies to provide prospectus disclosure of certain sales load information).

[6] Fund of Funds Investments, Investment Company Act Rel. Nos. 26198 (Oct. 1 2003) (proposing release) and 27399 (Jun. 20, 2006) (adopting release). See also Rules 12d1–1, et seq. of the Act.

necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an exemption under section 6(c) from sections 18(c) and 18(i) to permit the Funds to issue multiple classes of shares.

4. Applicants submit that the proposed allocation of expenses and voting rights among multiple classes is equitable and will not discriminate against any group or class of shareholders. Applicants submit that the proposed arrangements would permit a Fund to facilitate the distribution of its shares and provide investors with a broader choice of shareholder services. Applicants assert that the proposed closed-end investment company multiple class structure does not raise the concerns underlying section 18 of the Act to any greater degree than open-end investment companies' multiple class structures that are permitted by rule 18f–3 under the Act. Applicants state that each Fund will comply with the provisions of rule 18f–3 as if it were an open-end investment company.

Early Withdrawal Charges

1. Section 23(c) of the Act provides, in relevant part, that no registered closed-end investment company will purchase securities of which it is the issuer, except: (a) On a securities exchange or other open market; (b) pursuant to tenders, after reasonable opportunity to submit tenders given to all holders of securities of the class to be purchased; or (c) under other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors.

2. Rule 23c–3 under the Act permits a registered closed-end investment company (an ''interval fund'') to make repurchase offers of between five and twenty-five percent of its outstanding shares at net asset value at periodic intervals pursuant to a fundamental policy of the interval fund. Rule 23c–3(b)(1) under the Act provides that an interval fund may deduct from repurchase proceeds only a repurchase fee, not to exceed two percent of the proceeds, that is paid to the interval fund and is reasonably intended to compensate the fund for expenses directly related to the repurchase.

3. Section 23(c)(3) provides that the Commission may issue an order that would permit a closed-end investment company to repurchase its shares in circumstances in which the repurchase is made in a manner or on a basis that does not unfairly discriminate against any holders of the class or classes of securities to be purchased.

4. Applicants request relief under section 6(c), discussed above, and section 23(c) from rule 23c–3 to the extent necessary for the Funds to impose EWCs on shares of the Funds submitted for repurchase that have been held for less than a specified period.

5. Applicants state that the EWCs they intend to impose are functionally similar to CDSLs imposed by open-end investment companies under rule 6c–10 under the Act. Rule 6c–10 permits open-end investment companies to impose CDSLs, subject to certain conditions. Applicants note that rule 6c–10 is grounded in policy considerations supporting the employment of CDSLs where there are adequate safeguards for the investor and state that the same policy considerations support imposition of EWCs in the interval fund context. In addition, applicants state that EWCs may be necessary for the distributor to recover distribution costs. Applicants represent that any EWC imposed by the Funds will comply with rule 6c–10 under the Act as if the rule were applicable to closed-end investment companies. The Funds will disclose EWCs in accordance with the requirements of Form N–1A concerning CDSLs. Applicants further state that the Funds will apply the EWC (and any waivers or scheduled variations of the EWC) uniformly to all shareholders in a given class and consistently with the requirements of rule 22d–1 under the Act.

Asset-Based Distribution Fees

1. Section 17(d) of the Act and rule 17d–1 under the Act prohibit an affiliated person of a registered investment company or an affiliated person of such person, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates unless the Commission issues an order permitting the transaction. In reviewing applications submitted under section 17(d) and rule 17d–1, the Commission considers whether the participation of the investment company in a joint enterprise or joint arrangement is consistent with the provisions, policies and purposes of the Act, and the extent to which the participation is on a basis different from or less advantageous than that of other participants.

2. Rule 17d–3 under the Act provides an exemption from section 17(d) and rule 17d–1 to permit open-end investment companies to enter into distribution arrangements pursuant to rule 12b–1 under the Act. Applicants request an order under section 17(d) and rule 17d–1 under the Act to the extent necessary to permit the Fund to impose asset-based distribution fees. Applicants have agreed to comply with rules 12b–1 and 17d–3 as if those rules applied to closed-end investment companies, which they believe will resolve any concerns that might arise in connection with a Fund financing the distribution of its shares through asset-based distribution fees.

For the reasons stated above, applicants submit that the exemptions requested under section 6(c) are necessary and appropriate in the public interest and are consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants further submit that the relief requested pursuant to section 23(c)(3) will be consistent with the protection of investors and will insure that applicants do not unfairly discriminate against any holders of the class of securities to be purchased. Finally, applicants state that the Funds' institution of asset-based distribution fees is consistent with the provisions, policies and purposes of the Act and does not involve participation on a basis different from or less advantageous than that of other participants.

Applicants' Condition

Applicants agree that any order granting the requested relief will be subject to the following condition:

Each Fund relying on the order will comply with the provisions of rules 6c–10, 12b–1, 17d–3, 18f–3, 22d–1, and, where applicable, 11a–3 under the Act, as amended from time to time, as if those rules applied to closed-end management investment companies, and will comply with the NASD Sales Charge Rule, as amended from time to time, as if that rule applied to all closed-end management investment companies.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–15028 Filed 6–26–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. IC–31092; 812–14305]

College Retirement Equities Fund, et al.; Notice of Application

June 23, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 18(f)(1) and 18(i) of the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit a registered open-end management investment company that offers variable annuity contracts to issue multiple classes of units (''Units'') with varying administrative and/or distribution expenses and other expenses.

APPLICANTS: College Retirement Equities Fund (''CREF'') and TIAA–CREF Investment Management, LLC (the ''Advisor'').

FILING DATES: The application was filed on May 2, 2014, and amended on June 11, 2014.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on July 18, 2014, and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants, c/o Rachael Zufall, TIAA–CREF, 8500 Andrew Carnegie Boulevard, Charlotte, NC 28262.

FOR FURTHER INFORMATION CONTACT: Laura L. Solomon, Senior Counsel, at (202) 551–6915 or Daniele Marchesani, Branch Chief, at (202) 551–6821 (Chief Counsel's Office, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. CREF is a diversified open-end management investment company registered under the Act on Form N–3 that offers various types of variable annuity contracts. CREF is a nonprofit member corporation established by a special act of the New York State Legislature. CREF is governed by a board designated as a Board of Trustees, which is entirely composed of Trustees who are not interested persons of CREF within the meaning of section 2(a)(19) of the Act (the ''Board''). CREF is the companion organization of Teachers Insurance and Annuity Association of America (''TIAA''). Together, CREF and TIAA provide a retirement system for the nation's education and research communities. As of December 31, 2013, CREF's net assets were approximately $227 billion.

2. The Advisor, a subsidiary of TIAA, is registered with the Commission as an investment adviser under the Investment Advisers Act of 1940, as amended and serves as investment adviser to CREF on an at-cost basis.

3. CREF currently comprises eight investment portfolios (together with any investment portfolio that may be offered in the future, the ''Accounts''), each of which has a distinct investment objective and investment strategies. CREF offers various types of variable annuity contracts, which are funded via a single class of Units (the ''Initial Class'')[1] attributable to the various Accounts. Institutions and individual participants enter into contracts with CREF (each a ''client''). CREF calculates the value of the assets in each Account as of the close of every day the New York Stock Exchange is open for trading (''Valuation Day''). CREF deducts expenses from the net assets of each Account each Valuation Day for investment management, administrative and distribution services. The Advisor, TIAA, and TIAA–CREF Individual & Institutional Services, LLC (the ''Distributor''), the principal underwriter of CREF, provide or arrange for the provision of these services for CREF ''at-cost.''[2]

4. CREF seeks exemptive relief that will permit it to offer multiple classes of Units with varying administrative and distribution expenses and other expenses specified in the application (''Covered Expenses''). Each New Class would be available to certain types of clients (*e.g.,* IRAs or Keoghs) and/or clients with CREF assets under management at or above certain levels as approved by the Board pursuant to a Multi-Class Plan. The new classes of Units would have different levels of expenses to reflect the different administrative and distribution expenses actually incurred with respect to different types of clients and/or clients with CREF assets under management at or above certain levels as approved by the Board (each, a ''New Class''). Each class of Units would be subject to different administrative and/or distribution expenses and other expenses pursuant to the terms of a plan adopted by the CREF Board in accordance with the terms and conditions of the requested order (a ''Multi-Class Plan''). Under the proposed multiple class system (the ''Multiple Class System''), each class of Units would be offered without a front-end or contingent deferred sales load. Specific eligibility criteria for the classes of Units will be set forth in the Multi-Class Plan.[3] Clients that meet the eligibility criteria for a New Class will be eligible to be moved, and those that do not will remain in the Initial Class.

5. CREF would continue to operate on an at-cost basis, and each class would operate on an at-cost basis. All expenses incurred by CREF would be allocated among its various classes of Units based on the respective average daily net assets attributable to each such class, except that the Unit value and expenses of each class will reflect the Covered Expenses attributable to the class. Covered Expenses of CREF allocated to a particular class of Units will be borne on a pro rata basis by each Unit of that class.

6. CREF operates as a registered investment company in accordance with various exemptions from the Act.[4] For

[1] ''Units'' include accumulation units and annuity units, which are used to measure the interest of each client (as defined below) in an Account during the accumulation period and the annuity period (if any), respectively. See SEC File Nos. 811–04415 and 33–00480.

[2] Any person intending to rely on the requested relief is listed as an applicant.

[3] For example, clients may only be eligible for a specific class during the annuity period.

[4] *See, In the Matter of College Retirement Equities Fund and Teachers Insurance and Annuity Association of America,* Investment Co. Act Rel. Nos. 15866 (July 10, 1987) (notice) and 17116 (Aug. 22, 1989) (order); *College Retirement Equities Fund, et al.,* Investment Co. Rel. Nos. 17861 (Nov. 20, 1990) (notice) and 17906 (Dec. 19, 1990) (order), *Order Denying Requests For a Hearing and Granting*

Continued

instance, CREF has established an arrangement for the distribution of CREF Units (''12b–1 Plan'') that complies with all applicable provisions of rule 12b–1 under the Act except those relating to shareholder approval.[5] Under the terms of the 12b–1 Plan, CREF reimburses the Distributor on an at-cost basis for actual expenses incurred in connection with distribution services for CREF. Applicants state that actual expenses for a class would vary, but a class of Units would bear annual distribution expenses consistent with the terms of the CREF 12b–1 Order as well as with the provisions of rule 2830(d) of the Conduct Rules of the National Association of Securities Dealers, Inc. (''NASD Conduct Rule 2830'').[6]

7. Applicants will comply with the same conditions as provided in rule 18f–3 under the Act with respect to board composition and approval, voting rights, method for allocating expenses and conversions and exchanges. Applicants also represent that CREF will disclose in its prospectus the estimated expenses and other characteristics of each class of Units offered for sale by the prospectus, as is required for open-end multiple class funds under Form N–1A. CREF will disclose expenses borne by clients during the reporting period in annual and semi-annual reports as if it were an open-end management investment company registered on Form N–1A.

Applicants' Legal Analysis

1. Section 18(f)(1) of the Act provides, in relevant part, that an open-end investment company may not issue or sell any senior security if, immediately thereafter, the company has outstanding more than one class of senior security. Section 18(i) of the Act provides that each share of stock issued by a registered management investment company will be a voting stock and have equal voting rights with every other outstanding voting stock.

2. Applicants state that the creation of multiple classes of Units of CREF may be deemed to be prohibited by section 18(f)(1) and to violate section 18(i) of the Act because (a) clients holding different classes of Units may pay different Covered Expenses, and (b) each class would be entitled to exclusive voting rights with respect to matters solely related to that class.

3. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provision of the Act, or from any rule under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an exemption under section 6(c) from sections 18(f)(1) and 18(i) to the extent that the proposed issuance and sale of multiple classes of Units of CREF with varying Covered Expenses may be deemed: (1) To result in the issuance of a ''senior security'' within the meaning of section 18(g) of the Act and thus be prohibited by section 18(f)(1); and (2) to violate the equal voting provisions of section 18(i) of the Act.

4. Applicants represent that the ability to allocate distribution and administrative expenses to the specific classes of clients to which they relate is a significant driving force behind CREF's proposal to implement the Multiple Class System. Further, applicants assert, CREF would benefit from a more flexible, plan-based pricing structure that would provide more equitable pricing based on the relative proportion of Covered Expenses.

5. Applicants submit that the proposed allocation of Covered Expenses and voting rights relating to the Covered Expenses applicable to the classes of Units in CREF is equitable and will not discriminate against any group of participants. Applicants believe that the proposed Multiple Class System does not raise the concerns underlying section 18 of the Act to any greater degree than open-end investment companies' multiple class structures established pursuant to rule 18f–3 under the Act or closed-end investment companies' multiple class structures established pursuant to exemptive relief.[7] Applicants will comply with the same conditions as provided in rule 18f–3 with respect to board composition and approval, voting rights, methods for allocating expenses, conversions and exchanges. CREF and each of its classes, moreover, will continue to operate on an at-cost basis which significantly reduces the possible conflicts of interests among classes. Applicants believe that the requested relief meets the standards of section 6(c) of the Act.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. CREF will cause TIAA or its subsidiaries (including the Advisor and the Distributor) to provide, or arrange for the provision of, investment management, administrative, and distribution services to CREF, and each of its classes of Units, at-cost to TIAA and its subsidiaries.

2. CREF will disclose in its prospectus the estimated expenses and other characteristics of each class of Units offered for sale by the prospectus, as is required for open-end, multiple class funds under Form N–1A. CREF will disclose expenses borne by participants during the reporting period in annual and semi-annual reports as if it were an open-end management investment company registered on Form N–1A.

3. Each class:

a. Will have a different arrangement for administrative or distribution services or both, and will pay all of the expenses of that arrangement;

b. Will have exclusive voting rights on any matter submitted to shareholders that relates solely to its arrangement; and

c. Will have separate voting rights on any matter submitted to shareholders in which the interests of one class differ from the interests of any other class.

4. Income, realized gains and losses, unrealized appreciation and depreciation, and expenses not allocated to a particular class under the requested order will be allocated based on one of the methods set forth by rule 18f–3(c)(1) under the Act.

5. Applicants may rely on the requested order only upon compliance with the requirements of rule 18f–3(d) under the Act.

6. The Board of CREF will satisfy the fund governance standards defined in rule 0–1(a)(7) under the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–15029 Filed 6–26–14; 8:45 am]

BILLING CODE 8011–01–P

Application; College Retirement Equities Fund, et al., Investment Co. Act Rel. No. 19463 (May 6, 1993) and *Order Granting Exemptions and Approval: College Retirement Equities Fund, et al.,* Investment Co. Act Rel. No. 19645 (Aug. 19, 1993) (''CREF 12b–1 Order'') (collectively ''Prior CREF Orders'').

[5] *See* CREF 12b–1 Order.

[6] Applicants are not seeking to amend any of the Prior CREF Orders, and represent that they would be able to rely on the exemptive relief requested herein consistent with the Prior CREF Orders. Applicants are not seeking any additional exemptive relief from section 12(b) of the Act. All references to NASD Conduct Rule 2830 include any successor or replacement rule that may be adopted by the Financial Industry Regulatory Authority.

[7] *See, e.g., Blackstone Alternative Alpha Fund, et al.,* Investment Co. Act Rel. Nos. 30280 (Nov. 26, 2012) (notice) and 30317 (Dec. 26, 2012) (order) and *Permal Hedge Strategies Fund, et al.,* Investment Co. Act Rel. Nos. 30228 (Oct. 9, 2012) (notice) and 30257 (Nov. 5, 2012) (order).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Wednesday, July 2, 2014 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Aguilar, as duty officer, voted to consider the items listed for the Closed Meeting in closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;

institution and settlement of administrative proceedings;

an adjudicatory matter; and

other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: June 25, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–15253 Filed 6–25–14; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission Investor Advisory Committee will hold a meeting on Thursday, July 10, 2014, in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE., Washington, DC. The meeting will begin at 10 a.m. (ET) and will be open to the public. Seating will be on a first-come, first-served basis. Doors will open at 9:30 a.m. Visitors will be subject to security checks. The meeting will be webcast on the Commission's Web site at *www.sec.gov.*

On June 23, 2014, the Commission issued notice of the Committee meeting (Release No. 33–9603), indicating that the meeting is open to the public (except during portions of the meeting reserved for meetings of the Committee's subcommittees), and inviting the public to submit written comments to the Committee. This Sunshine Act notice is being issued because a quorum of the Commission may attend the meeting.

The agenda for the meeting includes: Remarks from Commissioners; a public administrative session; a discussion of the definition of accredited investor (which may include a recommendation of the Investor as Purchaser subcommittee); a discussion of elder fraud; a briefing by Commission staff on market structure and the proposed Market Structure Advisory Committee; and nonpublic subcommittee meetings.

For further information, please contact the Office of the Secretary at (202) 551–5400.

Dated: June 25, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–15277 Filed 6–25–14; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72447; File No. SR–Phlx–2014–23]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change Related to the Priority Afforded to In-Crowd Participants Respecting Crossing, Facilitation, and Solicited Orders in Open Outcry Trading

June 23, 2014.

On April 23, 2014, NASDAQ OMX PHLX LLC (''Phlx'' or ''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 revise the priority afforded to in-crowd participants respecting crossing, facilitation, and solicited orders in open outcry trading. The proposed rule change was published for comment in the **Federal Register** on May 13, 2014.[3] The Commission received one comment letter.[4]

Section 19(b)(2) of the Act [5] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether these proposed rule changes should be disapproved. The 45th day for this filing is June 27, 2014.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider and take action on the Exchange's proposed rule change.

Accordingly, pursuant to Section 19(b)(2)(A)(ii)(I) of the Act [6] and for the reasons stated above, the Commission designates August 11, 2014, as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–Phlx–2014–23).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–15027 Filed 6–26–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Medient Studios, Inc., TISO; Order of Suspension of Trading

June 25, 2014.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Medient

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 72119 (May 7, 2014), 79 FR 27351.

[4] *See* Letter from Michael J. Simon, Secretary and General Counsel, International Securities Exchange, LLC, dated June 3, 2014 (''ISE Letter'').

[5] 15 U.S.C. 78s(b)(2).

[6] 15 U.S.C. 78s(b)(2)(A)(ii)(I).

[7] 17 CFR 200.30–3(a)(31).

Studios, Inc. (''Medient''), because of questions regarding the accuracy and adequacy of publicly available information about the company, including, among other things, its total shares outstanding and its operations. Medient's stock is quoted on OTC Link, operated by OTC Markets Group, Inc., under the ticker: MDNT.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EDT on June 25, 2014, through 11:59 p.m. EDT on July 9, 2014.

By the Commission.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–15228 Filed 6–25–14; 11:15 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[License No. 04/04–0298]

Harbert Mezzanine Partners II SBIC, L.P.: Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Harbert Mezzanine Partners II SBIC, L.P., 2100 Third Avenue North, Suite 600, Birmingham, AL 35203, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107). Harbert Mezzanine Partners II SBIC, L.P. proposes to provide follow-on subordinated debt financing to Employment Staffing Group, Inc., 414 N Lafayeet Street, Shelby, NC, 28150. Harbert Mezzanine Partners III, LP, an Associate of Harbert Mezzanine Partners II SBIC, L.P, holds a 10.6% ownership interest in Employment Control Holdings Company, LLC of which Employment Staffing Group, Inc. is a wholly owned subsidiary. Therefore, Employment Staffing Group, Inc. is an Associate of Harbert Mezzanine Partners II SBIC, L.P.

The financing is brought within the purview of § 107.730(a) of the Regulations because Employment Staffing Group, Inc., Employment Control Holdings Company, LLC, and Harbert Mezzanine Partners III, LP are Associates of Harbert Mezzanine Partners II SBIC, L.P. Therefore this transaction requires prior SBA exemption.

Notice is hereby given that any interested person may submit written comments on the transaction, within fifteen days of the date of this publication, to the Associate Administrator for Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

Javier E. Saade,

Associate Administrator, Office of Investment and Innovation.

[FR Doc. 2014–15143 Filed 6–26–14; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[License No. 03/03–0256]

RLJ Credit Opportunity Fund I, L.P.: Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that RLJ Credit Opportunity Fund I, L.P., 3 Bethesda Metro Center, Suite 1000, Bethesda, MD 20814, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107.730). RLJ Credit Opportunity Fund I, L.P. proposes to provide debt and equity financing to Media Source, Inc., 7858 Industrial Pkwy., Plain City, OH 43064. The proceeds will be used to partially finance the acquisition of Media Source, Inc.

The financing is brought within the purview of § 107.730(a)(1) of the Regulations because RLJ Equity Partners Fund I, L.P., an Associate of RLJ Credit Opportunity Fund I, L.P., owns more than ten percent of Media Source, Inc., and therefore this transaction is considered a financing to an Associate requiring SBA prior written exemption.

Notice is hereby given that any interested person may submit written comments on the transaction, within fifteen days of the date of this publication, to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

Dated: June 11, 2014.

Javier E. Saade,

Associate Administrator for Office of Investment and Innovation.

[FR Doc. 2014–15140 Filed 6–26–14; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[License No. 05/05–0316]

River Cities Financial Institutions Fund, L.P.: Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that River Cities Financial Institutions Fund, L.P., 221 East Fourth Street, Suite 2240, Cincinnati, OH 45202, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107.730). River Cities Financial Institutions Fund, L.P. proposes to provide equity financing to Tissue Tech, Inc. 8305 NW 27th Street, Suite 101, Miami, FL 33122; Trax Technologies, Inc., 14500 N. Northsight Blvd., Scottsdale, AZ 85260; and StepLeader, 819 W Hargett St., Raleigh, NC 27603. The proceeds will be used to fund general working capital needs of Tissue Tech, Inc., Trax Technologies, Inc., and StepLeader.

The financing is brought within the purview of § 107.730(a)(1) of the Regulations because River Cities Capital Fund V, L.P. and River Cities Capital Fund V NQP, L.P. Associates of River Cities Financial Institutions Fund, L.P., together own more than ten percent of Trax Technologies, Inc., and StepLeader, and therefore this transaction is considered a financing to an Associate requiring SBA prior written exemption.

Notice is hereby given that any interested person may submit written comments on the transaction, within fifteen days of the date of this publication, to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

Dated: June 18, 2014.

Javier E. Saade,

Associate Administrator for Office of Investment and Innovation.

[FR Doc. 2014–15142 Filed 6–26–14; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14034 and #14035; New York Disaster #NY–00146]

Disaster Declaration; New York

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of New York dated 06/19/2014.

Incident: Flash floods.

Incident Period: 05/15/2014 through 05/17/2014.

DATES: *Effective* 06/19/2014.

Physical Loan Application Deadline Date: 08/18/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 03/19/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration Field, Operations Center—East, 101 Marietta Street NW., Suite 700, Atlanta, GA 30303.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Yates.

Contiguous Counties:

New York: Ontario, Schuyler, Seneca, Steuben.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere Homeowners without	4.375
Credit Available Elsewhere Businesses with Credit Available	2.188
Elsewhere Businesses without Credit Available Elsewhere	6.000
Non-Profit Organizations with Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	2.625
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere Non-Profit Organizations without	4.000
Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14034 6 and for economic injury is 14035 0.

The States which received an EIDL Declaration # are New York.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: June 19, 2014.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2014–15145 Filed 6–26–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14032 and #14033]; [Michigan Disaster #MI–00045]

Disaster Declaration: Michigan

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Michigan dated 06/19/2014.

Incident: Severe Flooding, Hail and High Winds.

Incident Period: 04/12/2014 through 04/30/2014.

DATES: *Effective* 06/19/2014.

Physical Loan Application Deadline Date: 08/18/2014

Economic Injury (EIDL) Loan Application Deadline Date: 03/19/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration Processing, And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Newaygo, Osceola.

Contiguous Counties:

Michigan: Clare, Isabella, Kent, Lake, Mason, Mecosta, Missaukee, Montcalm, Muskegon, Oceana, Wexford.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere Homeowners Without	4.500
Credit Available Elsewhere Businesses With Credit Available	2.250
Elsewhere Businesses Without Credit Available Elsewhere	6.000
Non-Profit Organizations With Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	2.625
	2.625
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14032 6 and for economic injury is 14033 0.

The States which received an EIDL Declaration # are Michigan.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: June 19, 2014.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2014–15148 Filed 6–26–14; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 8783]

30-Day Notice of Proposed Information Collection: J–1 Waiver Recommendation Application

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to July 28, 2014.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, Sydney Taylor, who may be reached at *PRA_BurdenComments@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* 1405–0135.
- *OMB Control Number:* Extension of a currently approved collection.
- *Type of Request:* Extension of a currently approved collection.
- *Originating Office:* CA/VO/L/R.
- *Form Number:* DS–3035.
- *Respondents:* J–1 visa holders applying for a waiver of the two-year foreign residence requirement.
- *Estimated Number of Respondents:* 6,087.
- *Estimated Number of Responses:* 6,087.
- *Average Time per Response:* 1 hour.
- *Total Estimated Burden Time:* 6,087 hours.
- *Frequency:* On occasion.
- *Obligation to Respond:* Required to obtain or retain a benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection: Form DS–3035 is used to determine the eligibility of a J–1 visa holder for a waiver of the two-year foreign residence requirement.

Methodology: Applicants will complete the DS–3035 online at travel.state.gov. Applicant's information will be downloaded into a barcode, and then be immediately issued a waiver case number and further instructions. Next, applicants must print their online form with the barcode. After the form is completed and printed out, applicants must mail their waiver application and fee payment to: U.S. Department of State, Waiver Review Division, P.O. Box 952136, St. Louis, MO 63101–2137.

Dated: June 9, 2014.

Don Heflin,

Acting Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2014–15168 Filed 6–26–14; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 8782]

Certifications Pursuant to Section 609 of Public Law 101–162

SUMMARY: On May 14 2014, the Department of State certified, pursuant to Section 609 of Public Law 101–162, that 14 nations have adopted programs to reduce the incidental capture of sea turtles in their shrimp fisheries comparable to the program in effect in the United States. The Department also certified that the fishing environments in 26 other countries and one economy do not pose a threat of the incidental taking of sea turtles protected under Section 609.

DATES: *Effective Date:* On Publication.

FOR FURTHER INFORMATION CONTACT: Stephen J. Wilger, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520–7818; telephone: (202) 647–3263; email: *wilgersj2@state.gov.*

SUPPLEMENTARY INFORMATION: Section 609 of Public Law 101–162 (''Section 609'') prohibits imports of certain categories of shrimp unless the President certifies to the Congress by May 1, 1991, and annually thereafter, either: (1) that the harvesting nation has adopted a program governing the incidental capture of sea turtles in its commercial shrimp fishery comparable to the program in effect in the United States and has an incidental take rate comparable to that of the United States; or (2) that the fishing environment in the harvesting nation does not pose a threat of the incidental taking of sea turtles. The President has delegated the authority to make this certification to the Department of State (''the Department''). Revised State Department guidelines for making the required certifications were published in the **Federal Register** on July 2, 1999 (Vol. 64, No. 130, Public Notice 3086).

On May 14, 2014, the Department certified 14 nations on the basis that their sea turtle protection programs are comparable to that of the United States: Colombia, Costa Rica, Ecuador, El Salvador, Gabon, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Nigeria, Pakistan, Panama, and Suriname. The Department also certified 26 shrimp harvesting nations and one economy as having fishing environments that do not pose a danger to sea turtles. Sixteen nations have shrimping grounds only in cold waters where the risk of taking sea turtles is negligible. They are: Argentina, Belgium, Canada, Chile, Denmark, Finland, Germany, Iceland, Ireland, the Netherlands, New Zealand, Norway, Russia, Sweden, the United Kingdom, and Uruguay. Ten nations and one economy only harvest shrimp using small boats with crews of less than five that use manual rather than mechanical means to retrieve nets, or catch shrimp using other methods that do not threaten sea turtles. Use of such small-scale technology does not adversely affect sea turtles. The 10 nations and one economy are: the Bahamas, Belize, China, the Dominican Republic, Fiji, Hong Kong, Jamaica, Oman, Peru, Sri Lanka, and Venezuela. The Department of State has communicated the certifications under Section 609 to the Office of Field Operations of U.S. Customs and Border Protection.

All DS–2031 forms accompanying shrimp imports from uncertified nations must be originals and signed by the competent domestic fisheries authority.

Shrimp harvested with turtle excluder devices (TEDs) in an uncertified nation may, under specific circumstances, be eligible for importation into the United States under the DS–2031 section 7(A)(2) provision for ''shrimp harvested by commercial shrimp trawl vessels using TEDs comparable in effectiveness to those required in the United States.'' Use of this provision requires that the Department of State determine in advance that the government of the harvesting nation has put in place adequate procedures to monitor the use

of TEDS in the specific fishery in question and to ensure the accurate completion of the DS–2031 forms. At this time, the Department has made such a determination only with respect to specific and limited fisheries in Australia and France. Thus, the importation of TED-caught shrimp from any other uncertified nation will not be allowed. The prior determination for the northern shrimp fishery in Brazil was withdrawn as part of the May 14 decision, and shrimp harvested in the northern shrimp fishery are no longer eligible for entry under this provision. For Australia, shrimp harvested in the Exmouth Gulf Prawn Fishery, the Northern Prawn Fishery, the Queensland East Coast Trawl Fishery, and the Torres Strait Prawn Fishery are eligible for entry under this provision. For France, shrimp harvested in the French Guiana domestic trawl fishery are eligible for entry under this provision. An official of the competent domestic fisheries authority for the country where the shrimp were harvested must sign the DS–2031 form accompanying these imports into the United States.

In addition, the Department has determined that shrimp harvested in the Spencer Gulf region in Australia and Mediterranean red shrimp (*Aristeus antennatus*) harvested in the Mediterranean Sea by Spain may be exported to the United States under the DS–2031 section 7(A)(4) provision for ''shrimp harvested in a manner or under circumstances determined by the Department of State not to pose a threat of the incidental taking of sea turtles.'' An official of the Government of Australia or Spain must certify the DS–2031 form accompanying these imports into the United States.

Dated: June 13, 2014.

David A. Balton,

Deputy Assistant Secretary of State for Oceans and Fisheries, Department of State.

[FR Doc. 2014–15164 Filed 6–26–14; 8:45 am]

BILLING CODE 4710–09–P

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at June 5, 2014, Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: As part of its regular business meeting held on June 5, 2014, in Entriken, Pennsylvania, the Commission took the following actions: approved or tabled the applications of certain water resources projects; accepted settlements in lieu of penalty from Somerset Regional Water Resources, LLC; Susquehanna Gas Field Services LLC; and Tioga Downs Racetrack, LLC; and took additional actions, as set forth in the Supplementary Information below.

DATES: June 5, 2014.

ADDRESSES: Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238–0423, ext. 1306; fax: (717) 238–2436; email: *rcairo@srbc.net.* Regular mail inquiries may be sent to the above address. See also Commission Web site at *www.srbc.net.*

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also presented or acted upon at the business meeting: (1) An informational presentation from the U.S. Army Corps of Engineers supervisory park ranger Jude Harrington on the Raystown Lake project; (2) election of the member from New York State as Chair of the Commission and the member from the Commonwealth of Pennsylvania as the Vice Chair of the Commission for the period of July 1, 2014, to June 30, 2015; (3) adoption of the FY–2015/2016 Water Resources Program; (4) adoption of the *American Eel Restoration Plan for the Susquehanna River Basin;* (5) amendments to the *Comprehensive Plan for the Water Resources of the Susquehanna River Basin;* (6) adoption of revisions to the Commission's Information Technology Services Fee Schedule; (7) amendments to a Regulatory Program Fee Schedule, effective July 1, 2014; (8) adoption of a FY–2016 budget for the period July 1, 2015, to June 30, 2016; and (9) approval of two grants.

Compliance Matters

The Commission approved settlements in lieu of civil penalty for the following projects:

1. Somerset Regional Water Resources, LLC (Salt Lick Creek), New Milford Township, Susquehanna County, Pa.—$12,000.

2. Susquehanna Gas Field Services LLC (Meshoppen Creek), Meshoppen Borough, Wyoming County, Pa.—$2,500.

3. Tioga Downs Racetrack, LLC, Town of Nichols, Tioga County, N.Y.—$62,000.

Project Applications Approved

The Commission approved the following project applications:

1. Project Sponsor and Facility: DS Waters of America, Inc., Clay Township, Lancaster County, Pa. Groundwater withdrawal of up to 0.115 mgd (30-day average) from Well 6.

2. Project Sponsor and Facility: Healthy Properties, Inc. (Sugar Creek), North Towanda Township, Bradford County, Pa. Renewal and modification to increase surface water withdrawal by an additional 0.549 mgd (peak day), for a total of up to 0.999 mgd (peak day) (Docket No. 20100308).

3. Project Sponsor and Facility: LDG Innovation, LLC (Tioga River), Lawrenceville Borough, Tioga County, Pa. Renewal of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20100311).

4. Project Sponsor and Facility: Mountain Energy Services, Inc. (Tunkhannock Creek), Tunkhannock Township, Wyoming County, Pa. Renewal of surface water withdrawal of up to 1.498 mgd (peak day) (Docket No. 20100309).

5. Project Sponsor and Facility: Pennsylvania General Energy Company, L.L.C. (Pine Creek), Watson Township, Lycoming County, Pa. Renewal of surface water withdrawal of up to 0.918 mgd (peak day) (Docket No. 20100610).

6. Project Sponsor and Facility: Pro-Environmental, LLC (Martins Creek), Lathrop Township, Susquehanna County, Pa. Surface water withdrawal of up to 0.999 mgd (peak day).

7. Project Sponsor and Facility: Southwestern Energy Production Company (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Surface water withdrawal of up to 3.000 mgd (peak day).

8. Project Sponsor and Facility: Sugar Hollow Water Services, LLC (Bowman Creek), Eaton Township, Wyoming County, Pa. Renewal of surface water withdrawal of up to 0.249 mgd (peak day) (Docket No. 20100310).

9. Project Sponsor and Facility: Susquehanna Gas Field Services LLC, Meshoppen Borough, Wyoming County, Pa. Renewal of groundwater withdrawal of up to 0.216 mgd (30-day average) from Meshoppen Pizza Well (Docket No. 20100612).

10. Project Sponsor and Facility: Susquehanna Gas Field Services LLC (Susquehanna River), Meshoppen Township, Wyoming County, Pa. Surface water withdrawal of up to 1.650 mgd (peak day).

11. Project Sponsor and Facility: Talisman Energy USA Inc. (Fall Brook), Troy Township, Bradford County, Pa. Renewal and modification of surface water withdrawal of up to 0.176 mgd (peak day) (Docket No. 20100304).

12. Project Sponsor and Facility: Talisman Energy USA Inc. (Unnamed Tributary to the North Branch Sugar Creek), Columbia Township, Bradford County, Pa. Renewal of surface water withdrawal of up to 0.926 mgd (peak day) (Docket No. 20100305).

Project Application Approved Involving a Diversion

1. Project Sponsor: EOG Resources, Inc. Project Facility: Blue Valley Abandoned Mine Drainage Treatment Plant, Horton Township, Elk County, Pa. Renewal of into-basin diversion from the Ohio River Basin of up to 0.322 mgd (peak day) (Docket No. 20100616).

Project Applications Tabled

The Commission tabled action on the following project applications:

1. Project Sponsor and Facility: IBM Corporation, Village of Owego, Tioga County, N.Y. Application for groundwater withdrawal of up to 0.002 mgd (30-day average) from Well 415.
2. Project Sponsor and Facility: Jay Township Water Authority, Jay Township, Elk County, Pa. Application for groundwater withdrawal of up to 0.265 mgd (30-day average) from Byrnedale Well #1.
3. Project Sponsor: Leola Sewer Authority. Project Facility: Upper Leacock Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.075 mgd (30-day average) from Well 13 (Docket No. 19820601).
4. Project Sponsor and Facility: Newport Borough Water Authority, Oliver Township, Perry County, Pa. Application for groundwater withdrawal of up to 0.162 mgd (30-day average) from Well 1.
5. Project Sponsor: Pennsylvania Department of Environmental Protection—South-central Regional Office, City of Harrisburg, Dauphin County, Pa. Facility Location: Leacock Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.576 mgd (30-day average) from Stoltzfus Well.
6. Project Sponsor: Pennsylvania Department of Environmental Protection—South-central Regional Office, City of Harrisburg, Dauphin County, Pa. Facility Location: Leacock Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.432 mgd (30-day average) from Township Well.

Project Application Withdrawn

The following project application was withdrawn by the project sponsor:

1. Project Sponsor and Facility: Southwestern Energy Production Company (Martins Creek), Brooklyn and Harford Townships, Susquehanna County, Pa. Modification to low flow protection requirements of the surface water withdrawal approval (Docket No. 20110312).

Authority: Pub. L. 91–575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: June 20, 2014.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2014–15064 Filed 6–26–14; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: High Density Traffic Airports; Slot Allocation and Transfer Methods

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 14, 2014, vol. 79, no. 71, pages 20962–20963. This information collection is used to allocate slots and maintain accurate records of slot transfers at High Density Traffic Airports. The information is provided by air carriers and commuter operators, or other persons holding a slot at High Density Airports.

DATES: Written comments should be submitted by July 28, 2014.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.DePaepe@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0524

Title: High Density Traffic Airports; Slot Allocation and Transfer Methods.

Form Numbers: There are no FAA forms associated with this information collection.

Type of Review: Renewal of an information collection.

Background: The information is reported to the FAA by air carriers, commuter operators or others with slots at high density airports. The respondents must notify the FAA of: (1) Requests for confirmation of transferred slots; (2) slots required to be returned or slots voluntarily returned; (3) requests to be included in a lottery for available slots; (4) usage of slots on a bi-monthly basis; and (5) requests for short-term use of off-peak hour slots. The information is used to allocate and withdraw takeoff and landing slots at high density airports, and confirms transfers of slots made among the operators.

Respondents: Approximately 15 air carriers and commuter operators.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 34 minutes.

Estimated Total Annual Burden: 708 hours.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC on June 23, 2014.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2014–15159 Filed 6–26–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Pilots Convicted of Alcohol or Drug-Related Motor Vehicle Offenses or Subject to State Motor Vehicle Administrative Procedure

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 14, 2014, vol. 79, no. 71, pages 20964–20965. The requested information is needed to mitigate potential hazards presented by airmen using alcohol or drugs in flight, to identify persons possibly unsuitable for pilot certification.

DATES: Written comments should be submitted by July 28, 2014.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.DePaepe@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0543.

Title: Pilots Convicted of Alcohol or Drug-Related Motor Vehicle Offenses or Subject to State Motor Vehicle Administrative Procedure.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: Amendments to Parts 61 and 67 of the FAR implement procedures enhance the safety of aviation commerce by identifying (i) those persons who may prove unsuitable for airman certification as indicated by an inability or unwillingness to comply with general safety regulations and, (ii) those persons who have failed to report violations of general safety regulations in concert with established FAA requirements. The amendment to 14 CFR Part 61 requires airmen to report to the FAA, within 60 days, all alcohol or drug related convictions or administrative actions.

Respondents: Approximately 1,185 pilots.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 10 minutes.

Estimated Total Annual Burden: 197.5 hours.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC on June 23, 2014.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2014–15152 Filed 6–26–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Implementation to the Equal Access to Justice Act

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 14, 2014, vol. 79, no. 71, pages 20963–20964. The information is needed to determine an applicant's eligibility for an award of attorney's fees and other expenses under the Equal Access to Justice Act.

DATES: Written comments should be submitted by July 28, 2014.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.DePaepe@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0539.

Title: Implementation to the Equal Access to Justice Act.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The Equal Access to Justice Act provides for the award of attorney fees and other expenses to eligible individuals and entities who are prevailing parties in administrative proceedings before government agencies. Certain information must be obtained from the applicant in order to determine such applicant's eligibility for the EAJA award.

Respondents: Approximately 17 applicants.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 40 hours.

Estimated Total Annual Burden: 680 hours.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC on June 23, 2014.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer. IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2014–15154 Filed 6–26–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2013–0265]

Policy for Discontinuance of Certain Instrument Approach Procedures

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of policy; disposition of comments.

SUMMARY: This action adopts with minor modification, the policy proposed in the **Federal Register** on August 2, 2013. Under this policy, the FAA establishes the criteria to identify certain non-directional beacon (NDB) and very high frequency (VHF) omnidirectional radio range (VOR) instrument approach procedures that can be considered for cancellation. Additionally, the FAA responds to comments received during the comment period on the notice of proposed policy.

FOR FURTHER INFORMATION CONTACT: For questions concerning this action, contact Wayne Eckenrode, Aeronautical Navigation Products, AJV–3, Instrument Flight Procedures Efficiency Group, Manager, Federal Aviation Administration, Air Traffic Organization, 4500 Mercantile Plaza Drive, Fort Worth, TX 76137; telephone (202) 494–8898, email *AMC-ATO-IFP-Cancellations@faa.gov.*

Background

Right-sizing the National Airspace System (NAS) is an integral part of the FAA's commitment to deliver the benefits of the Next Generation Air Transportation System (NextGen) through enhanced technology, enhanced capabilities, and more efficient, streamlined services. Focus on improvements in satellite-based navigation based on Global Positioning System (GPS) technology has facilitated the implementation of a large number of Performance Based Navigation (PBN) Instrument Approach Procedures (IAPs) into the NAS. These PBN procedures charted as RNAV (GPS) and RNAV (RNP) IAPs, improve the safety and efficiency of the NAS by providing more precise, repeatable flight paths to the runway. The total number of procedures in the NAS has nearly doubled over the past decade, as legacy procedures based on older, ground-based technology, are maintained alongside the newer, satellite-based procedures. In some cases, the older procedures are redundant or obsolete, and maintaining them unnecessarily increases FAA costs, as well as creates the need for air traffic controllers to train and be proficient on procedures that are not used or needed. Pilots must also maintain proficiency on these procedures and, in some cases, memory limitations in the Flight Management Systems (FMSs) in their aircraft result in the inability to load all the data needed to support the procedures. Removing certain redundant or underutilized IAPs will increase the safety and efficiency of the NAS by streamlining user access and FAA services, allowing the FAA to focus on delivering greater benefits through new technology.

In September 2010, the FAA awarded a grant to the Flight Safety Foundation, to research and provide independent insight on how the FAA should eliminate redundant or underutilized Instrument Approach Procedures (IAPs). The Flight Safety Foundation's study and recommendations were developed based on interviews and surveys of FAA personnel, and key airspace stakeholders. Among those interviewed were, Aircraft Owners and Pilots Association (AOPA), Air Line Pilots Association, International (ALPA), Air Transport Association (ATA), National Business Aviation Association (NBAA), Regional Airline Association (RAA), and the U.S. Air Force. The study formed the basis for the notice of proposed policy and request for comment (78 FR 47048) published in the **Federal Register** on August 2, 2013. The notice sought comments on the proposed criteria the FAA would utilize to determine which NDB and VOR IAPs could be considered for cancellation.

Summary of Comments

The FAA received a total of 14 comments from individuals, the Department of Defense (DoD), AOPA, the Maryland Aviation Administration, the Wahoo Airport Authority, and SkyWest Airlines.

Several of the comments received concerned the ability to train pilots on NDB or VOR IAPs if the ground-based procedures at an airport were cancelled. AOPA asserted that most flight instructors and pilots rely very heavily on ground-based navigational aids for initial and recurrent instrument flight training activities.

This policy will not reduce the ability to train pilots on NDB or VOR IAPs. Under this adopted policy, one existing ground-based IAP procedure will remain at each airport under this policy.

Three commenters were concerned with aircraft operations at an airport during periods of inclement weather if the ground-based procedure to a particular runway was cancelled. AOPA stated that consideration needs to be given to the individual airport operation and if there is a predominant or exclusive general aviation runway at a particular airport, the procedure offering the lowest approach minimums may not provide the greatest access. Based on this situation, AOPA asserted that it may be necessary to preserve the IAP to the general aviation runway for use during instrument training in visual meteorological conditions.

The criteria adopted in this notice ensure that an airport does not lose IAP capability to any runway that already has a published IAP. Additionally, the FAA will consider runway usage and local weather conditions when identifying candidate IAPs for cancellation.

Several commenters questioned whether the FAA will consider community needs for goods and emergency services at certain locations with limited access.

The adopted criteria ensure that at least one RNAV IAP and one ground based IAP will remain published at airports that already have them.

Individuals, AOPA, Wahoo Airport Authority, Maryland Aviation Administration, and SkyWest Airlines, submitted general comments concerning the decommissioning or discontinuance of NDBs and/or VORs.

The decommissioning or discontinuance of NDBs or VORs is beyond the scope of this action. The implementation of this policy will not decommission or discontinue the use of any facility, including NDBs and VORs. The purpose of this policy is to appropriately identify IAPs that can be cancelled.

The DoD commented that the FAA should explore additional methods to reduce costs of maintaining IAPs. The DoD stated that other methods to reduce costs may exist such as reducing the costs of flight checks which form a significant portion of the IAP maintenance costs.

The FAA will continue to examine ways to reduce operating costs associated with the maintenance of IFPs including reduction in flight check costs.

Many commenters expressed concern with GPS signal interruption, which emphasized, in their view, the need for redundant ground-based IAPs.

Commenters also noted some geographic areas in the NAS incur GPS signal interference more regularly than others due to U.S. Government testing.

Under this policy, the FAA will ensure that at least one ground based IAP will remain at each airport.

The FAA agrees that the adopted criteria must also consider GPS signal interference. Therefore, the FAA modifies this policy and adds the following as a factor to be considered: ''Airports located within an area routinely affected by GPS signal interference testing.''

The DoD stated that if IAPs at a civil airport are extensively utilized by military aircraft for training and/or proficiency, these IAPs should be retained. Additionally, the DoD suggested that DoD facilities should be added to the list of airports that are not considered for NDB or VOR IAP cancellations.

While this policy will not add DoD facilities to the list of airports that are not considered for NDB and VOR IAP cancellation, the FAA agrees to modify the policy so that IAPs used extensively by military aircraft for training and/or proficiency will remain in the National Airspace System.

Policy

After review and evaluation of the public comments received on the policy proposed in the **Federal Register** on August 2, 2013 (FAA–2013–0265), the FAA adopts the criteria for selecting potential IAPs for cancellation as proposed with two modifications based on the comments received. FAA adds the following to the list of consideration factors: ''Airports located within an area routinely affected by GPS signal interference testing'' and ''Extensive use by the military for training and/or proficiency.''

The NDB and VOR IAPs recommended for cancellation will be selected at airports using the adopted criteria. FAA notes that all airports having existing RNAV and ground-based IAPs will maintain at least one RNAV and one ground-based IAP under this initiative.

Instrument Approach Procedures are incorporated by reference into Title 14 of the Code of Federal Regulations part 97, subpart C, and are promulgated by rulemaking procedures. Once the FAA identifies IAPs that may be cancelled in accordance with the adopted policy noted above, the FAA will follow standard rulemaking procedures including a Notice of Proposed Rulemaking in the **Federal Register** containing the list of NDB and VOR IAPs recommended for cancellation. The FAA will consider all public comments before issuing a Final Rule removing selected IAPs.

Airports considered for NDB or VOR IAP cancellation:

—All airports with an NDB IAP.
—All airports with a VOR/DME RNAV IAP, unless it is the only IAP at the airport.
—All airports with two or more ground-based IAPs and an RNAV IAP.
—All airports with multiple, redundant ground-based IAPs (e.g., three VOR procedures).

Additional factors for consideration in determining the list of potential candidates for NDB or VOR IAP cancellation:

—Prevailing wind runways.
—Prevailing runway alignment during adverse weather operations.
—Runways with a published ILS IAP and a ground-based IAP.
—For runways with multiple VOR and NDB IAPs consider IAPs with the lowest minimums (if minimums are within 20 feet of each other), and IAPs that allow for optimum use by all users.
—Airports located within an area routinely affected by GPS signal interference testing
—Extensive use by the military for training and/or proficiency.

Airports not considered for NDB or VOR IAP cancellations:

—Airports with only RNAV/RNP IAPs published.
—Airports with only one ground-based procedure.
—Airports will not be considered if cancellation would result in removing all IAPs from the airport.

Issued in Washington, DC, on June 19, 2014.

Abigail Smith,

Director, Aeronautical Navigation Products.

[FR Doc. 2014–14913 Filed 6–26–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Proposed Airport Access Restriction and Opportunity for Public Comment

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice; Request for Comment.

SUMMARY: The Airport Noise and Capacity Act of 1990 (hereinafter referred to as ''the Act'' or ''ANCA'') provides notice, review, and approval requirements for airports seeking to impose noise or access restrictions on Stage 3 aircraft operations that become effective after October 1, 1990. 49 U.S.C. 47521 et seq. This notice is issued pursuant to ANCA and 14 CFR 161.315(b).

The Federal Aviation Administration (FAA) announces that it has determined the application for an airport noise and access restriction submitted by the Los Angeles World Airports (LAWA) for Los Angeles International Airport (LAX) under the provisions of 49 U.S.C. 47524 of the ANCA, and 14 CFR part 161, to be complete. The LAWA application seeks approval to adopt a new ordinance that would require all aircraft operators to comply with prevailing flows whenever LAX is in Over-Ocean or Westerly Operations from midnight to 6:30 a.m. The determination of completeness is not an approval or disapproval of the proposed airport access restriction. FAA will review the application, public comments, and any other information obtained under § 161.137(b) and issue a decision approving or disapproving the proposed restriction. FAA intends to issue its decision by November 8, 2014.

Public Comments: Interested parties are invited to file comments on the application. Comments are due 30 days after the publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: James Byers, Planning and Environmental Division, APP–400, 800 Independence Avenue SW., Washington DC 20591.

Email address: jim.byers@faa.gov.

Comments on the application for the proposed noise and access restriction, including the environmental analysis, should be submitted in writing to this contact office.

SUPPLEMENTARY INFORMATION: On January 30, 2013 the Federal Aviation Administration (FAA) received an application from LAWA under 14 Code of Federal Regulations (CFR) Part 161 seeking a Stage 3 aircraft noise and access restriction at Los Angeles International Airport (LAX). The application was reviewed in accordance with 14 CFR 161.313(a), and was determined to be incomplete in the areas of Noise Exposure Maps (NEMs); Noise Study Area; Technical Data Supporting Noise Impact analysis; and Cost Benefit Analysis. Notice of this decision was sent to LAWA on March 1. On March 15, 2013, the FAA provided LAWA additional information regarding the type of information and analysis required to complete the application.

On March 28, 2013 LAWA stated its intent to revise the Part 161 application and resubmit it for further review. On July 5, 2013 FAA received a ''Supplemental Analysis'' from LAWA that supplemented their initial application. The FAA reviewed the Supplemental Analysis and determined it to be incomplete. Notice of this decision was sent to LAWA on August 2. The areas of Airport Noise Study Area and Noise Contours; Technical Data Supporting Noise Impact Analysis; and Cost—Benefit Analysis continued to be incomplete. On August 20, 2013 LAWA stated its intent to revise the Part 161 application and resubmit it to the FAA. On May 12, 2014, FAA received LAWA's revised application. On May 22, LAWA submitted an errata sheet. On June 10, 2014, FAA determined LAWA's application to be complete. ANCA establishes a 180 day review period for the application. Under 14 CFR 161.313(c)(4)(ii), the review period starts on the date of receipt of the last supplement to the application.

Pursuant to 14 CFR 161.317, FAA may approve or disapprove, in whole or in part, the proposed restriction or any alternative restriction submitted by LAWA. This notice also announces the availability of the proposed airport access restriction for public review and invites interested parties to file comments to the FAA within 30 days after this notice is published in the **Federal Register**.

FAA Action Under Part 161 Subpart D. FAA will review and render a decision on the restriction as a whole, including its impacts on aircraft operations that are not classified as Stage 3, at the time it issues its decision to approve or disapprove the application for a Stage 3 aircraft noise and access restriction submitted under Subpart D of Part 161. This review will include a determination on how the restriction proposal addresses other applicable Federal law and LAX's grant assurances.

The FAA's evaluation will be conducted under the provisions of 14 CFR Part 161. FAA may approve the restriction only if it finds on the basis of substantial evidence that the following six statutory criteria are met. These six statutory conditions of approval are: Condition 1: The restriction is reasonable, nonarbitrary, and nondiscriminatory; Condition 2: The restriction does not create an undue burden or interstate or foreign commerce; Condition 3: The proposed restriction maintains safe and efficient use of the navigable airspace; Condition 4: The proposed restriction does not conflict with any existing Federal statute or regulation; Condition 5: The applicant has provided adequate opportunity for public comment on the proposed restriction; and Condition 6: The proposed restriction does not create an undue burden on the national aviation system.

Interested persons are invited to file comments to the FAA on the proposed restriction application. LAWA's application is available on their Web site at: *http://www.lawa.org/LAX* Part161.aspx. Your comments should relate to the factors that Part 161 requires an airport sponsor to address in its application for restriction approval. All relevant comments received within the public comment period will be considered by FAA to the extent practicable before FAA makes its final decision on the application.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC on June 20, 2014.

Frank J. San Martin,

Acting Director, Office of Airport Planning and Programming.

[FR Doc. 2014–15150 Filed 6–26–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0192]

Agency Information Collection Activities; New Information Collection or Revision of an Approved Information Collection: Motor Carrier Records Change Form

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. The purpose of this ICR entitled ''Motor Carrier Records Change Form,'' is to more efficiently collect information the Office of Registration and Safety Information (MC–RS) requires to process name and address changes and reinstatements of operating authority. Currently, this data is being collected when carriers request these changes from MC–RS, but without the use of a formal data collection form.

DATES: We must receive your comments on or before August 26, 2014.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA–2014–0192 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the Public Participation heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov,* and follow the online instructions for accessing the dockets, or go to the street address listed above.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement for the Federal Docket Management System published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdfE8-794.pdf.*

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the ''help'' section of the Federal eRulemaking Portal Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received

after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Jeff Secrist, Chief, East-South Division, FMCSA Office of Registration & Safety Information, West Building 6th Floor, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: (202) 385–2367; email *jeff.secrist@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Federal Motor Carrier Safety Administration (FMCSA) registers for-hire motor carriers under 49 U.S.C. 13902, surface freight forwarders under 49 U.S.C. 13903, and property brokers under 49 U.S.C. 13904. Each registration is effective from the date specified under 49 U.S.C. 13905(c). 49 CFR part 365.413: ''Procedures for changing the name or business form of a motor carrier, freight forwarder, or property broker'' states that carriers must submit a letter containing the required information to FMCSA's Office of Registration and Safety Information (MC–RS), formerly sent to FMCSA's IT Operations Division (MC–RIO), requesting the change; the new form would assist entities in reporting this information accurately and completely. 49 CFR 360.3(f) mentions fees that FMCSA collects for ''petition for reinstatement of revoked operating authority,'' but does not provide any specifics for the content that petition should take.

For-hire motor carriers, brokers and freight forwarders are required to notify MC–RS when they change the name or address of the company. Currently, the name change request can be filed online through the Licensing and Insurance (L&I) Web site, or companies can fax or mail a letter requesting either name or address changes. Carriers can also request reinstatement of a revoked operating authority either via fax or online via the Licensing & Insurance (L&I) Web site. But many choose not to do so. About 40% of name changes and 60% of reinstatements are filed online. Of the rest, most are filed by faxing a request letter to MC–RS. All the address changes are received by either fax or mail. The information collected is then entered in the L&I database by FMCSA staff. This enables FMCSA to maintain up-to-date records so that the agency can recognize the entity in question in case of enforcement actions or other procedures required to ensure that the carrier is fit, willing and able to provide for-hire transportation services, and so that entities whose authority has been revoked can resume operation if they are not otherwise blocked from doing so. But the current method of collecting the data means that many requests include incomplete data, and cannot be processed without additional follow-up efforts by both FMCSA staff and the entities. This multi-purpose form, therefore, would simplify the process of gathering the information needed to process the entities' requests in a timely manner, with the least amount of effort for all parties involved. This multi-purpose form would be filed by registrants on a voluntary, as-needed basis. This multi-purpose form could be put on the FMCSA Web site so entities could access and print/fax/email the form to MC–RS.

Users may report the following data points (whichever are relevant to their records change request):

1. What are the legal/doing business as names of the entity/representative?
2. What is the contact information of entity/representatives (phone number, address, fax number, email address)?
3. What are the requested changes to name or address of entity?
4. What is the docket MC/MX/FX number of the entity?
5. What is the US DOT number of the entity?
6. Is there any change in ownership, management or control of the entity?
7. What kind of changes is the entity making to the company?
8. Which authority does the entity/representative wish to reinstate, motor carrier or broker?
9. Does the entity/representative authorize the fee for the name change or reinstatement?
10. Does the entity/representative authorize the reinstatement of operating authority or name/address change?
11. What is the credit card information (name, number, expiration date, address, date) for the card used to pay the fee?

Title: Motor Carrier Records Change Form.

OMB Control Number: 2126–00XX.

Type of Request: New collection.

Respondents: For-hire motor carriers, brokers and freight forwarders.

Estimated Number of Respondents: 22,300.

Estimated Time per Response: 15 minutes per response.

Expiration Date: N/A.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 5,575 hours [22,300 annual responses × 0.25 hours = 5,575].

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority delegated in 49 CFR 1.87 on: June 18, 2014.

G. Kelly Regal,

Associate Administrator, Office of Research and Information Technology and Chief Information Officer.

[FR Doc. 2014–15026 Filed 6–26–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0111]

Hours of Service of Drivers: Application of Illumination Fireworks, LLC and ACE Pyro LLC, for Exemption From the 14-Hour Rule During Independence Day Celebrations

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition; grant of applications for exemptions.

SUMMARY: FMCSA announces its decision to grant exemptions to Illumination Fireworks, LLC and ACE Pyro, LLC (the applicants) from the requirement that drivers of commercial motor vehicles (CMVs) must not drive following the 14th hour after coming on duty. The exemptions will apply solely to the operation of 50 CMV drivers employed by the applicants in conjunction with staging fireworks shows celebrating Independence Day during the periods June 28–July 8, 2014, inclusive. During this period, the CMV drivers employed by the applicants will be allowed to exclude off-duty and sleeper-berth time of any length from the calculation of the 14 hours. These drivers will not be allowed to drive after accumulating a total of 14 hours of on-duty time, following 10 consecutive hours off duty, and would continue to be subject to the 11-hour driving time limit, and the 60- and 70-hour on-duty limits. The Agency has determined that the terms and conditions of the limited 1-year exemptions will ensure a level of safety equivalent to, or greater than, the level of safety achieved without the exemptions.

DATES: The exemptions are effective during the periods of June 28 (12:01 a.m.) through July 8, 2014 (11:59 p.m.).

FOR FURTHER INFORMATION CONTACT: Ms. Pearlie Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–4325. Email: *MCPSD@dot.gov*.

SUPPLEMENTARY INFORMATION:

Background

The hours-of-service (HOS) rule in 49 CFR 395.3(a)(2) prohibits a property-carrying CMV driver from driving a CMV after the 14th hour after coming on duty following 10 consecutive hours off duty. FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Request for Exemption

Illumination Fireworks, LLC (USDOT 2326703) and ACE Pyro, LLC (USDOT 1352892) are fireworks display companies that employ CMV drivers who hold commercial driver's licenses with hazardous materials endorsements to transport Division 1.3G and 1.4G fireworks in conjunction with the setup of firework shows for Independence Day. The applicants seek exemptions from the 14-hour rule in 49 CFR 395.3(a)(2) so that drivers would be allowed to exclude off-duty and sleeper-berth time of any length from the calculation of the 14 hours. The applicants state that the basis for their request is the existing FMCSA exemption granted to the American Pyrotechnics Association (APA) under Docket No. FMCSA–2007–28043, which exempts comparable fireworks companies from the 14-hour rule.

The applicants further state they are seeking HOS exemptions for the 2014 and 2015 Independence Day periods because compliance with the 14-hour rule would impose economic hardship on cities, municipalities, and themselves. Complying with the existing regulations means most shows would require two drivers, significantly increasing the cost of the fireworks display.

The applicants assert that without the extra duty-period provided by the exemption, safety would decline because firework drivers would be unable to return to their home base after each show should they have fireworks remaining after the display. They would be forced to park the CMVs carrying Division 1.3G and 1.4G products in areas less secure than the motor carriers' home base.

Method To Ensure an Equivalent or Greater Level of Safety

As a condition for maintaining the exemptions, each motor carrier would be required to notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5) involving the operation of any CMVs under this exemption. The applicants advise they have never been in an accident. As additional support for the requested exemptions, the applicants contend that the nature and duties of APA CMV operators is exactly the same as the CMV operators it employs and they feel strongly that there will not be any decline in safety.

In the exemption request, the applicants assert that the operational demands of this unique industry minimize the risks of CMV crashes. In the last few days before the Independence Day holiday, these drivers transport fireworks over relatively short routes from distribution points to the site of the fireworks display, and normally do so in the early morning when traffic is light. The applicants noted that during the 2013 Independence Day season, the furthest Illumination Fireworks or ACE Pyro CMV traveled from its home base was 150 miles, which involves a very small amount of driving compared to the distance traveled by companies covered by the APA exemption. At the site, they spend considerable time installing, wiring, and safety-checking the fireworks displays, followed by several hours of duty in the late afternoon and early evening prior to the event. During this time, the drivers are able to rest and nap, thereby reducing or eliminating the fatigue accumulated during the day. Before beginning another duty day, these drivers must take 10 consecutive hours off duty, the same as other CMV drivers.

A copy of the application for the exemptions is available for review in the docket for this notice.

Public Comments

On May 13, 2014, FMCSA published notice of this application, and asked for public comment (79 FR 27364). Three comments were received to the public docket. Mr. Thomas Ingraldi did not oppose or support the exemption. He stated that:

> The overall log rules are not the problem. Only one rule hampers production and serves no purpose. This rule was to create circadian rhythms in drivers and failed miserably. That rule is the 14 hour clock. Remove that one rule and production increases because we can drive and sleep as our body needs not as the clock dictates.

Another respondent, S. Johnson opposed the exemption and stated, ''There is NO reason the celebrations cannot be performed within the current driving and on duty regulations. No worker should perform over 14 hours per day. If additional hours are required, a second crew should be hired.''

The Advocates for Highway and Auto Safety (Advocates) also opposed the exemption. Advocates contends that its arguments against the granting of the present exemption are almost identical to those provided in prior comments regarding similar applications for exemption filed by the American Pyrotechnics Association (APA). Because the present application relies almost entirely upon the APA exemption application process as a foundation for its application, Advocates sees no need to restate the arguments in their entirety.

Advocates further stated its concern with the safety record of ACE Pyro LLC's referring to the carrier's driver, vehicle, and hazardous materials out-of-service rates which have been above National averages. Advocates requested FMCSA exclude ACE Pyro LLC from the exemption if the agency decides to grant the exemption based on its questionable safety record. All comments are available for review in the docket for this notice.

FMCSA Response to Public Comments and Agency Decision

Prior to publishing the **Federal Register** notice announcing the receipt

of the applicants exemption request, FMCSA ensured that the motor carriers involved have a current USDOT registration, Hazardous Materials Safety Permit (if required), minimum required levels of insurance, and are not subject to any ''imminent hazard'' or other OOS orders. The Agency conducted a comprehensive investigation of the safety performance history of each applicant during the review process. As part of this process, FMCSA reviewed its Motor Carrier Management Information System (MCMIS) safety records, including inspection and accident reports submitted to FMCSA by State agencies, for each applicant motor carrier. The Agency also requested and received a records review of each carrier from the Pipeline and Hazardous Materials Safety Administration (PHMSA). Upon completion of this comprehensive review, the Agency concludes that the applicants will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption [49 CFR 381.305(a)], and grants the requested exemptions covering the operations of 50 CMV drivers employed by the applicants. However, the Agency limits the exemption to 2014 given the concerns expressed by the Advocates.

Terms and Conditions of the Exemption

Period of the Exemption

The exemptions from the requirements of 49 CFR 395.3(a)(2) are effective during the period of June 28 (12:01 a.m.) through July 8, 2014 (11:59 p.m.), inclusive.

Extent of the Exemptions

The drivers employed by the applicants are provided a limited exemption from the requirements of 49 CFR 395.3(a)(2). This regulation prohibits a driver from driving a CMV after the 14th hour after coming on duty and does not permit off-duty periods to extend the 14-hour limit. Drivers covered by the exemptions may exclude off-duty and sleeper-berth time of any length from the calculation of the 14-hour limit. The exemptions are contingent on each driver driving no more than 11 hours in the 14-hour period after coming on duty as extended by any off-duty or sleeper-berth time in accordance with this exemption. The exemptions are further contingent on each driver having a minimum of 10 consecutive hours off duty prior to beginning a new duty period. The carriers and drivers must comply with all other applicable requirements of the Federal Motor Carrier Safety Regulations (49 CFR parts 350–399) and Hazardous Materials Regulations (49 CFR parts 105–180).

Other Conditions

The exemptions are contingent upon each carrier maintaining USDOT registration, a Hazardous Materials Safety Permit (if required), minimum levels of public liability insurance, and not being subject to any ''imminent hazard'' or other out-of-service (OOS) order issued by FMCSA. Each driver covered by the exemptions must maintain a valid CDL with the required endorsements, not be subject to any OOS order or suspension of driving privileges, and meet all physical qualifications required by 49 CFR part 391.

Preemption

During the periods the exemptions are in effect, no State may enforce any law or regulation that conflicts with or is inconsistent with the exemptions with respect to a person or entity operating under the exemptions (49 U.S.C. 31315(d)).

FMCSA Accident Notification

Exempt motor carriers must notify FMCSA within 5 business days of any accidents (as defined by 49 CFR 390.5) involving the operation of any of its CMVs while under this exemption. The notification must include the following information:

a. Date of the accident,

b. City or town, and State, in which the accident occurred, or which is closest to the scene of the accident,

c. Driver's name and driver's license number,

d. Vehicle number and State license number,

e. Number of individuals suffering physical injury,

f. Number of fatalities,

g. The police-reported cause of the accident,

h. Whether the driver was cited for violation of any traffic laws, or motor carrier safety regulations, and

i. The total driving time and the total on-duty time of the CMV driver at the time of the accident.

Termination

The FMCSA does not believe the two motor carriers and 50 drivers covered by the exemptions will experience any deterioration of their safety record. However, should this occur, FMCSA will take all steps necessary to protect the public interest, including revocation of the exemptions. The FMCSA will immediately revoke the exemptions for failure to comply with its terms and conditions.

Issued on: June 20, 2014.

Anne S. Ferro,

Administrator.

[FR Doc. 2014–15043 Filed 6–26–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35841]

Piedmont & Atlantic Railroad Co., Inc., d/b/a/ Yadkin Valley Railroad Company—Lease Exemption Containing Interchange Commitment—Norfolk Southern Railway Company

Piedmont & Atlantic Railroad Co., Inc., d/b/a/ Yadkin Valley Railroad Company (YVRR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to continue to lease from Norfolk Southern Railway Company (NSR) and operate approximately 93 miles of rail line that extend: (1) Approximately from milepost K–37.0 at Rural Hall, Forsyth County, N.C., to milepost K–100.2 at North Wilkesboro, Wilkes County, N.C.; and (2) approximately from milepost CF–0.0 at Mount Airy, Surry County, N.C., to milepost CF–29.8 at Rural Hall, Forsyth County, N.C.[1]

YVRR and NSR have recently amended their original lease agreement. The amendment, among other things, extends the term of the original lease agreement. YVRR states that both the original lease agreement and the amended lease agreement contain a lease credit arrangement, which the Board has previously identified as a type of interchange commitment in *Information Required in Notices and Petitions Containing Interchange Commitments,* EP 714 (STB served Sept. 5, 2013). Accordingly, YVRR has provided the required information set forth at 49 CFR 1150.43(h)(1). However, YVRR and NSR assert that, under the facts of this transaction, the lease credit arrangement does not constitute an interchange commitment subject to the interchange commitment rules and have contemporaneously filed a joint motion to strike the information required under 49 CFR 1150.43(h) that YVRR has provided in its notice. The Board will address the motion to strike in a separate decision.

[1] YVRR was granted authority to lease and operate the rail line in *Piedmont & Atlantic Railroad—Lease & Operation Exemption—L&S Holding Co.,* FD 32462 (ICC served Mar. 29, 1994) (original lease agreement). Subsequently, YVRR became the lessee (rather than the sub-lessee) of the line at issue.

YVRR has certified that its projected annual revenues as a result of this transaction will not result in YVRR's becoming a Class II or Class I rail carrier. It appears, however, that its projected annual revenues will exceed $5 million. Accordingly, YVRR is required, at least 60 days before this exemption is to become effective, to send notice of the transaction to the national offices of the labor unions with employees on the affected lines, post a copy of the notice at the workplace of the employees on the affected lines, and certify to the Board that it has done so. 49 CFR 1150.42(e).

YVRR, concurrently with its notice of exemption, filed a petition for waiver of the 60-day advance labor notice requirement under § 1150.42(e), asserting that: (1) No NSR employees will be affected because no NSR employees have worked on the line since 1997; and (2) no YVRR employees will be affected because YVRR's rail operations will remain substantially the same as its operations under the original lease agreement. YVRR's waiver request will be addressed in a separate decision.

YVRR states that it intends to consummate the transaction on or after the effective date of this notice. The Board will establish in the decision on the waiver request the earliest date this transaction may be consummated.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than July 3, 2014.

An original and ten copies of all pleadings, referring to Docket No. FD 35841, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Rose-Michele Nardi, Transport Counsel PC, 1701 Pennsylvania Ave. NW., Ste. 300, Washington, DC 20006.

Board decisions and notices are available on our Web site at *WWW.STB.DOT.GOV.*

Decided: June 24, 2014.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2014–15052 Filed 6–26–14; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35835]

Indiana Southern Railroad, LLC—Temporary Trackage Rights Exemption—Norfolk Southern Railway Company

Norfolk Southern Railway Company (NSR), pursuant to a written trackage rights agreement (Agreement) dated May 19, 2014, has agreed to grant temporary overhead trackage rights to Indiana Southern Railroad, LLC (ISRR) over NSR's line of railroad between milepost 0.8 EJ at Oakland City Junction, Ind., and milepost 4.8 EJ at Enosville, Ind., a distance of approximately 4.0 miles.[1]

The transaction may be consummated on or after July 12, 2014, the effective date of the exemption (30 days after the verified notice of exemption was filed). The temporary trackage rights are scheduled to expire on December 31, 2014. The purpose of the temporary trackage rights is to allow ISRR to bridge loaded and empty coal trains between Enosville and Oakland City Junction, for further movement over ISRR's line to Petersburg, Ind.

As a condition to this exemption, any employees affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway, Inc.—Lease & Operate—California Western Railroad,* 360 I.C.C. 653 (1980), and any employees affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line Railroad —Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979).

This notice is filed under 49 CFR 1180.2(d)(8). If it contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than July 3, 2014 (at least 7 days before the exemption becomes effective). An original and 10 copies of all pleadings, referring to Docket No. FD 35835, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Eric M. Hockey, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

Board decisions and notices are available on our Web site at *WWW.STB.DOT.GOV.*

Decided: June 24, 2014.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2014–15098 Filed 6–26–14; 8:45 am]

BILLING CODE 4915–01–P

[1] A redacted version of the Agreement between NSR and ISRR was filed with the notice of exemption. ISRR simultaneously filed a motion for protective order to protect the confidential and commercially sensitive information contained in the unredacted version of the Agreement, which ISRR submitted under seal in this proceeding. That motion will be addressed in a separate decision.

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

June 24, 2014.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before July 28, 2014 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov,* or the entire information collection request may be found at *www.reginfo.gov.*

Internal Revenue Service (IRS)

OMB Number: 1545–2198.

Type of Review: Revision of a currently approved collection.

Title: Employee Health Insurance Expenses of Small Employers.

Form: 8941.

Abstract: Section 45R of the Internal Revenue Code (Code) offers a tax credit to certain small employers that provide insured health coverage to their employees. Section 45R was added to the Code by section 1421 of the Patient Protection and Affordable Care Act, enacted March 23, 2010, Public Law 111–148 (as amended by section 10105(e) of the Patient Protection and Affordable Care Act, which was amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111–152 (124 Stat. 1029)) (collectively, the ''Affordable Care Act''). Eligible small employers use Form 8941 to figure the credit for small employer health insurance premiums for tax years.

Affected Public: Private sector: Businesses or other for profits, not-for-profit institutions; farms.

Estimated Annual Burden Hours: 34,278,346.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2014–15072 Filed 6–26–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

State Small Business Credit Initiative; Notice of Availability of Revised Policy Guidelines and National Standards

AGENCY: State Small Business Credit Initiative (SSBCI), Department of the Treasury.

ACTION: Notice of document availability.

SUMMARY: This Notice announces a technical correction in the recently updated SSBCI National Standards for Compliance and Oversight.

DATES: *Effective Date:* June 27, 2014.

ADDRESSES: Copies of the document are available at the SSBCI Web site at *www.treasury.gov/ssbci.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Deputy Director, SSBCI, Department of the Treasury, 655 15th Street NW., Washington, DC 20220.

SUPPLEMENTARY INFORMATION: SSBCI was created under the Small Business Jobs Act of 2010 (Pub. L. 111–240) (the ''Act'') to help establish and strengthen state programs that support lending to small businesses. Treasury published the *SSBCI National Standards for Compliance and Oversight* (''*National Standards*''), which are applicable to all Participating States as they implement their SSBCI programs. Treasury updated the *National Standards* in May 2014, but has since determined there is a need for further clarification regarding conflicts of interest in Venture Capital Programs.

Treasury is revising the last sentence of paragraph I.C. ''Rule Applicable to Independent Non-Profit and For-Profit Entities that Invest SSBCI Funds for Follow-On and Crossover Investments'' in order to clarify when an investment of SSBCI funds is allowed. This is not a policy change, but a clarification to make the policy easily understood. The change inserts the word ''prior'' to the last sentence of the paragraph, to specify that the funds in question must have been from a prior investment. The line would now read ''an investment of SSBCI funds in a company or venture capital fund in which the entity holds any type of financial interest resulting from a prior investment made with non-SSBCI funds'' as the bolded, underlined words are added.

The revisions to the *National Standards* are available on Treasury's Web site at *www.treasury.gov/ssbci.*

Dated: June 19, 2014.

Clifton G. Kellogg,

Director, State Small Business Credit Initiative.

[FR Doc. 2014–15063 Filed 6–26–14; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0773]

Agency Information Collection (Veterans Health Benefits Handbook Satisfaction Survey) Activities Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before July 28, 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. 2900–0773 (Veterans, Researchers, and IRB Members Experiences with Recruitment Restrictions)'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov*. Please refer to ''OMB Control No. 2900–0773 (Veterans, Researchers, and IRB Members Experiences with Recruitment Restrictions)'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

SUPPLEMENTARY INFORMATION:

Titles: Veterans Health Benefits Handbook Satisfaction Survey

OMB Control Number: 2900–0773

Type of Review: Revision of a currently approved collection

Abstract: The Veterans' Health Benefits Handbook will contain general eligibility and benefits information and most importantly, information specific to the recipient. VHA hopes to provide Veterans an opportunity to give anonymous feedback on the content and presentation of this material. VHA will use the information gathered to determine how well the Handbook

meets Veterans' needs and make changes to the Handbook where needed.

Affected Public: Individuals or households.

Estimated Annual Burden: 135 Burden hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: 1.53 annually

Estimated Number of Respondents: 1060

Dated: June 23, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2014–15004 Filed 6–26–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0747]

Proposed Information Collection (Application for Disability Compensation and Related Compensation Benefits) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 26, 2014.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov;* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420; or email *nancy.kessinger@va.gov*. Please refer to ''OMB Control No. 2900–0747'' in any correspondence. During the comment period, comments may be viewed online at FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application for Disability Compensation and Related Compensation Benefits, VA Form 21–526EZ.

OMB Control Number: 2900–0747.

Type of Review: Revision of a currently approved collection.

Abstract: Public Law 110–389, Section 221(a) directs the Department of Veterans Affairs (VA) to expeditiously process fully developed compensation claims after receipt of the claim. The law requires the claimant or the representative submit a certification in writing that it's signed and dated by the claimant and/or the representative stating that, as of such date, no additional information or evidence is available or needs to be submitted in order for the claim to be adjudicated.

Affected Public: Individuals and Households.

Estimated Annual Burden: 14,505 hours.

Estimated Average Burden per Respondent: 25 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 34,813.

Dated: June 23, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–15008 Filed 6–26–14; 8:45 am]

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Part II

Department of Commerce

National Oceanic and Atmospheric Administration

50 CFR Part 229

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations; Final Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 130201095–4400–02]

RIN 0648–BC90

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to amend the regulations implementing the Atlantic Large Whale Take Reduction Plan (Plan). This rule revises the management measures for reducing the incidental mortality and serious injury to the North Atlantic right whale (*Eubalaena glacialis*), humpback whale (*Megaptera novaeangliae*), and fin whale (*Balaenoptera physalus*) in commercial trap/pot and gillnet fisheries to further the goals of the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA). The measures identified in the Plan are also intended to benefit minke whales (*Balaenoptera acutorostrata*), which are not classified as strategic stocks under the MMPA, but are known to be taken incidentally in commercial fisheries.

DATES: These regulations are effective August 26, 2014. Section 229.32(f)(2)(vi) (gear marking requirements and gear modifications in the Southeast) is applicable November 1, 2014 and § 229.32(b) and (c)(2)(i) (gear marking requirements and minimum number of traps per trawl requirement in the Northeast) are applicable June 1, 2015.

ADDRESSES: Copies of the Final Environmental Impact Statement/Regulatory Impact Review/Record of Decision for this action can be obtained from the Plan Web site listed under Electronic Access.

Written comments regarding the burden hour estimates or other aspects of the collection of information requirements contained in this final rule can be submitted to David Gouveia, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Dr, Gloucester, MA 10930 or Office of Information and Regulatory Affairs by email at *OIRA_submissions@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Kate Swails, NMFS, Greater Atlantic Region, 978–282–8481, *Kate.Swails@noaa.gov;* Kristy Long, NMFS Office of Protected Resources, 301–427–8440, *Kristy.Long@noaa.gov;* or Barb Zoodsma, NMFS Southeast Region, 904–321–2806, *Barb.Zoodsma@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access

Several of the background documents for the Plan and the take reduction planning process can be downloaded from the Plan Web site at *http://www.nero.noaa.gov/whaletrp/.* The complete text of the regulations implementing the Plan can be found either in the Code of Federal Regulations (CFR) at 50 CFR 229.32 or downloaded from the Web site, along with a guide to the regulations.

Background

The Marine Mammal Protection Act Section 118 requires NMFS to implement a Take Reduction Plan to reduce the serious injury and mortality of marine mammals incidental to commercial fishing operations to insignificant levels approaching a zero mortality and serious injury rate. NMFS first implemented regulations establishing the Atlantic Large Whale Take Reduction Plan (Plan) to meet this requirement in 1997. Section 118(f)(7)(E) of the MMPA requires the Take Reduction Team (Team) and NMFS to meet every six months, or at other such intervals as NMFS determines are necessary, to monitor the implementation of the final Plan until such time that NMFS determines that the objectives of the Plan have been met.

Section 118(f)(7)(F) requires NMFS to amend the Plan and implementing regulations as necessary to meet the requirements of Section 118 to reduce incidental serious injury and mortality to a level approaching ZMRG, taking into account the economics of the fishery, the availability of existing technology, and existing State or regional fishery management plans. The Team and NMFS have met and amended the Plan and implementing regulations several times since 1997 in an ongoing effort to ensure the requirements of the MMPA regarding take reduction of large whales continue to be met.

This final rule is the latest step in this ongoing process. The rule implements modifications to the Plan suggested by the Team and public, as well as modifications deemed necessary by NMFS to further enhance the likelihood of meeting the requirements and further the goals of the MMPA, as well as the ESA. Section 7(a)(2) of the ESA requires federal agencies to ensure that any action authorized, funded or authorized by the agency is not likely to jeopardize the continued existence of any endangered or threatened species. Details concerning the development and justification of this final rule were provided in the preamble to the proposed rule (78 FR 42654, July 16, 2013) and are not repeated here.

As a result of public input provided through the scoping process and Team meetings, NMFS developed six alternatives including a ''No Action'' or status quo alternative, to modify the Plan. All six of these alternatives are described and analyzed in detail in the Final Environmental Impact Statement (FEIS) prepared to accompany this rule. NMFS identified Alternative 5 as the Preferred Alternative in the proposed rule but after receiving public comment on each alternative NMFS has decided to amend the Plan as proposed in Alternative 6, with a few adjustments.

The proposed rule's preferred Alternative 5 would have implemented three closure areas to reduce the risk of serious injury and mortality incidental to interaction between whales and commercial fishing gear, thereby enhancing the likelihood of meeting MMPA requirements of reducing serious injury and mortality to level approaching ZMRG. Two of the three proposed closure areas; however, were determined to have low levels of ''co-occurrence'' of whales and fishing gear, and therefore the conservation benefit of closing those two areas was deemed to be minimal, while the cost to the fishing industry would have been substantial. The single closure contained in this final rule was the only one of the proposed three closure areas in which there is a high level of co-occurrence of whales and fishing gear. Thus, closing this area will have a similar conservation benefit that closing all three of the areas in the proposed Preferred Alternative 5 would have had.

The other adjustments to Alternative 6 which have been included in this final rule are described as follows:

(1) New Hampshire state waters are exempted from the minimum number of traps per trawl requirement of the final rule, but fishermen are not exempted from other previously implemented requirements. This is a change from the proposed rule which would have exempted New Hampshire state waters from all requirements, and therefore increases the conservation benefit to whales from the measures in the proposed rule.

(2) The minimum number of traps per trawl in the final rule for Massachusetts

and Rhode Island state waters and pocket waters in Maine is reduced from three to two traps per trawl. This change is due to concerns about the safety of small boats having to work trawls of three traps as opposed to trawls of two traps. This change is negligible, and thus is still consistent with the MMPA.

(3) An exemption from the minimum number of traps per trawl requirement is newly created in this final rule for a ¼ mile buffer in waters surrounding three inhabited islands in Maine—Monhegan, Matinicus, and Ragged Islands. Boats within this ¼ mile buffer will be allowed to continue fishing single traps rather than multiple trap trawls in the proposed rule, due to safety issues since these waters are generally less than 30 fathoms deep with rocky edges, and boats fishing close to shore areas usually small. Whales are not likely to come this close to shore, so this change from the proposed rule does not lessen the conservation benefit of the final rule.

(4) Gear marking is not required in Maine exempted waters, in contrast to the proposed rule, due to feasibility concerns of switching marks when moving from an exempt area to a non-exempt area. The change in conservation benefit to whales from this change is negligible.

Because this final rule with a single closure and the other changes described above will provide a conservation benefit comparable to that which would have been provided by the preferred Alternative 5 in the proposed rule, yet pose less economic impact and fewer safety concerns to the fishing industry, it is consistent with the requirements of the MMPA to reduce serious injury and mortality to approach ZMRG. The changes in the final rule, as compared to the proposed rule, are justifiable under MMPA requirements and goals because they take into account the economics of the fishery, the availability of existing technology, and existing fishery management plans, as well as the goal of the ESA to avoid jeopardizing the continued existence of ESA-listed whales.

As noted in the **DATES** section above, this rule is effective 60 days after publication with the exception of the amended gear marking requirements and gear modifications in the Southeast (effective November 1, 2014) and amended gear marking requirements and minimum number of traps per trawl requirement in the Northeast (effective June 1, 2015). NMFS chose a phased-in implementation for this rule as a result of public comment. The changes in the Plan require the reconfiguration of approximately 200,000 vertical lines at an annual compliance cost of approximately $1.9 to $4.5 million. In the Southeast, Industry members and state partners requested that NMFS provide adequate time for industry to comply with the amended gear marking requirements, as 60 days would not be sufficient time for that purpose given the extent of needed changes in light of the new requirements. In the Northeast, Industry members and state partners requested that the implementation date coincide with the trap tag renewal date of June 1 to allow for a more cost-effective implementation of the new requirements, as gear is out of the water during that time as industry affix new trap tags for the upcoming season. The new minimum trap per trawl measure requires increasing the number of traps per vertical line which requires removal of equipment from the water and reconfiguration of line and equipment. Additional time is needed for fishermen to adapt to these changes. NMFS finds that there is good cause for the November 1, 2014 and June 1, 2015 phased-in implementation date to address the public's concerns, and given that the impact on conservation benefit to large whales from this phased-in implementation will be minimal given the relatively short delay in implementation. Specifically, the majority of the conservation measures included in the final rule will be in place 60 days after publication of the rule—including protective measures during calving season, and a closure that goes into effect January 1, 2015, and all current ALWTRP requirements, including the sinking groundline requirement, remain in place during this phased-in implementation of some of the new measures.

Changes to the Plan for Boundaries and Seasons

This final rule will exempt New Hampshire State waters from the Plan's minimum number of traps per trawl requirement based on the co-occurrence model. Those fishing in state waters would still be required to comply with previously implemented requirements including marking requirements (see 50 CFR 229.23(b)(2) and (3)).

NMFS intends to expand the Cape Cod Bay Restricted Area to include portions of the Outer Cape. This new area, Massachusetts Restricted Area, would be closed for a portion of the year (January 1–April 30) to trap/pot fisheries, due to the level of co-occurrence of whales and gear and the conservation benefit to be gained while minimizing economic impacts to the fishery.

Finally, NMFS intends to create a new trap/pot management area in the Southeast. The eastern boundary of the current Southern Nearshore Trap/Pot waters area would be aligned with the eastern boundary of the existing Southeast Restricted Area North management area. This new area would coincide with the current Southeast Restricted Area North management area in place for gillnets. Management measures in this area would be in place from November 15 through April 15.

Changes to the Plan for Trap/Pot Gear

In the Northeast, NMFS will institute restrictions designed to reduce the number of buoy lines that fishermen employ. This final rule limits the number of lines in the Northeast by prohibiting single trap/pots and requiring fishermen to increase the number of traps per trawl they set based on area and distance to shore. In some areas (mainly inshore and nearshore waters) this may represent a change from how they currently fish. In Federal waters and offshore, larger trawls are currently fished so this requirement may not affect these vessels to the same extent as smaller inshore vessels. The current requirement of one endline for trawls less than or equal to five traps remains in place. Larger trawls (i.e., > 5 traps/pots) will not be required to have only one endline.

The numbers of traps per trawl are based on the co-occurrence model, public input, and discussions with state partners. The required traps per trawl differ based on distance to shore and lobster management area. In Maine the number of traps per trawl is defined based on Maine state lobster zones.

In the Southeast Restricted Area North, NMFS will require single traps/pots, implement weaker weak links and breaking strength of vertical lines, and require all vertical lines to be free of objects (e.g., weights, floats, etc.) except where it attaches to the buoy and trap/pot, and made of sinking line.

The Plan requires the use of weak links with maximum breaking strengths of 200 to 600 lbs (90.7 to 272 kg) depending on management area within the Southeast Restricted Area North. This final rule defines the breaking strengths of weak links in South Carolina, Georgia, Florida state waters as 600 lbs (272 kg), 600 lbs (272 kg), and 200 lbs (90.7 kg), respectively. In Federal waters the breaking strength is defined as 600 lbs (272 kg).

This final rule also defines the maximum breaking strength of vertical line in the Southeast Restricted Area North. In South Carolina and Georgia state waters breaking strength of the

vertical line will not exceed 2,200 lbs (998 kg). In Florida state waters breaking strength of vertical line will not exceed 1,500 lbs (680 kg). Federal waters will have a breaking strength of 2,200 lbs (998 kg).

In an effort to decrease the number of ways gear is rigged, NMFS is also requiring that vertical lines be made of sinking line and free of objects for those traps set anywhere in the Southeast Restricted Area North. (effective in the Southeast on November 1, 2014 and effective in the Northeast on June 1, 2015).

Changes to the Plan for Gear Marking

This final rule will implement a gear marking scheme that maintains the current color combinations but increases the size and frequency of the mark. The new mark must equal 12-inches (30.5 cm) in length and buoy lines must be marked three times (top, middle, bottom). A mark for the new Southeast U.S. Restricted Area North would be required for both state and Federal waters. This rule will continue to allow multiple methods for marking line (e.g., paint, tape, rope, etc.). (effective in the Southeast on November 1, 2014 and effective in the Northeast on June 1, 2015).

Regulatory Language Changes

Some corrections and clarifications have been identified as necessary since the last regulation was implemented. The following changes to the current Plan regulations will improve consistency and clarity.

Exempted waters: NMFS added language to clarify the exempted waters description.

Southeast U.S. Monitoring Area Clarification: The final rule clarifies the restricted period for the Southeast U.S. Monitoring Area. The added language defines the restricted period as December 1 through March 31.

Definitions: The final rule modifies the definition of ''groundline'' when referring to gillnets to remove reference to buoy line. The modified definition reads, ''Groundline with reference to trap/pot gear, means a line connecting traps in a trap trawl, and, with reference to gillnet gear, means a line connecting a gillnet or gillnet bridle to an anchor.''

Prohibitions: The final rule eliminates the individual prohibition paragraphs on fishing or possessing trap/pot gear, anchored gillnet, drift gillnet, gillnet, and shark gillnets (§ 229.3(h) through (l)) and condenses the intended prohibitions into three paragraphs that apply to ''any person or vessel and fishing gear subject to the Plan.''

NMFS clarifies that fishermen are responsible for proving that an exemption or exception under § 229.32 is applicable.

Other Special Measures: This final rule clarifies the intent of § 229.32(i)(2) to include consultation with the Take Reduction Team.

Comments and Responses

NMFS received 533 letters from commenters on the Draft Environmental Impact Statement (DEIS) and proposed rule via *www.regulations.gov,* letter, fax, or email. Additionally, two form letters were received on the DEIS via hardcopy letter and email; approximately 27,500 of one form letter, 13,500 of another form letter, and approximately 1,300 slight variations to the form letters. NMFS also solicited comments on the DEIS during 16 public hearings held along the Atlantic coast. The substantive comments are summarized and grouped below by major subject headings. NMFS' response follows each comment. NMFS received comments on DEIS technical changes that were not substantive, and incorporated such changes in the FEIS as appropriate. These technical comments are not listed in the summary.

General Comments

Comment 1: One commenter stated that the proposed measures should be extended to recreational fishermen and not just commercial fishermen.

Response: The regulations implementing the Plan are governed by Section 118 of the MMPA, which requires take reduction teams to assist NMFS in the development of take reduction plans that address serious injuries and mortalities of marine mammals that interact with commercial fishing operations. Therefore, the proposed measures apply to commercial fishing only. However, recreational fishermen that take marine mammals are in violation of the MMPA prohibition against taking marine mammals. NMFS has created brochures designed to inform recreational fishermen about protected species conservation.

Comment 2: Two commenters requested that the 60-day public comment period be extended.

Response: NMFS believes that the 60-day comment period was adequate and chose not to extend the time period.

Comment 3: One commenter stated that the proposed regulations should consider the shifting baseline in the marine food chain as a result of climate change and eutrophication, stating that right whale prey distribution is changing in time and place and management should be adapted to account for these shifts. The commenter suggested that the status quo approach be supplemented with dynamic solutions using an ecosystem approach for management.

Response: NMFS acknowledges this important comment. Managing resources in the face of changing environmental conditions is challenging. The ability to account for distribution shifts that may result from changing environmental conditions exist in the current regulations. These regulations can be found at § 229.32(i)(2). Among other considerations, should NMFS, in consultation with the Team, determine that right whale distribution shifts result in its current conservation measures being no longer appropriate, NMFS has the ability to make changes to the measures.

Comment 4: A few commenters stated that they have never seen a whale in state waters and thus it was unfair to propose new laws in areas without whales.

Response: Because most large whale entanglements (particularly those involving right whales) tend to be free swimming entanglements when detected and the gear recovered from these entanglements do not provide adequate information to determine where an entanglement occurred, entanglements from specific fisheries and areas are rarely documented. Therefore, NMFS developed a model to help identify the relative likelihood of an entanglement by time and area. The model is based on high ''co-occurrence areas,'' which are areas that have the highest frequency of gear that overlap with large whale sightings per unit effort. NMFS believes that these high co-occurrence areas represent a higher likelihood of entanglement to large whales. Areas identified as a high co-occurrence area may be subject to conservation measures regardless of whether a take has been documented in that area.

Comment 5: Some commenters stated that the entanglement risk to right and other large whales is greater in areas outside of the Southeast U.S. Atlantic and that there have been no documented cases of black sea bass or blue crab gear on a right whale. Some commenters also noted that fewer trap/pots are set in the Southeast relative to northern regions (including Canada) and that gear in the Southeast is lighter, uses shorter vertical lines, and is therefore less risky to whales than trap/pot gear found farther north.

Response: The annual Stock Assessment Reports (SARs) partition out

entanglement records between U.S. and Canadian waters for large cetacean species. Currently, in the 2012 SAR (Waring et al., 2013) the average number of annual fishery entanglements of right whales was 1.6 in U.S. waters and 0.2 in Canadian waters. The potential biological removal for this species is calculated at 0.9. Thus, even when considering only entanglements from U.S. fisheries, right whales are being taken at too great a rate to maintain optimal population sustainability. Furthermore, gear removed from right whales is not always identified to a specific fishery; however, in cases where the gear could be identified, more rope was associated with trap/pot gear than gillnet gear (Johnson et al., 2005).

The vertical line model utilized by NMFS and the Team for the development of this rule focused on areas of high co-occurrence of vertical lines associated with commercial trap/pot and gillnet gear and large whale sighting per unit effort data. The analysis of these data indicated that co-occurrence was relatively low within the Southeast Restricted Area North during the right whale season from November 15th through April 15th. Consequently, NMFS did not propose a closure throughout the Southeast Restricted Area North or critical habitat area. However, the gear is not risk-free, which is why NMFS is implementing other risk reduction measures through this final rule. Also, see response to Comment 40.

Comment 6: One commenter stated that before taking further action NMFS should provide fishermen with statistical significance and a five year period by which to assess the major April 2009 implementation of the previous rule requiring fishermen to change their floating groundline to sinking groundline.

Response: At its 2003 meeting, by consensus, the Team agreed to two overarching principles associated with reducing large whale entanglement risks: (1) Reducing entanglement risks associated with groundlines in commercial trap/pot gear; and (2) reducing entanglement risks associated with vertical lines. The Team agreed to focus first on addressing the groundline entanglement risk, which was completed in October 2007 (72 FR 57104, October 5, 2007), followed by the development and implementation of a vertical line rule. This rule addresses the entanglement risk identified by the Team to large whales from vertical lines, and completes the two-pronged strategy identified by the Team to address large whale entanglements in commercial trap/pot and gillnet gear. Under the MMPA, the number of deaths or serious injuries due to commercial fishing activities must not affect a species' ability to reach or maintain its optimum sustainable population. At present, with just the sinking groundline conservation measures in place, the number of serious injuries and mortalities for right whales and humpback whales remain above permissible levels and mortalities due to entanglements in vertical lines in trap/pot and gillnet gear continue to occur. NMFS, in consultation with the Team, has developed a monitoring strategy to evaluate industry compliance with the Plan and the effectiveness of the Plan in achieving the Plan's goals and objectives. For more information on the monitoring strategy, please see the response to Comment 8.

Comment 7: A few commenters suggested that NMFS move forward with one measure to reduce interactions at a time in a phased approach. It was suggested that NMFS should just increase the number of traps per trawl before proposing closures or just move forward with the increased gear marking at this time and then once the problem areas are identified come back with management measures targeting those problem areas.

Response: NMFS appreciates the suggestion but believes that the combination of management measures in the final rule is necessary to achieve the goals of the MMPA and ESA.

Comment 8: A few commenters were concerned that there was a lack of strategy if entanglement levels continued to exceed Potential Biological Removal Rate (PBR) regardless of the proposed measures. The commenters stated that whales could continue to experience high levels of entanglement than legally allowed with no recourse.

Response: On February 23–24, 2009, NMFS convened an internal workshop to discuss the development of a comprehensive monitoring strategy for the Plan. The goal of this workshop was to develop an outline for a monitoring strategy that included components to review compliance with and to assess the effectiveness of the Plan regulations in achieving the MMPA short-and long-term goals of reducing serious injury and mortality of large whales in U.S. commercial fisheries. This monitoring strategy was shared with the Team and went into effect in August 2012. This strategy includes both annual monitoring reports and a multi-year status summary intended to review the Plan's effectiveness and compliance over a 5-year timeframe. If analyses determine that the Plan is not achieving its goals, NMFS will review the multi-year status summary to evaluate the potential causes for not achieving the management objectives and consult with the Team on the development of appropriate actions to address any identified shortcomings in the Plan.

Comment 9: One commenter requested that the preamble to the rule and FEIS include a discussion that more accurately reflects decisions reached by the Team with respect to the rulemaking timeline.

Response: NMFS disagrees with the commenter's assessment that the discussion of the rulemaking timeline is not accurately reflected. NMFS believes that the proposed rule's preamble and DEIS reflect the Team discussions at past meetings about the need to move forward with a vertical line rule and the timeline to develop and implement the rule. The text in the preamble and DEIS is consistent with the Team's meeting summaries.

Comment 10: Several commenters stated that there are too many unanswered questions that need to be answered before expanding new policies. They requested that the northeast portion of the rule be reconsidered until better information exists regarding what part of the line is entangling whales and what the economic impact of the changes will be on the industry.

Response: The FEIS notes that entanglements of large whales are still occurring and highlights the provisions of the MMPA and ESA that NMFS is required to follow. Based on the continued serious injury and mortality of large whales, NMFS must take action to provide more protection to large whales. Although NMFS acknowledges the need for more scientific information, NMFS is required to take action based on the best information that is available when developing the EIS. The economic impact of this action is discussed in the EIS. As new information becomes available regarding large whales, entanglements, or economic impacts of these policies NMFS will share this information with the Team to determine if additional changes to the Plan are warranted.

Comment 11: One commenter stated that there is a lack of data and the data that is available is often flawed.

Response: See Response to Comment 10.

Comment 12: A few commenters commented that NMFS fails to link the proposed measures to a reduction in serious injury/mortality. The commenters stated that, although a reduction in risk does not necessarily equate to the same level of reduction in serious injury/mortality, it provides some basis for meeting the PBR goals.

The commenters believe the rule should meet a 50% reduction standard or provide explanation for how the rule will reduce the levels of serious injury/mortality to below PBR.

Response: Sufficient information is not available on when, where, and how entanglements occur such that a specific vertical line reduction target can be calculated. Therefore, NMFS and the Team have not determined a percent reduction of vertical lines that would reduce serious injury and mortality of large whales that encounter vertical lines to a level that would achieve the MMPA's PBR and ZMRG mandates. NMFS used the best information that is available and worked with commercial trap/pot and gillnet fishermen and other stakeholders to develop feasible conservation measures intended to achieve the goals and objectives of the Plan and MMPA. The preferred alternative achieves a 38% reduction in co-occurrence coastwide. NMFS believes this level of co-occurrence reduction is consistent with and furthers the goals and objectives of the MMPA and ESA.

Comment 13: In response to NMFS' request to comment on the proposed changes to the 'other special measures' provision, one commenter agreed that the Team should be consulted but that the consultation must involve dialogue. The commenter questioned if the provision agreed with the MMPA since the MMPA specifically provides NMFS with authority to take emergency actions to promote conservation.

Response: NMFS appreciates the support for the change to the provision. The provision and the MMPA emergency regulations are different and have their own requirements. The ''Other Special Measures'' provision is not intended to address NMFS' ability to take emergency actions, rather it allows NMFS to make changes to the Plan as new information about gear marking, gear technology, or right whale distribution in closed areas becomes available. This final rule includes language to ensure that the Team is consulted prior to actions being taken under the ''Other Special Measures'' provision.

General Comments on Proposed Alternatives

Comment 14: Many people stated their general support for the Preferred Alternative stating that the level of serious injury and mortality is above PBR and therefore additional management measures are necessary.

Response: NMFS acknowledges this comment and agrees that additional management measures are necessary.

Comment 15: Numerous people stated their support for the No Action Alternative referring to the increasing right whale population as a sign that the current management measures are working and additional measures are not necessary.

Response: NEPA requires NMFS to analyze a no action alternative. NMFS did not choose this alternative for this final rule because it is not consistent with the goals and objectives of the Plan and therefore is not consistent with the goals and requirements of the MMPA or ESA. Although the right whale population has increased in recent years, the number of serious injury and mortalities occurring as a result of entanglement in commercial fishing gear is still at a level above PBR and ZMRG. NMFS has determined that additional measures included in this action are necessary to help meet the objectives of the MMPA and ESA.

Comment 16: One commenter stated that the proposed alternatives would require fishermen to spend more money on weak links and sinking rope and fishermen can't afford to spend more money.

Response: NMFS is sensitive to the costs of complying with this final rule and characterized the economic and social impacts in the FEIS. Chapter 7 of the FEIS identifies the vessels segments that may be heavily affected by the new requirements. Based on the comments received during the public comment period and public hearings, the preferred alternative was chosen because it provided a significant conservation benefit to large whales while having a lower economic cost to industry.

Comment 17: One commenter agreed that reducing vertical line offshore is a good thing to do as there are more whales offshore so the rules should be made to account for this.

Response: NMFS agrees with this comment and the final rule includes measures for vessels fishing offshore.

Comment 18: A handful of commenters provided general comments about the Southeast U.S. portion of the proposed rule: (1) The proposed rule contained a patchwork of requirements within the currently designated critical habitat that are inconsistent and arbitrary, (2) the various requirements would make it difficult for fishermen to comply and law enforcement officials to enforce, and (3) the presence of neophyte calves in Florida state waters was NMFS' basis for requiring weak links and ropes with lower breaking strengths in that area, but these same ''neophytes'' are born further to the north where breaking strengths are far higher (and presumably create higher risk). Many of these commenters were also concerned that proposed measures in the Southeast largely retain the status quo and do not reduce risk to right whales, especially for mother/calf pairs.

Response: This final rule provides additional protection to right whales by focusing management measures in areas of elevated co-occurrence of whales and vertical lines. First, NMFS believes the various requirements provide protection for right whales while avoiding unnecessary impact to fisheries. Second, NMFS did not receive any comments about difficulties associated with compliance or enforcement from fishermen or law enforcement officials. Third, NMFS is particularly cognizant of the weaker physical characteristics of neophyte calves, which most often occur in the Southeast U.S. Neophyte calves are occasionally documented off North Carolina and Cape Cod Bay, Massachusetts; however, the highest co-occurrence of very young right whale calves and vertical lines is in Florida state waters and where the trap/pot gear modifications in this rule are the most risk averse.

Finally, NMFS agrees that some of the Southeast measures in this final rule retain the status quo regarding existing fishing gear and techniques. In those instances, NMFS believes the present gear/practice is appropriately risk averse and codified those practices to ensure the gear does not become riskier to whales in the future. However, other measures such as requiring object-free lines, sinking vertical lines, returning gear to port from federal waters, and additional gear marking are all new measures that reduce entanglement risks to right whales, including mother/calf pairs.

Comment 19: One commenter supported customizing management measures to specific high priority areas rather than using wide-scale broad management; this commenter thought that applying the same management measures to the area from North Carolina all the way down to Florida to the 29 latitude line isn't a customized plan. Another commenter stated that the Southeast Restricted Area North (SERA N) is a huge area and that he fishes in only a small portion of that area and requested a ''secondary boundary'' that would allow him to fish for blue crab in Federal waters.

Response: NMFS is defining the Southeast Restricted Area North as a trap/pot management areas so that the southeast U.S. measures in this final rule apply to the same management area used for gillnet fisheries. This helps reduce and streamline the number of

management areas while providing protection for right whales. However, new information on right whale distribution has become available since the Southeast Restricted Area North gillnet area was established. This new data is currently being evaluated. If NMFS determines that the Southeast Restricted Area North and South boundaries should be adjusted, we will do so in consultation with the Team as part of future rulemaking.

Comment 20: Some commenters suggested that all states should have the same protections coastwide paying special attention to areas and seasons where right whales feed and give birth.

Response: NMFS, in consultation with the Team, chose not to implement a broad-based management scheme as it had done in the past. Instead, NMFS and the Team developed a model to compare the relative likelihood of entanglements occurring across areas and seasons. The model is based on high ''co-occurrence areas,'' which are areas that have the highest frequency of gear that overlap with large whale sightings. NMFS utilized these high co-occurrence areas as a proxy for high risk of entanglement to large whales. The management measures are intended to provide the same protection to areas of high co-occurrence regardless of whether the measures differ from state to state. There are regional differences in fishing practices that influence fishing techniques, and NMFS tried to account for the differences in techniques when developing the rule.

Comment 21: Two commenters stated they did not support making splicing line illegal. It would be impossible to make buoy lines without splices.

Response: NMFS agrees and did not intend to suggest that splicing line would be illegal. This is clarified in this final rule.

Comment 22: One commenter agreed that there is insufficient data in the mid-Atlantic to propose management measures at this time. The commenter supports efforts to assess whale distribution in this area and if high co-occurrence areas are identified later on then fisheries should be managed.

Response: The Plan was developed to reduce the level of serious injury and mortality of North Atlantic right, humpback, and fin whales. NMFS, in consultation with the Team, chose to develop management measures in areas of high co-occurrence of gear and large whale sightings. NMFS used these high co-occurrence areas as a proxy of entanglement risk to large whales. There are fewer large whale sighting data in the mid-Atlantic than in other regions. Because of this, the mid-Atlantic did not register as an area of high co-occurrence between whales and fishing gear. NMFS would welcome new information, including sightings and effort data, on large whales in this area. In fact, NMFS and the Team have identified Mid-Atlantic surveys as a priority should additional funding become available for monitoring and/or modeling efforts in the Mid-Atlantic. If so, NMFS will work with its research partners to develop an adequate monitoring plan and/or model for the Mid-Atlantic area.

Comment 23: One commenter requested that NMFS add another alternative that assesses the impacts of the closures without the proposed increase in number of traps per trawl.

Response: During the development of the alternatives, NMFS and the Team did consider utilizing only closures. However, preliminary analysis indicated that the closure-only strategy would not afford enough protection to large whales to satisfy the requirements of the MMPA and ESA. Further, NMFS believes that the number of alternatives analyzed in the EIS was adequate. The alternatives analyzed were a combination of stakeholder proposals developed by the Team during the course of several meetings and the result of input received during the 15 public scoping meetings.

Comment 24: One commenter stated that fishing effort in the Gulf of Maine lobster fishery may have exceeded capacity and the fishing effort could be reduced without significantly impacting lobster catch. Reducing effort would reduce entanglement risk but the proposed rule sidesteps the issue of effort reduction and it is unclear how effective the rule would be at reducing entanglements.

Response: NMFS acknowledges that effort reduction through limits on the number of trap/pot gear utilized by fishermen has taken place. However a reduction in traps does not necessarily equate to a reduction in the number of vertical lines in the water column. During the comment period NMFS requested comments on how best to quantify potential future trap reductions or increases with respect to how many vertical lines could be reduced or increased. NMFS did not receive any substantive comments addressing this issue.

Comment 25: A few commenters felt that the proposed rule did not address latent effort and the potential for more gear to be in the water in the future.

Response: NMFS realizes that potential effort reductions or increases in future fishing effort could reduce or increase the number of vertical lines in the water column. During the comment period NMFS requested suggestions for how best to quantify potential future trap reductions or increases with respect to how many vertical lines could be reduced or increased. NMFS did not receive any responsive comments. NMFS intends to monitor this issue as part of the Plan's monitoring strategy (see response to Comment 8).

Comment 26: NMFS received many comments on the proposal to require trap/pot gear fished in Southeast Restricted Area North (SERA N) Federal waters be brought back to port at the end of a fishing trip. South Carolina Department of Natural Resources (SCDNR) and several individuals from Georgia and South Carolina commented that a small number of blue crab fishermen with larger boats may set traps in both state and federal waters (up to 12 miles (19.3 km) offshore) in years when coastal water temperatures may be cooler than normal and crabs move farther out of the estuaries and into the ocean. This seasonal fishing activity is extremely important economically to the relatively few fishermen who can participate in this aspect of the fishery, particularly since winter is the high-dollar season for blue crab. These commenters stated that the requirement to return all traps to shore at the end of the day would, at minimum, greatly hamper the efficiency and cost effectiveness of fishermen, but more likely would create a closure of the blue crab fishery in Federal waters and cause an economic hardship on fishermen. One commenter supported the requirement to return gear to port at the conclusion of each fishing trip because it represented a de facto seasonal closure in Federal waters for trap/pot fisheries that required long soak times and would prevent trap/pot effort from encroaching into Federal waters where whale density is high. One commenter thought there were multiple ways to interpret the meaning of ''the conclusion of each fishing trip'' and was curious about how enforcement officials would interpret the phrase.

Response: NMFS is concerned about the risk to right whales from trap/pot gear in SERA N Federal waters because fishermen use longer vertical lines with a higher breaking strength. These factors increase the risk from entanglement to right whales because longer lines mean more line that whales may encounter and higher breaking strength means a whale, particularly a calf, is less likely to break free of gear once it becomes entangled. Additionally, all other things being equal, long-soak gear represents a greater opportunity for entanglement than short-soak gear. Right whales, including calves, occur in Federal

waters off the coasts of South Carolina and Georgia from November through April. The measures in this rule reduce risk to right whales from entanglement in Federal waters by specifying a 2,200 lb (998 kg) maximum breaking strength of vertical lines and reducing the exposure of gear to right whales by requiring gear be returned to port at the end of a fishing trip.

Based on fishermen's comments, we recognize that this measure will likely eliminate blue crab fishing effort in Federal waters in the winter because deploying trap/pots for only a short period of time (period of hours) is not effective at catching blue crabs. However, according to comments, the majority of blue crab fishermen do not fish in Federal waters. Consequently, this requirement will likely impact only a small proportion of fishermen and only during cold winters when blue crabs are reportedly found farther offshore. NMFS believes that the majority of fishermen in the blue crab fishery will be largely unaffected by this final rule because they will still be able to fish in state waters where the majority of blue crabs are harvested. In developing these regulations, NMFS considered right whale distribution, entanglement risk factors, and blue crab fishery characteristics.

A fishing trip is defined in 50 CFR 229.2 as a period that a fishing vessel spends at sea between port visits and during which any fishing occurs.

Comment 27: NMFS received one comment on the object-free line proposed for trap/pot gear fished in the Southeast Restricted Area North. The commenter stated that many Florida blue crab fishermen use a second, trailing buoy and wondered if weak links would need to be attached to each buoy.

Response: During the public hearings, a few Florida blue crab fishermen reported they attach a trailing buoy by 1–3 ft (0.3–0.91 m) of line to the surface buoy of blue crab trap/pot. They stated that the surface and trailing buoy combination is used to assess ocean currents and the direction from which they should approach and retrieve their gear. NMFS believes that knot-free and object-free lines have a higher probability of sliding through whale baleen than lines with bumps, bulges, or attached buoys, weights, bottles, etc. that are larger than the line's diameter (splices are allowed, but not preferred). NMFS believes that the use of a trailing buoy and weak link as described during the public hearing process would defeat the purpose of the object-free line. However, NMFS did not notify and request comments on prohibiting trailing buoys or using weak links with trailing buoys. Therefore, NMFS will consult with the Team and evaluate whether to ban the use of a trailing buoy and weak link in a future rulemaking.

Comment 28: One commenter commented that the lack of risk reduction proposed in the mid-Atlantic was unacceptable. The commenter stated that this is an area of high seasonal use for humpbacks and subject to sparse survey effort. The commenter also suggested that recent increases in dogfish and black sea bass quotas are likely to increase effort beyond what was considered in the model and likely result in increased risk.

Response: See response to Comment 22.

Comment 29: One commenter commented that the proposed measures only incidentally protect humpback whales in the Gulf of Maine and do nothing to protect them in the mid-Atlantic. The commenter stated that the closures are in areas where humpbacks are known to occur but not during times when they're the most abundant.

Response: The closures were developed by stakeholders in areas of high right whale abundance. The final rule will implement one closure in an area including portions of Massachusetts Bay, Cape Cod Bay, and the Outer Cape. Humpback whales are known to frequent these areas and, therefore, will benefit from the closure. As mentioned above in response to Comment 22, NMFS chose to develop management measures in areas of high co-occurrence. High co-occurrence areas are areas that have the highest frequency of gear that overlap with right and humpback whale sightings. NMFS believes that these high co-occurrence areas pose the highest relative risk of entanglement to right and humpback whales. Due to lower sightings data, the mid-Atlantic did not register as an area of high co-occurrence between whales and fishing gear. NMFS would welcome new information, including sightings and effort data, on large whales in this area. NMFS will monitor fishing effort and whale distribution data in the mid-Atlantic to see if future management measures are needed. NMFS intends to monitor this issue as part of the Plan's monitoring strategy (see response to Comment 8).

Comments on Exemption Lines/Areas

Comment 30: Several commenters supported the proposed exemption to New Hampshire state waters.

Response: NMFS acknowledges this comment. The final rule will exempt New Hampshire state waters from portions of the Plan.

Comment 31: Several commenters disagreed with the proposal to exempt New Hampshire state waters and continuing to exempt portions of Maine state waters from the Plan.

Response: The New Hampshire exemption and buffers around certain Maine islands implemented under this rule only apply to the requirement to increase the number of traps per trawl for commercial trap/pot gear. All other requirements of the Plan, including the sinking groundline and weak link requirements are still required. NMFS believes the risk of entanglement in the New Hampshire exempted area and Maine island buffers are minimal. However, NMFS will continue to monitor exempted areas, and encourage states to develop contingency plans for large whales in these areas in the event that entanglements are identified to gear from exempted areas.

Comment 32: One commenter stated that Buzzards Bay and Vineyard Sound should be exempt from regulations since Narragansett Bay in RI, inshore ME, and now possible state waters in New Hampshire would be exempt.

Response: The exemption areas have been developed in response to requests from state fishery management agencies and are designed to ensure that regulations do not extend into areas where whale sightings or the potential for co-occurrence is low. Should a state wish to exempt portions of its waters from the Plan, NMFS has established a process for requesting exemptions from requirements under the Plan (see the Plan's Web site for more information).

Comment 33: Several commenters supported the exemption to New Hampshire state waters from the increase in number of traps per trawl but not from all aspects of the Plan.

Response: NMFS agrees with this comment (see response to Comment 31).

Comment 34: One commenter stated that the exemptions could increase the risk to leatherback turtles as a large number of boats fish in exempt waters and exempt areas put leatherbacks at risk.

Response: The risk to leatherbacks as a result of the proposed New Hampshire state waters exemption was considered in the FEIS (Chapter 5). NMFS is not relaxing the current restrictions in the exempted waters, thus, does not expect an increased risk to leatherbacks relative to the status quo. Leatherbacks are found within New Hampshire state waters but not in the abundance that they are found in other waters.

Comment 35: One commenter did not support exemptions of small vessels from the trawling up requirement. The commenter stated that small vessels

operate close to shore and that these proposed requirements are already proposed to be shorter lengths. If shorter trawls or singles were allowed then the projections of risk reduction would change and haven't been analyzed in the DEIS.

Response: The final rule does not include a small vessel exemption. NMFS is allowing a minimum of two traps per trawl in some state waters as opposed to the three traps per trawl originally proposed. Also, there will be a 1/4 mile buffer around three inhabited Maine islands that will allow fishermen fishing in those waters to continue to fish singles. These changes and subsequent changes to projections of risk reductions were analyzed in the FEIS. The changes result in only a small adjustment to the level of risk reduction. NMFS believes these changes address the safety concerns for small vessel operators, which were raised by fishermen during the public comment period and public hearings while still reducing the risk of entanglement.

Comments on Closed Areas

Comment 36: Many commenters support the proposed closures, stating that the closures were aimed at reducing fishing effort in key areas with high concentrations of right whales.

Response: NMFS acknowledges this comment. However, the final rule will incorporate only one such closure, the Massachusetts Bay Restricted Area. This closure was chosen by NMFS based on the importance of the area to right whales and the presence of large whales within the area during proposed closure period, and the determination, consistent with MMPA requirements, that this one closure furthers the MMPA's intent to reduce serious injury and mortality to levels below PBR and approaching ZMRG, taking into account the economics of the fishery, the availability of existing technology, and existing fishery management plans. See response to comment 38.

Comment 37: Several commenters took issue with the start date of the proposed closure of January 1 for the Cape Cod Bay and Massachusetts Restricted Area. By starting the closure January 1 the commenters felt they would miss fishing opportunities during the months of November and December in that area. They stated that November and December are especially productive and profitable months for them.

Response: The proposed closure start date is the same start date as the current closure for the gillnet fisheries in that area. The closure period reflects the time period when whales are most abundant in this area. The social impact analysis included in the FEIS examines the economic burden posed by the closure and the likely effect on the economic viability of fishing operations. The analysis identifies vessel segments that may be heavily impacted by the requirements and suggests that, under the preferred alternative, a limited number of small vessels are most at risk when comparing annual compliance costs to average per-vessel revenues. As a result, harvest levels are unlikely to change and related industries (e.g., seafood processing) are not likely to be affected. NMFS believes the expected conservation gain of the closures will provide the best chance for the Plan to achieve its goals and objectives, as well as those of the MMPA and ESA.

Comment 38: Many commenters opposed the closures and questioned the conservation value of the closed areas. In some of the proposed areas, fishing effort is low so the chance of an entanglement is already low.

Response: Based on public comments received, in this final rule, NMFS is implementing one closure instead of the three originally proposed. NMFS evaluated the conservation value and took into consideration economic impacts of such measures on industry. NMFS identified one closure area that is substantial in size and achieves a similar conservation value but is less economically burdensome on industry, consistent with Section 118 of the MMPA. The Massachusetts Restricted Area contains habitat that is very important and heavily utilized by right whales and is currently closed to gillnet fishing. The closure in this area would be extended to trap/pot fisheries under the final rule in an effort to lower the risk of entanglement in a high co-occurrence area.

Comment 39: Numerous commenters stated that a closed area would displace fishermen to already crowded areas or create a wall of gear just outside the closure.

Response: NMFS analyzed the alternatives in two ways to account for varying fishing effort depending upon the behavior of industry as a result of the proposed closures. One way assumed 100% suspension of fishing as a result of the closures and the other way assumed some vessels would relocate to fish outside the closed areas. The potential range of the reduction in co-occurrence of the Preferred Alternative is 37.4–37.9%. NMFS believes that this closure will result in a reduction in co-occurrence that will further the likelihood of meeting the requirements and goals of the MMPA and ESA.

Comment 40: Multiple commenters recommended that NMFS close the Southeast U.S. right whale critical habitat to trap/pot fishing since the agency proposed closing Cape Cod Bay to trap/pot fishing in January and February and the two areas exhibited similar co-occurrence scores of whales and fishing gear during this time of year (as presented in Appendix 5–A of the DEIS). These commenters further stated that closing critical habitat in the Northeast but not in the Southeast was an inconsistent strategy given young small calves are at a greater risk for entanglement in the Southeast critical habitat. Some strongly recommended that NMFS adopt the black sea bass seasonal closure currently required under South Atlantic Snapper-Grouper Fishery Management Plan as part of this final rule throughout the Southeast U.S. Restricted Area, an area that is already closed to gillnet fishing.

Response: NMFS did not propose a trap/pot closure in the southeast U.S. critical habitat or Southeast Restricted Area North under this rulemaking because these areas did not exhibit extensive trap/pot fishing effort within either of these areas when compared to the volume of effort in Cape Cod Bay. In addition, the characteristics of blue crab trap/pot gear and lobster gear used in Cape Cod Bay are very different and therefore require different strategies to reduce risk to right whales. NMFS believes blue crabs can be harvested safely within state waters for reasons stated in the proposed rule, FEIS, and in this final rule under comments and responses on weak links, rope breaking strength, and trap removal. NMFS is not adopting the current black sea bass seasonal closure required under the Snapper-Grouper Fishery Management Plan in this final rule. NMFS published the ALWTRP proposed rule to mitigate the threat of vertical lines in commercial fisheries on July 16, 2013 (78 FR 42654). In a separate, unrelated rulemaking action, NMFS published a South Atlantic Fishery Management Council (SAFMC) Snapper-Grouper Fishery Management Plan-related proposed rule on July 2, 2013 (78 FR 39700), which, among other things, proposed a closure of the commercial black sea bass fishery in the South Atlantic from approximately Cape Hatteras, North Carolina to Cape Canaveral, Florida from November 1 through April 30. That closure became effective when the final rule was published on September 23, 2013 (78 FR 58249).

During team discussions, data analyses, and the initial ALWTRP rulemaking process beginning in 2009, the Team and NMFS were unaware that

there would be an increase in the black sea bass quota (specifically, during the right whale winter migration) and associated closure as a result of this quota increase. Thus, this scenario was not discussed or included in the proposed rule. NMFS cannot implement a similar closure in this rulemaking because NMFS did not seek comment on mirroring the SAFMC Snapper-Grouper Fishery Management Plan black sea bass closure to protect right whales. NMFS will consider this issue as it further develops the Snapper-Grouper Fishery Management action and discuss this with the Team should a future rulemaking become necessary.

Comment 41: Multiple commenters noted that the closure boundaries in the Northeast could be incorrect because of changing environmental conditions. The commenters believe that if the boundaries are wrong there is little chance to change them in a timely manner due to the lengthy process that is required to amend the Plan. They also did not support static closures as a means to protect whales.

Response: NMFS acknowledges this comment. Managing resources in changing environmental conditions is challenging. NMFS believes that there is enough evidence suggesting whales inhabit the proposed Massachusetts Restricted Area to support closing this area. This area has long been known to be an important feeding ground for large whales. In fact, according to a recent report by Massachusetts Division of Marine Fisheries (2011) there has been an increase in presence of whales, particularly right whales, in this area in the months of January through April. Including the Outer Cape as part of this closure area creates a protection corridor for the whales to travel through on their way to their Cape Cod Bay feeding ground. Recent passive acoustic studies analyzing right whale calls detected in Massachusetts Bay indicate a persistent presence of right whales and call activity throughout much of the year (Morano et al., 2012; Mussoline et al., 2012). NMFS will continue to survey the area for whale abundance and will work with the Team to modify the Plan if future surveys indicate that this area is no longer an important one for large whales. In addition, the ability to account for distribution shifts exists in the current regulations (see response to Comments 3 and 13). If it is found that right whales remain in a closed area longer than expected or leave earlier, or if the boundaries of a closed area are no longer appropriate NMFS, in consultation with the Team, may make changes to the requirements pursuant to the ''Other Special Measures'' provisions in the Plan.

Comment 42: Multiple commenters noted that the boundaries of some of the closures (Jeffreys Ledge and Jordan Basin) appear to be based on right whale distribution and not co-occurrence as decided by the Team. They mentioned that the closures were not fully vetted through the Team and adding them after the fact is not transparent to the Team process.

Response: NMFS agrees that the boundaries for all of the proposed closed areas were based in part on the distribution of right whales. Although the Team did agree to focus its conservation efforts on high co-occurrence areas, some Team members expressed concern that by relying solely on co-occurrence, some of the known right whale high use areas would not be adequately protected. In response, several closure proposals were developed by Team members. The closure proposals were initially discussed at the January 2012 Team meeting followed by additional discussion at the February and April 2012 meetings. Therefore, NMFS disagrees with the comment that the closures were not vetted through the Team. Based on public comments, the final rule does not include the Jeffreys Ledge or Jordan Basin closure (see the ''Changes from the Proposed Rule'' section of the preamble).

Comment 43: One commenter stated that the proposal to close the northern portion of Cape Cod Bay was not warranted. There is not a lot of fishing effort in the area and to those that fish there that area encompasses almost all of their winter fishing area.

Response: See responses to Comments 37, 38, and 42.

Comment 44: One commenter commended NMFS for proposing the closures but stressed the importance of reporting requirements to assess the closures effectiveness. Closures could trigger a relocation of effort so NMFS should be ready to expand the boundaries of the closures if this relocation leads to new areas of high co-occurrence.

Response: NMFS intends to continue to monitor fishing vessel trip report and observer data, and work with states to improve reporting requirements to accurately capture fishing effort and changes in fishing effort as a result of the final rule requirements. Should relocation of effort occur that would result in new areas of high co-occurrence NMFS would work with the Team to adjust the Plan as needed.

Comment 45: One commenter suggested that NMFS consider replacing the proposed Jeffreys Ledge and Jordan Basin closures with an increase to the minimum number of traps per trawl from November 1 through February in Maine Zones F&G (6–12 mile) to 15 traps per trawl and in Maine Zone F&G (12+ mile) to 20 traps per trawl.

Response: The final rule does not include the Jeffreys Ledge and Jordan Basin closures (see the ''Changes from the Proposed Rule'' section of the preamble). The rule will implement the minimum number of traps per trawl in Maine as requested by Maine Department of Marine Resources. This includes the above suggested seasonal increase to a 20 trap per trawl minimum in Maine Zones F&G.

Comment 46: Many commented that the proposed area for closure in Nantucket Sound was not justified by the co-occurrence model.

Response: See response to Comment 42. NMFS has modified the final rule based on public comment and chosen to implement a seasonal closure in Massachusetts that does not include portions of Nantucket Sound. The final rule reduces risk to large whales and is consistent with the requirements of Section 118 of the MMPA.

Comment 47: One commenter suggested that the closures may provide some level of reduction but these closures may not achieve the reduction needed to reach PBR. The closures are a minor step in addressing the issue. The commenter further requested that NMFS use an appropriate and peer-reviewed population model to quantify the impact of closures on whale populations.

Response: NMFS and the Team cannot determine the exact percentage reduction of vertical lines needed to reduce serious injury and mortality of large whales that encounter vertical lines to PBR levels. Sufficient information is not available on when, where, and how entanglements occur such that a quantifiable line reduction target can be calculated. NMFS believes that the closure, accompanied by the minimum number of traps per trawl requirement coupled with the current regulations already required under the Plan, will achieve the goals and objectives of the MMPA and ESA. As part of its monitoring plan, NMFS will monitor the impacts of all the requirements in the rule on whale populations (see response to Comment 8).

Comment 48: One commenter suggested that the time period for the Jeffreys Ledge closure should include September.

Response: The final rule does not include the Jeffreys Ledge closure (see

the ''Changes from the Proposed Rule'' section of the preamble).

Comment 49: One commenter supported the use of closed areas to manage entanglement risks to right whales in locations where right whale abundance is predictable and impacts to industry are minimal. The commenter supported closing Massachusetts State waters in the Cape Cod Bay Critical Habitat and suggested that this closure be state managed. The commenter believes that a closure in Cape Cod Bay should be dynamic to allow the state to alter the closure based on the large whale surveillance program conducted in that area.

Response: See response to Comment 42. NMFS appreciates the support for a closed area in Cape Cod Bay. NMFS believes that the most effective closure to reduce the risk of serious injury and mortality would include Federal waters as well as state waters. NMFS intends to monitor this issue as part of the Plan's monitoring strategy (see response to Comment 8).

Comment 50: Some commenters stated that the economic costs of the closures to the industry are too great and outweigh the conservation benefits to whales gained by the closures. They stated that the reduction in co-occurrence as a result of the closures will be minimal compared to the cost to industry. The cost per unit of co-occurrence reduction is spread across fewer vessels impacted by closures.

Response: NMFS partially agrees with the commenter and has modified the final rule based on public comment to include one closure instead of the proposed three (see the ''Changes from the Proposed Rule'' section of the preamble). NMFS is sensitive to the cost of complying with the final rule and has analyzed these costs in Chapter 7 of the FEIS. NMFS believes that there is enough evidence indicating whales inhabit the proposed Massachusetts Restricted Area to support closing this area (see responses to Comments 37, 38, and 42). The Massachusetts Restricted Area has long been known to be an important feeding ground for large whales and there is a reduction in co-occurrence that will translate into a conservation benefit, thus helping achieve the requirements of the MMPA.

Comment 51: Multiple commenters stated that if the Jordan Basin closure is finalized then the boundary of the closure area should be modified to only include waters in LMA 1 and not have the boundary cross the LMA 3 line as currently proposed.

Response: The final rule does not include the Jordan Basin closure. Please see the ''Changes from the Proposed Rule'' section of the preamble and the response to Comments 37, 38 and 42.

Comment 52: One commenter stated that closures are essential to reducing serious injury/mortality of large whales. The commenter believes that closures are the best means to reduce risk as each proposed closure has a high co-occurrence score during the proposed season.

Response: NMFS believes that closures can serve as an important conservation tool if utilized appropriately. However, based on public comment and the analysis of its alternatives found in the FEIS, NMFS does not believe all three proposed closures are based on high co-occurrence scores during the proposed seasons as the commenter suggests. Therefore, based on public comment, the final rule does not include the Jeffreys Ledge or Jordan Basin closure (see the ''Changes from the Proposed Rule'' section of the preamble and response to Comment 42). The single closure is consistent with the MMPA's provisions to reduce risk of serious injury and mortality while also taking into account the economics of the fishery, the availability of existing technology, and existing fishery management plans.

Comment 53: Some commenters were concerned about the failure to more fully address vertical line risk in the Southeast in light of the likely increased effort in the black sea bass trap/pot fishery during the winter as a result of the SAFMC's recent actions related to the Snapper-Grouper Fishery Management Plan. Commenters noted that this potential increase in fishing effort was not considered in the DEIS.

Response: SAFMC is developing Snapper Grouper Regulatory Amendment 16, to modify or remove the recently implemented black sea bass fishery closure intended to protect right whales from entanglement in vertical lines associated with the black sea bass fishery. This regulatory amendment has the potential to contradict or remain consistent with the intent of this final rule (intended to reduce the threat of entanglement to right and other large whales from vertical lines associated with commercial fisheries). NMFS holds a seat on the SAFMC and continues to collaborate with the SAFMC on its regulatory amendment to encourage adequate protection for right whales. Additionally, NMFS will consult the Team and may consider future amendments to the Plan, if appropriate, to address new developments that affect the risk to right and other large whales in the South Atlantic from vertical lines associated with commercial fishing gear.

Comments on Effective Date

Comment 54: One commenter recommended that NMFS provide an adequate period prior to implementation of the final rule to allow for public education and for industry to convert their gear to comply with the new regulations. The commenter further noted that affected states might need time to make changes to state trap/pot gear regulations to address inconsistencies between state regulations and NMFS' proposed amendments to the ALWTRP.

Response: NMFS agrees and considered input from state managers and industry leaders to ensure that the date chosen for implementation is practical and provides adequate time to comply with new requirements. The rule will have a phased-in implementation. The rule will become effective 60 days after publication in the **Federal Register**; however, changes to gear marking and gear modification requirements in the Southeast Restricted Area North are effective November 1, 2014, and changes to gear marking and the minimum number of traps per trawl requirements in the Northeast are effective June 1, 2015. The new minimum trap per trawl measure requires increasing the number of traps per vertical line which requires removal of equipment from the water and reconfiguration of line and equipment. Additional time is needed for fishermen to adapt to these changes. The changes in the Plan require the reconfiguration of approximately 200,000 vertical lines at an annual compliance cost of approximately $1.9 to $4.5 million. NMFS finds that there is good cause for the phased-in implementation dates to address the public's concerns to provide adequate time to implement the requirements in a cost-effective manner and given that the impact on conservation benefit to large whales from this phased-in implementation will be minimal given the relatively short delay in implementation. Specifically, the majority of the conservation measures included in the final rule will become effective 60 days of publication, including protective measures during calving season and a closure starting January 1, 2015, and all current ALWTRP requirements, including the sinking groundline requirement, remain in place during the phased-in implementation of some of the new measures.

Comment 55: One commenter stated that there will be a significant burden placed on industry to comply with the proposed measures and requested that

NMFS provide adequate time for industry to convert their gear.

Response: NMFS is sensitive to the needs of industry to convert gear to the required minimum number of traps/pots per trawl and appropriate gear marking scheme. Typically NMFS provides 30 days for industry to comply with new requirements. Based on public comment, NMFS has agreed to provide additional time for fishermen to convert their gear (please see response to Comment 54).

Comment 56: Numerous commenters requested that the implementation date coincide with the trap/tag date of June 1, asserting that a mid-season implementation date in the fall is not practical.

Response: NMFS agrees with the commenters and considered input from state managers and industry leaders to ensure that the date chosen for implementation is practical and provides adequate time to comply with new requirements. NMFS will have a phased in approach to the new requirements. Based on public comment, NMFS has agreed to provide additional time for fishermen to convert their gear (please see response to Comment 54 and 55).

Comments on Gear Marking

Comment 57: Numerous people commented that requiring one color code for trap/pot lines deployed in state waters and another for Federal waters as proposed for the SERA N would force commercial fishermen to re-rig their gear because blue crab trap/pot gear is fished in state, Federal, or state and Federal waters depending on blue crab distribution. These commenters recommended a gear marking scheme that would allow fishers to quickly alter color markings without incurring the expense and labor of changing the entire line. One commenter requested a 3-year phase-in period because old or wet lines will not take paint or hold colored tape, so entirely new lines will have to be purchased before the fishery could come into compliance with this measure. However, the commenter supported the two-color marking requirements to differentiate trap/pot gear fished in state vs. Federal waters. There were also some commenters, including fishermen, who did not object to the proposed gear marking scheme.

Response: The concern about different gear marking requirements between Federal and state waters is restricted to the blue crab fishery off Georgia and South Carolina. NMFS believes that the requirement for trap/pot gear fished in Federal waters to return to port at the end of a fishing trip will eliminate fishing for blue crab in Federal waters. Consequently, NMFS does not believe that a gear marking scheme that will enable trap/pot gear to be easily moved between Federal and state waters is needed. Furthermore, the Team highlighted that gear marking is an important conservation measure, specifically gear marking that allows gear to be distinguished between areas.

NMFS appreciates the concern about old or wet lines not taking paint or holding colored tape. Since we did not receive any comments from trap pot fishermen regarding challenges with gear marking or the need for a phase-in period, NMFS does not believe these actions are necessary. See response to Comment 26.

Comment 58: Many commenters support gear marking but felt the proposed gear marking falls short of managers' needs and a more refined gear marking is necessary.

Response: Based on implementation considerations and technology presently available, NMFS believes the final gear marking scheme is appropriate. If more promising techniques become available in the future, NMFS will discuss them with the Team.

Comment 59: Many commenters stated that marking in exempted waters would be difficult and not feasible. Many fish both inside and outside of the exemption area so they would need to remark their gear with a different color scheme every time they fish in and out of the exempted waters. This is not time or cost effective.

Response: NMFS has modified the final rule based on public comment and will not require gear marking inside the exemption area (see ''Changes from the Proposed Rule'' section of the preamble).

Comment 60: Some commenters stated that if exempted waters were required to be marked, then Maine and New Hampshire should have different colors for their exempt waters and not be grouped together.

Response: See Response to Comment 59.

Comment 61: Some commenters stated that marking the line three times was excessive and 1-mark mid-way down the line is adequate. The commenters felt that making the current mark larger would be the easiest approach but were unclear if this would really make a difference.

Response: NMFS believes the current gear marking scheme that requires only one 4-inch mark is inadequate. Frequently the line recovered from entanglement events is unmarked. Of the 499 entanglement events from 1997–2011, gear was only recovered in 170 cases. Of the 499 entanglement events, gear marking led to 51 (10%) cases where fishery, location, and date were identified. NMFS believes requiring larger marks more frequently will increase the amount of marked line recovered during events and thus better inform future management decisions.

Comment 62: Some commenters questioned the need to mark in exempt waters if the occurrence of whales in exempt waters is rare.

Response: See response to Comment 59.

Comment 63: Two commenters cited challenges with marking offshore gear as the gear is always wet and infrequently brought back to shore. The gear is also easily identified due to its size.

Response: NMFS acknowledges this challenge but points out that offshore gear is currently required to be marked. The new gear marking scheme would expand the size and frequency of the current gear marking scheme.

Comment 64: A few commenters noted that fine scale marking in the Gulf of Maine is justifiable and more unique color codes are necessary than what is being proposed.

Response: See response to Comment 58.

Comment 65: Many commenters opposed increased gear marking in LMA1 (frequency, level, or size) stating that the gear marking only informs where the gear was set and not where the entanglement occurred. These commenters suggested that NMFS suspend increased gear marking requirements until more definitive regional markings are available.

Response: See response to Comment 58.

Comment 66: A few commenters suggested that NMFS modify the proposed gear marking to better understand the gear configuration in the Gulf of Maine. The commenters suggested marking by trawl length.

Response: Various gear marking schemes were discussed by the Team over the course of several meetings during the development of this rule, including the idea suggested by the commenter. However, the Team could not reach agreement on how to mark gear based on the gear's configuration. NMFS also solicited gear marking ideas during its public scoping meetings, which also did not yield any feasible alternatives. Therefore, NMFS believes the final gear marking scheme is appropriate based on the current technology that exists and public comments received on feasibility of gear marking.

Comment 67: One commenter suggested adding a second color for

each LMA. The commenter also did not support the use of orange as color for marking the Southern Nearshore Trap/Pot area as this is too similar to the red color required in other waters.

Response: Based on implementation considerations and technology presently available, NMFS believes the final gear marking scheme is appropriate (see response to Comment 63). The current color mark for Southern Nearshore Trap/Pot area is orange. The final rule does not change this color scheme.

Comment 68: One commenter suggested that rather than just three marks per line that the number of marks be increased for those fishing in deeper waters. The commenter also suggested marking groundlines.

Response: Based on the public comments received, NMFS believes that three marks per line is adequate at this time. NMFS did not propose marking groundlines through this rulemaking.

Comments on Weak Links/Vertical Line

Comment 69: Multiple commenters stated they already used weak links and some used weak links with fewer hog rings than required (i.e., lower breaking strength). These commenters stated that they did not have objections to the proposed weak link requirement. One commenter requested test trials because he did not know how many hog rings resulted in 200 lb (90.7 kg) breaking strength and he wanted to ensure the feasibility of this requirement in the blue crab fishery. Another commenter mentioned the importance of enforcing the existing weak link requirements. Other commenters recommended that 200 lb (90.7 kg) weak links be required throughout critical habitat or throughout SERA N.

Response: We agree that enforcement is important and we will ensure that our Joint Enforcement Agreements with state agencies include checking weak links on trap/pot gear.

We believe a three hog ring weak link configuration is feasible for the Florida blue crab fishery. We conducted five trials to test the breaking strength of a 3-hog ring, side-by-side configuration and each time found the breaking strength to be less than 200 lbs (90.7 kg) (NMFS unpub. data).

We are not requiring a uniform 200 lb (90.7 kg) weak link throughout critical habitat or the SERA N for the same reasons a vertical line with maximum breaking strength of 1,500 lbs (680 kg) is not required (see response to Comment 70).

Comment 70: A number of commenters submitted the following comments on the rope breaking strength requirement: (1) The 1,500 lb (680 kg) vertical line breaking strength is the most risk-averse proposal and should be adopted for the right whale calving area critical habitat or the entire Southeast restricted area; (2) NMFS does not explain why the Federal waters vertical line breaking strength requirements mirror those of Georgia and South Carolina rather than the more appropriate (and more conservative) Florida breaking strengths; and (3) NMFS attempted to rationalize different rope breaking strengths in different areas by stating that the lower breaking strength in Florida state waters would protect ''neophyte'' calves; however, these same ''neophytes'' are born further to the north where rope breaking strengths are far higher and thus, presumably create potentially greater risk. On the other hand, some submitted comments in support of lower breaking strengths for vertical lines and weak links in Florida state waters versus those required for Georgia and South Carolina. They commented that right whales off Georgia and South Carolina are frequently found over 3 miles from the shoreline so there is less overlap of whales with state water fisheries, whereas right whales in northeast Florida frequently inhabit state waters.

Response: NMFS does not agree with the recommendation to require 1,500 lb (680 kg) vertical line breaking strength throughout critical habitat or the entire Southeast restricted area. The rationale for requiring different rope breaking strengths in different areas is based on multiple considerations: (1) Right whale mother/calf pairs in the Southeast most frequently occur in water depths of 10–20 m (~33–66 ft) (Keller et al., 2012). Florida state waters are typically deeper than 10 m (~33 ft) closer to shore, whereas depths along the coasts of Georgia or South Carolina are generally less than 10 meters (~33 ft). Therefore, NMFS believes the probability of blue crab trap/pot gear interactions with mother/calf pairs is higher in Florida state waters than South Carolina or Georgia state waters; (2) many fishermen in South Carolina and Georgia state waters report their trap/pot gear can be partially buried in bottom sediment and therefore require stronger vertical lines to avoid unintentionally breaking lines during retrieval; and (3) offshore Federal waters are less protected and typically exhibit harsher conditions that require vertical lines with greater breaking strengths to reduce accidental gear loss and the potential risk to right whales from derelict gear. Consequently, NMFS capped the maximum vertical line breaking strength in federal waters at 2,200 lbs (998 kg) and included the additional requirement that all trap/pot gear be brought back to shore at the end of each fishing trip. NMFS believes these combined measures provide overall risk reduction for right whales while taking into account their co-occurrence with fishing gear, bathymetry, and characteristics of fishing practices in offshore federal waters.

Comments on Gillnets

Comment 71: Many commenters felt that the impact from gillnet gear should be included in the proposed vertical line reduction measures.

Response: Including gillnets in the proposed measures was analyzed in the FEIS and rejected (See Chapter 3, Appendix 3–A of the FEIS).The gear characterization information in the co-occurrence model shows that 99% of the vertical lines coastwide are from lobster trap/pot and other trap/pot fisheries (Exhibit 3A–1). For this reason, NMFS and the Team chose to focus this rule making on trap/pot gear only.

Comment 72: One commenter suggested that a prohibition on gillnets be included in the Jeffreys Ledge trap/pot closure area.

Response: The final rule does not include the Jeffreys Ledge closure (see the ''Changes from the Proposed Rule'' section of the preamble and response to Comment 42).

Comment 73: One commenter suggested that the rule include a prohibition on gillnets in all proposed closure areas as well as the sliver management area with the current Great South Channel Restricted Gillnet Area.

Response: See response to Comment 71. In addition, the amount of gillnet vertical lines removed as a result of the proposed closures is minimal compared to the trap/pot gear vertical lines removed (Chapter 3 Exhibit 3A–2 of the FEIS). This result leads to a high economic impact on individual gillnet vessels but low overall conservation impacts or reduction in co-occurrence. Therefore, NMFS proposed the closures for only trap/pot gear and not for gillnet gear.

Comments on Enforcement and Monitoring

Comment 74: Many commenters expressed their support for increased effort and funding for enforcement to improve compliance.

Response: NMFS appreciates the support and acknowledges that enforcement is essential to the success of the Plan's regulations.

Comment 75: One commenter stated that the status quo could be improved by having mandatory training for

disentanglement by industry members. He stated that it didn't make sense to wait hours for trained responders to arrive during a rescue situation.

Response: NMFS has an Atlantic Large Whale Disentanglement Network that provides training, equipment, and authorization for responders to disentangle large whales. There are defined safety protocols and established guidelines for training and designation of response levels within the program. A five-level structure was established based upon levels of training, with respect for the inherent danger of working with various species of large whales. Only authorized persons may disentangle large whales.

Comment 76: Multiple commenters stated that the rule does not address data gaps for lobster fishing in Federal waters. They suggested NMFS require Federal lobster permit holders to report landings, gear configuration, and other relevant information.

Response: NMFS is aware that data gaps exist in certain fisheries. The American lobster fishery is managed cooperatively by the Atlantic states and NMFS under an FMP developed by the Atlantic States Marine Fisheries Commission (Commission), which is a deliberative body of 15 Atlantic coastal states that coordinate the conservation and management of Atlantic coastal fishery resources. Under the American Lobster FMP, the states issue regulations for lobster fishing in state waters and NMFS supports the FMP by implementing regulations for fishing in federal waters. NMFS continues to work closely with the Commission to develop uniform reporting where appropriate.

Comment 77: One commenter expressed his support for better enforcement and monitoring of existing regulations before proposing additional measures. He suggested there should be annual stock assessments for large whale species and a more timely decision making process that relies on real time information.

Response: NMFS and the Team have developed a comprehensive monitoring strategy that evaluates industry compliance to the Plan's requirements and the overall effectiveness of the Plan in achieving its goals and objectives (see responses to Comments 6 and 8). NMFS continues to work with the U.S. Coast Guard, NOAA Office of Law Enforcement, and state partners through Joint Enforcement Agreements to enforce NMFS' regulations. NMFS currently publishes SARs for large whales on an annual basis because decision making processes that rely on real time information are challenging; NMFS, in collaboration with the Team, bases decisions on the best information available at that time.

Comment 78: One commenter believes that the monitoring of the impacts of the proposed changes is unclear. The commenter recommends that funding for large whale scar analysis continue in order to determine if scarring has increased or decreased and if the reduction of vertical line has reduced the rate of interaction. Scarring analysis could also help to monitor the trend in severity of the entanglements.

Response: Scarring analysis is included as a metric in the monitoring strategy (see Response to Comment 8).

Comment 79: One commenter feels that NMFS must address the risk associated with emerging fisheries.

Response: NMFS has a plan in place to deal with emerging fisheries through its annual List of Fisheries. Fisheries are added to the Plan once they are classified on the annual List of Fisheries as having frequent or occasional interactions with right, humpback, or fin whales. If an emerging fishery fits these criteria and is added to the List of Fisheries, then that fishery would have to abide by all the Plan's requirements including the proposed trawling up requirements.

Comment 80: One commenter stated that improved enforcement and monitoring is needed and fisheries should be monitored on a day to day basis. The commenter suggested increasing the frequency of observer coverage or video surveillance as data collection leads to stricter enforcement.

Response: NMFS agrees that enforcement and monitoring are essential to the Plan's success. Sea-sampling observers collect large whale sightings data, however, this is one of many data collection responsibilities and the likelihood of observing an entanglement event is rare.

Comment 81: One commenter feels that there should be mandated reporting requirements for all states.

Response: See response to Comment 72. NMFS will continue to work with state partners to improve reporting requirements to keep the fishing effort data in its vertical line model current. If voluntary reporting becomes an ineffective means to collect information, NMFS will work with the Atlantic States Marine Fisheries Commission on the prospect of mandatory reporting.

Comment 82: One commenter encouraged NMFS to produce more robust annual monitoring reports. The commenter also requested a full five year report be completed before the final rule assessing the sinking groundline rule since it has been in place for five years.

Response: See responses to Comments 6 and 8. NMFS will assess its annual monitoring reports to ensure that the most useful information is included.

Comment 83: One commenter recommended a requirement that all trap/pot fishermen permitted to fish in federal waters record and submit data on the location, number, and length of time that endlines are deployed and that NMFS should describe in the FEIS precisely what data on endlines (e.g., number, location, and length) NMFS expects state fishery agencies to provide to evaluate compliance and rule effectiveness.

Response: NMFS did not implement reporting in this rule-making because NMFS did not seek comment on this measure in the proposed rule. Although such reporting is outside the scope of this rulemaking, NMFS will consult the Team and may consider a reporting requirement in future rulemaking.

Comments on the Shipping Industry and/or Ship Strikes

Comment 84: One commenter stated that he thought whales got hit by boats and then entangled in the line so the shipping industry should be held accountable.

Response: The Recovery Plan for the North Atlantic Right Whale (National Marine Fisheries Service 2005) identifies vessel interactions and interactions with commercial fishing operations as the two primary sources of anthropogenic activities that result in right whale death or serious injury. Although the scenario suggested by the commenter is plausible, NMFS addresses vessel interactions and interactions with commercial fishing operations separately. Ship strikes are evaluated through a separate action in support of the implementation of the North Atlantic right whale ship strike strategy. The ship strike reduction rule, first implemented in 2008, implements regulatory measures that reduce the risk of ship strike to right whales, such as speed restrictions and vessel routing measures. The rule is one component of a suite of NMFS' comprehensive right whale ship strike reduction measures, which also includes education and outreach to commercial and recreational mariners, research on technologies that may help mariners avoid whales, a comprehensive program of sighting advisories to mariners, section 7 consultations to address Federal vessel activities, and the development of a Conservation Agreement with Canada on a ship strike strategy. This final rule addresses the risks to right whales from interactions with commercial fishing operations by reducing the risk of death

or serious injury when large whales encounter vertical lines from commercial trap/pot gear.

Comment 85: One commenter stated that the ship speed rule should be permanent.

Response: NMFS concurs. On December 9, 2013 NMFS published a final rule (78 FR 73726) that eliminated the expiration date of the ship strike reduction rule. The regulation is now permanent.

Comment 86: One commenter stressed the need to address the impact of ship strikes.

Response: See response to Comment 84.

Comments on the Number of Traps per Trawl

Comment 87: Several commenters were concerned that increasing the number of traps per trawl would create safety issues for smaller fishing operations. These commenters stated that there would be stability issues and the potential for capsizing due to the distribution of weight of the additional rope and traps on board.

Response: Because vertical lines pose a risk to whales regardless of vessel size, NMFS requires both small and large vessels to increase the number of traps per trawl to reduce the number of vertical lines in the water column. However, NMFS is aware of these safety concerns for smaller vessels. To address impacts to smaller vessels, state managers and industry representatives on the Team proposed utilizing a smaller minimum number of trap/pots per trawl. Those smaller limits in inshore state water areas are contained in this final rule. Also, based on public comment NMFS modified the final rule to allow for a minimum of two traps per trawl in some areas that previously would have required three traps per trawl. NMFS also established a ¼ mile buffer around three inhabited Maine islands to allow those small vessels to continue to fish single trap/pots. NMFS believes that these modifications address the small vessel safety concerns while still meeting the conservation goals of the MMPA and ESA.

Comment 88: Several commenters disagreed with the changes to the inshore fishery to require pairs or triples and no longer allow singles. They stated that they fish around shallow bays and rugged bottoms so fishing with anything more than a single would create gear loss or damage. They suggested a near shore exemption for singles.

Response: The final rule does not include a near shore exemption for singles. See response to Comment 87.

Comment 89: One commenter stated that it appeared that concessions were made to minimize the hardships in meeting the plan's goal and LMA 2 lobstermen are disproportionally affected by the proposal. The commenter stated that Downeast Maine lobstermen were allowed to fish doubles but those in LMA 2 would be required to go up to three traps per trawl in state waters even though there are probably 30–50% fewer vertical lines in LMA 2 today than in the past due to the lobster stock collapse.

Response: NMFS modified the final rule based on public comment. All those fishing in state waters of LMA 2 will be allowed to fish doubles rather than the previously proposed three traps per trawl.

Comment 90: Several commenters stated that trawls would increase gear conflict and thus ghost gear.

Response: NMFS evaluated the effects of trawls on gear loss in Chapter 6 of the FEIS. Overall, the effect of trawling on gear loss is unclear. While data from a Maine trawling project completed in 2012 suggest some potential for increased gear loss during fishermen's transition to trawls, the more extensive data from the Massachusetts ghost gear survey completed in 2011 suggest that trawls are less subject to gear loss in steady-state conditions. Gear loss is likely a function of numerous variables that extend well beyond the trawl configuration, including bottom structure, shipping traffic, gear density, gear conflicts, tides, currents, and weather events. The net effect of trawling in the context of all these variables is difficult to characterize or quantify. NMFS will continue to monitor this issue and consider future rulemaking if warranted.

Comment 91: One commenter stated that it was more profitable and safer to fish singles than trawls.

Response: Analysis of the impact to catch as a result of trawling is discussed in Chapter 6 of the FEIS. Data to support a quantitative analysis of trawling effects on catch are extremely limited. Because multiple factors influence catch rates (gear configuration, gear density, the abundance of the target species, bottom structure, soak time, individual skill, etc.), it is difficult to isolate the effect of trawl configuration on catch. Research has demonstrated that the optimal spacing of lobster traps depends upon the abundance of lobster in an area; the greater the density of lobster, the greater the density of traps that can be fished without an adverse impact on catch per trap (Schreiber, 2010). In Massachusetts waters, where lobster appear to be less dense than Maine waters, there is a possibility that changing gear configurations may impact catch. These impacts may diminish over time, as fishermen adapt to new gear configurations and learn to fish longer trawls more efficiently. NMFS believes that the minimum number of traps per trawl required and exceptions made to this requirement adequately address the safety concerns association with fishing trawls while still providing a viable economic return to fishermen.

Comment 92: A few commenters questioned the proposal to increase the number of traps per trawl and stated their opinion that a whale would be more likely to survive a single pot entanglement than an entanglement in a trawl.

Response: NMFS believes that a single line of high breaking strength with one or multiple traps can be deadly. Past experiences show that just a simple loop can kill a whale. Also, fewer vertical lines create a lower entanglement risk to whales.

Comment 93: Many commenters supported the proposed number of traps per trawl, particularly the proposed increase outside state waters.

Response: NMFS appreciates the support.

Comment 94: Several commenters mentioned the danger of fishing with trawls in the Outer Cape citing issues related to storms, traffic, and tides unique to the Outer Cape.

Response: NMFS is sensitive to these concerns and the uniqueness of the Outer Cape. The final rule will require those fishing on the Outer Cape to fish a minimum of two traps per trawl as opposed to larger trawls required elsewhere.

Comment 95: A few commenters stated that many in the Outer Cape and Cape Cod Bay use singles and wondered if there were confirmed interactions with singles in these areas. If there are not then why penalize fishermen?

Response: It is uncertain how many interactions there have been with Outer Cape and Cape Cod Bay gear. Because most large whale entanglements (particularly those involving right whales) tend to be free swimming entanglements when detected and the gear recovered from these entanglements do not provide adequate information to determine where an entanglement occurred, entanglements from specific fisheries and areas are rarely documented. After the implementation of the broad based prohibition on floating groundline in 2009, 54 new whale entanglements were reported: 21 in 2010 (5 right and 16 humpback), and 33 in 2011 (11 right, 21

humpback, and 1 fin). The entangling gear was either retrieved or identified in only 15 of these incidents. NMFS must take action to ensure the goals of the MMPA and ESA are met.

Comment 96: Two commenters stated that mandating one buoy line on trawls per five traps or less would cause a safety issue and the potential for gear loss and gear conflict. It is a common problem for boat traffic or gear conflict to cause the temporary or permanent loss of a buoy, connected to a vertical line, identifying a trawl. Without the option to haul that trawl from a second vertical line there is a potential for increased ghost gear.

Response: The regulations currently require one buoy line on trawls having less than or equal to five traps. The final rule would not change this requirement.

Comment 97: One commenter had concerns with the trawling up strategy, stating that those fishing in Federal waters are already fishing trawls with the minimum number proposed so there would be no reduction in vertical lines.

Response: NMFS disagrees with this comment. The model used current data to estimate vertical lines based on current fishing practices and estimated the reduction in vertical lines that would result from compliance with the new requirements. This demonstrates that there would be a reduction in vertical lines.

Comment 98: Two commenters felt that NMFS should set vertical line reduction limits and work with the Atlantic States Marine Fisheries Commission and Fishery Management Councils to reach those targets. One commenter felt that gillnet and other trap/pot fisheries should be included in this process as well.

Response: The MMPA provides the authority to address marine mammal bycatch; NMFS is responsible for implementing the MMPA. Both the ASMFC and FMCs provide input to NMFS through their representatives on the Team. Also, see responses to Comments 12 and 47.

Comment 99: Numerous commenters voiced safety concerns associated with trawling up in waters surrounding Maine's many islands. The bottom is rocky and shallow in this area and many small boats fish these waters. The waters are generally less than 30 fathoms deep and unlikely to increase co-occurrence risk; some suggested a ¼ mile exemption around islands from the proposal to increase the number of traps per trawl. One commenter suggested limiting the trawl minimums on a seasonal basis for areas around islands which are considered state waters but that are found outside the 3-mile line.

Response: See response to Comment 87. The final rule includes a ¼ mile exemption around three inhabited islands in Maine. Those fishing in these waters will have no minimum number of traps per trawl requirement; however, all other requirements would remain in place.

Comment 100: A few commenters commented that the four pocket waters in Maine should maintain their current practices of fishing pairs rather than increasing to triples. These pocket waters are described in Federal law (50 CFR 697.24). Maintaining current practice in these waters is operationally practical for both industry and enforcement. One commenter also notes that the co-occurrence score near the pocket waters exceeds one in only one month at the head of one pocket water with the majority of this score located outside of the pocket water boundary.

Response: NMFS modified the final rule based on public comment to include the definition of pocket waters. The rule defines the geographic location of pocket waters and applies the same gear requirements for traps per trawl as in state waters, and as such, those fishing in that area can maintain the current practice of fishing pairs rather than increasing to triples.

Comment 101: Two commenters commented on Rhode Island's single pot fishery. They stated that three-pot trawls are not an option for small boats for safety reasons. They also mentioned that there is no known serious injury/mortality in Rhode Island state waters and the area has a low co-occurrence score and as such should be exempted.

Response: NMFS modified the final rule based on public comment. The minimum number of traps per trawl required in Rhode Island state waters will be two instead of the three pot trawls originally proposed.

Comment 102: One commenter requested NMFS to decrease the minimum number of traps per trawl in LMA 2 (12+) from 20 to 15.

Response: The Preferred Alternative in the proposed rule proposed 15 as a minimum number of traps per trawl in LMA 2 (12+). The Preferred Alternative in the final rule includes this as well.

Comment 103: One commenter stated that there are indicators that suggest rope is too strong for whales to break free and a serious entanglement and/or injury could occur.

Response: The final rule includes numerous measures to reduce the likelihood that a serious entanglement will occur. The rule requires a weaker breaking strength of rope in the Southeast where the potential for calves to get entangled is higher. The rule also defines a maximum breaking strength of weak links in the Southeast. Weak links are designed to reduce the breaking strength of traditional gear and have been in the Plan since its inception. Also, the final rule will lead to less vertical lines in the water which will make an encounter less likely.

Comment 104: One commenter feels that it is problematic to ban singles in areas where recreational fishing occurs and this creates a double standard.

Response: The regulations implementing the Plan are governed by Section 118 of the MMPA, which requires take reduction teams to assist NMFS in the development of take reduction plans that address serious injuries and mortalities of marine mammals that interact with commercial fishing operations. Therefore, the proposed measures apply to commercial fishing only. However, recreational fishermen who take marine mammals are in violation of the MMPA prohibition against taking marine mammals. However, states may choose to regulate recreational fisheries within their state jurisdictions.

Comment 105: One commenter asserted that it was counterintuitive that there would be a ban on singles proposed in the Northeast but a proposal to require singles in the Southeast. The commenter questioned the lack of consistency between regions.

Response: The proposed measures differ between the Northeast and Southeast region, as well as from state to state, to account for variance in fisheries, right whale habitat use, right whale life history stage, and environmental features. The core right whale calving area located within the Southeast is of particular conservation concern due to the presence of neophyte calves and reproducing females. Singles are required in this area because calves may be able to break free of an entanglement in lighter single trap gear configuration than from a heavier multiple trap trawl gear configuration. Also, in an effort to reduce damage to sensitive habitats, single traps/pots are preferable in the Southeast. The Southeast U.S. has many coastal habitats that include live bottom and corals; in particular, there are ample amounts of live bottom off the coast of Northeast Florida. Traps set in multiple trap trawls can damage live bottom more than single traps. Groundlines may drag across the bottom, potentially shearing off living organisms most important in providing topographic complexity (Barnette, 2001). Furthermore, the area swept by the groundline is orders of magnitude greater than the cumulative area of the

traps themselves (Barnette, 2001). It is estimated that hauling in a single trap results in 30% more damage to the substrate than setting the trap itself (Appledorn et al., 2000); thus, hauling in multiple traps would increase the extent of the habitat damage more than hauling a single pot.

Comment 106: One commenter stated that a number of fishermen can't fish the minimum number traps/trawl proposed for the 12 mile line in Maine. The commenter suggested proposing a 'safe trawl equivalency.' Fishermen could fish in areas traditionally fished with a number of traps they feel is safe. This would be no less than 10 traps/trawl but they would have to apply for this equivalency and explain why they are not able to fish the standard limit.

Response: NMFS appreciates the suggestion. NMFS developed the minimum number of traps per trawl with input from multiple stakeholder groups. NMFS believes that the minimum number of traps per trawl in the final rule is adequate, and addresses the safety concerns of industry while meeting the MMPA and ESA goals.

Comment 107: One commenter suggested that the rule include a recommendation to maximize the number of traps per trawl as a voluntary measure similar to the current recommendation that ropes should be as knotless as possible.

Response: NMFS appreciates this suggestion and will add the suggestion to maximize the number of traps per trawl in northeastern waters to outreach materials similar to what is done with the knotless rope recommendation.

Comment 108: Numerous commenters supported the proposed increase in traps per trawl including adopting the proposed 6-mile line in Maine.

Response: NMFS appreciates the support for this measure in the final rule.

Comment 109: One commenter supported the proposed trawl minimums but stated without a defined target for reduction the trawl minimums are unlikely to achieve the required impact without the use of closures.

Response: NMFS appreciates the support for the trawl minimums and agrees that both the trawl minimums and closures combined will achieve the best reduction in co-occurrence. The final rule includes both trawl minimums and a seasonal closure. Regarding the use of a defined target for reduction, please see the response to Comments 12 and 47.

Comments on Trap Reduction/Existing Measures

Comment 110: A few commenters noted that LMA 2 has undergone trap reductions and the impact of these trap reductions should be accounted for when considering vertical line reductions.

Response: The measures developed are based on a vertical line model that allowed us to target conservation measures in areas that have the highest overlap of large whale sightings per unit effort with vertical lines associated with commercial trap/pot and gillnet fishing. The model accounts for the way the fishing industry deployed its gear in the past, which reflect the requirements when the proposed measures were developed. NMFS acknowledges that effort reduction has taken place; however, a reduction in traps does not necessarily equate to a reduction in the number of vertical lines in the water column. During the comment period, NMFS requested comments on how best to quantify potential future trap reductions or increases with respect to how many vertical lines could be reduced or increased. NMFS did not receive any substantive comments addressing this issue. NMFS realizes that potential effort reductions or increases in the future could reduce or increase the number of vertical lines in the water column. NMFS, in consultation with the Team, has developed a monitoring strategy to evaluate industry compliance with the Plan and the effectiveness of the Plan in achieving the plan's goals and objectives. For more information on the monitoring strategy, please see the response to Comment 8.

Comment 111: One commenter requested that NMFS anticipate the implementation of Addendum XVII to the American Lobster FMP intended to reduce the number of LMA 2 traps to greater than 50% in six years through active and passive reductions. He stated that 50% reduction in traps may not equate to the same vertical line reduction but it's anticipated the vertical line goal could be met by trap reductions and there should be an attempt to quantify potential line reduction from effort control.

Response: See response to Comment 110.

Comment 112: A few commenters noted that trap reductions occur when permits are transferred and thus the numbers of vertical lines are reduced. There has also been a reduction of traps because of the general reduction of fishermen.

Response: See response to Comment 110.

Comment 113: A few commenters suggested that many fishermen are fishing below their allotment of trap/pot gear on their permit and flexibility should be allowed. They stated that NMFS can reduce the number of vertical lines by allowing fishermen the option of either trawling up or fishing below their allotment of traps with less number of trawls.

Response: NMFS and the Team discussed this issue at several of its Team meetings during the development of this rule. Similar to the response to Comment 105, NMFS and the Team could not quantify how fishing below ones trap/pot allocations equates to a reduction in the number of vertical lines in the water column.

Comment 114: One commenter stated that LMA3 traps have been reduced by over 30% and will continue to be reduced by another 25% through active reduction. The passive reductions will result in 10% of transferred traps being retired.

Response: See response to Comment 110.

Comment 115: Some commenters stated that many of the goals of the ALWTRP are currently being achieved through the South Atlantic Fishery Management Council Snapper-Grouper Fishery Management Plan since it limits the number of endorsements, requires pot tending, requires that pots return to shore at the end of the fishing trip, and limits fishermen to a 1000 lb (453.6 kg) trip limit.

Response: In the proposed rule, we acknowledged changes within the commercial black sea bass trap/pot fishery have reduced risk to large whales. The most important and effective risk reduction measure is that South Atlantic black sea bass fishing season has not co-occurred with the right whale season since January 2010 (i.e., no temporal or spatial overlap between commercial black sea bass trap/pot gear and right whales). However, there are other trap/pot fisheries active within the SERA N during the right whale calving season that NMFS must consider.

Comments on Research

Comment 116: Many commenters expressed their support for increased funding for research and disentanglement.

Response: NMFS appreciates the support for funding for both research and disentanglement efforts.

Comment 117: One commenter commented that NMFS should continue to research and develop alternative

fishing gear as a way to mitigate the effect of a potential increase in effort outside the closure areas. The commenter encouraged the development of ropeless fishing or reduced breaking strength of vertical lines.

Response: NMFS agrees that gear research is an important component of the Plan. NMFS funded two studies to look at the feasibility of ropeless fishing by using grapples/hooks to haul gear. There were a number of complications with this fishing method that made it infeasible from an economic and safety standpoint. At this time, ropeless fishing is not a feasible option. NMFS encourages the fishing industry, state partners, and others to work collaboratively with the agency to continue to develop new ideas and techniques that will reduce entanglement risk. NMFS is committed to gear research and development and, as funding allows, will continue to develop reliable and safe gear modifications.

Comments on Economic and Social Impacts (of the Plan)

Comment 118: Two commenters stated that the data used for the offshore fishery (LMA 3) in the socio-economic analysis is flawed and is not an accurate depiction of the fishery.

Response: NMFS acknowledges that the characterization of the offshore lobster fishery, like the characterization of other fisheries, is subject to the limitations of available data. The EIS attempts to address these limitations, where possible, by drawing on data from multiple sources. In the case of the offshore lobster fishery, for example, estimates of the impact of trawling requirements on revenues are based in part on catch-per-trap estimates from a 2005 survey conducted by the Gulf of Maine Research Institute, and in part on data reported in the 2009 Lobster Stock Assessment, focusing on Georges Bank as an indicator of offshore catch rates (see Exhibit 6–4). These and the other sources upon which the EIS relies constitute the best available information on the economic characteristics of the offshore lobster fishery.

Comment 119: One commenter disagreed that, with lower landings, less consumer surplus will lead to a greater boat price for fishermen to help offset the cost or loss in revenue from these proposed regulations. The commenter did not believe this would occur, and instead thought that the U.S. imports Canadian lobsters with no import/export quota restriction; meaning when these proposed closures result in lower landings from Maine, New Hampshire and Massachusetts, the U.S. businesses depending on this product will increase their imports from Canada before an increase in boat price will trickle down through dealers to harvesters. This may result in a higher Canadian price first, possibly a higher U.S. price later but nothing that will substitute for the projected 40–66% loss in average annual gross revenue.

Response: As the EIS indicates, the dynamics of the lobster market are complex. The potential moderating effect of imports from Canada on any increase in U.S. prices adds to this complexity. In light of these considerations—as well as the relatively modest impact the alternatives would likely have on U.S. landings—the analysis does not attempt to adjust the estimate of economic impacts on U.S. lobstermen to account for a potential increase in ex-vessel prices. It simply notes the possibility that a reduction in catch could lead to an increase in prices. It does not suggest that any such increase would be sufficient to offset the impact of a closure, either on the vessels displaced by the closure or on the industry as a whole.

Comment 120: One commenter commented that the loss in revenue as a result of closures will be more than predicted, stating that the cost is severely underestimated and that the cost per unit of co-occurrence reduction is much larger.

Response: NMFS acknowledges the difficulty of predicting the impact of seasonal area closures on affected vessels. The EIS evaluates an upper and a lower bound scenario in an attempt to characterize the potential range of effects. In the upper bound scenario, the analysis assumes that vessels whose effort is displaced by the closure will not relocate that effort to other areas; hence, all revenue (net of operating cost savings) associated with this effort is assumed to be lost. NMFS believes this approach provides a conservative but reasonable high-end estimate of the potential economic impacts of a closure.

The commenter also notes the relatively high cost of closures, compared to minimum trawl-length requirements, in achieving a reduction in co-occurrence scores. The summary of the impact analysis (see Chapter 8) explicitly addresses this issue.

Clarification Requests for the FEIS

Comment 121: One commenter commented that the change in number of vertical lines and co-occurrence is not partitioned out by state versus Federal and, as such, it is difficult to evaluate the proposed rule.

Response: NMFS has attempted to present the results of the analysis in a manner that clearly communicates the key impacts of the alternatives under consideration. While presentation of some findings at a higher degree of geographic resolution is theoretically possible, developing this information would require a substantial investment of analytic resources. NMFS has evaluated the effectiveness of each alternative in reducing co-occurrence scores in all waters subject to the requirements of the Plan, and believes it is appropriate to report the impacts of each alternative at that level.

Comment 122: One commenter requested that the discussion of weak links be expanded to include evidence that weak links have prevented entanglements, reduced the likelihood that an entangled whale would be seriously injured or die, have failed to prevent entanglements, or may be counterproductive in helping whales shed gear.

Response: Additional information was added to the FEIS to address this comment.

Comment 123: One commenter requested that the FEIS identify the steps NMFS will take to ensure enforcement of the new trawling up requirements.

Response: See response to Comment 122.

Comment 124: One commenter requested that the analysis be revised to identify criteria being used to determine when the economic costs of closures outweigh the conservation benefit to large whales.

Response: As the EIS notes, NMFS' evaluation of regulatory alternatives is guided by the requirements of the MMPA, the ESA, and the National Environmental Policy Act, as well as the requirements of other Federal laws like the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act) and executive orders such as Executive Order 12866, Regulatory Planning and Review. None of these statutes or executive orders establishes explicit criteria for determining when the economic costs of a regulatory measure outweigh its benefits when—as is the case here—costs and benefits cannot be fully quantified and measured. In such cases, identification of a preferred alternative requires an assessment of all information available, including information on the potential impacts of management measures that cannot be quantified. The preferred alternative that NMFS has identified was developed on the basis of such an assessment.

Comment 125: One commenter requested that the FEIS provide data on

recent levels of fishing effort and economic impacts for proposed closures. Those data should include the number of affected fishermen, amount of gear set, and volume and net revenues of ex-vessel landings.

Response: Chapter 6 of the EIS provides the requested parameters in a series of exhibits (Exhibits 6–17, 6–22, and 6–24). For each closure, these exhibits show the number of affected vessels, the average number of traps per affected vessel, and the revenue lost per trap fished. As explained earlier in the chapter, the lost revenue figures incorporate assumptions regarding the total landings per trap (in pounds) during the closure period.

Exhibit 6–25 presents a concise summary of the commercial fishing activity each closure would be likely to affect. Exhibit 6–28 presents estimates of the costs associated with each closure.

Comment 126: One commenter requested that the FEIS include a discussion of the full range of Team and peer reviewer comments on the limitations of the model.

Response: As the EIS notes, documentation for the Vertical Line Model, including a detailed discussion of the model's limitations, is available online at *http://www.nero.noaa.gov/protected/whaletrp/eis2013/index.html.* The peer review of an earlier draft of the model's documentation is available at the same Web site.

A summary of each of the 16 public hearings held in 2013 to solicit comments on the DEIS is available online at *http://www.nero.noaa.gov/protected/whaletrp/vlr2013/index.html.* These summaries include comments made on the limitations of the Vertical Line Model, as well as other aspects of the DEIS.

Written comments on the DEIS are publicly available as part of the regulatory docket for this rulemaking. Volume II of the FEIS provides a summary of these comments, along with NMFS' responses. This includes comments submitted by members of the Atlantic Large Whale Take Reduction Team, as well as comments submitted by others, concerning the limitations of the Vertical Line Model.

Comment 127: One commenter stated that there is no part of LMA3 that is within the 3–12 mile zone so this should be corrected in the traps per trawl proposals.

Response: This correction has been made.

Comment 128: One commenter requested that the FEIS include a more thorough explanation and discussion on the following: impacts to sea turtles, rationale for continuing to exempt portions of Maine waters, recent fishery management actions, ocean noise, offshore energy development, and impacts and risks of chronic entanglements.

Response: The FEIS was updated to include a more thorough explanation.

Comment 129: One commenter commented that NMFS did not provide a sufficient variety of alternatives in the DEIS. The commenter suggested additional alternatives including reducing co-occurrence by 50%, mandating reductions in the amount of gear that can be used and season it is fished, and addressing gillnets.

Response: The Council on Environmental Quality guidance states that when there is a potentially large number of alternatives exist only a reasonable number of examples, covering a spectrum of alternatives, must be analyzed and compared in the EIS. NMFS believes that the number of alternatives (seven) analyzed in the EIS was adequate. The alternatives analyzed were a combination of stakeholder proposals developed by the Team during the course of several meetings and the result of input received during the 15 public scoping meetings.

Comment 130: One commenter requested that the FEIS include adjusted co-occurrence scores for the mid-Atlantic as was done for the Northeast to account for areas with minimal to no survey effort.

Response: NMFS considered expanding the analysis presented in Appendix 5–B of the EIS to include the mid-Atlantic, but concluded that to do so would be overly speculative, given the relative dearth of both survey effort and opportunistic sightings data in the region for much of year. Rather than suggest a greater understanding of the potential for co-occurrence in the mid-Atlantic than the data warrant, NMFS chose to limit the analysis to the Northeast, where the effort to fill gaps in the effort-corrected sightings data would be better informed by opportunistic data on the presence of whales. Note too that the primary purpose of the analysis presented in Appendix 5–B is to examine how the use of adjusted sightings data would influence NMFS' assessment of the impact of the vertical line management measures under consideration. With the exception of gear marking, none of these measures apply to mid-Atlantic waters. Thus, while development of adjusted sightings scores for the mid-Atlantic would alter the estimates of absolute impacts on co-occurrence, it would have no effect on the relative ranking of alternatives with respect to this measure.

Comments on the Co-Occurrence Model

Comment 131: One commenter stated that the projections of risk reduction from a model are not accurate and don't work in the real world.

Response: NMFS acknowledges the uncertainties inherent in any attempt to model complex interrelationships, such as that between commercial fishing activity and entanglement risk. Through its research programs, NMFS has invested considerable resources in improving our understanding of these issues. While uncertainties remain, NMFS believes that the co-occurrence model makes appropriate use of the information available to help guide development and assessment of alternative management measures. As better information is developed, NMFS will incorporate it into the analytic tools it employs to inform the further development of the Plan.

Comment 132: A few commenters commented that there is a lack of statistical conclusion in the model citing the comments of one of the peer reviewers that ''this version of model is not ready to be used in a management application until its performance has been validated or compared with other approaches''.

Response: The data the Vertical Line Model employs were derived from a variety of sources, including fishing reports, surveys, and expert judgment, not all of which are amenable to statistical analysis; thus, it is not possible to generate statistical confidence intervals that characterize the uncertainty in the model's output. In addition, the availability of data to validate the model is limited. When such information is available—as was the case with data on vertical line use in Massachusetts—NMFS has employed it to refine the model. NMFS has also shared information with other researchers who are attempting to model various indicators of entanglement risk, and has invited them to share information on their approaches with the Team. To NMFS' knowledge, however, these models have yet to be completed. Until they are more fully developed, attempts to validate the Vertical Line Model through comparisons with these models would be premature. NMFS will consider the recommendation to make such comparisons in future model development, analysis, and rulemaking efforts.

Comment 133: One commenter stated that the data used in the model is not sufficient for the intended purpose and

stated that the use of Right Whale Consortium data only for all whale species was not appropriate. Inclusion of data outside this database would provide a more balanced and complete picture.

Response: NMFS incorporated the Right Whale Consortium data into the Vertical Line Model at the recommendation of the Team. Members of the team have also expressed interest in expanding the data the model considers to include information on the presence or distribution of whales from other sources, such as acoustic monitoring systems. NMFS recognizes the potential value of this information, but notes that incorporation of data from these sources raises issues of comparability and consistency that it has yet to investigate and resolve. Addressing these issues and incorporating the data into the model would delay action on modification of the Plan, which would be inconsistent with the timeline for action to which NMFS has committed. NMFS believes that the information the model incorporates at this time is sufficient to guide development and assessment of alternative management measures. NMFS will consider the recommendation to incorporate additional data in future model development, analysis, and rulemaking efforts.

Comment 134: One commenter suggested that after a final rule has been adopted, NMFS should revise the current model or develop a new one more suitable to estimate the extent to which co-occurrence between whales and gear would be reduced, and the uncertainty of this estimate.

Response: NMFS will consider this recommendation in future model development, analysis, and rulemaking efforts.

Comment 135: One commenter requested that a study be completed to validate the model against results of an alternative co-occurrence model at least for LMA 1. Based on those results the model should be modified and co-occurrence estimates recalculated.

Response: As noted above, NMFS will consider this recommendation in future model development, analysis, and rulemaking efforts.

Comment 136: One commenter stated that the model is not an accurate method to detect whales as it only relies on visual sightings. It's possible that other important areas exist and alternate technology to detect high risk areas needs to be included in the model.

Response: The sightings dataset upon which the model relies was incorporated into the model at the recommendation of the Team. Members of the team have also expressed interest in expanding the data the model considers to include information on the presence or distribution of whales from other sources, such as acoustic monitoring systems. Also see response to Comment 133.

Comment 137: A few commenters had concerns regarding the adequacy of the model and commented that NMFS should discuss the model's limitations and how they affect model output.

Response: The documentation for the Vertical Line Model, including a discussion of the model's limitations, is available online at *http://www.nero.noaa.gov/protected/whaletrp/eis2013/index.html.* The peer review of an earlier draft of the model's documentation is available at the same site. See also response to Comment 126.

Comment 138: A few commenters commented that additional data and approaches should be used to strengthen the accuracy of the model. The commenters stated that the model was based on outdated data and had concerns about averaging fishing effort across large areas as well as the failure to include opportunistic, acoustic, and telemetry data on whale distribution.

Response: As noted above, NMFS will consider these recommendations in future model development, analysis, and rulemaking efforts.

Comment 139: A few commenters commented that the model fails to provide adequate information regarding uncertainty. The commenters suggested that NMFS provide a qualitative score that ranks the quality of data that was input into each analysis cell.

Response: NMFS will consider this recommendation in future model development, analysis, and rulemaking efforts. NMFS notes, however, that the model's documentation already includes a detailed description of the fishing effort data upon which the model relies, along with detailed discussions of the limitations of the data. Similarly, the documentation discusses the limitations of the whale sightings data and presents a detailed analysis showing the effect of adjusting for key data gaps and uncertainties. NMFS believes that this information provides a more than adequate description of the limitations of the model.

Comment 140: A few commenters commented that the model appears sensitive to the presence of whales but a basic examination of the sensitivity of the model to all inputs would be helpful. NMFS needs to evaluate uncertainty even if the evaluation is qualitative in nature.

Response: NMFS will consider this recommendation in future model development, analysis, and rulemaking efforts.

Comment 141: A few commenters commented that the model should include all data on distribution of whales, that NMFS should ask states for data on fishing activity and investigate the possibility of modeling activity in relation to physical parameters and environmental conditions to address data gaps. The commenters also suggested investigating alternative models that calculate risk.

Response: As noted above, the whale sightings dataset upon which the model relies was incorporated into the model at the recommendation of the Team. Members of the team have also expressed interest in expanding the data the model considers to include information on the presence or distribution of whales from other sources, and to include information on physical parameters (e.g., depth) or environmental conditions (e.g., the presence of prey species) that may identify areas that whales are likely to frequent. NMFS recognizes the potential value of this information and will consider this recommendation in future model development, analysis, and rulemaking efforts.

NMFS has collaborated closely with state fisheries managers to obtain all available data on fishing activity (and other parameters) for use in the Vertical Line Model. Similarly, NMFS has shared information with other researchers who are attempting to model various indicators of entanglement risk, and has invited them to share information on their approaches with the Team. NMFS will continue to work collaboratively with these groups to ensure that development of the Plan takes appropriate advantage of the information and insights they can provide.

Changes From the Proposed Rule

NMFS changed the preferred alternative from the one identified in the proposed rule published on July 16, 2013 (78 FR 42654). That alternative was then modified slightly based on public comments received during the comment period. The preferred alternative is the most cost-effective of the alternatives when comparing co-occurrence reduction to cost of compliance. The measures proposed in the final rule would achieve nearly as great a reduction in co-occurrence as what was presented in the proposed rule at approximately 57 to 70 percent of the estimated cost. The modifications are within the range of previously

analyzed effects and do not constitute a substantial change from the DEIS. The modifications continue to increase the likelihood of meeting the requirements and goals of MMPA section 118 to reduce serious injury and mortality to below PBR and approaching ZMRG, taking into account the economics of the fishery, the availability of existing technology, and existing fishery management plans. The modifications are listed below:

(1) NMFS received numerous comments questioning the rationale of proposing closures that would result in large economic loss for the industry but little reduction in co-occurrence and thus little conservation gain. NMFS is sensitive to the cost of complying with the final rule and has analyzed these costs in Chapter 7 of the FEIS. The final rule will implement one seasonal trap/pot closure (Massachusetts Restricted Area) instead of the three originally proposed under Alternative 5. This closure area includes Cape Cod Bay, the Outer Cape, and portions of Massachusetts Bay.

(2) The final rule will exempt New Hampshire State waters from the minimum number of traps per trawl requirement implemented in this final rule. Those fishing in New Hampshire state waters will still have to comply with other existing requirements. This is a change from the proposed rule, which exempted New Hampshire from all requirements. NMFS received numerous comments against relaxing current management measures.

(3) The minimum number of traps per trawl in the final rule changes slightly from what was proposed. In the proposed rule NMFS acknowledged that the proposed limits for inshore waters might still result in some difficulty for smaller vessels, so NMFS requested comments on whether the final regulations should be adjusted so that the number of traps per trawl is limited by specific vessel sizes. In addition, NMFS requested public comment on whether the net benefits of the rule would be affected, either positively or negatively, by exempting vessels under a particular size class. NMFS received many comments reiterating the safety concerns of those who fish close to shore. Several commenters disagreed with exempting vessels from the minimum number of traps per trawl requirement. After reviewing all comments NMFS decided not to institute a small boat exemption. Instead the final rule allows for a minimum number of two traps per trawl to be fished in Rhode Island and Massachusetts state waters instead of the proposed minimum of three traps per trawl.

(4) The final rule allows for 'pocket waters' in Maine to fish a minimum of two traps per trawl instead of three. NMFS received multiple comments requesting that these waters be treated the same as state waters and allowed to fish pairs. Allowing those fishing in these waters to fish under the same requirements as proposed for the rest of Maine's state waters will help with enforcement.

(5) The final rule will create a ¼ mile buffer in waters surrounding three inhabited islands in Maine—Monhegan, Matinicus, and Ragged Island. Boats fishing within this ¼ mile buffer will be allowed to continue the current practice of fishing singles. NMFS received comments expressing concern with safety issues surrounding an increase of traps per trawl in these waters. The waters surrounding these islands are generally less than 30 fathoms deep with rocky edges. It would not be feasible for small boats to fish trawls greater than singles in this area.

(6) The final rule will not require gear marking in the exempted waters of Maine. NMFS received numerous comments from those industry members who fish in both exempt and non-exempt waters. Common concerns included the feasibility of switching marks when moving from an exempt area to a non-exempt area; cost of 'double' marking lines; and the rationale for needing to mark line in an area that is already exempt.

Classification

This final rule has been determined to be not significant for the purposes of Executive Order 12866. This final rule contains collection of information requirements subject to the Paperwork Reduction Act (PRA), specifically, the marking of fishing gear. The collection of information requirement was approved by OMB under control number (0648–0364). Public comment was sought regarding whether this proposed collection of information is necessary for the proper performance and function of the agency, including: the practical utility of the information; the accuracy of the burden estimate; the opportunities to enhance the quality, utility, and clarity of the information to be collected; and the ways to minimize the burden of the collection of information, including the use of automated collection techniques or other forms of information technology. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and by email to *OIRA_Submission@omb.eop.gov,* or fax to (202) 395–7285.

This collection of information requirement applies to a total of 4,006 vessels. Model vessel types were developed for gillnet fisheries, lobster trap/pot fisheries, and other trap/pot fisheries. Total burden hours for all vessels is 32,775 hours over three years or 10,925 hours per year. Total cost burden for all vessels is $21,631 over three years or $7,231 per year. For more information, please see the PRA submission associated with this rulemaking.

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

As required by the Regulatory Flexibility Act, NMFS prepared a final regulatory flexibility analysis (FRFA) for this final rule. The FRFA incorporates a summary of the issues raised by the public comments in response to the Initial Regulatory Flexibility Analysis, NMFS responses to those comments provided elsewhere in the preamble to this final rule, and a summary of the analyses completed to support the final rule. A summary of that FRFA follows: The objective of this final rule, issued pursuant to section 118 of the MMPA, is to reduce the level of serious injury and mortality of right, humpback, and fin whales in commercial east coast trap/pot and gillnet fisheries.

Six alternatives, consisting of the status quo, one preferred alternative, and four additional alternatives were evaluated using model vessels, each of which represents a group of vessels that share similar operating characteristics and would face similar requirements under a given regulatory alternative. Both an upper and lower bound of annual compliance costs for lobster and other trap/pot were analyzed. The final preferred alternative is a modification to the original preferred alternative. A summary of analysis describing the potential range of compliance costs follows:

1. NMFS considered a ''no action'' or status quo alternative (Alternative 1) that would result in no changes to the current measures under the Plan and, as such, would result in no additional economic effects on the fishing industry.

2. Alternative 2, would implement new gear marking restrictions coastwide, increase traps per trawl, and require the use of weaker weak links

and/or vertical lines of lower breaking strength. This alternative would also implement a new management area in the Southeast. Under this alternative, the average annual vessel compliance costs would equal or range from $1.8 to $4.5 million for lobster trap/pot vessels; $430,000 to $849,000 for other trap/pot vessels; $7,000 for blue crab and $5,000 for gillnet vessels.

3. Alternative 3 would implement all of the requirements of Alternative 2, except the number of traps per trawl required in Maine would differ. Under this alternative NMFS proposes a closure in the Cape Cod Bay from February 1 through April 30. In addition, New Hampshire state waters would be exempt from the Plan's requirements. Under this alternative, the average annual vessel compliance costs would equal or range from $1.6 to $3.6 million for lobster trap/pot vessels; $414,000 to $833,000 for other trap/pot vessels; $7,000 for blue crab and $5,000 for gillnet vessels.

4. Alternative 4 would implement all of the requirements of Alternative 2. In addition, NMFS would require three closures: (1) Jordan Basin from November 1 through January 31; (2) Jeffreys Ledge from October 1 through January 31; and (3) Cape Cod Bay (including a portion of the Outer Cape and abutting the Great South Channel) from January 1 through April 30. Under this alternative, the average annual vessel compliance costs would equal or range from $3.1 to $6.5 million for lobster trap/pot vessels; $430,000 to $849,000 for other trap/pot vessels; and $7,000 for blue crab and $5,000 for gillnet vessels.

5. Alternative 5 is a combination of Alternatives 2, 3, and 4. The traps per trawl for Maine would mimic what is required under alternative 3; traps per trawl in all other areas would mimic what is required under Alternative 2. New Hampshire state waters would be exempt under Alternative 5. The closures proposed under Alternative 4 would remain in place under Alternative 5. Under this alternative, the average annual vessel compliance costs would equal or range from $2.9 to $5.5 million for lobster trap/pot vessels; $414,000 to $833,000 for other trap/pot vessels; and $7,000 for blue crab and $5,000 for gillnet vessels.

6. Alternative 6 would implement all of the requirements of Alternative 5 with a few exceptions. Doubles would be required in Massachusetts state waters instead of three traps per trawl. Also, only one closure would be implemented. From January 1 through April 30 Cape Cod Bay and the Outer Cape would be closed to fishing. Under this alternative, the average annual vessel compliance costs would equal or range from $2.2 to $4.4 million for lobster trap/pot vessels; $416,000 to $836,000 for other trap/pot vessels; and $7,000 for blue crab and $5,000 for gillnet vessels.

A Notice of Availability for the FEIS was issued on May 16, 2014 (79 FR 28508). The FEIS describes the impacts of the measures on the environment. On June 20, 2014 NMFS issued a Record of Decision identifying the selected alternative. A copy of the Record of Decision is available from NMFS (see **ADDRESSES**).

NMFS selected Alternative 6 as the preferred alternative but modified it slightly. The preferred alternative would implement all of the requirements of Alternative 6 with a few exceptions. Two traps per trawl would be required in both Massachusetts and Rhode Island state waters instead of three traps per trawl. New Hampshire state waters would only be exempt from the proposed minimum number of traps per trawl requirement. Maine exempted waters would not be required to gear mark as previously proposed. The final rule allows for those fishing in 'pocket waters' in Maine to fish a minimum of two traps per trawl instead of three and creates a ¼ mile buffer around three inhabited islands in Maine that would be allowed to continue traditional fishing practices. Under this alternative, the average annual vessel compliance costs would equal or range from $1.5 to $3.6 million for lobster trap/pot vessels; $416,000 to $835,000 for other trap/pot vessels; and $7,000 for blue crab and $5,000 for gillnet vessels. NMFS solicited public comments on both the DEIS (78 FR 41927, July 13, 2013) and proposed rule (78 FR 42654, July 16, 2013) through several different means including written comments. The public also had the opportunity to provide oral comments at 16 public hearings from Maine to Florida. A summary of all comments received and NMFS' Reponses is included in Volume II of the FEIS. Numerous issues were raised by the public regarding to the expected effects of this final rule. Areas of concern included: the implementation time for the new requirements, the practicality of the proposed gear marking scheme, safety and feasibility of the proposed minimum number of traps per trawl, the effects of the proposed seasonal trap/pot closures, and the rationale for proposing changes to the vertical line and weak link breaking strength in the proposed Southeast Restricted Area North.

NMFS formulated the final preferred alternative based on these public comments. This final preferred alternative introduces changes including: delineating a ¼ mile buffer around three Maine islands to allow current fishing practices to continue, allowing pairs to be fished in Rhode Island state waters and the pocket waters of Maine, and exempting New Hampshire state waters from the minimum number of traps per trawl requirements only. These and other variations decrease the number of affected vessels and result in reductions in compliance costs, while sacrificing little in terms of entanglement risk reduction.

The small entities affected by this final rule are commercial gillnet and trap/pot fishermen. The geographic range of the final rule includes the Northeast Atlantic, Mid-Atlantic, and Southeast Atlantic waters. In the lobster trap/pot fishery, there are potentially 3,186 vessels that would be affected. In the other trap/pot fisheries, there are potentially 274 vessels that would be affected. In the blue crab fishery there are potentially 48 vessels that would be affected. In the gillnet fishery, there are approximately 498 vessels that would be affected. All vessels are assumed to be small entities within the meaning of the Regulatory Flexibility Act.

NMFS has determined that this action is consistent to the maximum extent practicable with the approved coastal management programs of the U.S. Atlantic coastal states. This determination was submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act. The following states agreed with NMFS' determination: Connecticut; Delaware; Florida; New Hampshire; New Jersey; North Carolina; Rhode Island; South Carolina; and Virginia. Maine, Maryland, Massachusetts, and New York did not respond; therefore, consistency is inferred. Georgia conditionally concurred with NMFS' conclusion that the action is consistent with enforceable policies of the approved coastal management program for that state; however, the Georgia conditional occurrence was treated as an objection because NMFS could not meet the state agency's conditions.

The Georgia Coastal Management Program (GCMP) was concerned that the proposed gear marking scheme would create significant economic burden on the fishery and stated that a method should be developed to allow industry to quickly alter markings when moving gear from state to Federal waters. For concurrence, GCMP required the Alternative to be modified to include alternative gear marking schemes that

would allow expeditious changes between state and Federal waters and this scheme should be phased in over a three year period in the Southeast. This final rule does not include a phase in of gear marking nor does it change the gear marking scheme from what was proposed. Thus, NMFS did not meet all the state agency's conditions. NMFS believes the final rule will implement modifications to the Plan deemed necessary by NMFS to meet the goals of the ESA and MMPA. Therefore, pursuant to 15 CFR 930.4, the requirements of paragraphs (a) (1) through (3) were not met and the GCMP no longer concurs with the determination that the proposed measures are consistent to the maximum extent practicable with the GCMP.

This final rule contains policies with federalism implications as that term is defined in Executive Order 13132. Accordingly, the Assistant Secretary for Legislative and Intergovernmental Affairs provided notice of the proposed action to the appropriate official(s) of affected state, local, and/or tribal governments. No concerns were raised by the states contacted; hence, NMFS will infer that these states concur with the finding that the regulations for amending the Plan were consistent with fundamental federalism principles and federalism policymaking criteria.

An informal consultation under the ESA for this final rule to modify the Plan was concluded on August 16, 2013. As a result of the informal consultation, the Regional Administrator determined that the measures to modify the Plan do not meet the triggers for reinitiation of consultation. NMFS completed an ESA Section 7 consultation on the implementation of the Plan on July 15, 1997, and concluded that the action was not likely to adversely affect any ESA-listed species under NMFS jurisdiction. Two subsequent consultations were completed in 2004 and 2008, when NMFS changed some of the measures in the Plan. NMFS, as both the action agency and the consulting agency, reviewed the changes and determined that the measures as revised through rulemaking would not affect ESA-listed species under NMFS jurisdiction in a manner that had not been previously considered.

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Figure 1. Proposed exemption line for the state of New Hampshire. Waters shoreward of the dotted line would be exempt. See Plan regulations for exact exemption line coordinates.

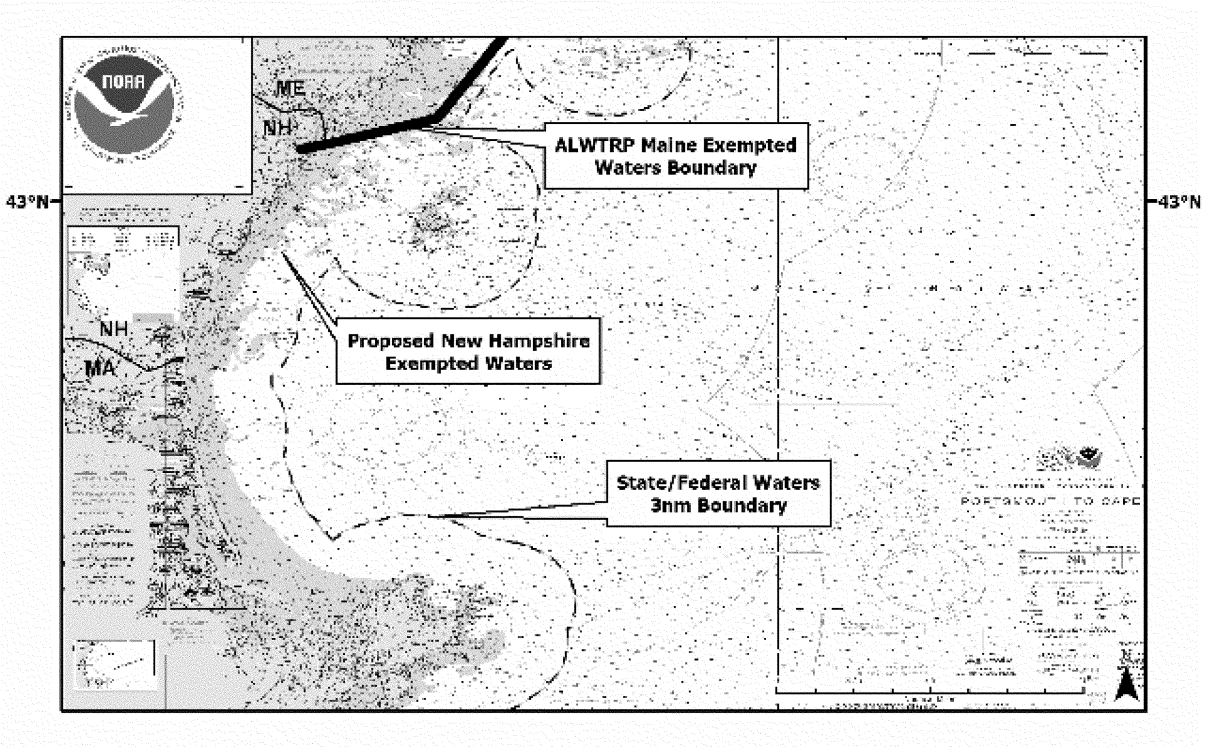


Figure 2. Massachusetts Restricted Area. See Plan regulations for exact management area coordinates.

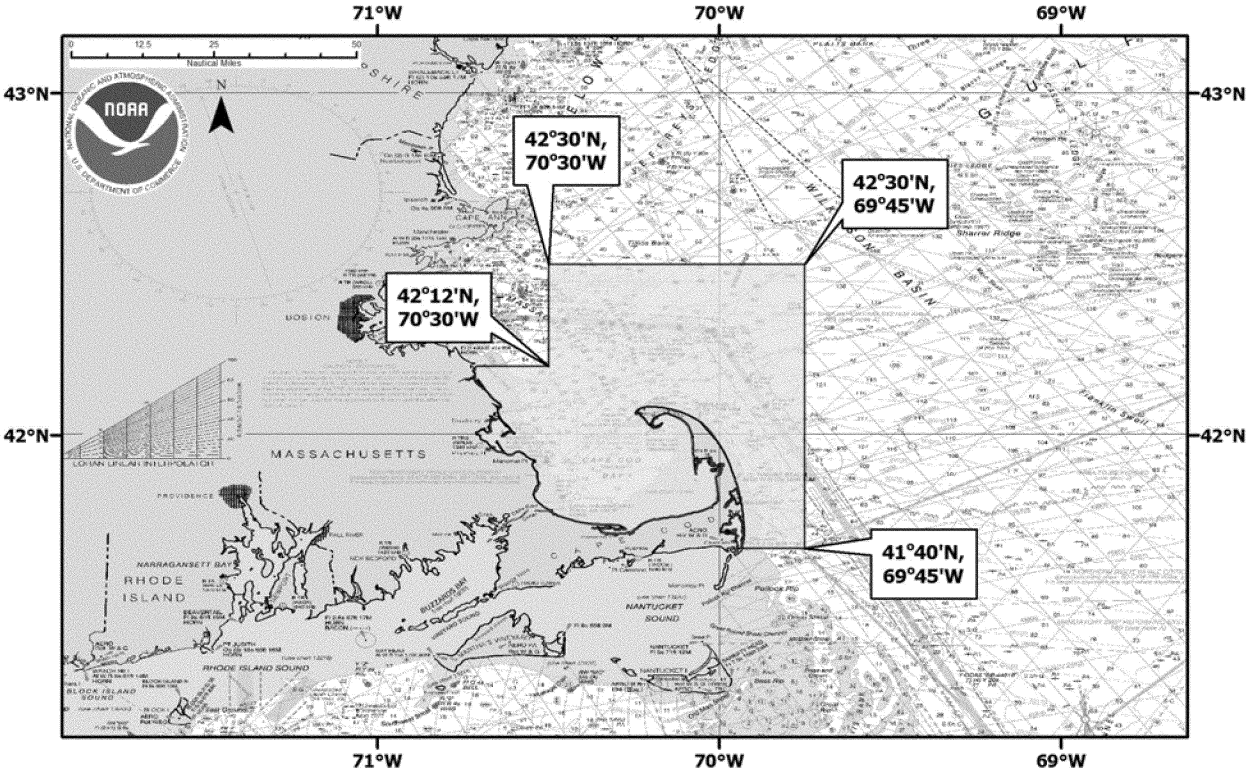
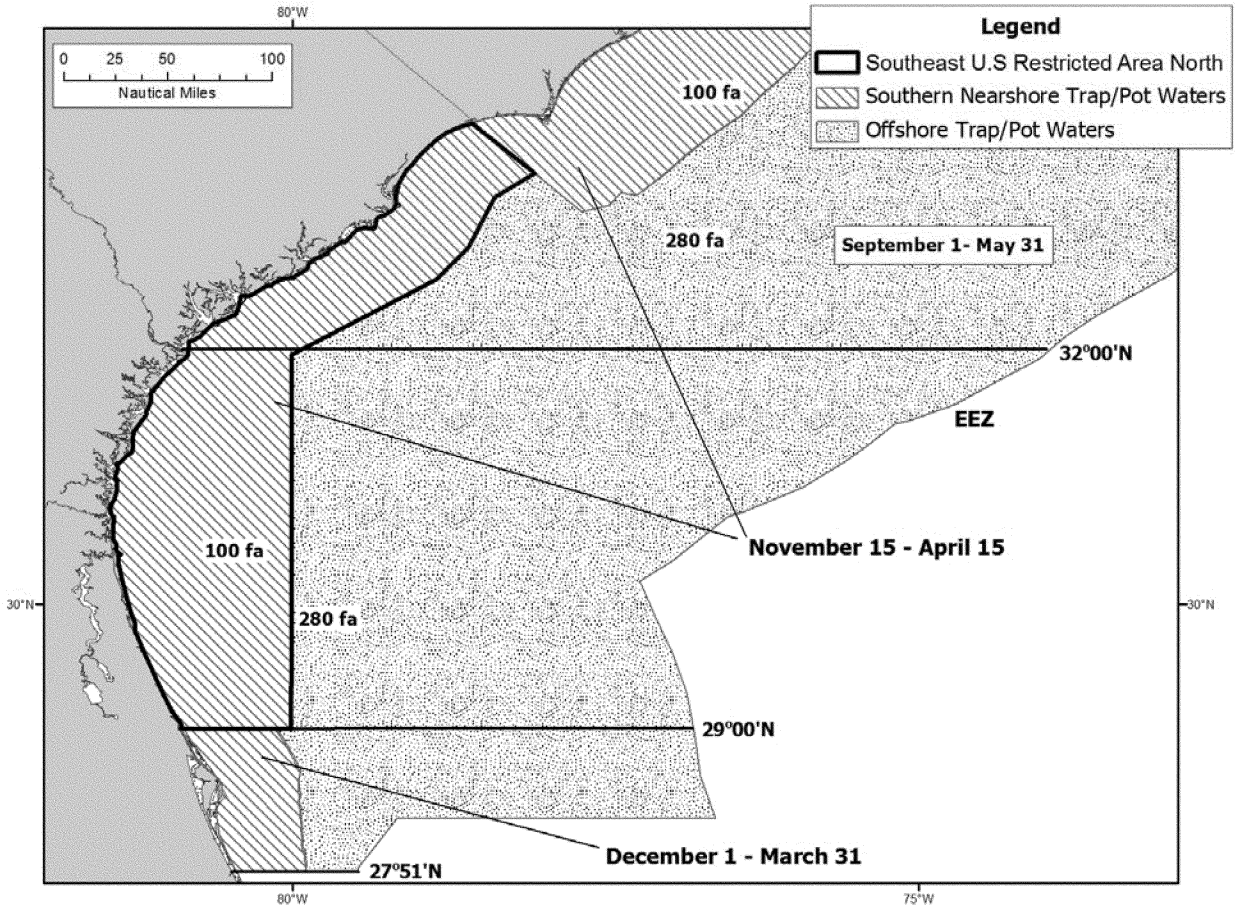


Figure 3. Southeast Restricted Area North Trap/Pot Waters. See Plan regulations for exact management area coordinates.



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List of Subjects in 50 CFR Part 229

Administrative practice and procedure, Confidential business information, Fisheries, Marine mammals, Reporting and recordkeeping requirements.

Dated: June 20, 2014.

Eileen Sobeck,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 229 is amended to read as follows:

PART 229—AUTHORIZATION FOR COMMERCIAL FISHERIES UNDER THE MARINE MAMMAL PROTECTION ACT OF 1972

■ 1. The authority citation for 50 CFR part 229 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.;* § 229.32(f) also issued under 16 U.S.C. 1531 *et seq.*

■ 2. In § 229.2, the definition of ''Groundline'' is revised to read as follows:

§ 229.2 Definitions.

* * * * *

Groundline, with reference to trap/pot gear, means a line connecting traps in a trap trawl, and, with reference to gillnet gear, means a line connecting a gillnet or gillnet bridle to an anchor.

* * * * *

■ 3. In § 229.3, revise paragraphs (h) through (j) and remove and reserve paragraphs (k) and (l) to read as follows:

§ 229.3 Prohibitions.

* * * * *

(h) It is prohibited to own, operate, or be on board a vessel subject to the Atlantic Large Whale Take Reduction Plan except if that vessel and all fishing gear comply with all applicable provisions of § 229.32.

(i) It is prohibited to fish for, catch, take, harvest or possess fish or wildlife while on board a vessel subject to the Atlantic Large Whale Take Reduction Plan, except if that vessel and all fishing gear is in compliance with all applicable provisions of § 229.32.

(j) Any person or vessel claiming the benefit of any exemption or exception under § 229.32 has the burden of proving that the exemption or exception, is applicable.

(k) [Reserved]

(l) [Reserved]

* * * * *

■ 4. Section 229.32 is revised to read as follows:

§ 229.32 Atlantic large whale take reduction plan regulations.

(a)(1) *Purpose and scope.* The purpose of this section is to implement the Atlantic Large Whale Take Reduction

Plan to reduce incidental mortality and serious injury of fin, humpback, and right whales in specific Category I and Category II commercial fisheries from Maine through Florida. Specific Category I and II commercial fisheries within the scope of the Plan are identified and updated in the annual List of Fisheries. The measures identified in the Atlantic Large Whale Take Reduction Plan are also intended to benefit minke whales, which are not designated as a strategic stock, but are known to be taken incidentally in gillnet and trap/pot fisheries. The gear types affected by this plan include gillnets (e.g., anchored, drift, and shark) and traps/pots. The Assistant Administrator may revise the requirements set forth in this section in accordance with paragraph (i) of this section.

(2) *Regulated waters.* (i) The regulations in this section apply to all U.S. waters in the Atlantic except for the areas exempted in paragraph (a)(3) of this section.

(ii) The six-mile line referred to in paragraph (c)(2)(iii) of this section is a line connecting the following points (Machias Seal to Isle of Shoals):

44°31.98′ N. lat., 67°9.72′ W. long (Machias Seal)
44°3.42′ N. lat., 68°10.26′ W. long (Mount Desert Island)
43°40.98′ N. lat., 68°48.84′ W. long (Matinicus)
43°39.24′ N. lat., 69°18.54′ W. long (Monhegan)
43°29.4′ N. lat., 70°5.88′ W. long (Casco Bay)
42°55.38′ N. lat., 70°28.68′ W. long (Isle of Shoals)

(iii) The pocket waters referred to in paragraph (c)(2)(iii) of this section are defined as follows:

West of Monhegan Island in the area north of the line 43°42.17′ N. lat., 69°34.27′ W. long and 43°42.25′ N. lat., 69°19.3′ W. long
East of Monhegan Island in the area located north of the line 43°44′ N. lat., 69°15.08′ W. long and 43°48.17′ N. lat., 69°8.02′ W. long
South of Vinalhaven Island in the area located west of the line 43°52.31′ N. lat., 68°40′ W. long and 43°58.12′ N. lat., 68°32.95′ W. long
South of Bois Bubert Island in the area located northwest of the line 44°19.27′ N. lat., 67°49.5′ W. long and 44°23.67′ N. lat., 67°40.5′ W. long

(3) *Exempted waters.* (i) The regulations in this section do not apply to waters landward of the first bridge over any embayment, harbor, or inlet in Massachusetts.

(ii) The regulations in this section do not apply to waters landward of the 72 COLREGS demarcation lines (International Regulations for Preventing Collisions at Sea, 1972), as depicted or noted on nautical charts published by the National Oceanic and Atmospheric Administration (Coast Charts 1:80,000 scale), and as described in 33 CFR part 80 with the exception of the COLREGS lines for Casco Bay (Maine), Portsmouth Harbor (New Hampshire), Gardiners Bay and Long Island Sound (New York), and the state of Massachusetts.

(iii) *Other exempted waters.* The regulations in this section do not apply to waters landward of the following lines:

Maine

A line connecting the following points (Quoddy Narrows/US-Canada border to Odiornes Pt., Portsmouth, New Hampshire):

44°49.67′ N. lat., 66°57.77′ W. long. (R N ''2'', Quoddy Narrows)
44°48.64′ N. lat., 66°56.43′ W. long. (G ''1'' Whistle, West Quoddy Head)
44°47.36′ N. lat., 66°59.25′ W. long. (R N ''2'', Morton Ledge)
44°45.51′ N. lat., 67°02.87′ W. long. (R ''28M'' Whistle, Baileys Mistake)
44°37.70′ N. lat., 67°09.75′ W. long. (Obstruction, Southeast of Cutler)
44°27.77′ N. lat., 67°32.86′ W. long. (Freeman Rock, East of Great Wass Island)
44°25.74′ N. lat., 67°38.39′ W. long. (R ''2SR'' Bell, Seahorse Rock, West of Great Wass Island)
44°21.66′ N. lat., 67°51.78′ W. long. (R N ''2'', Petit Manan Island)
44°19.08′ N. lat., 68°02.05′ W. long. (R ''2S'' Bell, Schoodic Island)
44°13.55′ N. lat., 68°10.71′ W. long. (R ''8BI'' Whistle, Baker Island)
44°08.36′ N. lat., 68°14.75′ W. long. (Southern Point, Great Duck Island)
43°59.36′ N. lat., 68°37.95′ W. long. (R ''2'' Bell, Roaring Bull Ledge, Isle Au Haut)
43°59.83′ N. lat., 68°50.06′ W. long. (R ''2A'' Bell, Old Horse Ledge)
43°56.72′ N. lat., 69°04.89′ W. long. (G ''5TB'' Bell, Two Bush Channel)
43°50.28′ N. lat., 69°18.86′ W. long. (R ''2 OM'' Whistle, Old Man Ledge)
43°48.96′ N. lat., 69°31.15′ W. long. (GR C ''PL'', Pemaquid Ledge)
43°43.64′ N. lat., 69°37.58′ W. long. (R ''2BR'' Bell, Bantam Rock)
43°41.44′ N. lat., 69°45.27′ W. long. (R ''20ML'' Bell, Mile Ledge)
43°36.04′ N. lat., 70°03.98′ W. long. (RG N ''BS'', Bulwark Shoal)
43°31.94′ N. lat., 70°08.68′ W. long. (G ''1'', East Hue and Cry)
43°27.63′ N. lat., 70°17.48′ W. long. (RW ''WI'' Whistle, Wood Island)
43°20.23′ N. lat., 70°23.64′ W. long. (RW ''CP'' Whistle, CapePorpoise)
43°04.06′ N. lat., 70°36.70′ W. long. (R N ''2MR'', Murray Rock)
43°02.93′ N. lat., 70°41.47′ W. long. (R ''2KR'' Whistle, Kittery Point)
43°02.55′ N. lat., 70°43.33′ W. long. (Odiornes Pt., Portsmouth, New Hampshire)

New Hampshire

New Hampshire state waters are exempt from the minimum number of traps per trawl requirement in paragraph (c)(2)(iii) of this section. Harbor waters landward of the following lines are exempt from all the regulations in this section.

A line from 42°53.691′ N. lat., 70°48.516′ W. long. to 42°53.516′ N. lat., 70°48.748′ W. long. (Hampton Harbor)
A line from 42°59.986′ N. lat., 70°44.654′ W. long. to 42°59.956′ N., 70°44.737′ W. long. (Rye Harbor)

Rhode Island

A line from 41°22.441′ N. lat., 71°30.781′ W. long. to 41°22.447′ N. lat., 71°30.893′ W. long. (Pt. Judith Pond Inlet)
A line from 41°21.310′ N. lat., 71°38.300′ W. long. to 41°21.300′ N. lat., 71°38.330′ W. long. (Ninigret Pond Inlet)
A line from 41°19.875′ N. lat., 71°43.061′ W. long. to 41°19.879′ N. lat., 71°43.115′ W. long. (Quonochontaug Pond Inlet)
A line from 41°19.660′ N. lat., 71°45.750′ W. long. to 41°19.660′ N. lat., 71°45.780′ W. long. (Weekapaug Pond Inlet)

New York

A line that follows the territorial sea baseline through Block Island Sound (Watch Hill Point, RI, to Montauk Point, NY)

South Carolina

A line from 32°34.717′ N. lat., 80°08.565′ W. long. to 32°34.686′ N. lat., 80°08.642′ W. long. (Captain Sams Inlet)

(4) *Sinking groundline exemption.* The fisheries regulated under this section are exempt from the requirement to have groundlines composed of sinking line if their groundline is at a depth equal to or greater than 280 fathoms (1,680 ft or 512.1 m).

(5) *Net panel weak link and anchoring exemption.* The anchored gillnet fisheries regulated under this section are exempt from the requirement to install weak links in the net panel and anchor each end of the net string if the float-line is at a depth equal to or greater than 280 fathoms (1,680 ft or 512.1 m).

(6) *Island buffer.* Those fishing in waters within ¼ mile of Monhegan Island, Maine; Matinicus, Maine; and Ragged Island, Maine are exempt from the minimum number of traps per trawl requirement in paragraph (c)(2)(iii) of this section.

(b) *Gear marking requirements*—(1) *Specified areas.* The following areas are specified for gear marking purposes: Northern Inshore State Trap/Pot Waters, Cape Cod Bay Restricted Area, Massachusetts Restricted Area, Stellwagen Bank/Jeffreys Ledge Restricted Area, Northern Nearshore Trap/Pot Waters Area, Great South Channel Restricted Trap/Pot Area, Great

South Channel Restricted Gillnet Area, Great South Channel Sliver Restricted Area, Southern Nearshore Trap/Pot Waters Area, Offshore Trap/Pot Waters Area, Other Northeast Gillnet Waters Area, Mid/South Atlantic Gillnet Waters Area, Other Southeast Gillnet Waters Area, Southeast U.S. Restricted Areas, and Southeast U.S. Monitoring Area.

(2) *Markings.* All specified gear in specified areas must be marked with the color code shown in paragraph (b)(3) of this section. The color of the color code must be permanently marked on or along the line or lines specified below under paragraphs (b)(2)(i) and (ii) of this section. Each color mark of the color codes must be clearly visible when the gear is hauled or removed from the water. The rope must be marked at least three times (top, middle, bottom) and each mark must total 12-inch (30.5 cm) in length. If the mark consists of two colors then each color mark may be 6-inch (15.25 cm) for a total mark of 12-inch (30.5 cm). If the color of the rope is the same as or similar to a color code, then a white mark may be substituted for that color code. In marking or affixing the color code, the line may be dyed, painted, or marked with thin colored whipping line, thin colored plastic, or heat-shrink tubing, or other material; or a thin line may be woven into or through the line; or the line may be marked as approved in writing by the Assistant Administrator. A brochure illustrating the techniques for marking gear is available from the Regional Administrator, NMFS, Greater Atlantic Region upon request.

(i) *Buoy line markings.* All buoy lines of shark gillnet gear in the Southeast U.S. Restricted Area S, Southeast U.S. Monitoring Area and Other Southeast Gillnet Waters, greater than 4 feet (1.22 m) long must be marked within 2 feet (0.6 m) of the top of the buoy line (closest to the surface), midway along the length of the buoy line, and within 2 feet (0.6 m) of the bottom of the buoy line.

(ii) *Net panel markings.* Shark gillnet gear net panels in the Southeast U.S. Restricted Area S, Southeast U.S. Monitoring Area and Other Southeast Gillnet Waters is required to be marked. The net panel must be marked along both the floatline and the leadline at least once every 100 yards (91.4 m).

(iii) *Surface buoy markings.* Trap/pot and gillnet gear regulated under this section must mark all surface buoys to identify the vessel or fishery with one of the following: The owner's motorboat registration number, the owner's U.S. vessel documentation number, the federal commercial fishing permit number, or whatever positive identification marking is required by the vessel's home-port state. When marking of surface buoys is not already required by state or federal regulations, the letters and numbers used to mark the gear to identify the vessel or fishery must be at least 1 inch (2.5 cm) in height in block letters or arabic numbers in a color that contrasts with the background color of the buoy. A brochure illustrating the techniques for marking gear is available from the Regional Administrator, NMFS, Greater Atlantic Region upon request.

(3) *Color code.* Gear must be marked with the appropriate colors to designate gear types and areas as follows:

COLOR CODE SCHEME

Plan management area	Color
Trap/Pot Gear	
Massachusetts Restricted Area	Red.
Northern Nearshore	Red.
Northern Inshore State	Red.
Stellwagen Bank/Jeffreys Ledge Restricted Area	Red.
Great South Channel Restricted Area overlapping with LMA 2 and/or Outer Cape	Red.
Southern Nearshore	Orange.
Southeast Restricted Area North (State Waters)	Blue and Orange.
Southeast Restricted Area North (Federal Waters)	Green and Orange.
Offshore	Black.
Great South Channel Restricted Area overlapping with LMA 2/3 and/or LMA 3	Black.
Gillnet excluding shark gillnet	
Cape Cod Bay Restricted Area	Green.
Stellwagen Bank/Jeffreys Ledge Restricted Area	Green.
Great South Channel Restricted Area	Green.
Great South Channel Restricted Sliver Area	Green.
Other Northeast Gillnet Waters	Green.
Mid/South Atlantic Gillnet Waters	Blue.
Southeast US Restricted Area South	Yellow.
Other Southeast Gillnet Waters	Yellow.
Shark Gillnet (with webbing of 5″ or greater)	
Southeast US Restricted Area South	Green and Blue.
Southeast Monitoring Area	Green and Blue.
Other Southeast Waters	Green and Blue.

(c) *Restrictions applicable to trap/pot gear in regulated waters*—(1) *Universal trap/pot gear requirements.* In addition to the gear marking requirements listed in paragraph (b) and the area-specific measures listed in paragraphs (c)(2) through (10) of this section, all trap/pot gear in regulated waters, including the Northern Inshore State Trap/Pot Waters Area, must comply with the universal gear requirements listed below.[1]

[1] Fishermen are also encouraged to maintain their buoy lines to be as knot-free as possible. Splices are considered to be less of an entanglement threat and are thus preferable to knots.

(i) *No buoy line floating at the surface.* No person or vessel may fish with trap/pot gear that has any portion of the buoy line floating at the surface at any time when the buoy line is directly connected to the gear at the ocean bottom. If more than one buoy is attached to a single buoy line or if a high flyer and a buoy are used together on a single buoy line, floating line may be used between these objects.

(ii) *No wet storage of gear.* Trap/pot gear must be hauled out of the water at least once every 30 days.

(iii) *Groundlines.* All groundlines must be composed entirely of sinking line. The attachment of buoys, toggles, or other floatation devices to groundlines is prohibited.

(2) *Area specific gear requirements.* Trap/pot gear must be set according to the requirements outlined below and in the table in paragraph (c)(2)(iii).

(i) *Single traps and multiple-trap trawls.* All traps must be set according to the configuration outlined in the table in paragraph (c)(2)(iii).

(ii) *Buoy line weak links.* All buoys, flotation devices and/or weights (except traps/pots, anchors, and leadline woven into the buoy line), such as surface buoys, high flyers, sub-surface buoys, toggles, window weights, etc., must be attached to the buoy line with a weak link placed as close to each individual buoy, flotation device and/or weight as operationally feasible and that meets the following specifications:

(A) The breaking strength of the weak links must not exceed the breaking strength listed in paragraph (c)(2)(iii) of this section for a specified management area.

(B) The weak link must be chosen from the following list approved by NMFS: Swivels, plastic weak links, rope of appropriate breaking strength, hog rings, rope stapled to a buoy stick, or other materials or devices approved in writing by the Assistant Administrator. A brochure illustrating the techniques for making weak links is available from the Regional Administrator, NMFS, Greater Atlantic Region upon request.

(C) Weak links must break cleanly leaving behind the bitter end of the line. The bitter end of the line must be free of any knots when the weak link breaks. Splices are not considered to be knots for the purposes of this provision.

(iii) *Table of Area Specific Gear Requirements.*

Location	Mgmt area	Minimum # traps/trawl	Weak link strength
ME State and Pocket Waters [2].	Northern Inshore State	2 (1 endline)	≤600 lbs.
ME Zones A–G (3–6 miles) [2].	Northern Nearshore	3 (1 endline)	≤600 lbs.
ME Zones A–C (6–12 miles) [2].	Northern Nearshore	5 (1 endline)	≤600 lbs.
ME Zones D–G (6–12 miles) [2].	Northern Nearshore	10	≤600 lbs.
ME Zones A–E (12+ miles).	Northern Nearshore and Offshore	15	≤600 lbs (≤1,500 lbs in offshore, 2,000 lbs if red crab trap/pot)
ME Zones F–G (12+ miles).	Northern Nearshore and Offshore	15 (Mar 1–Oct 31) 20 (Nov 1–Feb 28/29)	≤600 lbs (≤1,500 lbs in offshore, 2,000 lbs if red crab trap/pot).
MA State Waters	Northern Inshore State and Massachusetts Restricted Area.	2 (1 endline)	≤600 lbs.
NH State Waters	Northern Inshore State	No minimum trap/trawl	≤600 lbs.
LMA 1 (3–12 miles)	Northern Nearshore and Massachusetts Restricted Area and Stellwagen Bank/Jeffreys Ledge Restricted Area.	10	≤600 lbs.
LMA 1 (12+ miles)	Northern Nearshore	20	≤600 lbs.
LMA1/OC Overlap (0–3 miles).	Northern Inshore State and Massachusetts Restricted Area.	2 (1 endline)	≤600 lbs.
OC (0–3 miles)	Northern Inshore State and Massachusetts Restricted Area.	2 (1 endline)	≤600 lbs.
OC (3–12 miles)	Northern Nearshore and Massachusetts Restricted Area.	10	≤600 lbs.
OC (12+ miles)	Northern Nearshore and Great South Channel Restricted Area.	20	≤600 lbs.
Rhode Island State Waters.	Northern Inshore State	2 (1 endline)	≤600 lbs.
LMA 2 (3–12 miles)	Northern Nearshore	10	≤600 lbs.
LMA 2 (12 + miles)	Northern Nearshore and Great South Channel Restricted Area.	15	≤600 lbs.
LMA 2/3 Overlap (12+ miles).	Offshore and Great South Channel Restricted Area.	20	≤1,500 lbs (2,000 lbs if red crab trap/pot).
LMA 3 (12+ miles)	Offshore waters North of 40° and Great South Channel Restricted Area.	20	≤1,500 lbs (2,000 lbs if red crab trap/pot).
LMA 4,5,6	Southern Nearshore		≤600 lbs.
FL State Waters	Southeast US Restricted Area North [3]	1	≤200 lbs.
GA State Waters	Southeast US Restricted Area North [3]	1	≤600 lbs.
SC State Waters	Southeast US Restricted Area North [3]	1	≤600 lbs.
Federal Waters off FL, GA, SC.	Southeast US Restricted Area North [3]	1	≤600 lbs.

[2] The pocket waters and 6-mile line as defined in paragraphs (a)(2)(ii) and (a)(2)(iii) of this section.

[3] See § 229.32 (f)(1) for description of area.

(3) *Massachusetts Restricted Area*—(i) *Area.* The Massachusetts restricted area is bounded by the following point surrounding the shoreline of Cape Cod, Massachusetts.

Point	N. lat.	W. long.
MRA1	42°12′	70°30′
MRA2	42°30′	70°30′
MRA3	42°30′	69°45′
MRA4	41°40′	69°45′

(ii) *Closure.* From January 1 to April 30, it is prohibited to fish with, set, or possess trap/pot gear in this area unless stowed in accordance with § 229.2.

(iii) *Area-specific gear or vessel requirements.* From May 1 through December 31, no person or vessel may fish with or possess trap/pot gear in the Massachusetts Restricted Area unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal trap/pot gear requirements specified in paragraph (c)(1) of this section, and the area-specific requirements listed in paragraph (c)(2) of this section, or unless the gear is stowed as specified in § 229.2.

(4) *Great South Channel Restricted Trap/Pot Area*—(i) *Area.* The Great South Channel Restricted Trap/Pot Area consists of the area bounded by the following points.

Point	N. Lat.	W. Long.
GSC1	41°40′	69°45′
GSC2	41°0′	69°05′
GSC3	41°38′	68°13′
GSC4	42°10′	68°31′

(ii) *Closure.* From April 1 through June 30, it is prohibited to fish with, set, or possess trap/pot gear in this area unless stowed in accordance with § 229.2.

(iii) *Area-specific gear or vessel requirements.* From July 1 through March 31, no person or vessel may fish with or possess trap/pot gear in the Great South Channel Restricted Trap/Pot Area unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal trap/pot gear requirements specified in paragraph (c)(1) of this section, and the area-specific requirements listed in (c)(2) of this section, or unless the gear is stowed as specified in § 229.2.

(5) *Stellwagen Bank/Jeffreys Ledge Restricted Area*—(i) *Area.* The Stellwagen Bank/Jeffreys Ledge Restricted Area includes all Federal waters of the Gulf of Maine, except those designated as the Massachusetts Restricted Area in paragraph (c)(3) of this section, that lie south of 43°15′ N. lat. and west of 70°00′ W. long.

(ii) *Year round area-specific gear or vessel requirements.* No person or vessel may fish with or possess trap/pot gear in the Stellwagen Bank/Jeffreys Ledge Restricted Area unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal trap/pot gear requirements specified in paragraph (c)(1) of this section, and the area-specific requirements listed in paragraph (c)(2) of this section, or unless the gear is stowed as specified in § 229.2.

(6) *Offshore Trap/Pot*[4] *Waters Area*—(i) *Area.* The Offshore Trap/Pot Waters Area includes all Federal waters of the EEZ Offshore Management Area 3, including the area known as the Area 2/3 Overlap and Area 3/5 Overlap as defined in the American Lobster Fishery regulations at § 697.18 of this title, with the exception of the Great South Channel Restricted Trap/Pot Area and Southeast Restricted Area, and extending south along the 100-fathom (600-ft or 182.9-m) depth contour from 35°14′ N. lat. south to 27°51′ N. lat., and east to the eastern edge of the EEZ.

(ii) *Year-round area-specific gear or vessel requirements.* No person or vessel may fish with or possess trap/pot gear in the Offshore Trap/Pot Waters Area that overlaps an area from the U.S./Canada border south to a straight line from 41°18.2′ N. lat., 71°51.5′ W. long. (Watch Hill Point, RI) south to 40°00′ N. lat., and then east to the eastern edge of the EEZ, unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal trap/pot gear requirements specified in paragraph (c)(1) of this section, and the area-specific requirements listed in (c)(2) of this section, or unless the gear is stowed as specified in § 229.2.

(iii) *Seasonal area-specific gear or vessel requirements.* From September 1 to May 31, no person or vessel may fish with or possess trap/pot gear in the Offshore Trap/Pot Waters Area that overlaps an area bounded on the north by a straight line from 41°18.2′ N. lat., 71°51.5′ W. long. (Watch Hill Point, RI) south to 40°00′ N. lat. and then east to the eastern edge of the EEZ, and bounded on the south by a line at 32°00′ N. lat., and east to the eastern edge of the EEZ, unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal trap/pot gear requirements specified in paragraph (c)(1) of this section, and area-specific requirements in (c)(2) or unless the gear is stowed as specified in § 229.2.

(iv) *Seasonal area-specific gear or vessel requirements.* From November 15 to April 15, no person or vessel may fish with or possess trap/pot gear in the Offshore Trap/Pot Waters Area that overlaps an area from 32°00′ N. lat. south to 29°00′ N. lat. and east to the eastern edge of the EEZ, unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal trap/pot gear requirements specified in paragraph (c)(1) of this section, the area-specific requirements in paragraph (c)(2) of this section or unless the gear is stowed as specified in § 229.2.

(v) *Seasonal area-specific gear or vessel requirements.* From December 1 to March 31, no person or vessel may fish with or possess trap/pot gear in the Offshore Trap/Pot Waters Area that overlaps an area from 29°00′ N. lat. south to 27°51′ N. lat. and east to the eastern edge of the EEZ, unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal trap/pot gear requirements specified in paragraph (c)(1) of this section, the area-specific requirements in paragraph (c)(2) in this section, or unless the gear is stowed as specified in § 229.2.

(vi) [Reserved]

(7) *Northern Inshore State Trap/Pot Waters Area*—(i) *Area.* The Northern Inshore State Trap/Pot Waters Area includes the state waters of Rhode Island, Massachusetts, and Maine, with the exception of Massachusetts Restricted Area and those waters exempted under paragraph (a)(3) of this section. Federal waters west of 70°00′ N. lat. in Nantucket Sound are also included in the Northern Inshore State Trap/Pot Waters Area.

(ii) *Year-round area-specific gear or vessel requirements.* No person or vessel may fish with or possess trap/pot gear in the Northern Inshore State Trap/Pot Waters Area unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal trap/pot gear requirements specified in paragraph (c)(1) of this section, the area-specific requirements in (c)(2) of this section or unless the gear is stowed as specified in § 229.2.

(8) *Northern Nearshore Trap/Pot Waters Area*—(i) *Area.* The Northern Nearshore Trap/Pot Waters Area includes all Federal waters of EEZ Nearshore Management Area 1, Area 2, and the Outer Cape Lobster Management Area (as defined in the

[4] Fishermen using red crab trap/pot gear should refer to § 229.32(c)(10) for the restrictions applicable to red crab trap/pot fishery.

American Lobster Fishery regulations at 50 CFR 697.18 of this title), with the exception of the Great South Channel Restricted Trap/Pot Area, Massachusetts Restricted Area, Stellwagen Bank/Jeffreys Ledge Restricted Area, and Federal waters west of 70°00′ N. lat. in Nantucket Sound (included in the Northern Inshore State Trap/Pot Waters Area) and those waters exempted under paragraph (a)(3) of this section.

(ii) *Year-round area-specific gear or vessel requirements.* No person or vessel may fish with or possess trap/pot gear in the Northern Nearshore Trap/Pot Waters Area unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal trap/pot gear requirements specified in paragraph (c)(1) of this section, the area-specific requirements in paragraph (c)(2) of this section, or unless the gear is stowed as specified in § 229.2.

(9) *Southern Nearshore*[5] *Trap/Pot Waters Area*—(i) *Area.* The Southern Nearshore Trap/Pot Waters Area includes all state and Federal waters which fall within EEZ Nearshore Management Area 4, EEZ Nearshore Management Area 5, and EEZ Nearshore Management Area 6 (as defined in the American Lobster Fishery regulations in 50 CFR 697.18, and excluding the Area 3/5 Overlap), and inside the 100-fathom (600-ft or 182.9-m) depth contour line from 35°30′ N. lat. south to 27°51′ N. lat. and extending inshore to the shoreline or exemption line, with the exception of those waters exempted under paragraph (a)(3) of this section and those waters in the Southeast Restricted Area defined in paragraph (f)(1) of this section.

(ii) *Year-round area-specific gear or vessel requirements.* No person or vessel may fish with or possess trap/pot gear in the Southern Nearshore Trap/Pot Waters Area that is east of a straight line from 41°18.2′ N. lat., 71°51.5′ W. long. (Watch Hill Point, RI) south to 40°00′ N. lat., unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal trap/pot gear requirements specified in paragraph (c)(1) of this section, the area-specific requirements in paragraph (c)(2) of this section or unless the gear is stowed as specified in § 229.2.

(iii) *Seasonal area-specific gear or vessel requirements.* From September 1 to May 31, no person or vessel may fish with or possess trap/pot gear in the Southern Nearshore Trap/Pot Waters Area that overlaps an area bounded on the north by a straight line from 41°18.2′ N. lat., 71°51.5′ W. long. (Watch Hill Point, RI) south to 40°00′ N. lat. and then east to the eastern edge of the EEZ, and bounded on the south by 32°00′ N. lat., and east to the eastern edge of the EEZ, unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal trap/pot gear requirements in paragraph (c)(1) of this section, the area-specific requirements in paragraph (c)(2) of this section or unless the gear is stowed as specified in § 229.2.

(iv) *Seasonal area-specific gear or vessel requirements.* From November 15 to April 15, no person or vessel may fish with or possess trap/pot gear in the Southern Nearshore Trap/Pot Waters Area that overlaps an area from 32°00′ N. lat. south to 29°00′ N. lat. and east to the eastern edge of the EEZ, unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal trap/pot gear requirements specified in paragraph (c)(1) of this section, the area-specific requirements in paragraph (c)(2) of this section or unless the gear is stowed as specified in § 229.2.

(v) *Seasonal area-specific gear or vessel requirements.* From December 1 to March 31, no person or vessel may fish with or possess trap/pot gear in the Southern Nearshore Trap/Pot Waters Area that overlaps an area from 29°00′ N. lat. south to 27°51′ N. lat. and east to the eastern edge of the EEZ, unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal trap/pot gear requirements specified in paragraph (c)(1) of this section, the area-specific requirements in (c)(2) of this section or unless the gear is stowed as specified in § 229.2.

(vi) [Reserved]

(10) *Restrictions applicable to the red crab trap/pot fishery*—(i) *Area.* The red crab trap/pot fishery is regulated in the waters identified in paragraphs (c)(6)(i) and (c)(9)(i) of this section.

(ii) *Year-round area-specific gear or vessel requirements.* No person or vessel may fish with or possess red crab trap/pot gear in the area identified in paragraph (c)(10)(i) of this section that overlaps an area from the U.S./Canada border south to a straight line from 41° 18.2′ N. lat., 71°51.5′ W. long. (Watch Hill Point, RI) south to 40°00′ N. lat., and then east to the eastern edge of the EEZ, unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal trap/pot gear requirements specified in paragraph (c)(1) of this section, the area-specific requirements in paragraph (c)(2) of this section or unless the gear is stowed as specified in § 229.2.

(iii) *Seasonal area-specific gear or vessel requirements.* From September 1 to May 31, no person or vessel may fish with or possess red crab trap/pot gear in the area identified in paragraph (c)(10)(i) of this section that overlaps an area bounded on the north by a straight line from 41°18.2′ N. lat., 71°51.5′ W. long. (Watch Hill Point, RI) south to 40°00′ N. lat. and then east to the eastern edge of the EEZ, and bounded on the south by a line at 32°00′ N. lat., and east to the eastern edge of the EEZ, unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal trap/pot gear requirements specified in paragraph (c)(1) of this section, the area-specific requirements in (c)(2) of this section or unless the gear is stowed as specified in § 229.2.

(iv) *Seasonal area-specific gear or vessel requirements.* From November 15 to April 15, no person or vessel may fish with or possess red crab trap/pot gear in the area identified in paragraph (c)(11)(i) of this section that overlaps an area from 32°00′ N. lat. south to 29°00′ N. lat. and east to the eastern edge of the EEZ, unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal trap/pot gear requirements specified in paragraph (c)(1) of this section, the area-specific requirements in paragraph (c)(2) of this section or unless the gear is stowed as specified in § 229.2.

(v) *Seasonal area-specific gear or vessel requirements.* From December 1 to March 31, no person or vessel may fish with or possess red crab trap/pot gear in the area identified in paragraph (c)(11)(i) of this section that overlaps an area from 29°00′ N. lat. south to 27°51′ N. lat. and east to the eastern edge of the EEZ, unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal trap/pot gear requirements specified in paragraph (c)(1) of this section, the area-specific requirements in (c)(2) of this section or unless the gear is stowed as specified in § 229.2.

(vi) [Reserved]

(d) *Restrictions applicable to anchored gillnet gear*—(1) *Universal anchored gillnet gear requirements.* In addition to the area-specific measures listed in paragraphs (d)(3) through (d)(8) of this section, all anchored gillnet gear in regulated waters must comply with

[5] Fishermen using red crab trap/pot gear should refer to § 229.32(c)(10) for the restrictions applicable to red crab trap/pot fishery.

the universal gear requirements listed below.[6]

(i) *No buoy line floating at the surface.* No person or vessel may fish with anchored gillnet gear that has any portion of the buoy line floating at the surface at any time when the buoy line is directly connected to the gear at the ocean bottom. If more than one buoy is attached to a single buoy line or if a high flyer and a buoy are used together on a single buoy line, sinking and/or neutrally buoyant line must be used between these objects.

(ii) *No wet storage of gear.* Anchored gillnet gear must be hauled out of the water at least once every 30 days.

(iii) *Groundlines.* All groundlines must be composed entirely of sinking line unless exempted from this requirement under paragraph (a)(4) of this section. The attachment of buoys, toggles, or other floatation devices to groundlines is prohibited.

(2) *Area specific gear restrictions.* No person or vessel may fish with or possess anchored gillnet gear in Areas referenced in paragraphs (d)(3) through (d)(8) of this section, unless that gear complies with the gear requirements specified in paragraph (d)(1) of this section, and the area specific requirements listed below, or unless the gear is stowed as specified in § 229.2.

(i) *Buoy line weak links.* All buoys, flotation devices and/or weights (except gillnets, anchors, and leadline woven into the buoy line), such as surface buoys, high flyers, sub-surface buoys, toggles, window weights, etc., must be attached to the buoy line with a weak link placed as close to each individual buoy, flotation device and/or weight as operationally feasible and that meets the following specifications:

(A) The weak link must be chosen from the following list approved by NMFS: Swivels, plastic weak links, rope of appropriate breaking strength, hog rings, rope stapled to a buoy stick, or other materials or devices approved in writing by the Assistant Administrator. A brochure illustrating the techniques for making weak links is available from the Regional Administrator, NMFS, Greater Atlantic Region upon request.

(B) The breaking strength of the weak links must not exceed 1,100 lb (499.0 kg).

(C) Weak links must break cleanly leaving behind the bitter end of the line. The bitter end of the line must be free of any knots when the weak link breaks. Splices are not considered to be knots for the purposes of this provision.

(ii) *Net panel weak links.* The breaking strength of each weak link must not exceed 1,100 lb (499.0 kg). The weak link requirements apply to all variations in panel size. All net panels in a string must contain weak links that meet one of the following two configurations unless exempted from this requirement under paragraph (a)(5) of this section:

(A) *Configuration 1.* (*1*) The weak link must be chosen from the following list approved by NMFS: Plastic weak links or rope of appropriate breaking strength. If rope of appropriate breaking strength is used throughout the floatline or as the up and down line, or if no up and down line is present, then individual weak links are not required on the floatline or up and down line. A brochure illustrating the techniques for making weak links is available from the Regional Administrator, NMFS, Greater Atlantic Region upon request; and

(*2*) One weak link must be placed in the center of each of the up and down lines at both ends of the net panel; and

(*3*) One weak link must be placed as close as possible to each end of the net panels on the floatline; and

(*4*) For net panels of 50 fathoms (300 ft or 91.4 m) or less in length, one weak link must be placed in the center of the floatline; or

(*5*) For net panels greater than 50 fathoms (300 ft or 91.4 m) in length, one weak link must be placed at least every 25 fathoms (150 ft or 45.7 m) along the floatline.

(B) *Configuration 2.* (*1*) The weak link must be chosen from the following list approved by NMFS: Plastic weak links or rope of appropriate breaking strength. If rope of appropriate breaking strength is used throughout the floatline or as the up and down line, or if no up and down line is present, then individual weak links are not required on the floatline or up and down line. A brochure illustrating the techniques for making weak links is available from the Regional Administrator, NMFS, Greater Atlantic Region upon request; and

(*2*) One weak link must be placed in the center of each of the up and down lines at both ends of the net panel; and

(*3*) One weak link must be placed between the floatline tie loops between net panels; and

(*4*) One weak link must be placed where the floatline tie loops attaches to the bridle, buoy line, or groundline at the end of a net string; and

(*5*) For net panels of 50 fathoms (300 ft or 91.4 m) or less in length, one weak link must be placed in the center of the floatline; or

(*6*) For net panels greater than 50 fathoms (300 ft or 91.4 m) in length, one weak link must be placed at least every 25 fathoms (150 ft or 45.7 m) along the floatline.

(iii) *Anchoring systems.* All anchored gillnets, regardless of the number of net panels, must be secured at each end of the net string with a burying anchor (an anchor that holds to the ocean bottom through the use of a fluke, spade, plow, or pick) having the holding capacity equal to or greater than a 22-lb (10.0-kg) Danforth-style anchor unless exempted from this requirement under paragraph (a)(5) of this section. Dead weights do not meet this requirement. A brochure illustrating the techniques for rigging anchoring systems is available from the Regional Administrator, NMFS, Greater Atlantic Region.

(3) *Cape Cod Bay Restricted Area*—(i) *Area.* The Cape Cod Bay restricted area is bounded by the following points and on the south and east by the interior shoreline of Cape Cod, Massachusetts.

Point	N. lat.	W. long.
CCB1	41°40′	69°45′
CCB2	42°30′	69°45′
CCB3	42°30′	70°30′
CCB4	42°12′	70°30′

(ii) *Closure.* During January 1 through May 15 of each year, no person or vessel may fish with or possess anchored gillnet gear in the Cape Cod Bay Restricted Area unless the Assistant Administrator specifies gear restrictions or alternative fishing practices in accordance with paragraph (i) of this section and the gear or practices comply with those specifications, or unless the gear is stowed as specified in § 229.2. The Assistant Administrator may waive this closure for the remaining portion of the winter restricted period in any year through a notification in the **Federal Register** if NMFS determines that right whales have left the restricted area and are unlikely to return for the remainder of the season.

(iii) *Area-specific gear or vessel requirements.* From May 16 through December 31 of each year, no person or vessel may fish with or possess anchored gillnet gear in the Cape Cod Bay Restricted Area unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal anchored gillnet gear requirements specified in paragraph (d)(1) of this section, and the area-specific requirements listed in paragraph (d)(2) of this section, or unless the gear is stowed as specified in § 229.2.

(4) *Great South Channel Restricted Gillnet Area*—(i) *Area.* The Great South Channel Restricted Gillnet Area consists

[6] Fishermen are also encouraged to maintain their buoy lines to be as knot-free as possible. Splices are considered to be less of an entanglement threat and are thus preferable to knots.

of the area bounded by lines connecting the following four points:

Point	N. lat.	W. long.
GSC1	41°02.2′	69°02′
GSC2	41°43.5′	69°36.3′
GSC3	42°10′	68°31′
GSC4	41°38′	68°13′

(ii) *Closure.* From April 1 through June 30 of each year, no person or vessel may fish with or possess anchored gillnet gear in the Great South Channel Restricted Gillnet Area unless the Assistant Administrator specifies gear restrictions or alternative fishing practices in accordance with paragraph (i) of this section and the gear or practices comply with those specifications, or unless the gear is stowed as specified in § 229.2.

(iii) *Area-specific gear or vessel requirements.* From July 1 through March 31 of each year, no person or vessel may fish with or possess anchored gillnet gear in the Great South Channel Restricted Gillnet Area unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal anchored gillnet gear requirements specified in paragraph (d)(1) of this section, and the area-specific requirements listed in paragraph (d)(2) of this section or unless the gear is stowed as specified in § 229.2.

(5) *Great South Channel Sliver Restricted Area*—(i) *Area.* The Great South Channel Sliver Restricted Area consists of the area bounded by lines connecting the following points:

Point	N. lat.	W. long.
GSCRA1	41°02.2′	69°02′
GSCRA2	41°43.5′	69°36.3′
GSCRA3	41°40′	69°45′
GSCRA4	41°00′	69°05′

(ii) *Year-round area-specific gear or vessel requirements.* No person or vessel may fish with or possess anchored gillnet gear in the Great South Channel Sliver Restricted Area unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal anchored gillnet gear requirements specified in paragraph (d)(1) of this section, and the area-specific requirements listed in paragraph (d)(2) of this section or unless the gear is stowed as specified in § 229.2.

(6) *Stellwagen Bank/Jeffreys Ledge Restricted Area*—(i) *Area.* The Stellwagen Bank/Jeffreys Ledge Restricted Area includes all Federal waters of the Gulf of Maine, except those designated as the Cape Cod Bay Restricted Area in paragraph (d)(3) of this section that lie south of 43°15′ N. lat. and west of 70°00′ W. long.

(ii) *Year-round area-specific gear or vessel requirements.* No person or vessel may fish with or possess anchored gillnet gear in the Stellwagen Bank/Jeffreys Ledge Restricted Area unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal anchored gillnet gear requirements specified in paragraph (d)(1) of this section, and the area-specific requirements listed in paragraph (d)(2) of this section or unless the gear is stowed as specified in § 229.2.

(7) *Other Northeast Gillnet Waters Area*—(i) *Area.* The Other Northeast Gillnet Waters Area consists of all state and Federal U.S. waters from the U.S./Canada border to Long Island, NY, at 72°30′ W. long. south to 36°33.03′ N. lat. and east to the eastern edge of the EEZ, with the exception of the Cape Cod Bay Restricted Area, Stellwagen Bank/Jeffreys Ledge Restricted Area, Great South Channel Restricted Gillnet Area, Great South Channel Sliver Restricted Area, and exempted waters listed in paragraph (a)(3) of this section.

(ii) *Year-round area-specific gear or vessel requirements.* No person or vessel may fish with or possess anchored gillnet gear in the Other Northeast Gillnet Waters Area that overlaps an area from the U.S./Canada border south to a straight line from 41°18.2′ N. lat., 71°51.5′ W. long. (Watch Hill Point, RI) south to 40°00′ N. lat. and then east to the eastern edge of the EEZ, unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal anchored gillnet gear requirements specified in paragraph (d)(1) of this section, and the area-specific requirements listed in paragraph (d)(2) of this section or unless the gear is stowed as specified in § 229.2.

(iii) *Seasonal area-specific gear or vessel requirements.* From September 1 to May 31, no person or vessel may fish with or possess anchored gillnet gear in the Other Northeast Gillnet Waters Area that is south of a straight line from 41°18.2′ N. lat., 71 °51.5′ W. long. (Watch Hill Point, RI) south to 40°00′ N. lat. and then east to the eastern edge of the EEZ, unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal anchored gillnet gear requirements specified in paragraph (d)(1) of this section, and the area-specific requirements listed in paragraph (d)(2) of this section or unless the gear is stowed as specified in § 229.2.

(8) *Mid/South Atlantic Gillnet Waters*—(i) *Area.* The Mid/South Atlantic Gillnet Waters consists of all U.S. waters bounded on the north from Long Island, NY, at 72°30′ W. long. south to 36°33.03′ N. lat. and east to the eastern edge of the EEZ, and bounded on the south by 32°00′ N. lat., and east to the eastern edge of the EEZ. When the Mid/South Atlantic Gillnet Waters Area overlaps the Southeast U.S. Restricted Area and its restricted period as specified in paragraphs (f)(1) and (f)(2) of this section, then the closure and exemption for the Southeast U.S. Restricted Area as specified in paragraph (f)(2) of this section applies.

(ii) *Area-specific gear or vessel requirements.* From September 1 through May 31, no person or vessel may fish with or possess anchored gillnet gear in the Mid/South Atlantic Gillnet Waters unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal anchored gillnet gear requirements specified in paragraph (d)(1) of this section, and the following area-specific requirements, or unless the gear is stowed as specified in § 229.2. When the Mid/South Atlantic Gillnet Waters Area overlaps the Southeast U.S. Restricted Area and its restricted period as specified in paragraphs (f)(1) and (f)(2) of this section, then the closure and exemption for the Southeast U.S. Restricted Area as specified in paragraph (f)(2) of this section applies.

(A) *Buoy line weak links.* All buoys, flotation devices and/or weights (except gillnets, anchors, and leadline woven into the buoy line), such as surface buoys, high flyers, sub-surface buoys, toggles, window weights, etc., must be attached to the buoy line with a weak link placed as close to each individual buoy, flotation device and/or weight as operationally feasible and that meets the following specifications:

(*1*) The weak link must be chosen from the following list approved by NMFS: Swivels, plastic weak links, rope of appropriate breaking strength, hog rings, rope stapled to a buoy stick, or other materials or devices approved in writing by the Assistant Administrator. A brochure illustrating the techniques for making weak links is available from the Regional Administrator, NMFS, Greater Atlantic Region upon request.

(*2*) The breaking strength of the weak links must not exceed 1,100 lb (499.0 kg).

(*3*) Weak links must break cleanly leaving behind the bitter end of the line. The bitter end of the line must be free

of any knots when the weak link breaks. Splices are not considered to be knots for the purposes of this provision.

(B) *Net panel weak links.* The weak link requirements apply to all variations in panel size. All net panels must contain weak links that meet the following specifications unless exempted under paragraph (a)(5) of this section:

(*1*) The breaking strength for each of the weak links must not exceed 1,100 lb (499.0 kg).

(*2*) The weak link must be chosen from the following list approved by NMFS: Plastic weak links or rope of appropriate breaking strength. If rope of appropriate breaking strength is used throughout the floatline then individual weak links are not required. A brochure illustrating the techniques for making weak links is available from the Regional Administrator, NMFS, Greater Atlantic Region upon request.

(*3*) Weak links must be placed in the center of the floatline of each gillnet net panel up to and including 50 fathoms (300 ft or 91.4 m) in length, or at least every 25 fathoms (150 ft or 45.7 m) along the floatline for longer panels.

(C) *Additional anchoring system and net panel weak link requirements.* All gillnets must return to port with the vessel unless the gear meets the following specifications:

(*1*) *Anchoring systems.* All anchored gillnets, regardless of the number of net panels, must be secured at each end of the net string with a burying anchor (an anchor that holds to the ocean bottom through the use of a fluke, spade, plow, or pick) having the holding capacity equal to or greater than a 22-lb (10.0-kg) Danforth-style anchor unless exempted under paragraph (a)(5) of this section. Dead weights do not meet this requirement. A brochure illustrating the techniques for rigging anchoring systems is available from the Regional Administrator, NMFS, Greater Atlantic Region upon request.

(*2*) *Net panel weak links.* Net panel weak links must meet the specifications in this paragraph. The breaking strength of each weak link must not exceed 1,100 lb (499.0 kg). The weak link requirements apply to all variations in panel size. All net panels in a string must contain weak links that meet one of the following two configurations found in paragraph (d)(2)(ii)(A) or (d)(2)(ii)(B) of this section.

(*3*) *Additional provision for North Carolina.* All gillnets set 300 yards (274.3 m) or less from the shoreline in North Carolina must meet the anchoring system and net panel weak link requirements in paragraphs (d)(8)(ii)(C)(1) and (d)(8)(ii)(C)(2) of this section, or the following:

(*i*) The entire net string must be less than 300 yards (274.3 m) from shore.

(*ii*) The breaking strength of each weak link must not exceed 600 lb (272.2 kg). The weak link requirements apply to all variations in panel size.

(*iii*) All net panels in a string must contain weak links that meet one of the following two configuration specifications found in paragraph (d)(2)(ii)(A) or (d)(2)(ii)(B) of this section.

(*iv*) Regardless of the number of net panels, all anchored gillnets must be secured at the offshore end of the net string with a burying anchor (an anchor that holds to the ocean bottom through the use of a fluke, spade, plow, or pick) having a holding capacity equal to or greater than an 8-lb (3.6-kg) Danforth-style anchor, and at the inshore end of the net string with a dead weight equal to or greater than 31 lb (14.1 kg).

(e) *Restrictions applicable to drift gillnet gear*—(1) *Cape Cod Bay Restricted Area*—(i) *Area.* The Cape Cod Bay Restricted Area is bounded by the following points and on the south and east by the interior shoreline of Cape Cod, Massachusetts.

Point	N. Lat.	W. Long.
CCB1	41°40′	69°45′
CCB2	42°30′	69°45′
CCB3	42°30′	70°30′
CCB4	42°12′	70°30′

(ii) *Closure.* From January 1 through April 30 of each year, no person or vessel may fish with or possess drift gillnet gear in the Cape Cod Bay Restricted Area unless the Assistant Administrator specifies gear restrictions or alternative fishing practices in accordance with paragraph (e)(1)(i) of this section and the gear or practices comply with those specifications, or unless the gear is stowed as specified in § 229.2. The Assistant Administrator may waive this closure for the remaining portion of the winter restricted period in any year through a notification in the **Federal Register** if NMFS determines that right whales have left the restricted area and are unlikely to return for the remainder of the season.

(iii) *Area-specific gear or vessel requirements.* From May 1 through December 31 of each year, no person or vessel may fish with or possess drift gillnet gear in the Cape Cod Bay Restricted Area unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, or unless the gear is stowed as specified in § 229.2. Additionally, no person or vessel may fish with or possess drift gillnet gear at night in the Cape Cod Bay Restricted Area unless that gear is tended, or unless the gear is stowed as specified in § 229.2. During that time, all drift gillnet gear set by that vessel in the Cape Cod Bay Restricted Area must be removed from the water and stowed on board the vessel before a vessel returns to port.

(2) *Great South Channel Restricted Gillnet Area*—(i) *Area.* The Great South Channel Restricted Gillnet Area consists of the area bounded by lines connecting the following four points:

Point	N. Lat.	W. Long.
GSC1	41°02.2′	69°02′
GSC2	41°43.5′	69°36.3′
GSC3	42°10′	68°31′
GSC4	41°38′	68°13′

(ii) *Closure.* From April 1 through June 30 of each year, no person or vessel may set, fish with or possess drift gillnet gear in the Great South Channel Restricted Gillnet Area unless the Assistant Administrator specifies gear restrictions or alternative fishing practices in accordance with paragraph (i) of this section and the gear or practices comply with those specifications, or unless the gear is stowed as specified in § 229.2.

(iii) *Area-specific gear or vessel requirements.* From July 1 through March 31 of each year, no person or vessel may fish with or possess drift gillnet gear in the Great South Channel Restricted Gillnet Area unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, or unless the gear is stowed as specified in § 229.2. Additionally, no person or vessel may fish with or possess drift gillnet gear at night in the Great South Channel Restricted Gillnet Area unless that gear is tended, or unless the gear is stowed as specified in § 229.2. During that time, all drift gillnet gear set by that vessel in the Great South Channel Restricted Gillnet Area must be removed from the water and stowed on board the vessel before a vessel returns to port.

(3) *Great South Channel Sliver Restricted Area*—(i) *Area.* The Great South Channel Sliver Restricted Area consists of the area bounded by lines connecting the following points:

Point	N. lat.	W. long.
GSCRA1	41°02.2′	69°02′
GSCRA2	41°43.5′	69°36.3′
GSCRA3	41°40′	69°45′
GSCRA4	41°00′	69°05′

(ii) *Year-round area-specific gear or vessel requirements.* No person or vessel may fish with or possess drift gillnet gear in the Great South Channel Sliver Restricted Gillnet Area unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, or unless the gear is stowed as specified in § 229.2. Additionally, no person or vessel may fish with or possess drift gillnet gear at night in the Great South Channel Sliver Restricted Area unless that gear is tended, or unless the gear is stowed as specified in § 229.2. During that time, all drift gillnet gear set by that vessel in the Great South Channel Sliver Restricted Area must be removed from the water and stowed on board the vessel before a vessel returns to port.

(4) *Stellwagen Bank/Jeffreys Ledge Restricted Area*—(i) *Area.* The Stellwagen Bank/Jeffreys Ledge Restricted Area includes all Federal waters of the Gulf of Maine, except those designated the Cape Cod Bay Restricted Area in paragraph (e)(1), that lie south of 43°15′ N. lat. and west of 70°00′ W. long.

(ii) *Year-round area-specific gear or vessel requirements.* No person or vessel may fish with or possess drift gillnet gear in the Stellwagen Bank/Jeffreys Ledge Restricted Area unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, or unless the gear is stowed as specified in § 229.2. Additionally, no person or vessel may fish with or possess drift gillnet gear at night in the Stellwagen Bank/Jeffreys Ledge Area unless that gear is tended, or unless the gear is stowed as specified in § 229.2. During that time, all drift gillnet gear set by that vessel in the Stellwagen Bank/Jeffreys Ledge Restricted Area must be removed from the water and stowed on board the vessel before a vessel returns to port.

(5) *Other Northeast Gillnet Waters Area*—(i) *Area.* The Other Northeast Gillnet Waters Area consists of all state and Federal U.S. waters from the U.S./Canada border to Long Island, NY, at 72°30′ W. long. south to 36°33.03′ N. lat. and east to the eastern edge of the EEZ, with the exception of the Cape Cod Bay Restricted Area, Stellwagen Bank/Jeffreys Ledge Restricted Area, Great South Channel Restricted Gillnet Area, Great South Channel Sliver Restricted Area, and exempted waters listed in paragraph (a)(3) of this section.

(ii) *Year-round area-specific gear or vessel requirements.* No person or vessel may fish with or possess drift gillnet gear in the Other Northeast Gillnet Waters Area unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, or unless the gear is stowed as specified in § 229.2. Additionally, no person or vessel may fish with or possess drift gillnet gear at night in the Other Northeast Gillnet Waters Area unless that gear is tended, or unless the gear is stowed as specified in § 229.2. During that time, all drift gillnet gear set by that vessel in the Other Northeast Gillnet Waters Area must be removed from the water and stowed on board the vessel before a vessel returns to port.

(iii) *Seasonal area-specific gear or vessel requirements.* From September 1 to May 31, no person or vessel may fish with or possess drift gillnet gear in the Other Northeast Gillnet Waters Area that is south of a straight line from 41°18.2′ N. lat., 71°51.5′ W. long. (Watch Hill Point, RI) south to 40°00′ N. lat. and then east to the eastern edge of the EEZ, unless that gear complies with the gear marking requirements specified in paragraph (b) of this section, or unless the gear is stowed as specified in § 229.2. Additionally, no person or vessel may fish with or possess drift gillnet gear at night in the Other Northeast Gillnet Waters Area unless that gear is tended, or unless the gear is stowed as specified in § 229.2. During that time, all drift gillnet gear set by that vessel in the Other Northeast Gillnet Waters Area must be removed from the water and stowed on board the vessel before a vessel returns to port.

(6) *Mid/South Atlantic Gillnet Waters Area*—(i) *Area.* The Mid/South Atlantic Gillnet Waters consists of all U.S. waters bounded on the north from Long Island, NY at 72°30′ W. long. south to 36°33.03′ N. lat. and east to the eastern edge of the EEZ, and bounded on the south by 32°00′ N. lat., and east to the eastern edge of the EEZ. When the Mid/South Atlantic Gillnet Waters Area overlaps the Southeast U.S. Restricted Area and its restricted period as specified in paragraphs (f)(1) and (f)(2) of this section, then the closure and exemption for the Southeast U.S. Restricted Area as specified in paragraph (f)(2) of this section applies.

(ii) *Area-specific gear or vessel requirements.* From September 1 through May 31, no person or vessel may fish with or possess drift gillnet gear at night in the Mid/South Atlantic Gillnet Waters Area unless:

(A) The gear complies with gear marking requirements specified in paragraph (b) of this section;

(B) The gear is tended; and

(C) All gear is removed from the water and stowed on board the vessel before a vessel returns to port. No person or vessel may possess drift gillnet at night in the Mid/South Atlantic Gillnet Waters unless the gear is stowed as specified in § 229.2. When the Mid/South Atlantic Gillnet Waters Area overlaps the Southeast U.S. Restricted Area and its restricted period as specified in paragraphs (f)(1) and (f)(2) of this section, then the closure and exemption for the Southeast U.S. Restricted Area as specified in paragraph (f)(2) of this section applies.

(f) *Restrictions applicable to the Southeast U.S. Restricted Area*—(1) *Area.* The Southeast U.S. Restricted Area consists of the area bounded by straight lines connecting the following points in the order stated from south to north:

Point	N. lat.	W. long.
SERA1	27°51′	(1)
SERA2	27°51′	80°00′
SERA3	32°00′	80°00′
SERA4	32°36′	78°52′
SERA5	32°51′	78°36′
SERA6	33°15′	78°24′
SERA7	33°27′	78°04′
SERA8	(2)	78°33.9′

[1] Florida shoreline.
[2] South Carolina shoreline.

(i) *Southeast U.S. Restricted Area N.* The Southeast U.S. Restricted Area N consists of the Southeast U.S. Restricted Area from 29°00′ N. lat. northward.

(ii) *Southeast U.S. Restricted Area S.* The Southeast U.S. Restricted Area S consists of the Southeast U.S. Restricted Area southward of 29°00′ N. lat.

(2) *Restricted periods, closure, and exemptions.*

(i) *Restricted periods.* The restricted period for the Southeast U.S. Restricted Area N is from November 15 through April 15, and the restricted period for the Southeast U.S. Restricted Area S is from December 1 through March 31.

(ii) *Closure for gillnets.*

(A) Except as provided under paragraph (f)(2)(v) of this section, fishing with or possessing gillnet in the Southeast U.S. Restricted Area N during the restricted period is prohibited.

(B) Except as provided under paragraph (f)(2)(iii) of this section and (f)(2)(iv) of this section, fishing with gillnet in the Southeast U.S. Restricted Area S during the restricted period is prohibited.

(iii) *Exemption for Southeastern U.S. Atlantic shark gillnet fishery.* Fishing with gillnet for sharks with webbing of 5 inches (12.7 cm) or greater stretched mesh is exempt from the restrictions under paragraph (f)(2)(ii)(B) of this section if:

(A) The gillnet is deployed so that it encloses an area of water;

(B) A valid commercial directed shark limited access permit has been issued to

the vessel in accordance with 50 CFR § 635.4(e) and is on board;

(C) No net is set at night or when visibility is less than 500 yards (1,500 ft, 460 m);

(D) The gillnet is removed from the water before night or immediately if visibility decreases below 500 yards (1,500 ft, 460 m);

(E) Each set is made under the observation of a spotter plane;

(F) No gillnet is set within 3 nautical miles (5.6 km) of a right, humpback, or fin whale;

(G) The gillnet is removed immediately from the water if a right, humpback, or fin whale moves within 3 nautical miles (5.6 km) of the set gear;

(H) The gear complies with the gear marking requirements specified in paragraph (b) of this section; and

(I) The operator of the vessel calls the Southeast Fisheries Science Center Panama City Laboratory in Panama City, FL, not less than 48 hours prior to departing on any fishing trip in order to arrange for observer coverage. If the Panama City Laboratory requests that an observer be taken on board a vessel during a fishing trip at any time from December 1 through March 31 south of 29°00′ N. lat., no person may fish with such gillnet aboard that vessel in the Southeast U.S. Restricted Area S unless an observer is on board that vessel during the trip.

(iv) *Exemption for Spanish Mackerel component of the Southeast Atlantic gillnet fishery.* Fishing with gillnet for Spanish mackerel is exempt from the restrictions under paragraph (f)(2)(ii)(B) of this section from December 1 through December 31, and from March 1 through March 31 if:

(A) Gillnet mesh size is between 3.5 inches (8.9 cm) and 4⅞ inches (12.4 cm) stretched mesh;

(B) A valid commercial vessel permit for Spanish mackerel has been issued to the vessel in accordance with § 622.4(a)(2)(iv) of this title and is on board;

(C) No person may fish with, set, place in the water, or have on board a vessel a gillnet with a float line longer than 800 yards (2,400 ft, 732 m);

(D) No person may fish with, set, or place in the water more than one gillnet at any time;

(E) No more than two gillnets, including any net in use, may be possessed at any one time; provided, however, that if two gillnets, including any net in use, are possessed at any one time, they must have stretched mesh sizes (as allowed under the regulations) that differ by at least .25 inch (.64 cm);

(F) No person may soak a gillnet for more than 1 hour. The soak period begins when the first mesh is placed in the water and ends either when the first mesh is retrieved back on board the vessel or the gathering of the gillnet is begun to facilitate retrieval on board the vessel, whichever occurs first; providing that, once the first mesh is retrieved or the gathering is begun, the retrieval is continuous until the gillnet is completely removed from the water;

(G) No net is set at night or when visibility is less than 500 yards (1,500 ft, 460 m);

(H) The gillnet is removed from the water before night or immediately if visibility decreases below 500 yards (1,500 ft, 460 m);

(I) No net is set within 3 nautical miles (5.6 km) of a right, humpback, or fin whale;

(J) The gillnet is removed immediately from the water if a right, humpback, or fin whale moves within 3 nautical miles (5.6 km) of the set gear; and

(K) The gear complies with the gear marking requirements specified in paragraph (b) of this section, the universal anchored gillnet gear requirements specified in paragraph (d)(1) of this section, and the area-specific requirements for anchored gillnets specified in paragraphs (d)(8)(ii)(A) through (d)(8)(ii)(D) of this section for the Mid/South Atlantic Gillnet Waters.

(v) *Exemption for vessels in transit with gillnet aboard.* Possession of gillnet aboard a vessel in transit is exempt from the restrictions under paragraph (f)(2)(ii)(A) of this section if: All nets are covered with canvas or other similar material and lashed or otherwise securely fastened to the deck, rail, or drum; and all buoys, high flyers, and anchors are disconnected from all gillnets. No fish may be possessed aboard such a vessel in transit.

(vi) *Restrictions for trap/pot gear.* Fishing with trap/pot gear in the Southeast U.S. Restricted Area N during the restricted period is allowed if:

(A) Trap/pot gear is not fished in a trap/pot trawl;

(B) All buoys or flotation devices are attached to the buoy line with a weak link that meets the requirements of paragraph (c)(2)(ii) of this section. The weak link has a maximum breaking strength of 600 lbs (272 kg) except in Florida State waters where the maximum breaking strength is 200 lbs (91kg);

(C) The buoy line has a maximum breaking strength of 2,200 lbs (998 kg) except in Florida State waters where the maximum breaking strength is 1,500 lbs (630 kg);

(D) The entire buoy line must be free of objects (e.g., weights, floats, etc.) except where it attaches to the buoy and trap/pot;

(E) The buoy line is made of sinking line;

(F) The gear complies with gear marking requirements as specified in paragraph (b) of this section; and

(G) Trap/pot gear that is deployed in the EEZ (as defined in § 600.10 of this title) is brought back to port at the conclusion of each fishing trip.

(g) *Restrictions applicable to the Other Southeast Gillnet Waters* (1) *Area*—The Other Southeast Gillnet Waters Area includes all waters bounded by 32°00′ N. lat. on the north (near Savannah, GA), 26°46.50′ N. lat. on the south (near West Palm Beach, FL), 80°00′ W. long. on the west, and the EEZ boundary on the east.

(2) *Closure for gillnets.* Fishing with or possessing gillnet gear in the Other Southeast Gillnet Waters Area north of 29°00′ N. lat. from November 15 through April 15 or south of 29°00′ N. lat. from December 1 through March 31 is allowed if one of the following exemptions applies:

(i) *Exemption for Southeastern U.S. Atlantic shark gillnet fishery.* Fishing with or possessing gillnet gear with webbing of 5 inches (12.7 cm) or greater stretched mesh is allowed if:

(A) The gear is marked as required in paragraph (b) of this section.

(B) No net is set within 3 nautical miles (5.6 km) of a right, humpback, or fin whale; and

(C) The gear is removed immediately from the water if a right, humpback, or fin whale moves within 3 nautical miles (5.6 km) of the set gear.

(ii) *Exemption for Southeast Atlantic gillnet fishery.* Fishing with or possessing gillnet gear is allowed if:

(A) The gear is marked as required in paragraph (b) of this section; or

(B) The gear is fished south of 27°51′ N.

(iii) *Exemption for vessels in transit with gillnet aboard.* Possession of gillnet gear aboard a vessel in transit is allowed if:

(A) All nets are covered with canvas or other similar material and securely fastened to the deck, rail, or drum; and

(B) All buoys, high flyers, and anchors are disconnected from all gillnets.

(h) *Restrictions applicable to the Southeast U.S. Monitoring Area*—(1) *Area.* The Southeast U.S. Monitoring Area consists of the area from 27°51′ N. lat. (near Sebastian Inlet, FL) south to 26°46.50′ N. lat. (near West Palm Beach, FL), extending from the shoreline or exemption line out to 80°00′ W. long.

(2) *Restrictions for Southeastern U.S. Atlantic shark gillnet fishery.* Fishing with or possessing gillnet gear with

webbing of 5 inches (12.7 cm) or greater stretched mesh from December 1 through March 31 is allowed if:

(i) The gear complies with the gear marking requirements specified in paragraph (b) of this section;

(ii) The vessel owner/operator is in compliance with the vessel monitoring system (VMS) requirements found in 50 CFR 635.69; and

(iii) The vessel owner/operator and crew are in compliance with observer requirements found in § 229.7.

(3) *Restrictions for Southeastern U.S. Atlantic shark gillnet fishery vessels in transit.* Possession of gillnet gear with webbing of 5 inches (12.7 cm) or greater stretched mesh aboard a vessel in transit from December 1 through March 31 is allowed if:

(i) All gear is stowed as specified in 50 CFR 229.2; and

(ii) The vessel owner/operator is in compliance with the vessel monitoring system (VMS) requirements found in 50 CFR 635.69.

(i) *Other provisions.* In addition to any other emergency authority under the Marine Mammal Protection Act, the Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act, or other appropriate authority, the Assistant Administrator may take action under this section in the following situations:

(1) *Entanglements in critical habitat or restricted areas.* If a serious injury or mortality of a right whale occurs in the Cape Cod Bay Restricted Area from January 1 through May 15, in the Great South Channel Restricted Area from April 1 through June 30, the Southeast U.S. Restricted Area N from November 15 to April 15, or the Southeast U.S. Restricted Area S from December 1 through March 31 as the result of an entanglement by trap/pot or gillnet gear allowed to be used in those areas and times, the Assistant Administrator shall close that area to that gear type (i.e., trap/pot or gillnet) for the rest of that time period and for that same time period in each subsequent year, unless the Assistant Administrator revises the restricted period in accordance with paragraph (i)(2) of this section or unless other measures are implemented under paragraph (i)(2) of this section.

(2) *Other special measures.* The Assistant Administrator may, in consultation with the Take Reduction Team, revise the requirements of this section through a publication in the **Federal Register** if:

(i) NMFS verifies that certain gear characteristics are both operationally effective and reduce serious injuries and mortalities of endangered whales;

(ii) New gear technology is developed and determined to be appropriate;

(iii) Revised breaking strengths are determined to be appropriate;

(iv) New marking systems are developed and determined to be appropriate;

(v) NMFS determines that right whales are remaining longer than expected in a closed area or have left earlier than expected;

(vi) NMFS determines that the boundaries of a closed area are not appropriate;

(vii) Gear testing operations are considered appropriate; or

(viii) Similar situations occur.

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Part III

The President

Memorandum of June 23, 2014—Enhancing Workplace Flexibilities and Work-Life Programs

Federal Register
Vol. 79, No. 124
Friday, June 27, 2014

Presidential Documents

Title 3—

The President

Memorandum of June 23, 2014

Enhancing Workplace Flexibilities and Work-Life Programs

Memorandum for the Heads of Executive Departments and Agencies

To attract, empower, and retain a talented and productive workforce in the 21st century, the Federal Government must continue to make progress in enabling employees to balance their responsibilities at work and at home. We should build on our record of leadership through better education and training, expanded availability of workplace flexibilities and work-life programs, as appropriate, and improved tracking of outcomes and accountability. In doing so, we can help ensure that the Federal workforce is engaged and empowered to deliver exceptional and efficient service to the American public while meeting family and other needs at home.

Therefore, it is the policy of the Federal Government to promote a culture in which managers and employees understand the workplace flexibilities and work-life programs available to them and how these measures can improve agency productivity and employee engagement. The Federal Government must also identify and eliminate any arbitrary or unnecessary barriers or limitations to the use of these flexibilities and develop new strategies consistent with statute and agency mission to foster a more balanced workplace.

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to support executive departments and agencies (agencies) in their efforts to better utilize existing and develop new workplace flexibilities and work-life programs, I hereby direct as follows:

Section 1. *Right to Request Work Schedule Flexibilities.* (a) Agencies shall make Federal employees aware, on a periodic basis, that they have the right to request work schedule flexibilities available to them under law, pursuant to an applicable collective bargaining agreement, or under agency policy, without fear of retaliation or adverse employment action as a consequence of making such a request.

(b) To facilitate conversations about work schedule flexibilities, each agency shall review, and if necessary amend or establish, procedures within 120 days of the date of this memorandum. Subject to collective bargaining agreements, agency procedures must provide:

(i) employees an ability to request work schedule flexibilities, including telework, part-time employment, or job sharing;

(ii) that, upon receipt of such requests, supervisors (or their designees) should meet or confer directly with the requesting employee as appropriate to understand fully the nature and need for the requested flexibility;

(iii) that supervisors must consider the request and supporting information carefully and respond within 20 business days of the initial request, or sooner if required by agency policy; and

(iv) that the agency should remind employees on a periodic basis of the workplace flexibilities available to them.

(c) The Director of the Office of Personnel Management (OPM) shall issue guidance to Chief Human Capital Officers regarding the requirements set forth in this section within 60 days of the date of this memorandum, and shall assist agencies with implementation of this section.

(d) Nothing in this section shall be construed to impair or otherwise affect the discretion granted to an employee's supervisor in making a decision on the request for work schedule flexibilities, in accordance with the agency's mission-related requirements.

Sec. 2. *Expanding Access to Workplace Flexibilities.* Agency heads shall ensure that the following workplace flexibilities are available to the maximum extent practicable, in accordance with the laws and regulations governing these programs and consistent with mission needs:

(a) part-time employment and job sharing, including for temporary periods of time where appropriate;

(b) alternative work schedules, including assurance that core hours are limited only to those hours that are necessary;

(c) break times for nursing mothers and a private space to express milk;

(d) telework;

(e) annual leave and sick leave, including the advancement of leave for employee and family care situations;

(f) sick leave for family care and bereavement;

(g) sick leave to care for a family member with a serious health condition;

(h) sick leave for adoption;

(i) leave pursuant to the Family and Medical Leave Act (FMLA), including allowing employees to take their FMLA leave intermittently as allowed under the Act, including for childbirth, adoption, and foster care;

(j) leave transfer programs, including leave banks;

(k) bone marrow and organ donor leave; and

(l) leave policies related to domestic violence, sexual assault, and stalking situations.

Sec. 3. *Expanding Availability and Encouraging Use of Work-Life Programs.* Agency heads are encouraged to take steps to increase the availability and use of the following work-life programs to the maximum extent practicable:

(a) dependent care programs, including the availability of on-site child care, child care subsidies, emergency child care, and elder care;

(b) Employee Assistance Programs, including counseling, resources, and referrals;

(c) support for nursing mothers, including worksite lactation support programs and resources; and

(d) worksite health and wellness programs, and opportunities to utilize those resources.

Sec. 4. *Helping Agencies Encourage the Use of Workplace Flexibilities and Work-Life Programs.* The Director of OPM (Director) shall work with agencies to:

(a) provide appropriate education and guidance to all agency employees, including managers and supervisors, on the use of workplace flexibilities and work-life programs as strategic tools to assist with the recruitment and retention of employees, with an emphasis on furthering positive outcomes for employees and the agency that result from optimizing their use;

(b) support agencies in their efforts to develop training programs that educate employees, managers, and supervisors about the resources that are available to meet work-life needs;

(c) support agencies in promoting workplace cultures in which workplace flexibilities and work-life programs are a standard part of operating procedures, and identify any arbitrary, unnecessary, or cultural barriers limiting use;

(d) review the Federal Employee Viewpoint Survey data related to supervisor and senior leadership support for work-life, as well as use and satisfaction with alternative work schedules, telework, and work-life programs;

(e) implement the President's Management Agenda efforts in a manner that improves Senior Executive Service focus on creating inclusive work environments where workplace flexibilities and work-life programs are used effectively;

(f) create, annually update, and electronically publish a Workplace Flexibility Index using data from the Federal Employee Viewpoint Survey, reporting required by the Telework Enhancement Act of 2010, and other appropriate measures of agencies' effective use of workplace flexibilities;

(g) within 120 days from receipt of the agency reports submitted pursuant to section 5 of this memorandum, prepare a report to the President that includes information on agency best practices with regard to the use of workplace flexibilities, any barriers to or limitations that may unnecessarily restrict the use of existing workplace flexibilities and work-life programs, recommendations for addressing or eliminating such barriers or limitations, proposals for future data reporting, and metrics for tracking the use and cost-benefit of work-life programs; and

(h) review, for the purpose of identifying relevant trends related to workplace flexibility issues, the annual report that agencies provide to OPM under the No FEAR Act, which includes the agency's analysis of violations of antidiscrimination and whistleblower laws, an examination of trends, causal analysis, practical knowledge gained through experience, and any actions planned or taken to improve programs within the agency.

Sec. 5. *Agency Review of Workplace Flexibilities and Work-Life Policies and Programs.* Within 120 days of the date of the issuance of guidance pursuant to section 1(c) of this memorandum, each agency shall review its workplace flexibilities and work-life policies and programs to assess whether they are being effectively used to the maximum extent practicable and submit a report to OPM that includes:

(a) any best practices the agency has employed to create a culture and work environment that supports the productive and efficient use of workplace flexibilities and work-life programs; and

(b) any barriers to or limitations that may unnecessarily restrict the use of existing workplace flexibilities and work-life programs and recommendations for addressing or eliminating such barriers or limitations.

Sec. 6. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law or Executive Order to an agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Director is hereby authorized and directed to publish this memorandum in the *Federal Register*.

THE WHITE HOUSE,
Washington, June 23, 2014

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