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

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9665]

RIN 1545–BG12

Tax Treatment of Qualified Retirement Plan Payment of Accident or Health Insurance Premiums; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to final regulations (TD 9665) that were published in the **Federal Register** on Monday, May 12, 2014 (79 FR 26838) clarifying the rules regarding the tax treatment of payments by qualified retirement plans for accident or health insurance. The final regulations set forth the general rule under section 402(a) that amounts held in a qualified plan that are used to pay accident or health insurance premiums are taxable distributions unless described in certain statutory exemptions. The final regulations do not extend this result to arrangements under which amounts are used to pay premiums for disability insurance that replaces retirement plan contributions in the event of a participant's disability. These regulations affect sponsors, administrators, participants, and beneficiaries of qualified retirement plans.

DATES: This correction is effective on July 7, 2014, and is applicable May 12, 2014.

FOR FURTHER INFORMATION CONTACT: Michael P. Brewer or Lauson C. Green at (202) 317–6700 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this document are under section 402(a) of the Internal Revenue Code.

Need for Correction

As published, final regulations (TD 9665) contain errors that may prove to be misleading and are in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** In § 1.402(a)–1, the ninth sentence of paragraph (e)(6) *Example 2.* (i) is revised to read as follows:

§ 1.402(a)–1 Taxability of beneficiary under a trust which meets the requirements of section 401(a).

* * * * *

(e) * * *

(6) * * *

Example 2. (i) * * * During the period Participant Q is absent from employment due to disability, the insurer pays the trust the amount of the elective, matching, and non-elective employer profit-sharing contributions that would have been made to the trust with respect to Participant Q had Participant Q not been disabled. * * *

* * * * *

Martin V. Franks,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2014–14989 Filed 7–3–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 70, 71, 72, 75, and 90

RIN 1219–AB64

Lowering Miners' Exposure to Coal Mine Dust Including Continuous Personal Dust Monitors

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: The Mine Safety and Health Administration (MSHA) is announcing that the Office of Management and Budget (OMB) approved the information requirements contained in the final rule on Lowering Miners' Exposure to Coal Mine Dust, Including Continuous Personal Dust Monitors published in the **Federal Register** May 1, 2014, under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520). The OMB Control Number is 1219–0152.

DATES: The effective date of the final rule and the related information collections is August 1, 2014.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances, MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209–3939, *mcconnell.sheila.a@dol.gov* (email), 202–693–9463 (voice), or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION: On May 1, 2014, MSHA published a final rule that revised the Agency's existing regulation for Lowering Miners' Exposure to Coal Mine Dust Including Continuous Personal Dust Monitors in the **Federal Register** (79 FR 24814). A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid OMB control number. *See* 5 CFR 1320.5(a) and 1320.6. Under the PRA, an agency may not conduct an information collection unless it has a

currently valid OMB approval. As required by the PRA, the **Federal Register** notice for the final rule stated that the Department of Labor would publish a notice in the **Federal Register** announcing the result of OMB's review. On February 19, 2014, MSHA submitted an information collection request for the final rule to OMB for approval in accordance with the PRA. In accordance with the PRA, the effective date of the information collection requirements contained in 30 CFR part 70, 30 CFR 71, 30 CFR part 72, 30 CFR part 75, and 30 CFR part 90 were approved under 44 U.S.C. 3506(c) on May 14, 2014. The effective date of the information collections is August 1, 2014 and it expires on May 31, 2017.

Agency: Mine Safety and Health Administration.

Title of Collection: Lowering Miners' Exposure to Coal Mine Dust Including Continuous Personal Dust Monitors.

OMB Control Number: 1210–0152.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 1,547.

Total Estimated Number of Responses: 3,929,928.

Total Estimated Annual Burden Hours: 176,321.

Total Estimated Annual Costs Burden: $53,959.

Dated: June 27, 2014.

Sheila McConnell,

Certifying Officer.

[FR Doc. 2014–15569 Filed 7–3–14; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 553

Central African Republic Sanctions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is issuing regulations to implement Executive Order 13667 of May 12, 2014 (''Blocking Property of Certain Persons Contributing to the Conflict in the Central African Republic''). OFAC intends to supplement this part 553 with a more comprehensive set of regulations, which may include additional interpretive and definitional guidance and additional general licenses and statements of licensing policy.

DATES: *Effective:* July 7, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director for Licensing, tel.: 202/622–2480, Assistant Director for Policy, tel.: 202/622–6746, Assistant Director for Regulatory Affairs, tel.: 202/622–4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622–2490, OFAC, or Chief Counsel (Foreign Assets Control), tel.: 202/622–2410, Office of the General Counsel, Department of the Treasury (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treasury.gov/ofac*). Certain general information pertaining to OFAC's sanctions programs also is available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

On May 12, 2014, the President issued Executive Order 13667 (79 FR 28387, May 15, 2014) (E.O. 13667), invoking the authority of, *inter alia,* the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 5 of the United Nations Participation Act (22 U.S.C. 287c).

OFAC is issuing the Central African Republic Sanctions Regulations, 31 CFR part 553 (the ''Regulations''), to implement E.O. 13667, pursuant to authorities delegated to the Secretary of the Treasury in E.O. 13667. A copy of E.O. 13667 appears in Appendix A to this part.

The Regulations are being published in abbreviated form at this time for the purpose of providing immediate guidance to the public. OFAC intends to supplement this part 553 with a more comprehensive set of regulations, which may include additional interpretive and definitional guidance and additional general licenses and statements of licensing policy. The appendix to the Regulations will be removed when OFAC supplements this part with a more comprehensive set of regulations.

Public Participation

Because the Regulations involve a foreign affairs function, the provisions of Executive Order 12866 and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

Paperwork Reduction Act

The collections of information related to the Regulations are contained in 31 CFR Part 501 (the ''Reporting, Procedures and Penalties Regulations''). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget under control number 1505–0164. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

List of Subjects in 31 CFR Part 553

Administrative practice and procedure, Banking, Banks, Blocking of assets, Brokers, Central African Republic, Credit, Foreign Trade, Investments, Loans, Securities, Services.

For the reasons set forth in the preamble, the Department of the Treasury's Office of Foreign Assets Control adds part 553 to 31 CFR chapter V to read as follows:

PART 553–CENTRAL AFRICAN REPUBLIC SANCTIONS REGULATIONS

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553.101 Relation of this part to other laws and regulations.

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Subpart C—General Definitions

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553.506 Provision of certain legal services authorized.
553.507 Payments for legal services from funds originating outside the United States authorized.
553.508 Authorization of emergency medical services.

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Subpart G—[Reserved]

Subpart H—Procedures

553.801 [Reserved]
553.802 Delegation by the Secretary of the Treasury.

Subpart I—Paperwork Reduction Act

553.901 Paperwork Reduction Act notice.

Appendix A to Part 553—Executive Order 13667

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; 22 U.S.C. 287c; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 110–96, 121 Stat. 1011 (50 U.S.C. 1705 note); E.O. 13667, 79 FR 28387, May 15, 2014.

Subpart A—Relation of This Part to Other Laws and Regulations

§ 553.101 Relation of this part to other laws and regulations.

This part is separate from, and independent of, the other parts of this chapter, with the exception of part 501 of this chapter, the recordkeeping and reporting requirements and license application and other procedures of which apply to this part. Actions taken pursuant to part 501 of this chapter with respect to the prohibitions contained in this part are considered actions taken pursuant to this part. Differing foreign policy and national security circumstances may result in differing interpretations of similar language among the parts of this chapter. No license or authorization contained in or issued pursuant to those other parts authorizes any transaction prohibited by this part. No license or authorization contained in or issued pursuant to any other provision of law or regulation authorizes any transaction prohibited by this part. No license or authorization contained in or issued pursuant to this part relieves the involved parties from complying with any other applicable laws or regulations.

Note to § 553.101: This part has been published in abbreviated form for the purpose of providing immediate guidance to the public. OFAC intends to supplement this part with a more comprehensive set of regulations, which may include additional interpretive and definitional guidance and additional general licenses and statements of licensing policy.

Subpart B—Prohibitions

§ 553.201 Prohibited transactions.

All transactions prohibited pursuant to Executive Order 13667 of May 12, 2014, are also prohibited pursuant to this part.

Note 1 to § 553.201: The names of persons designated pursuant to Executive Order 13667, whose property and interests in property therefore are blocked pursuant to this section, are published in the **Federal Register** and incorporated into OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) with the identifier ''[CAR].'' The SDN List is accessible through the following page on OFAC's Web site: *www.treasury.gov/sdn.* Additional information pertaining to the SDN List can be found in Appendix A to this chapter. *See* § 553.406 concerning entities that may not be listed on the SDN List but whose property and interests in property are nevertheless blocked pursuant to this section.

Note 2 to § 553.201: The International Emergency Economic Powers Act (50 U.S.C. 1701–1706), in Section 203 (50 U.S.C. 1702), authorizes the blocking of property and interests in property of a person during the pendency of an investigation. The names of persons whose property and interests in property are blocked pending investigation pursuant to this section also are published in the **Federal Register** and incorporated into the SDN List with the identifier ''[BPI–CAR].''

Note 3 to § 553.201: Sections 501.806 and 501.807 of this chapter describe the procedures to be followed by persons seeking, respectively, the unblocking of funds that they believe were blocked due to mistaken identity, or administrative reconsideration of their status as persons whose property and interests in property are blocked pursuant to this section.

§ 553.202 Effect of transfers violating the provisions of this part.

(a) Any transfer after the effective date that is in violation of any provision of this part or of any regulation, order, directive, ruling, instruction, or license issued pursuant to this part, and that involves any property or interest in property blocked pursuant to § 553.201, is null and void and shall not be the basis for the assertion or recognition of any interest in or right, remedy, power, or privilege with respect to such property or property interests.

(b) No transfer before the effective date shall be the basis for the assertion or recognition of any right, remedy, power, or privilege with respect to, or any interest in, any property or interest in property blocked pursuant to § 553.201, unless the person who holds or maintains such property, prior to that date, had written notice of the transfer or by any written evidence had recognized such transfer.

(c) Unless otherwise provided, a license or other authorization issued by OFAC before, during, or after a transfer shall validate such transfer or make it enforceable to the same extent that it would be valid or enforceable but for the provisions of this part and any regulation, order, directive, ruling, instruction, or license issued pursuant to this part.

(d) Transfers of property that otherwise would be null and void or unenforceable by virtue of the provisions of this section shall not be deemed to be null and void or unenforceable as to any person with whom such property is or was held or maintained (and as to such person only) in cases in which such person is able to establish to the satisfaction of OFAC each of the following:

(1) Such transfer did not represent a willful violation of the provisions of this part by the person with whom such property is or was held or maintained (and as to such person only);

(2) The person with whom such property is or was held or maintained did not have reasonable cause to know or suspect, in view of all the facts and circumstances known or available to such person, that such transfer required a license or authorization issued pursuant to this part and was not so licensed or authorized, or, if a license or authorization did purport to cover the transfer, that such license or authorization had been obtained by misrepresentation of a third party or withholding of material facts or was otherwise fraudulently obtained; and

(3) The person with whom such property is or was held or maintained filed with OFAC a report setting forth in full the circumstances relating to such transfer promptly upon discovery that:

(i) Such transfer was in violation of the provisions of this part or any regulation, ruling, instruction, license, or other directive or authorization issued pursuant to this part;

(ii) Such transfer was not licensed or authorized by OFAC; or

(iii) If a license did purport to cover the transfer, such license had been obtained by misrepresentation of a third party or withholding of material facts or was otherwise fraudulently obtained.

Note to paragraph (d) of § 553.202: The filing of a report in accordance with the provisions of paragraph (d)(3) of this section shall not be deemed evidence that the terms of paragraphs (d)(1) and (d)(2) of this section have been satisfied.

(e) Unless licensed pursuant to this part, any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is null and void with respect to any property in which, on or since the effective date, there existed an interest of a person whose property and interests in property are blocked pursuant to § 553.201.

§ 553.203 Holding of funds in interest-bearing accounts; investment and reinvestment.

(a) Except as provided in paragraphs (e) or (f) of this section, or as otherwise directed by OFAC, any U.S. person holding funds, such as currency, bank deposits, or liquidated financial obligations, subject to § 553.201 shall hold or place such funds in a blocked interest-bearing account located in the United States.

(b)(1) For purposes of this section, the term *blocked interest-bearing account* means a blocked account:

(i) In a federally-insured U.S. bank, thrift institution, or credit union, provided the funds are earning interest at rates that are commercially reasonable; or

(ii) With a broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*), provided the funds are invested in a money market fund or in U.S. Treasury bills.

(2) Funds held or placed in a blocked account pursuant to paragraph (a) of this section may not be invested in instruments the maturity of which exceeds 180 days.

(c) For purposes of this section, a rate is commercially reasonable if it is the rate currently offered to other depositors on deposits or instruments of comparable size and maturity.

(d) For purposes of this section, if interest is credited to a separate blocked account or subaccount, the name of the account party on each account must be the same.

(e) Blocked funds held in instruments the maturity of which exceeds 180 days at the time the funds become subject to § 553.201 may continue to be held until maturity in the original instrument, provided any interest, earnings, or other proceeds derived therefrom are paid into a blocked interest-bearing account in accordance with paragraphs (a) or (f) of this section.

(f) Blocked funds held in accounts or instruments outside the United States at the time the funds become subject to § 553.201 may continue to be held in the same type of accounts or instruments, provided the funds earn interest at rates that are commercially reasonable.

(g) This section does not create an affirmative obligation for the holder of blocked tangible property, such as chattels or real estate, or of other blocked property, such as debt or equity securities, to sell or liquidate such property. However, OFAC may issue licenses permitting or directing such sales or liquidation in appropriate cases.

(h) Funds subject to this section may not be held, invested, or reinvested in a manner that provides immediate financial or economic benefit or access to any person whose property and interests in property are blocked pursuant to § 553.201, nor may their holder cooperate in or facilitate the pledging or other attempted use as collateral of blocked funds or other assets.

§ 553.204 Expenses of maintaining blocked property; liquidation of blocked property.

(a) Except as otherwise authorized, and notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or contract entered into or any license or permit granted prior to the effective date, all expenses incident to the maintenance of physical property blocked pursuant to § 553.201 shall be the responsibility of the owners or operators of such property, which expenses shall not be met from blocked funds.

(b) Property blocked pursuant to § 553.201 may, in the discretion of OFAC, be sold or liquidated and the net proceeds placed in a blocked interest-bearing account in the name of the owner of the property.

Subpart C—General Definitions

§ 553.300 Applicability of definitions.

The definitions in this subpart apply throughout the entire part.

§ 553.301 Blocked account; blocked property.

The terms *blocked account* and *blocked property* shall mean any account or property subject to the prohibitions in § 553.201 held in the name of a person whose property and interests in property are blocked pursuant to § 553.201, or in which such person has an interest, and with respect to which payments, transfers, exportations, withdrawals, or other dealings may not be made or effected except pursuant to an authorization or license from OFAC expressly authorizing such action.

Note to § 553.301: See § 553.406 concerning the blocked status of property and interests in property of an entity that is 50 percent or more owned by a person whose property and interests in property are blocked pursuant to § 553.201.

§ 553.302 Effective date.

The term *effective date* refers to the effective date of the applicable prohibitions and directives contained in this part as follows:

(a) With respect to a person listed in the Annex to E.O. 13667 of May 12, 2014, 12:01 a.m. eastern daylight time, May 13, 2014; and

(b) With respect to a person whose property and interests in property are otherwise blocked pursuant to § 553.201, the earlier of the date of actual or constructive notice that such person's property and interests in property are blocked.

§ 553.303 Entity.

The term *entity* means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.

§ 553.304 Interest.

Except as otherwise provided in this part, the term *interest,* when used with respect to property (*e.g.,* ''an interest in property''), means an interest of any nature whatsoever, direct or indirect.

§ 553.305 Licenses; general and specific.

(a) Except as otherwise specified, the term *license* means any license or authorization contained in or issued pursuant to this part.

(b) The term *general license* means any license or authorization the terms of which are set forth in subpart E of this part or made available on OFAC's Web site: *www.treasury.gov/ofac.*

(c) The term *specific license* means any license or authorization issued pursuant to this part but not set forth in subpart E of this part or made available on OFAC's Web site: *www.treasury.gov/ofac.*

Note to § 553.305: *See* § 501.801 of this chapter on licensing procedures.

§ 553.306 OFAC.

The term *OFAC* means the Department of the Treasury's Office of Foreign Assets Control.

§ 553.307 Person.

The term *person* means an individual or entity.

§ 553.308 Property; property interest.

The terms *property* and *property interest* include, but are not limited to, money, checks, drafts, bullion, bank deposits, savings accounts, debts, indebtedness, obligations, notes, guarantees, debentures, stocks, bonds, coupons, any other financial instruments, bankers acceptances, mortgages, pledges, liens or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidences of title, ownership or indebtedness, letters of credit and any documents relating to any rights or obligations thereunder, powers of attorney, goods, wares, merchandise, chattels, stocks on hand, ships, goods on ships, real estate mortgages, deeds of trust, vendors' sales agreements, land contracts, leaseholds, ground rents, real estate and any other interest therein, options, negotiable instruments, trade acceptances, royalties, book accounts, accounts payable, judgments, patents, trademarks or copyrights, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, services of any nature whatsoever, contracts of any nature whatsoever, and any other property, real, personal, or mixed, tangible or intangible, or interest or interests therein, present, future, or contingent.

§ 553.309 Transfer.

The term *transfer* means any actual or purported act or transaction, whether or not evidenced by writing, and whether or not done or performed within the United States, the purpose, intent, or effect of which is to create, surrender, release, convey, transfer, or alter, directly or indirectly, any right, remedy, power, privilege, or interest with respect to any property. Without limitation on the foregoing, it shall include the making, execution, or delivery of any assignment, power, conveyance, check, declaration, deed, deed of trust, power of attorney, power of appointment, bill of sale, mortgage, receipt, agreement, contract, certificate, gift, sale, affidavit, or statement; the making of any payment; the setting off of any obligation or credit; the appointment of any agent, trustee, or fiduciary; the creation or transfer of any lien; the issuance, docketing, or filing of, or levy of or under, any judgment, decree, attachment, injunction, execution, or other judicial or administrative process or order, or the service of any garnishment; the acquisition of any interest of any nature whatsoever by reason of a judgment or decree of any foreign country; the fulfillment of any condition; the exercise of any power of appointment, power of attorney, or other power; or the acquisition, disposition, transportation, importation, exportation, or withdrawal of any security.

§ 553.310 United States.

The term *United States* means the United States, its territories and possessions, and all areas under the jurisdiction or authority thereof.

§ 553.311 United States person; U.S. person.

The term *United States person* or *U.S. person* means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

§ 553.312 U.S. financial institution.

The term *U.S. financial institution* means any U.S. entity (including its foreign branches) that is engaged in the business of accepting deposits, making, granting, transferring, holding, or brokering loans or credits, or purchasing or selling foreign exchange, securities, or commodity futures or options, or procuring purchasers and sellers thereof, as principal or agent. It includes but is not limited to depository institutions, banks, savings banks, trust companies, securities brokers and dealers, commodity futures and options brokers and dealers, forward contract and foreign exchange merchants, securities and commodities exchanges, clearing corporations, investment companies, employee benefit plans, and U.S. holding companies, U.S. affiliates, or U.S. subsidiaries of any of the foregoing. This term includes those branches, offices, and agencies of foreign financial institutions that are located in the United States, but not such institutions' foreign branches, offices, or agencies.

Subpart D—Interpretations

§ 553.401 [Reserved]

§ 553.402 Effect of amendment.

Unless otherwise specifically provided, any amendment, modification, or revocation of any provision in or appendix to this part or chapter or of any order, regulation, ruling, instruction, or license issued by OFAC does not affect any act done or omitted, or any civil or criminal proceeding commenced or pending, prior to such amendment, modification, or revocation. All penalties, forfeitures, and liabilities under any such order, regulation, ruling, instruction, or license continue and may be enforced as if such amendment, modification, or revocation had not been made.

§ 553.403 Termination and acquisition of an interest in blocked property.

(a) Whenever a transaction licensed or authorized by or pursuant to this part results in the transfer of property (including any property interest) away from a person whose property and interests in property are blocked pursuant to § 553.201, such property shall no longer be deemed to be property blocked pursuant to § 553.201, unless there exists in the property another interest that is blocked pursuant to § 553.201, the transfer of which has not been effected pursuant to license or other authorization.

(b) Unless otherwise specifically provided in a license or authorization issued pursuant to this part, if property (including any property interest) is transferred or attempted to be transferred to a person whose property and interests in property are blocked pursuant to § 553.201, such property shall be deemed to be property in which that person has an interest and therefore blocked.

§ 553.404 Transactions ordinarily incident to a licensed transaction.

Any transaction ordinarily incident to a licensed transaction and necessary to give effect thereto is also authorized, except:

(a) An ordinarily incident transaction, not explicitly authorized within the terms of the license, by or with a person whose property and interests in property are blocked pursuant to § 553.201; or

(b) An ordinarily incident transaction, not explicitly authorized within the terms of the license, involving a debit to a blocked account or a transfer of blocked property.

§ 553.405 Setoffs prohibited.

A setoff against blocked property (including a blocked account), whether by a U.S. bank or other U.S. person, is a prohibited transfer under § 553.201 if effected after the effective date.

§ 553.406 Entities owned by a person whose property and interests in property are blocked.

A person whose property and interests in property are blocked pursuant to § 553.201 has an interest in all property and interests in property of an entity in which it owns, directly or indirectly, a 50 percent or greater

interest. The property and interests in property of such an entity, therefore, are blocked, and such an entity is a person whose property and interests in property are blocked pursuant to § 553.201, regardless of whether the name of the entity is incorporated into OFAC's Specially Designated Nationals and Blocked Persons List (SDN List).

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

§ 553.501 General and specific licensing procedures.

For provisions relating to licensing procedures, see part 501, subpart E of this chapter. Licensing actions taken pursuant to part 501 of this chapter with respect to the prohibitions contained in this part are considered actions taken pursuant to this part. General licenses and statements of licensing policy relating to this part also may be available through the Central African Republic sanctions page on OFAC's Web site: *www.treasury.gov/ofac.*

§ 553.502 [Reserved]

§ 553.503 Exclusion from licenses.

OFAC reserves the right to exclude any person, property, transaction, or class thereof from the operation of any license or from the privileges conferred by any license. OFAC also reserves the right to restrict the applicability of any license to particular persons, property, transactions, or classes thereof. Such actions are binding upon actual or constructive notice of the exclusions or restrictions.

§ 553.504 Payments and transfers to blocked accounts in U.S. financial institutions.

Any payment of funds or transfer of credit in which a person whose property and interests in property are blocked pursuant to § 553.201 has any interest that comes within the possession or control of a U.S. financial institution must be blocked in an account on the books of that financial institution. A transfer of funds or credit by a U.S. financial institution between blocked accounts in its branches or offices is authorized, provided that no transfer is made from an account within the United States to an account held outside the United States, and further provided that a transfer from a blocked account may be made only to another blocked account held in the same name.

Note to § 553.504: *See* § 501.603 of this chapter for mandatory reporting requirements regarding financial transfers. *See also* § 553.203 concerning the obligation to hold blocked funds in interest-bearing accounts.

§ 553.505 Entries in certain accounts for normal service charges authorized.

(a) A U.S. financial institution is authorized to debit any blocked account held at that financial institution in payment or reimbursement for normal service charges owed it by the owner of that blocked account.

(b) As used in this section, the term *normal service charges* shall include charges in payment or reimbursement for interest due; cable, telegraph, internet, or telephone charges; postage costs; custody fees; small adjustment charges to correct bookkeeping errors; and, but not by way of limitation, minimum balance charges, notary and protest fees, and charges for reference books, photocopies, credit reports, transcripts of statements, registered mail, insurance, stationery and supplies, and other similar items.

§ 553.506 Provision of certain legal services authorized.

(a) The provision of the following legal services to or on behalf of persons whose property and interests in property are blocked pursuant to § 553.201 or any further Executive orders relating to the national emergency declared in Executive Order 13667 of May 12, 2014, is authorized, provided that receipt of payment of professional fees and reimbursement of incurred expenses must be specifically licensed or otherwise authorized pursuant to § 553.507:

(1) Provision of legal advice and counseling on the requirements of and compliance with the laws of the United States or any jurisdiction within the United States, provided that such advice and counseling are not provided to facilitate transactions in violation of this part;

(2) Representation of persons named as defendants in or otherwise made parties to legal, arbitration, or administrative proceedings before any U.S. federal, state, or local court or agency;

(3) Initiation and conduct of legal, arbitration, or administrative proceedings before any U.S. federal, state, or local court or agency;

(4) Representation of persons before any U.S. federal, state, or local court or agency with respect to the imposition, administration, or enforcement of U.S. sanctions against such persons; and

(5) Provision of legal services in any other context in which prevailing U.S. law requires access to legal counsel at public expense.

(b) The provision of any other legal services to persons whose property and interests in property are blocked pursuant to § 553.201 or any further Executive orders relating to the national emergency declared in Executive Order 13667 of May 12, 2014, not otherwise authorized in this part, requires the issuance of a specific license.

(c) Entry into a settlement agreement or the enforcement of any lien, judgment, arbitral award, decree, or other order through execution, garnishment, or other judicial process purporting to transfer or otherwise alter or affect property or interests in property blocked pursuant to § 553.201 or any further Executive orders relating to the national emergency declared in Executive Order 13667 of May 12, 2014, is prohibited unless licensed pursuant to this part.

Note to § 553.506: U.S. persons seeking administrative reconsideration or judicial review of their designation or the blocking of their property and interests in property may apply for a specific license from OFAC to authorize the release of a limited amount of blocked funds for the payment of legal fees where alternative funding sources are not available. For more information, see OFAC's *Guidance on the Release of Limited Amounts of Blocked Funds for Payment of Legal Fees and Costs Incurred in Challenging the Blocking of U.S. Persons in Administrative or Civil Proceedings,* which is available on OFAC's Web site: *www.treasury.gov/ofac.*

§ 553.507 Payments for legal services from funds originating outside the United States authorized.

Receipts of payment of professional fees and reimbursement of incurred expenses for the provision of legal services authorized pursuant to § 553.506(a) to or on behalf of any person whose property and interests in property are blocked pursuant to § 553.201 or any further Executive orders relating to the national emergency declared in Executive Order 13667 of May 12, 2014, are authorized from funds originating outside the United States, provided that:

(a) Prior to receiving payment for legal services authorized pursuant to § 553.506(a) rendered to persons whose property and interests in property are blocked pursuant to § 553.201 or any further Executive orders relating to the national emergency declared in Executive Order 13667 of May 12, 2014, the U.S. person that is an attorney, law firm, or legal services organization provides to OFAC a copy of a letter of engagement or a letter of intent to engage specifying the services to be performed and signed by the individual to whom such services are to be provided or, where services are to be provided to an entity, by a legal representative of the entity. The copy of a letter of engagement or a letter of intent to engage, accompanied by

correspondence referencing this paragraph (a), is to be mailed to: Licensing Division, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW., Annex, Washington, DC 20220;

(b) The funds received by U.S. persons as payment of professional fees and reimbursement of incurred expenses for the provision of legal services authorized pursuant to § 553.506(a) must not originate from:

(1) A source within the United States;

(2) Any source, wherever located, within the possession or control of a U.S. person; or

(3) Any individual or entity, other than the person on whose behalf the legal services authorized pursuant to § 553.506(a) are to be provided, whose property and interests in property are blocked pursuant to any part of this chapter or any Executive order;

Note to paragraph (b) of § 553.507: This paragraph authorizes the blocked person on whose behalf the legal services authorized pursuant to § 553.506(a) are to be provided to make payments for authorized legal services using funds originating outside the United States that were not previously blocked. Nothing in this paragraph authorizes payments for legal services using funds in which any other person whose property and interests in property are blocked pursuant to § 553.201, any other part of this chapter, or any Executive order has an interest.

(c) *Reports.* (1) U.S. persons who receive payments in connection with legal services authorized pursuant to § 553.506(a) must submit quarterly reports no later than 30 days following the end of the calendar quarter during which the payments were received providing information on the funds received. Such reports shall specify:

(i) The individual or entity from whom the funds originated and the amount of funds received; and

(ii) If applicable:

(A) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(B) A general description of the services provided; and

(C) The amount of funds paid in connection with such services.

(2) In the event that no transactions occur or no funds are received during the reporting period, a statement is to be filed to that effect; and

(3) The reports, which must reference this section, are to be mailed to: Licensing Division, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW., Annex, Washington, DC 20220.

Note to § 553.507: U.S. persons who receive payments in connection with legal services authorized pursuant to § 553.506(a) do not need to obtain specific authorization to contract for related services that are ordinarily incident to the provision of those legal services, such as those provided by private investigators or expert witnesses, or to pay for such services. Additionally, U.S. persons do not need to obtain specific authorization to provide related services that are ordinarily incident to the provision of legal services authorized pursuant to § 553.506(a).

§ 553.508 Authorization of emergency medical services.

The provision of nonscheduled emergency medical services in the United States to persons whose property and interests in property are blocked pursuant to § 553.201 or any further Executive orders relating to the national emergency declared in Executive Order 13667 of May 12, 2014, is authorized, provided that all receipt of payment for such services must be specifically licensed.

Subpart F—[Reserved]

Subpart G—[Reserved]

Subpart H—Procedures

§ 553.801 [Reserved]

§ 553.802 Delegation by the Secretary of the Treasury.

Any action that the Secretary of the Treasury is authorized to take pursuant to Executive Order 13667 of May 12, 2014 and any further Executive orders relating to the national emergency declared therein, may be taken by the Director of OFAC or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

Subpart I—Paperwork Reduction Act

§ 553.901 Paperwork Reduction Act notice.

For approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) of information collections relating to recordkeeping and reporting requirements, licensing procedures (including those pursuant to statements of licensing policy), and other procedures, *see* § 501.901 of this chapter. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

Appendix A to Part 553—Executive Order 13667

Executive Order 13667 of May 12, 2014

Blocking Property of Certain Persons Contributing to the Conflict in the Central African Republic

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), section 5 of the United Nations Participation Act (22 U.S.C. 287c) (UNPA), section 212(f) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(f)), and section 301 of title 3, United States Code,

I, BARACK OBAMA, President of the United States of America, find that the situation in and in relation to the Central African Republic, which has been marked by a breakdown of law and order, intersectarian tension, widespread violence and atrocities, and the pervasive, often forced recruitment and use of child soldiers, which threatens the peace, security, or stability of the Central African Republic and neighboring states, and which was addressed by the United Nations Security Council in Resolution 2121 of October 10, 2013, Resolution 2127 of December 5, 2013, and Resolution 2134 of January 28, 2014, constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States, and I hereby declare a national emergency to deal with that threat. I hereby order:

Section 1. (a) All property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person (including any foreign branch), of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(i) the persons listed in the Annex to this order; and

(ii) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

(A) to be responsible for or complicit in, or to have engaged in, directly or indirectly, any of the following in or in relation to the Central African Republic:

(1) actions or policies that threaten the peace, security, or stability of the Central African Republic;

(2) actions or policies that threaten transitional agreements or the political transition process in the Central African Republic;

(3) actions or policies that undermine democratic processes or institutions in the Central African Republic;

(4) the targeting of women, children, or any civilians through the commission of acts of violence (including killing, maiming, torture, or rape or other sexual violence), abduction, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge, or through conduct that would constitute a serious abuse or violation of human rights or a violation of international humanitarian law;

(5) the use or recruitment of children by armed groups or armed forces in the context of the conflict in the Central African Republic;

(6) the obstruction of the delivery or distribution of, or access to, humanitarian assistance;

(7) attacks against United Nations missions, international security presences, or other peacekeeping operations; or

(8) support to persons, including armed groups, involved in activities that threaten the peace, security, or stability of the Central African Republic or that undermine democratic processes or institutions in the Central African Republic through the illicit trade in natural resources of the Central African Republic;

(B) except where intended for the authorized support of humanitarian activities or the authorized use by or support of peacekeeping, international, or government forces, to have directly or indirectly supplied, sold, or transferred to the Central African Republic, or been the recipient in the territory of the Central African Republic of, arms and related materiel, including military aircraft, and equipment, or advice, training, or assistance, including financing and financial assistance, related to military activities;

(C) to be a leader of (i) an entity, including any armed group, that has, or whose members have, engaged in any of the activities described in subsections (a)(ii)(A) or (a)(ii)(B) of this section or (ii) an entity whose property and interests in property are blocked pursuant to this order;

(D) to have materially assisted, sponsored, or provided financial, material, logistical, or technological support for, or goods or services in support of (i) any of the activities described in subsections (a)(ii)(A) or (a)(ii)(B) of this section or (ii) any person whose property and interests in property are blocked pursuant to this order; or

(E) to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order.

(b) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order.

Sec. 2. I hereby determine that the making of donations of the type of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to section 1 of this order would seriously impair my ability to deal with this national emergency, and I hereby prohibit such donations as provided by section 1 of this order.

Sec. 3. The prohibitions in section 1 of this order include but are not limited to:

(a) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this order; and

(b) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 4. I hereby find that the unrestricted immigrant and nonimmigrant entry into the United States of aliens determined to meet one or more of the criteria in section 1(a) of this order would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants or nonimmigrants, of such persons. Such persons shall be treated as persons covered by section 1 of Proclamation 8693 of July 24, 2011 (Suspension of Entry of Aliens Subject to United Nations Security Council Travel Bans and International Emergency Economic Powers Act Sanctions).

Sec. 5. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 6. For the purposes of this order:

(a) the term ''person'' means an individual or entity;

(b) the term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization; and

(c) the term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

Sec. 7. For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render those measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to section 1 of this order.

Sec. 8. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the UNPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 9. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to determine that circumstances no longer warrant the blocking of the property and interests in property of a person listed in the Annex to this order, and to take necessary action to give effect to that determination.

Sec. 10. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to submit the recurring and final reports to the Congress on the national emergency declared in this order, consistent with section 401(c) of the NEA (50 U.S.C. 1641(c)) and section 204(c) of IEEPA (50 U.S.C. 1703(c)).

Sec. 11. This order 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.

Sec. 12. This order is effective at 12:01 a.m. eastern daylight time on May 13, 2014.

Barack Obama

THE WHITE HOUSE,
May 12, 2014

ANNEX

1. Francois Bozize [Former President of the Central African Republic and anti-Balaka supporter, born October 14, 1946]
2. Michel Djotodia [Former Transitional President of the Central African Republic and Leader of the Seleka Rebellion, born 1949]
3. Noureddine Adam [Seleka General and Former Minister of Public Security, born 1969]
4. Abdoulaye Miskine [Leader of an ex-Seleka rebel group, the Democratic Front of the Central African Republic People, born October 5, 1965]
5. Levi Yakite [anti-Balaka Political Coordinator, born 1965]

Dated: June 27, 2014.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

Dated: June 30, 2014.

David S. Cohen,

Under Secretary, Office of Terrorism and Financial Intelligence, Department of the Treasury.

[FR Doc. 2014–15763 Filed 7–3–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1333

[STB Ex Parte No. 707]

Demurrage Liability

AGENCY: Surface Transportation Board.

ACTION: Notice of OMB approval of information collection.

SUMMARY: Pursuant to the Paperwork Reduction Act and Office of Management and Budget (OMB) regulations, the Surface Transportation Board has obtained OMB approval for the collection of information adopted by the Board in *Demurrage Liability,* STB Ex Parte No. 707 (STB served April 14, 2014).

DATES: OMB approved this collection on June 26, 2014. Unless renewed, OMB approval expires on June 30, 2017.

SUPPLEMENTARY INFORMATION: Pursuant to the PRA and OMB regulations at 5 CFR 1320.11, the Surface Transportation Board has obtained OMB approval for the collection of information adopted by the Board in *Demurrage Liability,* STB Ex Parte No. 707 (STB served April 14, 2014). See 79 FR 21407 (April 14, 2014).

This collection, which is codified at 49 CFR part 1333, has been assigned OMB Control No. 2140–0021. The display of a currently valid OMB control number for this collection is required by law. Under the PRA and 5 CFR 1320.8, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2014–15771 Filed 7–3–14; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 140115049–4528–02]

RIN 0648–XD092

Atlantic Highly Migratory Species; 2014 Atlantic Bluefin Tuna Quota Specifications

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

ACTION: Final rule.

SUMMARY: NMFS establishes 2014 quota specifications for the Atlantic bluefin tuna (BFT) fishery. This action is necessary to implement binding recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), as required by the Atlantic Tunas Convention Act (ATCA), and to achieve domestic management objectives under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Effective August 2, 2014 through December 31, 2014.

ADDRESSES: Supporting documents such as the Environmental Assessments and Fishery Management Plans described below may be downloaded from the HMS Web site at *www.nmfs.noaa.gov/sfa/hms/*. These documents also are available upon request from Sarah McLaughlin or Brad McHale at the telephone number below.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin or Brad McHale, 978–281–9260.

SUPPLEMENTARY INFORMATION: Atlantic bluefin tuna, bigeye tuna, albacore tuna, yellowfin tuna, and skipjack tuna (hereafter referred to as ''Atlantic tunas'') are managed under the dual authority of the Magnuson-Stevens Act and ATCA. As an active member of ICCAT, the United States implements binding ICCAT recommendations. ATCA authorizes the Secretary of Commerce (Secretary) to promulgate regulations, as may be necessary and appropriate to carry out ICCAT recommendations. The authority to issue regulations under the Magnuson-Stevens Act and ATCA has been delegated from the Secretary to the Assistant Administrator for Fisheries, NMFS.

Background

NMFS annually implements BFT quota specifications to adjust the annual U.S. baseline BFT quota to account for any underharvest or overharvest of the adjusted U.S. BFT quota from the prior year.

In May 2011, NMFS prepared an Environmental Assessment (EA)/Regulatory Impact Review/Final Regulatory Flexibility Analysis for a final rule that: (1) Implemented and allocated the U.S. BFT quota recommended by ICCAT for 2011 and for 2012 (ICCAT Recommendation 10–03); (2) adjusted the 2011 U.S. quota and subquotas to account for unharvested 2010 quota allowed to be carried forward to 2011, and to account for a portion of the estimated 2011 dead discards up front; and (3) implemented several other BFT management measures (76 FR 39019, July 5, 2011). In that final rule, NMFS implemented the 923.7-mt baseline quota consistent with ICCAT Recommendation 10–03 and set the domestic BFT fishing category subquotas per the allocation percentages established in the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) and implementing regulations (71 FR 58058, October 2, 2006). The baseline quota and category subquotas are codified and remain effective until changed (for instance, if any new ICCAT BFT Total Allowable Catch (TAC) recommendation is adopted). NMFS prepared a Supplemental EA for the 2013 BFT Quota Specifications (78 FR 36685, June 19, 2013) to present updated information regarding the affected environment, including information from a 2012 ICCAT stock assessment for BFT, among other things. ICCAT conducted a stock assessment update in 2013, although the results were not substantively different than those of the 2010 and 2012 assessments, which were analyzed in the May 2011 EA and June 2013 Supplemental EA.

In its 2013 recommendation (Recommendation 13–09—Recommendation by ICCAT Amending the Supplemental Recommendation by ICCAT concerning the Western Atlantic BFT Rebuilding Program), ICCAT recommended a one-year rollover of the 1,750-mt TAC. This amount is expected to allow for continued stock growth under both the low and high stock recruitment scenarios, considering the 2013 ICCAT BFT stock assessment update. The annual U.S. baseline quota for 2014 continues to be 923.7 mt, and the annual total U.S. quota, including 25 mt to account for bycatch related to pelagic longline fisheries in the Northeast Distant gear restricted area (NED), continues to be 948.7 mt.

Until the final specifications for 2014 are effective, the existing BFT baseline quota and subquotas continue to apply as codified. (See Table 1, second column.) Although the baseline quota is unchanged this year because the 2013 ICCAT recommendation included the same TAC as the prior recommendation, NMFS is carrying forward underharvest from 2013, consistent with the 2006 Consolidated HMS FMP and the ICCAT recommendation. Thus, this final action adjusts the quota as appropriate and allowable for the 2014 fishing year. Further background information, including the need for the 2014 BFT quota specifications, was provided in the preamble to the proposed rule (79 FR 18870, April 4, 2014) and is not repeated here.

Changes From the Proposed Rule

NMFS determines the amount of BFT quota actually available for the year by adjusting the ICCAT-recommended baseline BFT quota for overharvest or underharvest from the previous fishing year and any accounting for dead discards. For the proposed rule, NMFS used a 219.5-mt estimate as a proxy for potential 2014 dead discards, based on the 2012 estimate of 205.8 mt for the pelagic longline fishery and the 2013 observed dead discards of 13.7 mt for the purse seine fishery, because the BFT pelagic longline dead discard estimate for 2013 was not yet available. The preliminary 2013 pelagic longline dead discard estimate of 127.1 mt is now available from the NMFS Southeast Fisheries Science Center. Adding the

2013 observed dead discards of 13.7 mt for the purse seine fishery, the best available annual estimate of U.S. dead discards that could be expected in 2014 is now 140.8 mt. As anticipated and explained to the public at the proposed rule stage, NMFS is using the updated total in this final rule because it is the best available and most complete information NMFS has regarding dead discards.

Based on preliminary data available as of May 30, 2014, BFT landings in 2013 totaled 518.6 mt. Adding the 140.8-mt estimate of dead discards results in a preliminary 2013 total catch of 659.4 mt, which is 384.2 mt less than the amount of quota (inclusive of dead discards) allowed under ICCAT Recommendation 13–09 (i.e., 948.7 mt plus 94.9 mt of 2012 underharvest carried forward to 2013, totaling 1,043.6 mt). Thus, the underharvest for 2013 is 384.2 mt. ICCAT limits the amount of underharvest that may be carried forward from one year to the next to no more than 10 percent of a country's total quota, which limits the amount of 2013 U.S. underharvest that may be carried forward to 2014 to 94.9 mt. NMFS anticipated this amount of available underharvest to carry forward to 2014 in the proposed rule.

As anticipated in the proposed rule, for the Longline category, NMFS is accounting up front (i.e., at the beginning of the fishing year) for half of the expected dead discards for 2014, using the best available estimate of dead discards (now the 2013 estimate), and deducting that portion directly from the baseline Longline category subquota. This is the same approach that NMFS took for the final 2011 through 2013 BFT quota specifications. Consistent with that approach, NMFS proposed to deduct half of the anticipated purse seine vessel dead discards from the Purse Seine category subquota up front. NMFS does so in the final rule as well after considering the relevant comments and the relevant regulatory criteria. Thus, for the Purse Seine category NMFS is deducting half of the 2013 observed dead discards (as an estimate of potential 2014 dead discards) from the baseline Purse Seine category subquota.

Regarding the unharvested 2013 BFT quota, NMFS had proposed to carry 94.9 mt of available underharvest forward to 2014 and apply the full 94.9 mt to the Longline category. NMFS stated that any necessary adjustments to the 2014 specifications would be made in the final rule after considering updated 2013 landings information and the 2013 pelagic longline dead discard estimate.

Considering the best available information regarding 2013 landings and estimated dead discards, as well as actual 2014 Longline category BFT landings to date and domestic management needs for 2014, NMFS is finalizing the 2014 BFT specifications as follows: As shown in the third column of Table 1, NMFS is accounting for half of the 2013 pelagic longline dead discard estimate of 127.1 mt (i.e., 63.6 mt) up front by deducting that portion of estimated longline discards directly from the baseline Longline category subquota of 74.8 mt. NMFS is also accounting for half of the 2013 observed purse seine dead discards of 13.7 mt (6.9 mt) up front by deducting that portion of the discards directly from the baseline Purse Seine category subquota of 171.8 mt. NMFS has decided in the final rule to provide 6.9 mt of the 2013 underharvest that can be carried forward to 2014 (i.e., 94.9 mt) to the Purse Seine category and provide the remainder (88.0 mt) to the Longline category (fourth column). Given the reduction in the pelagic longline dead discard estimate from 2012 to 2013, and the associated reduction in the deduction from the Longline category to account for one half of dead discards up front, NMFS has determined that providing 6.9 mt of the available underharvest to the Purse Seine category is appropriate as it provides the Purse Seine category its baseline subquota amount, consistent with NMFS' approach for the past several years of maintaining the directed fishing categories at their baseline quotas. It also provides the Longline category a reasonable amount of quota for 2014 and reduces potential ''regulatory discards'' that may otherwise result if closure of the Longline category fishery to BFT retention is necessary mid-year, as discussed in the proposed rule.

Although these final quota specifications adjust the Longline quota to an amount greater than its baseline subquota, it is important to note that in 2011 and 2013, the adjusted Longline category quota was substantially lower than the baseline subquota, and it was necessary to close the Longline category fishery to BFT retention in June 2013. The Longline category was also closed in June in 2012 when the base quota was reached. Landings by the directed handgear categories in 2013 did not approach the available quotas for those categories (e.g., 64 percent, 48 percent, and 72 percent of the General, Harpoon, and Angling categories were harvested, respectively). Thus, there is not a demonstrated need for NMFS to expand the subquotas for the directed handgear categories beyond their base subquotas at this time or to provide additional quota to the Reserve category. NMFS will monitor landings closely and may take action to transfer quota among categories, including the Reserve category, if appropriate, based on consideration of the regulatory determination criteria regarding inseason adjustments at § 635.27(a)(8). These criteria include: The usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock; effects of the adjustment on BFT rebuilding and overfishing; effects of the adjustment on accomplishing the objectives of the fishery management plan; variations in seasonal BFT distribution, abundance, or migration patterns; effects of catch rates in one area precluding vessels in another area from having a reasonable opportunity to harvest a portion of the category's quota; and review of dealer reports, daily landing trends, and the availability of BFT on the fishing grounds. In these quota specifications, NMFS is balancing the need of the pelagic longline fishery to continue fishing for swordfish and Atlantic tunas with the need of directed bluefin fisheries participants to receive their base quota.

2014 Quota Specifications

In this final rule, NMFS deducts half of the 2013 pelagic longline dead discard estimate of 127.1 mt directly from the baseline Longline category quota of 74.8 mt and applies the 88.0 of the 94.9 mt allowed to be carried forward to 2014 to the Longline category, for an adjusted Longline subquota of 99.2 mt (i.e., 74.8 − 63.6 + 88.0 = 99.2 mt), not including the 25-mt allocation set aside by ICCAT for the NED. For the Purse Seine category, NMFS deducts half of the 2013 observed dead discards (as an estimate of potential 2014 dead discards) from the baseline Purse Seine category quota of 171.8 mt and applies 6.9 of the 94.9 mt allowed to be carried forward to 2014 for an adjusted quota of 171.8 mt (i.e., 171.8 − 6.9 + 6.9 = 171.8 mt). For the handgear categories, as well as the Trap category (in which BFT may be caught incidentally), NMFS maintains the codified baseline BFT quotas and subquotas that were established in July 2011 (76 FR 39019, July 5, 2011), as proposed.

Thus, in accordance with ICCAT Recommendation 13–09, the 2006 Consolidated HMS FMP allocation scheme for the domestic categories, and regulations regarding annual adjustments at § 635.27(a)(10), NMFS establishes BFT quota specifications for

the 2014 fishing year as follows, and as shown in Table 1: General category—435.1 mt; Harpoon category—36 mt; Purse Seine category—171.8 mt; Angling category—182 mt; Longline category—99.2 mt; and Trap category—0.9 mt. The Longline category quota of 99.2 mt is subdivided as follows: 39.7 mt to pelagic longline vessels landing BFT north of 31° N. latitude, and 59.5 mt to pelagic longline vessels landing BFT south of 31° N. latitude. NMFS accounts for landings under the 25-mt NED allocation separately from other Longline category landings. The amount allocated to the Reserve category for inseason adjustments, scientific research collection, potential overharvest in any category except the Purse Seine category, and potential quota transfers, is 23.1 mt.

As described in the proposed rule, NMFS considers the specifications approaches taken in 2011 through 2014 as a transition from the method used for 2007 through 2010, as NMFS continues to develop Amendment 7 to the 2006 Consolidated HMS FMP. Among other things, Amendment 7 would reallocate BFT quota among categories in a way to more accurately reflect annual fishery operations and needs while decreasing bycatch in the non-directed fisheries. This amendment will address related BFT fishery management issues consistent with the need to end overfishing and rebuild the stock, including revisiting quota allocations; reducing and accounting for dead discards; adding or modifying time/area closures or gear-restricted areas; and improving the reporting and monitoring of dead discards and landings in all categories. Depending on the management measures implemented in the Amendment 7 final rule, the quota specifications process may be substantially different in upcoming years. NMFS anticipates publishing a final rule to implement Amendment 7 in Fall 2014, with implementation dates varying by topic.

TABLE 1—FINAL 2014 ATLANTIC BLUEFIN TUNA (BFT) QUOTAS AND QUOTA SPECIFICATIONS

[In metric tons]

Category (% share of baseline quota)	Baseline allocation (per current ICCAT recommendation and the 2006 consolidated HMS FMP allocations)	2014 Quota specifications		
		Dead discard deduction	2013 underharvest to carry forward to 2014	Adjusted 2014 fishing year quota
Total (100)	923.7 [1]	−70.5	+94.9	948.1
Angling (19.7)	182.0			182.0
	SUBQUOTAS:			*SUBQUOTAS:*
	School—94.9			School—94.9
	Reserve—17.6			Reserve—17.6
	North—36.5			North—36.5
	South—40.8			South—40.8
	LS/SM—82.9			LS/SM—82.9
	North—39.1			North—39.1
	South—43.8			South—43.8
	Trophy—4.2			Trophy—4.2
	North—1.4			North—1.4
	South—2.8			South—2.8
General (47.1)	435.1			435.1
	SUBQUOTAS:			*SUBQUOTAS:*
	Jan—23.1			Jan—23.1
	Jun–Aug—217.6			Jun–Aug—217.6
	Sept—115.3			Sept—115.3
	Oct–Nov—56.6			Oct–Nov—56.6
	Dec—22.6			Dec—22.6
Harpoon (3.9)	36.0			36.0
Purse Seine (18.6)	171.8	−6.9 [2]	+6.9	171.8
Longline (8.1)	74.8	−63.6 [3]	+88.0	99.2
	SUBQUOTAS:			*SUBQUOTAS:*
	North (-NED)—29.9			North (-NED)—39.7
	NED—25.0 *			NED—25.0 *
	South—44.9			South—59.5
Trap (0.1)	0.9			0.9
Reserve (2.5)	23.1			23.1

[1] 25-mt ICCAT set-aside to account for bycatch of BFT in pelagic longline fisheries in the NED. Not included in totals at top of table.
[2] (½ of 2013 observed purse seine dead discards of 13.7 mt as estimate for 2014).
[3] (½ of 2013 pelagic longline dead discard estimate of 127.1 mt as estimate for 2014).

Comments and Responses

NMFS received a total of nine written comments to the proposed rule, as well as three verbal comments at the HMS Advisory Panel April meeting and a public conference call/webinar.

Few of the comments NMFS received focused specifically on the proposed quota specifications. Below, NMFS summarizes and responds to all comments made specifically on the proposed rule during the comment period. Most of the comments received were outside the scope of this rule and are summarized under ''Other Issues'' below.

Comment 1: Two commenters supported implementing a lower U.S. bluefin quota or a quota of zero.

Response: NMFS is required under the Magnuson-Stevens Act and ATCA to provide U.S. fishing vessels with a

reasonable opportunity to harvest the ICCAT-recommended quota. The western Atlantic BFT TAC, which includes the U.S. quota, is expected to allow for continued BFT stock growth under both the low and high stock recruitment scenarios considered by ICCAT's Standing Committee on Research and Statistics and is consistent with ICCAT recommendations, ATCA, and domestic and international management objectives.

The approach used for these final 2014 quota specifications is an appropriate continuation of the approach used in 2011 through 2013 as a transition from the method used from 2007 through 2010. Changes in ICCAT's approach to western BFT management in 2006 (i.e., discontinuation of the dead discard allowance, and the associated provision that the western Atlantic BFT TAC Catch include dead discards) have had implications for NMFS' domestic management of the fishery, because landings and dead discards must be accounted for within the total U.S. quota (rather than an additional allocation for dead discards). This interim approach balances the needs of the pelagic longline fishery to continue fishing for swordfish and Atlantic tunas with the needs of directed BFT fisheries participants.

Comment 2: Two commenters supported finalizing the specifications as proposed but encouraged NMFS to change regulations (i.e., modify when the General category is open as well as the percentage allocations to the General category subquotas) to allow more of the available bluefin quota to be harvested.

Response: This rulemaking addresses adjustment of the U.S. baseline quota for 2014 with the available underharvest from 2013. Issues regarding management measures, such as the opening dates for the General category, are beyond the scope of this rulemaking. NMFS notes, however, that to date in 2014, NMFS has taken three inseason actions to increase the General and Angling category retention limit from the default levels (78 FR 77362; December 23, 2013; 79 FR 25707, May 6, 2014; and 79 FR 30745, May 29, 2014). These actions may result in more of the General and Angling category subquotas to be harvested, relative to 2013, depending on the availability of BFT to the fisheries.

Regarding the comments related to the allocations to the General category subquotas, NMFS makes the baseline allocations consistent with the formula established in the 2006 Consolidated HMS FMP. Changes to the baseline BFT subquota allocations and category-specific management measures are outside the scope of this rulemaking. Specific to the General category open season and subquota allocations, these issues are being considered in Amendment 7.

Comment 3: One commenter believes that underreporting is occurring and that there cannot actually be any underharvest of the 2013 quota.

Response: NMFS collects BFT landings data through multiple closely monitored reporting systems. Commercial BFT harvest data are reported through dealers within 24 hours of landing. As a condition of the HMS Angling category vessel permit, owners are required to report recreational landings through the Automated Catch Reporting System or, in certain states, through catch cards, also within 24 hours of landing, and to comply with the Large Pelagics Survey during dockside or telephone interviews. NMFS also has multiple domestic and international reporting obligations which require close monitoring and/or reliable estimates of dead discards. In preparing the quota specifications and other fishery management actions, NMFS uses the best available data, and in cases where information is not yet available, uses the most recent, complete information as a proxy for the amount that could be expected (such as anticipated dead discards in the current fishing year). As described above, the best available information as of the end of May indicates that there is an approximately 384-mt underharvest of the 2013 adjusted U.S. quota. Carrying forward underharvest (limited to no more than 10 percent of the total U.S. quota) is consistent with the ICCAT recommendation, ATCA, and the BFT quota regulations that implement the western Atlantic BFT rebuilding plan adopted at ICCAT and relevant measures in the 2006 Consolidated HMS FMP.

Comment 4: One commenter encouraged NMFS to deduct the full amount of Purse Seine bluefin dead discards from the baseline Purse Seine category quota, and to extrapolate the dead discards for any unobserved sets.

Response: Deducting half of the 2013 observed dead discards up front is consistent with NMFS' past practice of deducting half of the pelagic longline dead discards estimate up front. As described in the proposed rule, NMFS is accounting proactively for half of the best estimate of dead discards at the beginning of the fishing year, and total 2014 U.S. landings and dead discards will be accounted for at the end of the year and reported to ICCAT in 2015.

Regarding the pelagic longline fishery, which has a greater proportion of unobserved trips than the purse seine fishery, NMFS currently applies a BFT dead discard extrapolation methodology that has been approved by ICCAT's Standing Committee on Research and Statistics to calculate and report dead discards for both stock assessment purposes and quota compliance purposes. Furthermore, the observed amount of BFT dead discards from the Purse Seine category in 2013 accurately reflects the total 2013 BFT dead discards for that category and it is not necessary to extrapolate the amount, given the recent participation level (number of vessels and trips) and observer coverage in 2013. If such extrapolation were to become necessary, NMFS would consult with its Fisheries Science Centers on the appropriate method.

Comment 5: Three commenters opposed deducting Purse Seine dead discard estimates from the baseline Purse Seine category quota for various reasons including: it is inappropriate and unnecessarily highlights dead discards given that the Purse Seine category could absorb these discards within the available quota (unlike the Longline category, for which total catch vastly exceeds available quota); Purse Seine dead discards for 2013 could be counted against the 2013 Reserve category instead; and it sets a precedent that could be applied to the handgear categories as well.

Response: As proposed, NMFS is accounting up front (i.e., at the beginning of the fishing year) for half of the expected dead discards for 2014, using the best estimate of dead discards, from the Longline and Purse Seine category subquotas, as applicable. The U.S. BFT quota includes dead discards. To comply with ICCAT Recommendation 13–09, the United States reports BFT landings and dead discards by gear type annually via the U.S. National Report to ICCAT. To not account for the dead discards that could be expected in 2014 based on the best available information or to count the 2013 observed purse seine BFT dead discards against the 2013 Reserve would be inconsistent with NMFS' annual quota specifications approach over the last several years and would inappropriately treat the purse seine and longline sectors differently in the current quota specifications process. After considering total 2013 BFT landings and the 2013 BFT dead discard estimate, however, NMFS has decided that 6.9 mt of the available underharvest will be provided to the Purse Seine category in the final specifications,

effectively adjusting the Purse Seine category quota for 2014 to its base level. This is consistent with NMFS' specifications practice in the past several years of keeping the directed categories at their baseline quotas, while still providing a reasonable amount of quota for pelagic longline operations as the fleet continues directed fishing operations for swordfish and other tunas.

NMFS does not consider accounting for dead discards within the Purse Seine category to be setting a precedent as characterized by the commenter. Through Amendment 7, NMFS is considering how best to reduce and account for BFT dead discards, as well as methods to improve reporting and monitoring of all BFT discards and landings (i.e., for all gear types) in the future. As stated in the proposed rule, depending on the management measures implemented in the Amendment 7 final rule, the quota specifications process may be substantially different in upcoming years.

Other Issues

In addition to the above comments specifically on the content of the proposed rule, other comments raised issues beyond the scope of this rule, regarding HMS management measures generally, as well as those specifically considered in Amendment 7. Specifically, commenters articulated: support for NMFS to eliminate the annual percentage limit on the total weight of large medium BFT (73 to less than 81 inches) that Purse Seine category vessels can harvest, which the commenters perceive as inconsistent with regulations that apply to other commercial categories, a cause of regulatory discards, and not based on current research on the size of bluefin at maturity; support for allowing Purse Seine category vessels to retain bluefin as small as the ICCAT minimum size (i.e., 47 inches); support for expanded research funding and improved access for researchers to biological samples; support for adaptive management of BFT fisheries for optimal economic, scientific, and conservation returns; full support for implementation of Amendment 7 as proposed; support for 100-percent observer coverage of Purse Seine vessels; opposition to pelagic longlining and harpooning of tunas; opposition to Mediterranean Sea bluefin harvests; and opposition to ICCAT deducting the U.S. 25-mt allocation for bycatch in the vicinity of the western/eastern Atlantic BFT management area boundary from the western Atlantic BFT Total Allowable Catch since 2002, when that language was first added to the western Atlantic BFT Recommendation.

NMFS anticipates that Amendment 7 may address some of the issues raised in comments that were outside the scope of the 2014 BFT quota specifications. Some of the ICCAT issues raised involve international management and could not be addressed by the United States unilaterally. The remaining domestic management issues would have to be considered in the context of future management action(s). In addition to the formal regulatory process of proposed and final rulemaking, NMFS considers issues, discussed management ideas, and obtains public input in the context of the HMS Advisory Panel, which typically convenes twice a year at meetings that are open to the public.

Classification

The NMFS Assistant Administrator has determined that this final rule is consistent with the Magnuson-Stevens Act, ATCA, and other applicable law, and is necessary to achieve domestic management objectives under the 2006 Consolidated HMS FMP.

The final rule is exempt from the procedures of E.O. 12866 because this action contains no implementing regulations.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, NMFS has prepared a brochure summarizing fishery information and regulations for Atlantic tuna fisheries for 2014. This brochure also serves as the small entity compliance guide. Copies of the compliance guide are available from NMFS (see **ADDRESSES**).

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: July 1, 2014.

Eileen Sobeck,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–15773 Filed 7–3–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 140403309–4529–02]

RIN 0648–BE16

Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2014

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

ACTION: Final rule.

SUMMARY: NMFS is implementing management measures for the 2014 summer flounder, scup, and black sea bass recreational fisheries. The implementing regulations for these fisheries require NMFS to publish recreational measures for the fishing year. The intent of these measures is to prevent overfishing of the summer flounder, scup, and black sea bass resources.

DATES: Effective July 7, 2014.

ADDRESSES: Copies of the Supplemental Environmental Assessment (SEA) for the 2014 recreational management measures document, including the Supplemental Environmental Assessment, Regulatory Impact Review, and Initial Regulatory Flexibility Analysis (SEA/RIR/IRFA) and other supporting documents for the recreational management measures are available from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 North State Street, Dover, DE 19901. These documents are also accessible via the Internet at *http://www.nero.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Moira Kelly, Fishery Policy Analyst, (978) 281–9218.

SUPPLEMENTARY INFORMATION:

General Background

The summer flounder, scup, and black sea bass fisheries are managed

cooperatively by the Atlantic States Marine Fisheries Commission and the Mid-Atlantic Fishery Management Council, in consultation with the New England and South Atlantic Fishery Management Councils. The FMP and its implementing regulations, which are found at 50 CFR part 648, subparts A (general provisions), G (summer flounder), H (scup), and I (black sea bass), describe the process for specifying annual recreational management measures that apply in the Exclusive Economic Zone (EEZ). The states from North Carolina to Maine manage these fisheries within 3 nautical miles of their coasts, under the Commission's plan for summer flounder, scup, and black sea bass. The Federal regulations govern fishing activity in the EEZ, as well as vessels possessing Federal permits for summer flounder, scup, and/or black sea bass, regardless of where they fish.

A proposed rule to implement the 2014 Federal recreational measures for the summer flounder, scup, and black sea bass recreational fisheries was published in the **Federal Register** on May 9, 2014 (79 FR 26685). Additional background and information is provided in the preamble to the proposed rule and is not repeated here.

2014 Recreational Management Measures

In this rule, NMFS is implementing management measures for the 2014 summer flounder, scup, and black sea bass recreational fisheries. All minimum fish sizes discussed hereafter are total length measurements of the fish, i.e., the straight-line distance from the tip of the snout to the end of the tail while the fish is lying on its side. For black sea bass, total length measurement does not include the caudal fin tendril. All possession limits discussed below are per person.

2014 Recreational Management Measures

This rule implements the following measures that would apply in the Federal waters of the EEZ and to all federally permitted party/charter vessels with applicable summer flounder, scup, or black sea bass permits regardless of where they fish: For summer flounder, use of state-by-state conservation equivalency measures, which are the status quo measures; for scup, a 9-inch (22.9-cm) minimum fish size, a 30-fish per person possession limit, and an open season of January 1 through December 31; and, for black sea bass, a 12.5-inch (31.8-cm) minimum fish size, and a 15-fish per person possession limit for open seasons of May 19 through September 21 and October 18 through December 31.

Federal permit holders are reminded that, as a condition of their Federal permit, they must abide by the Federal measures, even if fishing in state waters. In addition, in instances where the state-implemented measures are different than the Federal measures, federally permitted vessels must adhere to the more restrictive of the two measures. This will be applicable for both the 2014 scup and black sea bass recreational fisheries.

Summer Flounder Recreational Management Measures

This final rule implements the use of conservation equivalency to manage the 2014 summer flounder recreational fishery. NMFS implemented Framework Adjustment 2 to the FMP on July 29, 2001 (66 FR 36208), to permit the use of conservation equivalency to manage the recreational summer flounder fishery. Conservation equivalency allows each state to establish its own recreational management measures to achieve its state harvest limit partitioned from the coastwide recreational harvest limit by the Commission. The combined effect of all of the states' management measures achieves the same level of conservation as would Federal coastwide measures, hence the term conservation equivalency. Framework Adjustment 6 (July 26, 2006; 71 FR 42315) allowed states to form regions for conservation equivalency in order to minimize differences in regulations for individuals fishing in adjacent waters. For 2014, the Commission's Summer Flounder Board voted to implement regional conservation equivalency for the first time. The regions are as follows: (1) Massachusetts; (2) Rhode Island; (3) Connecticut, New York, and New Jersey; (4) Delaware, Maryland, and Virginia; and (5) North Carolina. This means that minimum fish sizes, possession limits, and fishing seasons developed and adopted by the five regions from Massachusetts to North Carolina will replace the Federal waters measures for 2014.

The Commission notified the NMFS Northeast Regional Administrator by letter dated May 19, 2014, that the 2014 summer flounder recreational fishery management measures (i.e., minimum fish size, possession limit, and fishing seasons) implemented by the regions described above have been reviewed by the Commission's Technical Committee and approved by the Commission's Summer Flounder Management Board. The correspondence indicates that the Commission-approved management programs are projected to restrict 2014 recreational summer flounder coastwide landings consistent with the state-specific requirements established by the Technical Committee and Board through the Commission process.

Based on the recommendation of the Commission, the NMFS Greater Atlantic Regional Administrator finds that the recreational summer flounder fishing measures proposed to be implemented by the approved regions for 2014 are the conservation equivalent of the season, minimum size, and possession limit prescribed in §§ 648.104(b), 648.105, and 648.106(a), respectively. According to § 648.107(a)(1), vessels subject to the recreational fishing measures of this part and landing summer flounder in a state with an approved conservation equivalency program shall not be subject to Federal measures, and shall instead be subject to the recreational fishing measures implemented by the state in which they land. Section 648.107(a) has been amended to recognize state-implemented measures as conservation equivalent of the coastwide recreational management measures for 2014. The 2014 summer flounder management measures adopted by the individual states vary according to the state of landing, as specified in Table 1.

TABLE 1—2014 COMMISSION APPROVED STATE-BY-STATE CONSERVATION EQUIVALENT RECREATIONAL MANAGEMENT MEASURES FOR SUMMER FLOUNDER

State	Minimum size (inches)	Minimum size (cm)	Possession limit	Open season
Massachusetts	16	40.6	5 fish	May 22–September 30.
Rhode Island	18	45.7	8 fish	May 1–December 31.
Connecticut *	18	45.7	5 fish	May 17–September 21.

TABLE 1—2014 COMMISSION APPROVED STATE-BY-STATE CONSERVATION EQUIVALENT RECREATIONAL MANAGEMENT MEASURES FOR SUMMER FLOUNDER—Continued

State	Minimum size (inches)	Minimum size (cm)	Possession limit	Open season
New York	18	45.7	4 fish	May 17–September 21.
New Jersey*	18	45.7	5 fish	May 23–September 27.
Delaware	16	40.6	4 fish	All year.
Maryland	16	40.6	4 fish	All year.
Potomac River Fisheries Commission	16	40.6	4 fish	All year.
Virginia	16	40.6	4 fish	All year.
North Carolina	15	38.1	6 fish	All year.

Note: At 42 designated shore sites in Connecticut, anglers may keep 5 fish at 16.0 inches (40.6 cm), May 15–September 1. At 1 designated pilot site in New Jersey, anglers may keep 2 fish at 16.0 inches (40.6 com), May 23–September 27.

In addition, this action implements the coastwide measures (18-inch (45.7-cm) minimum size, 4-fish possession limit, May 1–September 30 open fishing season), to become effective January 1, 2015, when conservation equivalency expires.

Scup Recreational Management Measures

This final rule implements the Council and Commission's recommended scup recreational management measures for 2014 in Federal waters. The 2014 scup recreational harvest limit is 7.03 million lb (3,188 mt), as published in the 2013 and 2014 specifications final rule (December 31, 2012; 77 FR 76942). Final 2013 scup recreational landings are 5.11 million lb (2,319 mt), well below the 2013 recreational harvest limit; therefore, no reduction in landings is needed. The measures for the 2014 scup recreational fishery are for a 9-inch (22.9-cm) minimum fish size, a 30-fish per person possession limit, and an open season of January 1 through December 31.

Black Sea Bass Recreational Management Measures

This final rule implements recreational management measures to reduce landings for black sea bass. The 2014 black sea bass recreational harvest limit is 2.26 million lb (1,025 mt). The 2013 black sea bass recreational landings limit was the same, and the projected landings at the time that the Council and Board met to recommend 2014 measures were 2.46 million lb (1,115 mt). This would have required a 7-percent reduction in 2014 landings relative to 2013. Final Marine Recreational Information Program (MRIP) data indicate that the 2013 recreational black sea bass landings were approximately 2.33 million lb (1,058 mt), or 3.2 percent over the 2013 and 2014 recreational harvest limits.

In 2012, recreational black sea bass catch exceeded the 2012 annual catch limit of 2.52 million lb (1,143 mt) by 129 percent, with total catch estimates approximately 5.78 million lb (2,620 mt). As a result, the recently implemented recreational accountability measure needs to be addressed for the 2014 fishing year. The Council's recreational accountability measure system requires, for stocks in a healthy condition such as black sea bass, that the Council take into account the overage and the performance of the management measures when setting a subsequent year's management measures. The Council contends that utilizing the process that they have always used (i.e., comparing last year's landings to this year's harvest limit) is in compliance with the accountability measure.

However, NMFS disagrees with the Council's interpretation. The recreational accountability measures were revised last year in response to a pending pound-for-pound payback that would have otherwise been implemented for this year. In the Omnibus Recreational Accountability Measures Amendment (Final Rule, December 19, 2013; 78 FR 76759), the accountability measure was described as resulting in the Council doing something different than what had previously been done if triggered. That is, the accountability measure requires that the Council take the overage and the poor performance of the management measures ''into account.'' This may result in the subsequent year's management measures being ''less liberal, or more restrictive than otherwise would have been, had the overage not occurred.'' This could also mean that the process by which the management measures are set (updated data, more precise estimates of catch per angler per day, etc.) has been improved upon as a result of the poor performance of the management measures, or other decisions or improvements that allow the Council to make a more informed decision and implement management measures with more confidence in their performance. The Council has not sufficiently demonstrated how the ''performance review'' included the overage from 2012 when setting the 2014 management measures. It appears that the Council's process was the same as it would have been had the overage not occurred and the accountability measure not been triggered. The Council submitted a comment requesting an additional 6 days be added to the September/October season to achieve only a 3-percent reduction in landings, instead of the originally recommended 7 percent reduction, relative to 2013. Prior to the public comment period, the Commission requested that NMFS take into consideration the final 2013 MRIP estimates when taking final action.

Because the reduction in recreational black sea bass landings required from 2013 to 2014 is only 3.2 percent based on final MRIP estimates, and based on comments received from the Council and the Commission, NMFS has determined that measures expected to result in a reduction in landings of approximately 5-percent has a higher likelihood of preventing the recreational harvest limit from being exceeded again, without being unnecessarily punitive. As a result, this final rule implements measures that are different than the proposed measures. The Council's originally proposed measures (12.5-inch (31.8-cm) minimum fish size, 15-fish per person bag limit, and open seasons of May 19 through September 18 and October 18 through December 31) would result in a 7-percent reduction in landings relative to 2013. This rule implements the same minimum size and possession limit as proposed, but adds 3 days in September, so that the fishing season runs from May 19 through

September 21 and October 18 through December 31, 2014. This is expected to result in a 5-percent reduction in landings and complies with the accountability measure, while responding to the Council's and the Commission's comments to base the final measures on the final MRIP landings information.

Comments and Responses

NMFS received three comments regarding the proposed recreational management measures. Two of the commenters both disagreed with the landings information, specifically for black sea bass, but additionally mentioned displeasure over reduced quotas on the recreational but not commercial fishery. In addition, the commenters were concerned about the stock becoming overfished, and that the commercial fishery was able to land more than the recreational fishery. The black sea bass stock is not overfished, and overfishing is not occurring. In addition, the recreational black sea bass fishery has a greater share of the overall quota than the commercial fishery. Both of these commenters appeared to reside in the state of Georgia, and may have been confusing this black sea bass fishery with the one managed by the South Atlantic Fishery Management Council's Snapper/Grouper FMP.

NMFS received a comment letter from the Mid-Atlantic Council's Executive Director further explaining their interpretation of the accountability measure for black sea bass. (See above for more information.) The Council's comment also requested that we extend the black sea bass season by 6 additional days in September. This would be expected to result in a 3-percent reduction in landings, instead of 7 percent. We also received a letter from the Commission, although prior to the formal comment period, requesting that we consider the updated landings estimates when determining the necessary reduction for the black sea bass measures. As described above, while we disagree with the Council's interpretation of their accountability measures, NMFS is implementing measures taking into account both the Council's and the Commission's comments. The proposed measures were initially derived when a 7-percent reduction in landings was believed to be needed. Final MRIP landings information indicates that the 2013 recreational harvest limit was only exceeded by 3.2 percent. If the accountability measure not been triggered by the overage in 2012, all that would be needed is the 3-percent reduction. Implementing only a 3-percent reduction in landings, based upon the same data and the same process, without additional confidence that the measures would be expected to perform better, would not comply with the accountability measure necessary for this fishing year. As a result, this final rule implements measures that would be expected to result in a 5-percent reduction in landings.

Changes From the Proposed Rule

As described above, in response to comments received from the Council and the Commission, the black sea bass management measures implemented by this final rule are different than those proposed. The final black sea bass recreational management measures are as follows: 12.5-inch (31.8-cm) minimum fish size; 15 fish per person bag limit; and open seasons of May 19 through September 21 and October 18 through December 31.

Classification

The Regional Administrator, Greater Atlantic Region, NMFS, determined that this final rule implementing the 2014 summer flounder, scup, and black sea bass recreational management measures is necessary for the conservation and management of the summer flounder, scup, and black sea bass fisheries, and is consistent with the Magnuson-Stevens Act and other applicable laws.

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

Administrative Procedure Act

The Assistant Administrator for Fisheries, NOAA, finds good cause to waive the requirement for a 30-day delay in effectiveness under the provisions of section 553(d) of the APA because a delay in its effectiveness would not serve any legitimate purpose, while unfairly prejudicing federally permitted charter/party vessels. This action will decrease the minimum size for the recreational scup fishery in Federal waters and allow federally permitted charter/party vessels to be subject to the new summer flounder measures in their respective states. Because some states' summer flounder fisheries are already open or will open during the 30-day period, federally permitted charter/party vessels would be restricted to the existing summer flounder coastwide regulations (18-inch) minimum size and a 2-fish per person possession limit) until the Federal regulations are effective. This would unnecessarily disadvantage the federally permitted vessels, which would be subject to the more restrictive measures while state-licensed vessels could be engaged in fishing activities under this year's management measures. If this final rule were delayed for 30 days, the fishery would likely forego some amount of landings and revenues during the delay period.

While these restrictions would be alleviated after this rule becomes effective, fishermen may be not able to recoup the lost economic opportunity of foregone trips that would result from delaying the effectiveness of this action. Finally, requiring a 30-day delay before the final rule becomes effective would not provide any benefit to the regulated parties. Unlike actions that require an adjustment period to comply with new rules, charter/party operators will not have to purchase new equipment or otherwise expend time or money to comply with these management measures. Rather, complying with this final rule simply means adhering to the published management measures for each relevant species of fish while the charter/party operators are engaged in fishing activities.

In addition, this rule decreases the possession limit for black sea bass, which is an important factor in determining appropriate measures that allow the fishery to achieve, but not exceed, recreational harvest limit. The black sea bass fishery started on May 19, 2014, with a 20-fish possession limit. This rule implements a 15-fish possession limit. Leaving the larger trip limit in place for longer than is necessary could result in the recreational harvest limit being exceeded, potentially compromising the long-term health of the resource and the conservation objectives of the FMP.

For these reasons, the Assistant Administrator finds good cause to waive the 30-day delay and to implement this rule publication in the **Federal Register**.

Final Regulatory Flexibility Analysis

This final rule includes the FRFA prepared pursuant to 5 U.S.C. 604(a). The FRFA incorporates the economic impacts described in the IRFA, a summary of the significant issues raised by the public comments in response to the IRFA, NMFS' responses to those comments, and a summary of the analyses completed to support the action. Copies of the EA/RIR/IRFA and SEA are available from the Council and NMFS (see **ADDRESSES**).

Statement of Objective and Need

A description of the reasons why the 2014 recreational management measures for summer flounder, scup, and black sea bass are being implemented, and the objectives of and legal basis for this final rule implementing both actions are

explained in the preambles to the proposed rule and this final rule, and are not repeated here.

A Summary of the Significant Issues Raised by the Public Comments in Response to the IRFA, a Summary of the Assessment of the Agency of Such Issues, and a Statement of Any Changes Made in the Proposed Rule as a Result of Such Comments

Three comments were received on the proposed rule; however, none addressed the IRFA or economic analysis and the changes to the rule were not related to the economic analysis.

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

The recreational management measures could affect any recreational angler who fishes for summer flounder, scup, or black sea bass in the EEZ or on a party/charter vessel issued a Federal permit for summer flounder, scup, and/or black sea bass. However, the only regulated entities affected by this action are party/charter vessels issued a Federal permit for summer flounder, scup, and/or black sea bass, and so the RFA analyses are focused on the expected impacts on this segment of the affected public. These vessels are all considered small entities for the purposes of the RFA, i.e., businesses in the recreational fishery with gross revenues of up to $7.0 million. These small entities can be specifically identified in the Federal vessel permit database and would be impacted by the recreational measures, regardless of whether they fish in Federal or state waters. Although fishing opportunities by individual recreational anglers may be impacted by this action, they are not considered small entities under the RFA.

The Council estimated that the measures could affect any of the 777 vessels possessing a Federal charter/party permit for summer flounder, scup, and/or black sea bass in 2012, the most recent year for which complete permit data are available. However, only 346 vessels reported active participation in the 2012 recreational summer flounder, scup, and/or black sea bass fisheries. Further, it was determined, based on improved ownership information, that there were 326 unique fishing business entities. The vast majority of these fishing businesses were solely engaged in for-hire fishing, but some also earned revenue from shellfish and/or finfish fishing. The highest percentage of annual gross revenues though for all 326 fishing businesses was from for-hire fishing. In other words, the revenue from for-hire fishing was greater than the revenue from shellfishing and the revenue from finfish fishing for all 326 business entities. Therefore, all of the affected business entities are classified as for-hire business entities in this analysis.

According to the SBA size standards small for-hire fishing businesses are defined as firms with annual receipts of up to $7 million. Average annual gross revenue estimates calculated from the most recent 3 years (2010–2012) indicate that none of the 326 business entities earned more than $2.4 million from all of their fishing activities (for-hire, shellfish, and finfish). Therefore, all of the affected business entities are considered ''small'' by the SBA size standards; thus, this action will not disproportionately affect small versus large entities.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

No additional reporting, recordkeeping, or other compliance requirements are included in this final rule.

Description of the Steps Taken To Minimize Economic Impact on Small Entities

In seeking to minimize the impact of recreational management measures (minimum fish size, possession limit, and fishing season) on small entities (i.e., Federal party/charter permit holders), NMFS is constrained to implementing measures that meet the conservation objectives of the FMP and Magnuson-Stevens Act. Management measures must provide sufficient constraints on recreational landings, such that the established recreational harvest limits have a low likelihood of being exceeded, which might lead to overfishing the stock. This rule maintains the status quo recreational management measures for summer flounder, implements less restrictive management measures for scup, and slightly more restrictive measures for black sea bass in Federal waters.

Summer flounder alternatives. The alternatives examined by the Council and forwarded for consideration by NMFS consisted of the non-preferred alternative of coastwide measures (an 18-inch (45.7-cm) minimum fish size, a 4-fish per person possession limit, and open season from May 1 through September 30), and the preferred alternative of conservation equivalency (see Table 1 for measures) with a precautionary default backstop (status quo). These were alternatives 1 and 2, respectively, in the Council's SEA/RIR/IRFA. These two alternatives were determined by the Council to provide a high probability of constraining recreational landings to levels at or below the 2014 recreational harvest limit. Therefore, either alternative recreational management system could be considered for implementation by NMFS, as the critical metric of satisfying the regulatory and statutory requirements would likely be met by either.

Next, NMFS considered the recommendation of both the Council and Commission. Both groups recommended implementation of conservation equivalency, with a precautionary default backstop. For NMFS to disapprove the Council's recommendation for conservation equivalency and substitute coastwide management measures, NMFS must reasonably demonstrate that the recommended measures are either inconsistent with applicable law or that the conservation objectives of the FMP will not be achieved by implementing conservation equivalency. NMFS does not find the Council and Commission's recommendation to be inconsistent with the implementing regulations of the FMP at § 648.100 or the Magnuson-Stevens Act, including the 10 National Standards.

The additional metric for consideration by NMFS, applicable to the FRFA, is examination of the economic impacts of the alternatives on small entities consistent with the stated objectives of applicable statutes. As previously stated, both coastwide measures (alternative 1) and conservation equivalency (alternative 2) are projected to achieve the conservation objectives for the 2014 summer flounder recreational fishery. However, the economic impacts of the two alternatives are not projected to be equal in the Council's analyses: The economic impacts on small entities under the coastwide measures management system would vary in comparison to the conservation equivalency system, dependent on the specific state wherein the small entities operate.

Quantitative analyses of the economic impacts associated with conservation equivalency measures are not available. This is because the development of the individual state measures occurs concurrent to the NMFS rulemaking process to ensure timely implementation of final measures for the 2014 recreational fishery; thus, the specific measures implemented by states are not available for economic impact analyses. Instead, qualitative methods were utilized by the Council to

assess the relative impact of conservation equivalency (alternative 2) to coastwide measures (alternative 1). The Council analysis concluded, and NMFS agrees, that conservation equivalency is expected to minimize impacts on small entities because individual states or regions can develop specific summer flounder management measures that allow the fishery to operate during each state's critical fishing periods while still achieving conservation goals.

NMFS is implementing the Council and Commission's recommended regional conservation equivalency measures because: (1) NMFS finds no compelling reason to disapprove the Council and Commission's recommended 2014 management system, as the management measures contained in conservation equivalency are projected to provide the necessary restriction on recreational landings to prevent the recreational harvest limit from being exceeded; and (2) the net economic impact to small entities on a coastwide basis are expected to be mitigated, to the extent practicable, for a much larger percentage of small entities.

Scup alternatives. NMFS is implementing the Council's preferred measures as the Federal water measures for the 2014 fishing year: A 9-inch (22.9-cm) minimum fish size; a 30-fish per person possession limit; and year-round open season. Similar to the summer flounder discussion, this suite of scup measures (alternative 2) provides the greatest economic opportunity for small entities from the alternatives available by providing the maximum fishing opportunity in Federal waters that also meets the requirements of the Magnuson-Stevens Act, the FMP, and achieves the conservation objectives for 2013. Alternative 1 for a 10.0-inch (25.4-cm) minimum fish size, 30-fish per person possession limit, and year-round open season contained measures that had higher impacts on small entities fishing in Federal waters, as it contains more restrictive measures than would be necessary to satisfy the management objectives, and thus this alternative was not implemented.

Black sea bass alternatives. As previously stated in the preamble, individual states have developed and implemented measures for use in state waters. This rule implement measures between the Council's preferred measures and the no action alternative: A 12.5-inch (31.8-cm) minimum fish size and a 15-fish possession limit for the May 19–September 21 and October 18–December 31 fishing seasons. These measures provide the greatest associated economic opportunities to small entities of the measures considered for Federal waters that also meets the statutory and regulatory requirements for the 2014 fishery. The no action alternative (Alternative 1; 12.5-inch (31.8-cm) minimum fish size, a 20-fish per person possession limit, and open season of May 19 through October 14 and November 1 through December 31), does not satisfy the management objectives of the FMP, as a reduction in landings as compared to 2013 is necessary, and thus this alternative was not implemented. Further, this alternative does not comply with the accountability measure requirements of the FMP, and is inconsistent with the Magnuson-Stevens Act. Alternative 2 (the Council's preferred alternative; A 12.5-inch (31.8-cm) minimum fish size and a 15-fish possession limit for the May 19–September 21 and October 18–December 31 fishing seasons) is unnecessarily restrictive, given the final 2013 MRIP landings estimates.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a letter to permit holders that also serves as the small entity compliance guide was prepared and will be sent to all holders of Federal party/charter permits issued for the summer flounder, scup, and black sea bass fisheries. In addition, copies of this final rule and the small entity compliance guide are available from NMFS (see **ADDRESSES**) and at the following Web site: *http://www.nero.noaa.gov.*

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: July 1, 2014.

Eileen Sobeck,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out 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. Section 648.107 is revised to read as follows:

§ 648.107 Conservation equivalent measures for the summer flounder fishery.

(a) The Regional Administrator has determined that the recreational fishing measures proposed to be implemented by the states of Maine through North Carolina for 2014 are the conservation equivalent of the season, minimum size, and possession limit prescribed in §§ 648.102, 648.103, and 648.105(a), respectively. This determination is based on a recommendation from the Summer Flounder Board of the Atlantic States Marine Fisheries Commission.

(1) Federally permitted vessels subject to the recreational fishing measures of this part, and other recreational fishing vessels harvesting summer flounder in or from the EEZ and subject to the recreational fishing measures of this part, landing summer flounder in a state whose fishery management measures are determined by the Regional Administrator to be conservation equivalent shall not be subject to the more restrictive Federal measures, pursuant to the provisions of § 648.4(b). Those vessels shall be subject to the recreational fishing measures implemented by the state in which they land.

(2) [Reserved]

(b) Federally permitted vessels subject to the recreational fishing measures of this part, and other recreational fishing vessels registered in states and subject to the recreational fishing measures of this part, whose fishery management measures are not determined by the Regional Administrator to be the conservation equivalent of the season, minimum size and possession limit prescribed in §§ 648.102, 648.103(b), and 648.105(a), respectively, due to the lack of, or the reversal of, a conservation equivalent recommendation from the Summer Flounder Board of the Atlantic States Marine Fisheries Commission shall be subject to the following precautionary default measures: Season—May 1 through September 30; minimum size—20 inches (50.8 cm); and possession limit—two fish.

■ 3. In § 648.126, paragraph (b) is revised to read as follows:

§ 648.126 Scup minimum fish sizes.

* * * * *

(b) *Party/Charter permitted vessels and recreational fishery participants.*

The minimum size for scup is 9 inches (22.9 cm) TL for all vessels that do not have a moratorium permit, or for party and charter vessels that are issued a moratorium permit but are fishing with passengers for hire, or carrying more than three crew members if a charter boat, or more than five crew members if a party boat.

* * * * *

■ 4. In § 648.145, paragraph (a) is revised to read as follows:

§ 648.145 Black sea bass possession limit.

(a) During the recreational fishing season specified at § 648.146, no person shall possess more than 15 black sea bass in, or harvested from, the EEZ unless that person is the owner or operator of a fishing vessel issued a black sea bass moratorium permit, or is issued a black sea bass dealer permit. Persons aboard a commercial vessel that is not eligible for a black sea bass moratorium permit may not retain more than 15 black sea bass during the recreational fishing season specified at § 648.146. The owner, operator, and crew of a charter or party boat issued a black sea bass moratorium permit are subject to the possession limit when carrying passengers for hire or when carrying more than five crew members for a party boat, or more than three crew members for a charter boat. This possession limit may be adjusted pursuant to the procedures in § 648.142.

* * * * *

■ 5. Section 648.146 is revised to read as follows:

§ 648.146 Black sea bass recreational fishing season.

Vessels that are not eligible for a moratorium permit under § 648.4(a)(7), and fishermen subject to the possession limit specified in § 648.145(a), may only possess black sea bass from May 19 through September 21, and October 18 through December 31, unless this time period is adjusted pursuant to the procedures in § 648.142.

[FR Doc. 2014–15799 Filed 7–3–14; 8:45 am]

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Proposed Rules

Federal Register
Vol. 79, No. 129
Monday, July 7, 2014

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No.: FAA–2014–0001; Notice No. 14–06]

RIN 2120–AK29

Harmonization of Airworthiness Standards—Fire Extinguishers and Class B and F Cargo Compartments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to amend certain airworthiness regulations for transport category airplanes by upgrading fire safety standards for one type of cargo compartment; establishing fire safety standards for a new type of cargo compartment; and updating related standards for fire extinguishers. The proposed rules are based on recommendations from the Aviation Rulemaking Advisory Committee (ARAC) and the National Transportation Safety Board (NTSB), and they address designs for which airworthiness directives have been issued by both the FAA and the French civil aviation authority, Direction Générale de l'Aviation Civile (DGAC).

Adopting these proposals would eliminate regulatory differences between the airworthiness standards of the U.S. and the European Aviation Safety Agency (EASA), without affecting current industry design practices. These proposed changes would ensure an acceptable level of safety for these types of cargo compartments by standardizing certain requirements, concepts, and procedures.

DATES: Send comments on or before October 6, 2014.

ADDRESSES: Send comments identified by docket number FAA–2014–0001 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
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FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Stephen M. Happenny, Propulsion/Mechanical Systems Branch, ANM–112, Transport Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 1601 Lind Ave. SW., Renton, WA 98055–4056; telephone (425) 227–2147; facsimile (425) 227–1232; email: *Stephen.Happenny@faa.gov.*

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SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, the FAA is charged with prescribing regulations in the interest of safety for the design and performance of aircraft; regulations and minimum standards in the interest of safety for inspecting, servicing, and overhauling aircraft; and regulations for other practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it prescribes new safety standards for the design and operation of transport category airplanes.

I. Overview of Proposed Rule

The purpose of the proposed rulemaking is to harmonize certain Title 14, Code of Federal Regulations (14 CFR) part 25 requirements for fire extinguishers and cargo compartments with the corresponding requirements in Book 1 of EASA Certification Specifications and Acceptable Means of Compliance for Large Airplanes (CS–25).

Applicants for FAA type certification already use the proposed changes through equivalent level of safety findings and special conditions. Harmonizing these requirements with EASA would benefit manufacturers and modifiers by providing them a single set of requirements with which they must show compliance, thereby reducing the cost and complexity of certification and codifying a consistent level of safety.

The proposed rulemaking would limit the size of an existing class of cargo compartments, define a new class of accessible cargo compartments without size limitation, update associated fire extinguisher requirements, update cargo liner and floor panel requirements and their material testing criteria, and propose associated advisory information

for compliance. The proposed changes would apply to new airplane designs only, not to existing airplanes. Applicability to derivative airplanes or changed products would be determined according to 14 CFR 21.101.

1. A new paragraph, (f), would be added to § 25.857 to establish requirements for certification of accessible cargo compartments without size limitation under a new classification, Class F, that must meet safety standards similar to those of Class C cargo compartments or equivalent.

2. Section 25.851(a)(3), ''Hand fire extinguishers,'' would be revised to extend the existing fire extinguisher requirements for Class A, B, or E cargo or baggage compartments to be applicable to new Class F accessible cargo or baggage compartments defined in the new § 25.857(f). The amended requirements would specify that at least one readily accessible hand fire extinguisher be available to crewmembers in-flight for use in each Class A, B, E, or F compartment.

3. Section 25.851(b)(2), ''Built-in fire extinguishers,'' would be revised by adding a sentence to the existing regulation to clarify that the capacity of a built-in fire extinguishing/fire suppression system in a Class C and, if installed, a Class F cargo compartment must be adequate to respond to a fire that could occur in any part of the cargo compartment where cargo or baggage may be placed. The FAA is taking this step to harmonize our regulation to the EASA regulation and practice because FAA testing has shown that current methods of compliance are inadequate. Advisory material will provide guidance on acceptable means of compliance with this proposal.

4. Sections 25.855(b), (c), and (h), ''Cargo or baggage compartments,'' would be revised to require that new Class F cargo compartments have a liner that meets flame penetration standards currently required for Class C cargo compartments unless other means are provided to contain a fire and protect critical systems and structure. In addition, § 25.855(h)(3) would be revised to add a required demonstration of compliance of the dissipation of the extinguishing agent in Class F cargo compartments with designs that incorporate a built-in fire extinguisher(s) for controlling a fire.

5. Section 25.857(b)(1), ''Cargo compartment classification,'' would be revised to indirectly limit the size of a Class B cargo compartment by requiring a defined firefighting access point.

6. Part I of appendix F to part 25, ''Test Criteria and Procedures for Showing Compliance with § 25.853 or § 25.855,'' paragraphs (a)(1)(ii) and (a)(2)(iii) would be revised to add a reference to Class F cargo compartment floor panels. Other changes to appendix F to part 25 are being considered as part of a separate rulemaking that may result in a different, but technically equivalent, change.

II. Background

A. Statement of the Problem

Part 25 prescribes airworthiness standards for type certification of transport category airplanes for products certified in the United States. EASA CS–25 Book 1 prescribes the corresponding airworthiness standards for products certified in Europe. While part 25 and CS–25 are similar, they differ in several respects. To improve certification efficiency, the FAA tasked ARAC to review existing cargo compartments and fire extinguisher regulations and to recommend changes that would eliminate differences between U.S. and European airworthiness standards, while maintaining or improving the level of safety in the current regulations.

ARAC established the Cargo Standards Harmonization Working Group (CSHWG), assigning it the task of developing new or revised requirements for Class B cargo compartments of transport category airplanes. ARAC also established the Mechanical Systems Harmonization Working Group (MSHWG), assigning it the task of developing new or revised requirements for a built-in fire extinguishing system for existing or new cargo compartment classifications. Each working group was to document its work as a draft NPRM with supporting material or collateral documents, such as advisory circulars. The scope of these taskings included developing similar proposed regulations to amend Joint Aviation Requirements (JAR)–25, the precursor to CS–25, as necessary to achieve harmonization between the FAA and the Joint Aviation Authorities (JAA), the predecessor of EASA. EASA incorporated the ARAC working groups' recommendations into the CS–25 requirements via Amendments 4 and 8, on December 27, 2007, and December 18, 2009, respectively. The FAA agrees with ARAC's recommendations to harmonize U.S. airworthiness standards for cargo compartments and associated fire extinguishers with corresponding EASA regulations and proposes to amend part 25 accordingly. The proposals are not expected to be controversial and should reduce certification costs to industry without adversely affecting safety. The complete analyses for the proposed changes made in response to ARAC recommendations can be found in the ARAC recommendation reports, located in the docket for this rulemaking.

B. History

On November 27, 1987, a fire occurred in the Class B cargo compartment of a Boeing Model 747–244B airplane operated by South African Airways. The airplane was on a scheduled flight between Taipei, Taiwan, to Johannesburg, South Africa. It was carrying both passengers and cargo on the main deck, a configuration known as a ''combi'' and classified as a Class B cargo compartment. The airplane crashed in the Indian Ocean about 140 miles northeast of Mauritius. All people aboard the airplane perished.

The South African Board of Inquiry reported that (1) there was clear indication that a fire broke out in a right hand front pallet (one of six) in the main deck cargo hold, and (2) the fire could not be controlled and consequently led to the crash. The South African Board unanimously agreed with the following findings and conclusions of the FAA Review Team:

1. Existing rules, policies, and procedures being applied to the certification of Class B cargo or baggage compartments for smoke and fire protection, the required quantity of fire extinguishing agent, and the number of portable fire extinguishers are inadequate.

2. The use of pallets to carry cargo in Class B compartments is no longer acceptable.

3. While entry into the cargo compartment is available, not all cargo is accessible.

4. The reliance on crew members to fight a cargo fire must be discontinued.

In response to the South African Airways accident, the FAA issued Airworthiness Directive (AD) 89–18–12 (54 FR 34762, August 21, 1989), which required a number of changes in the standards for Class B cargo compartments located on the main deck of certain large airplanes. The affected airplane models included Boeing Model 707, 727, 737, 747, and 757 series airplanes, and McDonnell Douglas DC–8, DC–9, and DC–10 series airplanes. That AD was superseded twice. The first supersedure, AD 91–10–02 (56 FR 20529, May 6, 1991) was issued after operators and manufacturers reported design and logistics problems in complying with AD 89–18–12. The second AD supersedure was in response to comments received following issuance of the first AD supersedure and the publication of new test data provided by the FAA William J. Hughes Technical Center (57 FR 36918, August

17, 1992). The current AD, AD 93–07–15 [1] (58 FR 21243, April 20, 1993), requires operational and procedural changes, additional equipment, and enhanced fire detection and suppression systems on applicable large main-deck combi airplanes. The enhanced fire detection and suppression system standards require modification of the Class B cargo compartment to either comply with the requirements for a Class C cargo compartment, as defined in §§ 25.855 (Amendment 25–60), 25.857(c), and 25.858 (Amendment 25–54), or to incorporate other specified safeguards. A similar airworthiness directive was issued by the French airworthiness authority, DGAC, AD 92–113(B)R1. These ADs provided options to the operators of the affected airplanes for achieving an adequate level of safety. These are encompassed in the proposed regulations and associated guidance material.

C. National Transportation Safety Board (NTSB) Recommendations

NTSB investigated the South African 747–244B accident and on May 16, 1988, issued the following Safety Recommendations:

1. A–88–61. Until fire detection and suppression methods for Class B cargo compartment fires are evaluated and revised, as necessary, the NTSB recommended that the FAA require all cargo carried in Class B cargo compartments of U.S.-registered transport category airplanes be carried in fire resistant containers.

The FAA responded to this recommendation with the current AD 93–07–15. These proposed revisions to the related regulations and to part I of appendix F to part 25 for fire testing requirements also address this recommendation.

2. A–88–62. The NTSB recommended that the FAA conduct research to establish the fire detection and suppression methods needed to protect transport category airplanes from catastrophic fires in Class B compartments.

To address this recommendation, both the FAA and the JAA conducted research to determine whether Class B cargo compartments might be unsafe. Both authorities concluded that entering the compartment to combat a fire is ineffective for cargo compartments larger than 200 cubic feet in volume. They agreed on the need to conduct tests with actual fires to try to more closely establish the maximum safe Class B cargo compartment size. In coordination with the CSHWG, the Fire Safety Branch of the FAA Technical Center conducted a number of ground tests using an airplane hull with a cargo compartment located in the rear of the passenger cabin. The simulated compartment had smoke detection, ventilation rates, and air balance approximately the same as would be encountered in a flight, and an entry door similar to those in the compartments of smaller transport category airplanes.

Based on that testing, the FAA Technical Center made several observations. During actual fire testing conducted in a simulated Class B cargo compartment with a volume of 175 cubic feet, flight attendants equipped with protective breathing equipment and a hand fire extinguisher, but without protective clothing, were unwilling to enter the cargo compartment when a fire was present. This result led the CSHWG to conclude that reliance on a flight attendant to physically enter the cargo compartment to extinguish a fire was unrealistic, and that a standard based on such an expectation was undesirable.

During other tests, trained fire fighters, dressed in full firefighting gear, found it unnecessary to enter the compartment to extinguish the fire. They were able to extinguish the fire from the doorway.

Based on these findings, the CSHWG recognized that a fire could be effectively combated by direct access, but without entry, to some of these compartments. The CSHWG decided it would not be appropriate to specify a maximum allowable volume for a cargo compartment. Instead, the CSHWG proposal stipulated that, when standing at an access point, the person fighting the fire must be able to reach any part of the compartment with the contents of a hand fire extinguisher. Under the CSHWG proposal, access would be a function of how the compartment was configured rather than volume. In determining access, the CSHWG proposal stipulated that it would not be appropriate to pull baggage or cargo on to the floor of the passenger compartment to gain access to the seat of the fire; such action may introduce a safety hazard to the occupants.

3. A–88–63. The NTSB recommended that the FAA establish fire resistant requirements for the ceiling and sidewall liners in Class B cargo compartments of transport category airplanes that equal or exceed the requirements for Class C as set forth in 14 CFR part 25, appendix F, part III.

The current AD and the proposed revisions to cargo compartment classifications address this recommendation.

III. Discussion of the Proposal

A. Revise ''Fire Extinguishers'' (§ 25.851)

1. ''Hand Fire Extinguishers'' (§ 25.851(a))

Introduction of a new Class F cargo or baggage compartment via § 25.857(f) necessitates an amendment of § 25.851(a)(3) to require at least one readily accessible hand fire extinguisher for use in each new Class F cargo or baggage compartment that is accessible to crewmembers in flight. This is the same requirement currently for Class A, B, or E cargo or baggage compartments.

2. ''Built-In Fire Extinguishers'' (§ 25.851(b))

Section 25.851(b)(2) requires that the capacity of a built-in fire extinguishing system be adequate for any fire likely to occur in the compartment where used, and section 25.21 requires that an applicant prove compliance with the requirements of part 25. The FAA proposes to clarify when a system is ''adequate,'' and also proposes new guidance governing an acceptable means of demonstrating compliance. EASA implements its requirement CS 25.851(b) to ensure that the system is adequate to control any fire likely to occur anywhere within the compartment. We propose to add a sentence to § 25.851(b) to harmonize with EASA's application of the rule. This new sentence would clarify that an adequate capacity would provide sufficient quantity of agent to combat a fire anywhere baggage or cargo is placed within the cargo compartment and be available for the time required to land and evacuate the airplane.

The key point of this proposed new sentence is that, because of the inability to know in advance the contents of cargo and baggage placed within a cargo compartment, it must be assumed that each piece of baggage or cargo is a potential fuel source and a potential ignition point. This clarification is predicated on the basis that all baggage and cargo placed on board the airplane is done in accordance with the FAA- and EASA-approved manufacturer and operator airplane weights and balance manuals. In addition, placement of all baggage and cargo must be in accordance with all appropriate national civil aviation authority requirements and the manufacturer's loading instructions and limitations.

One effect of this proposed revision would be that the means of compliance that allow averaging of the individual extinguishing agent concentration

[1] AD 93–07–15 Boeing and McDonnell Douglas: Amendment 39–8547. Docket No. 92–NM–67–AD.

sensors would typically no longer be compliant. The current averaging technique allows different applicants to use different test standards for determining the success of extinguishing agents, as opposed to CS certification methods, which are consistent for all applicants.

Current EASA policy does not accept averaging methods but requires that each individual sensor display the required concentration. The corroborating factors that harmonized the EASA/FAA position included consideration of available test data. In addition, testing at the FAA Technical Center and other data from standardized fire extinguishing evaluation tests indicates that the use of averaging techniques may not show whether adequate concentration levels of fire extinguishing agent exist throughout the compartment to effectively suppress a cargo fire. If a cargo fire occurred, and was subsequently suppressed by Halon 1301, the core of the fire could remain hot for a period of time. If the local concentration of Halon 1301 in the vicinity of the fire core dropped below 3 percent by volume and sufficient oxygen was available, re-ignition could occur. FAA testing and other industry testing have shown that when the Halon 1301 concentration level drops below 3 percent by volume and the cargo fire re-ignites, the convective stirring caused by the heat of the fire may be insufficient to raise the local concentration of Halon 1301 in the vicinity of the fire.

The proposed guidance would suggest means by which gaseous extinguishing agent concentrations could be measured and how the discrete measured data could be interpreted. Also, the proposed guidance would describe a means of compliance that would demonstrate that a ''suppressed environment'' is maintained in the cargo compartment through landing to enable passengers and crew to evacuate the airplane.

The guidance would contain recommendations regarding markings and placards in the cargo compartment as a means of ensuring that baggage loading personnel do not load baggage and cargo above the safe limit certified by testing.

Section 25.851 provides requirements for built-in fire extinguishing systems regardless of the extinguishing agent or delivery system used. Therefore, it is not limited to halon gaseous agents or any specific agent delivery system provided that such a system is effective in extinguishing/suppressing fire threats in the cargo compartment. Currently industry and the FAA Technical Center are investigating alternative halon replacement agents and other types of delivery systems and extinguishing/suppression systems.

The advisory material would establish guidance for evaluating brief excursions in the concentration readings and if the data from a single measuring point could be time-averaged. Additional laboratory testing is recommended only if critical issues requiring advisory clarification cannot be resolved by other means.

B. Revise ''Cargo or Baggage Compartments'' (§ 25.855), ''Cargo Compartment Classification'' (25.857), and ''Test Criteria and Procedures for Showing Compliance With § 25.853 or § 25.855'' (Part I of Appendix F to Part 25)

1. Proposed Amendment to Class B Cargo Compartments

We propose to revise the existing airworthiness requirements for the Class B cargo compartment in § 25.857(b)(1) to indirectly limit the depth, width, and size of Class B cargo compartments by requiring a defined firefighting access point.

Currently, Class B cargo compartments incorporate a separate, approved smoke or fire detection system to give a fire warning at the pilot or flight engineer station. Class B cargo compartments must have sufficient access in flight to enable a crewmember to effectively reach any part of the compartment with the contents of a hand fire extinguisher. These compartments must be designed so that no hazardous quantity of smoke, flames, or extinguishing agent may enter any compartment occupied by the crew or passengers. To protect adjacent structures, Class B cargo compartments must also have a liner meeting the flame penetration standards of § 25.855 and part I of appendix F to part 25. Section 25.858, which was added in Amendment 25–54 (45 FR 66173, September 11, 1980), requires that fire detection systems of Class B cargo compartments provide a visual indication to the flightcrew within one minute after the start of a fire. In addition, the system must be capable of detecting the fire at a temperature significantly below that at which the structural integrity of the airplane is safely decreased.

These standards were initially developed when cargo compartments were relatively small and airplanes were powered by reciprocating engines. With the advent of larger turbine-powered airplanes, cargo compartment sizes, operating altitudes, and route lengths increased. In addition, combination passenger/cargo configurations, or ''combis,'' were introduced that were designed to carry both passengers and cargo on the main deck. These passenger and cargo compartments are separated by a barrier intended to prevent smoke and gasses from entering occupied areas. In some combis, the barrier is movable to change the available cargo and passenger capacity as needed for specific operational requirements.

There are currently no limitations on the size or the volume of current Class B cargo compartments. For domestic jet transport airplanes, these compartments can range from approximately 200 cubic feet for business jets to 17,000 cubic feet for large transport airplanes.

Based on tests conducted at the FAA Technical Center (57 FR 36918, August 17, 1992), the proposed requirements would effectively limit the size of new design Class B cargo compartments by requiring that a crewmember, standing at any one access point and without stepping into the compartment, be able to extinguish a fire using a hand fire extinguisher. Class B cargo compartments, under the proposed amendment to § 25.857(b)(1), would be smaller than most current compartments because the current rule allows a compartment so large as to require a crewmember to enter the compartment in order to reach and extinguish the fire. The FAA proposes applicable guidance material in the AC associated with this rule.

The requirements in § 25.857(b)(2) and (b)(3) will remain unchanged and will continue to require exclusion of hazardous quantities of smoke, flames, or extinguishing agent from any compartment occupied by the crew or passengers, as well as provision of a separate, approved smoke detector or fire detector system to give warning at the pilot or flight engineer station.

2. New Class F Cargo Compartments

(a) We propose to add a new paragraph, § 25.857(f), to establish a new cargo compartment category, Class F. The new Class F accessible cargo compartments would not be size-limited. There would, however, need to be a means to control or extinguish a fire without requiring a crewmember to enter the compartment to conduct manual firefighting. Other fire safety features proposed for Class F cargo compartments would include: (1) A fire detection system that meets § 25.858, and (2) a means to exclude cargo compartment smoke and fumes from entering occupied spaces. As discussed in paragraph 2(b) of this section, a liner may be necessary, which would be

required to meet part III of appendix F to part 25 or an equivalent standard.

The proposed Class F accessible cargo compartments would accommodate the carriage of more baggage and cargo in a combi configuration (passengers and cargo on the main deck) and in larger volumes than allowed by the proposed amendment to Class B compartments. In reviewing the existing Class B cargo compartments in transport category airplanes, the CSHWG noted that several combi configurations do not satisfy the concerns about fighting a fire without personnel entering the cargo compartment. However, such combi configurations are necessary to sustain those geographic areas with no means of supply other than air cargo, such as small isolated towns and villages in Alaska and Northern Canada. In considering this issue, ARAC recommended that the FAA propose a new Class F cargo compartment that would allow for flexibility in new airplane designs while ensuring adequate fire control.

Unlike the requirements for Class C cargo Compartments, the proposed Class F would not necessarily be required to have either a built-in fire extinguishing system or a means to control ventilation and drafts within the compartment. Instead, the proposed § 25.857(f)(2) would require that these compartments use either a crewmember to access the compartment with a hand fire extinguisher without entering the compartment or other means of controlling the fire (e.g., a built-in fire extinguisher/suppression system, fire containment covers, or other means that would be discussed in the proposed draft AC 25.857–X). The proposed § 25.857(f)(1) and (f)(3) are identical to the existing § 25.857(c)(1) and (c)(3) applicable to Class C cargo compartments, respectively, and are intended to require the provision of a separate approved smoke detector or fire detector system to give warning at the pilot or flight engineer station as well as exclusion of hazardous quantities of smoke, flames, or extinguishing agent from any compartment occupied by the crew or passengers. In addition, for Class F cargo compartment designs that incorporate a built-in fire extinguisher(s) for controlling fire, §§ 25.851(b) and 25.855(h)(3) would be modified.

(b) The introduction of Class F accessible cargo compartments necessitates revising § 25.855(b) and (c), which currently require a liner or other means of fire protection for Class B through E cargo compartments. We propose to revise § 25.855(b) and (c) to require that new Class F cargo compartments have a liner meeting flame penetration standards currently required for Class C cargo compartments. Class F cargo compartments would not have to have such liners if other means were provided to contain a fire and protect critical systems and structure. The proposed revision would result in retaining the same level of safety regarding fire protection.

Section 25.855(b) would require Class F accessible compartments to have a liner, unless other means provide the necessary fire containment. The CSHWG considered two potential methods for relieving Class F compartments from the liner requirements. These would be included in the proposed AC associated with this proposed rule. One method is to use existing approved (e.g., Class C cargo compartment) containers carried inside the proposed new Class F cargo compartment. The containers themselves suppress fire. This design would provide a means of compliance similar to that offered in one of the options in the combi AD.[2] To ensure use of appropriate containers, the requirement for use of the Class C cargo compartment containers would have to be identified as part of any loading restrictions in the airplane flight manual (AFM).

A second method, already used in accordance with the combi AD, uses a system to distribute the contents of a hand fire extinguisher throughout the compartment. An external nozzle in the compartment wall or liner connects with the hand fire extinguisher. Internal plumbing carries the extinguishing agent throughout the compartment. This allows the certification of airplanes with compartments with less expensive hardware and does not require a flight crewmember to enter the compartment. The AFM would have to limit operations to a route structure that ensured the airplane could land before the available fire extinguishing capability was exhausted.

(c) The introduction of Class F accessible cargo compartments necessitates revising paragraph (a)(1)(ii) of part I of appendix F to part 25. That paragraph currently requires self-extinguishing floor panels or other approved equivalent means of fire protection to contain a fire and protect critical systems and structure. We propose to revise paragraph (a)(1)(ii) and (a)(2)(iii) to require the floor panels in new Class F cargo compartments meet the flame penetration standards currently required for Class B, C, or E cargo compartments. The proposed revision would result in Class F cargo compartments meeting the same level of safety.

[2] A copy of AD 93–07–15 is included in the docket.

IV. Regulatory Notices and Analyses

A. Regulatory Evaluation

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 and Executive Order 13563 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this proposed rule.

Department of Transportation Order DOT 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If the expected cost impact is so minimal that a proposed or final rule does not warrant a full evaluation, this order permits a statement to that effect and the basis for it to be included in the preamble if a full regulatory evaluation of the cost and benefits is not prepared. Such a determination has been made for this proposed rule. The reasoning for this determination follows:

The FAA tasked the Aviation Rulemaking Advisory Committee (ARAC) through the Cargo Standards Harmonization Working Group (CSHWG) and the Mechanical Systems Harmonization Working Group (MSHWG) to review existing cargo compartments and fire extinguisher regulations and to recommend changes that would eliminate differences between the U.S. and the European

airworthiness standards, while maintaining or improving the level of safety in the current regulations.

The FAA agrees with the ARAC recommendations to harmonize airworthiness standards for cargo compartments and associated fire extinguishers with the corresponding EASA regulations and proposes to amend part 25 accordingly. The proposed changes would eliminate differences between the U.S. and European airworthiness standards. These efforts are referred to as harmonization.

This proposal is for changes in the standards in part 25 for new airplane designs only. The proposed changes will not apply to existing airplanes. This proposed rule would revise §§ 25.851, ''Fire extinguishers;'' 25.855, ''Cargo or baggage compartments;'' 25.857, ''Cargo compartment classification;'' and appendix F, part I, ''Test Criteria and Procedures for Showing Compliance with § 25.853, or § 25.855.''

The FAA estimates that there are higher safety standards and no costs associated with this proposal. A review of current manufacturers of transport category airplanes certificated under part 25 has revealed that all such future airplanes are expected to be certificated under part 25 of both U.S. and EASA (CS–25) airworthiness regulations. Since future certificated transport category airplanes are expected to meet the existing EASA CS–25 Book 1 requirements, and this rule adopts the same EASA requirements, manufacturers would incur no additional cost resulting from this proposal. This proposal may even reduce cost. Without harmonization the manufacturers would meet two sets of standards (EASA and FAA). Meeting two sets of certification requirements raises the cost of developing a new transport category airplane, often with no increase in safety. EASA regulations and associated compliance in the areas affected by the changes in this NPRM are more stringent than FAA regulations and compliance. These safety requirements are increased with no costs, or perhaps at lower costs.

The FAA concludes that the proposed changes would eliminate regulatory differences between the airworthiness standards of the FAA and EASA without affecting current industry design practices resulting in potential cost savings and maintaining current levels of safety. The FAA requests comments with supporting documentation in regard to the conclusions contained in this section.

The FAA has, therefore, determined that this proposed rule is not an economically ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866.

B. Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration.'' The RFA covers a wide range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, § 605(b) of the RFA provides that the head of the agency may so certify, and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

As noted above, the proposed changes to part 25 are cost-relieving because this proposed rule creates a single certification standard and removes the burden of having to meet two sets of certification requirements. The FAA believes that this proposed rule would not have a significant economic impact on a substantial number of small entities.

The net effect of the proposed rule is minimum regulatory cost relief. Airplane manufacturers already meet or expect to meet this standard. The FAA uses the size standards from the Small Business Administration for Aircraft Manufacturing that specify companies having less than 1,500 employees are small entities. Given that this proposed rule is cost-relieving and there are no small entity manufacturers of part 25 airplanes with less than 1,500 employees, this proposed rule will not have a significant economic impact on a substantial number of small entities. The FAA requests comments regarding this determination. If an agency determines that a rulemaking will not result in a significant impact on a substantial number of small entities, the head of the agency may so certify under § 605(b) of the RFA. Therefore, as provided in § 605(b), the head of the FAA certifies that this rulemaking will not result in a significant economic impact on a substantial number of small entities. Please provide detailed economic analysis to support any cost differences.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39) prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has assessed the potential effect of this proposed rule and has determined that the rule is in accord with the Trade Agreements Act as the proposed rule uses European standards as the basis for United States regulation.

D. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $151 million in lieu of $100 million. This proposed rule does not contain such a mandate; therefore, the requirements of Title II of the Act do not apply.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that there would be no new requirement for information collection associated with this proposed rule.

F. International Compatibility

In keeping with U.S. obligations under the Convention on International

Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified no differences with these proposed regulations.

Executive Order (EO) 13609, Promoting International Regulatory Cooperation, [77 FR 26413, May 4, 2012] promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policy and agency responsibilities of Executive Order 13609, Promoting International Regulatory Cooperation. The agency has determined that this action would eliminate differences between U.S. aviation standards and those of other civil aviation authorities by creating a single set of certification requirements for transport category airplanes that would be acceptable in both the United States and Europe.

G. Environmental Analysis

FAA Order 1050.1E identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 312f of Order 1050.1E and involves no extraordinary circumstances.

V. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this proposed rule under the principles and criteria of Executive Order 13132, Federalism. The agency has determined that this action would not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, would not have Federalism implications.

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

The FAA analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it would not be a ''significant energy action'' under the executive order and would not be likely to have a significant adverse effect on the supply, distribution, or use of energy.

VI. Additional Information

A. Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The agency also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The agency may change this proposal in light of the comments it receives.

Proprietary or Confidential Business Information: Commenters should not file proprietary or confidential business information in the docket. Such information must be sent or delivered directly to the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document, and marked as proprietary or confidential. If submitting information on a disk or CD–ROM, mark the outside of the disk or CD–ROM, and identify electronically within the disk or CD–ROM the specific information that is proprietary or confidential.

Under 14 CFR 11.35(b), if the FAA is aware of proprietary information filed with a comment, the agency does not place it in the docket. It is held in a separate file to which the public does not have access, and the FAA places a note in the docket that it has received it. If the FAA receives a request to examine or copy this information, it treats it as any other request under the Freedom of Information Act (5 U.S.C. 552). The FAA processes such a request under Department of Transportation procedures found in 49 CFR part 7.

B. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the Internet by—

1. Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);
2. Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies* or
3. Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html.*

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed from the Internet through the Federal eRulemaking Portal referenced in item (1) above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Life-limited parts, Reporting and recordkeeping requirements.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend chapter I of Title 14, Code of Federal Regulations as follows:

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

■ 1. The authority citation for part 25 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

■ 2. Amend § 25.851 by revising paragraphs (a)(3) and (b)(2) to read as follows:

§ 25.851 Fire extinguishers.

(a) * * *

(3) At least one readily accessible hand fire extinguisher must be available for use in each Class A or Class B cargo or baggage compartment and in each Class E or Class F cargo or baggage compartment that is accessible to crewmembers in flight.

* * * * *

(b) * * *

(2) The capacity of each required built-in fire extinguishing system must be adequate for any fire likely to occur in the compartment where used, considering the volume of the compartment and the ventilation rate. For purposes of this section, a system is adequate if there is sufficient quantity of agent to extinguish the fire or suppress the fire anywhere baggage or cargo is placed within the cargo compartment for the duration required to land and evacuate the airplane.

■ 3. Amend § 25.855 by revising paragraphs (b), (c), and (h)(3) to read as follows:

§ 25.855 Cargo or baggage compartments.

* * * * *

(b) Each of the following cargo or baggage compartments, as defined in § 25.857, must have a liner that is separate from, but may be attached to, the airplane structure:

(1) Any Class B through Class E cargo or baggage compartment, and

(2) Any Class F cargo or baggage compartment, unless other means of containing a fire and protecting critical systems and structure are provided.

(c) Ceiling and sidewall liner panels of Class C cargo or baggage compartments, and ceiling and sidewall liner panels in Class F cargo or baggage compartments, if installed to meet the requirements of paragraph (b)(2) of this section, must meet the test requirements of part III of appendix F of this part or other approved equivalent methods.

* * * * *

(h) * * *

(3) The dissipation of the extinguishing agent in all Class C compartments or, if applicable, in any Class F compartments.

* * * * *

■ 4. Amend § 25.857 by revising paragraph (b)(1) and adding a new paragraph (f) to read as follows:

§ 25.857 Cargo compartment classification.

* * * * *

(b) * * *

(1) There is sufficient access in flight to enable a crewmember, standing at any one access point and without stepping into the compartment, to extinguish a fire occurring in any part of the compartment using a hand fire extinguisher.

* * * * *

(f) *Class F.* A Class F cargo or baggage compartment is located on the main deck, readily accessible in flight, and is one in which—

(1) There is a separate approved smoke detector or fire detector system to give warning at the pilot or flight engineer station;

(2) There are means to extinguish or control a fire without requiring a crewmember to enter the compartment; and

(3) There are means to exclude hazardous quantities of smoke, flames, or extinguishing agent from any compartment occupied by the crew or passengers.

■ 5. Amend part I of appendix F to part 25 by revising paragraphs (a)(1)(ii) and (a)(2)(iii) to read as follows:

Appendix F to Part 25

Part I—Test Criteria and Procedures for Showing Compliance with § 25.853 or § 25.855.

(a) * * *

(1) * * *

(ii) Floor covering, textiles (including draperies and upholstery), seat cushions, padding, decorative and nondecorative coated fabrics, leather, trays and galley furnishings, electrical conduit, air ducting, joint and edge covering, liners of Class B and E cargo or baggage compartments, floor panels of Class B, C, E, or F cargo or baggage compartments, cargo covers and transparencies, molded and thermoformed parts, air ducting joints, and trim strips (decorative and chafing), that are constructed of materials not covered in paragraph (a)(1)(iv) of part I of this appendix, must be self-extinguishing when tested vertically in accordance with the applicable portions of part I of this appendix or other approved equivalent means. The average burn length may not exceed 8 inches, and the average flame time after removal of the flame source may not exceed 15 seconds. Drippings from the test specimen may not continue to flame for more than an average of 5 seconds after falling.

* * * * *

(2) * * *

(iii) A cargo or baggage compartment defined in § 25.857 as Class B, C, E, or F must have floor panels constructed of materials which meet the requirements of paragraph (a)(1)(ii) of part I of this appendix and which are separated from the airplane structure (except for attachments). Such panels must be subjected to the 45 degree angle test. The flame may not penetrate (pass through) the material during application of the flame or subsequent to its removal. The average flame time after removal of the flame source may not exceed 15 seconds, and the average glow time may not exceed 10 seconds.

* * * * *

Issued under the authority provided by 49 U.S.C. 106(f), 44701(a), and 44703 in Washington, DC, on June 26, 2014.

Frank P. Paskiewicz,

Acting Director, Aircraft Certification Service.

[FR Doc. 2014–15789 Filed 7–3–14; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0312; FRL–9911–92–Region 9]

Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Ventura County Air Pollution Control District portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from aerospace assembly and component manufacturing and marine coating operations. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: Any comments on this proposal must arrive by August 6, 2014.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2014–0312, by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the on-line instructions.

2. *Email: steckel.andrew@epa.gov.*

3. *Mail or deliver:* Andrew Steckel (Air–4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or email. *www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of

encryption, and be free of any defects or viruses.

Docket: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Nancy Levin, EPA Region IX, (415) 942–3848, *levin.nancy@epa.gov.*

SUPPLEMENTARY INFORMATION: This proposal addresses the following Ventura County Air Pollution Control District rules: Rule 74.13 Aerospace Assembly and Component Manufacturing Operations and Rule 74.24 Marine Coating Operations. In the Rules and Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: May 23, 2014.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2014–15390 Filed 7–1–14; 4:15 pm]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 140529461–4526–01]

RIN 0648–BE26

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery

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

ACTION: Proposed rule; request for comments.

SUMMARY: Based on request from the U.S. Food and Drug Administration, NMFS proposes to lift the closure area referred to as the Northern Temporary Paralytic Shellfish Poisoning Closed Area for bivalve harvesting. NMFS takes this action because this area has not been subject to a toxic algal bloom for several years and testing of bivalve shellfish has demonstrated toxin levels well below those known to cause human illness. In addition, the U.S. Food and Drug Administration has developed an agreement with the Commonwealth of Massachusetts to conduct paralytic shellfish poisoning monitoring of bivalves from the area in accordance with currently accepted paralytic shellfish poisoning testing procedures.

DATES: Comments must be received on this action by July 22, 2014.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2014–0073, by any of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0073*, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* John K. Bullard, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope: ''Comments on Lift PSP Closure.''

Instructions: All comments received are part of the public record and will generally be posted to *www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted via Microsoft Word, Microsoft Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Jason Berthiaume, Fishery Management Specialist, phone: (978) 281–9177, or *Jason.Berthiaume@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

In 2005, at the request of the U.S. Food and Drug Administration (FDA), NOAA's National Marine Fisheries Service (NMFS) closed an area of Federal waters off the coasts of New Hampshire and Massachusetts to fishing for bivalve shellfish due to the presence in those waters of the toxins that cause paralytic shellfish poisoning (PSP). Shellfish contaminated with the toxin, if eaten in large enough quantity, can cause illness or death from PSP.

The closure was modified a number of times from 2005–2008, and the remaining closure was subsequently extended from 2008 until 2013. Beginning in 2014, the closure also included a prohibition on the harvest of gastropods.

Recently, NMFS, the FDA, the clam industry, and the Massachusetts Division of Marine Fisheries (DMF) investigated whether this closure is still warranted, and on May 19, 2014, the FDA sent NMFS a letter requesting that we reopen the area known as the Northern Temporary Paralytic Shellfish Poisoning (PSP) Closed Area for bivalve harvesting. This request is based on the premise that the area has not been subject to a toxic algal bloom for several years and testing of bivalve shellfish has demonstrated toxin levels well below those known to cause human illness. In addition, the FDA has developed an agreement with the Commonwealth of Massachusetts to conduct PSP monitoring of bivalves from the area in accordance with currently accepted PSP testing procedures. If the closure is lifted, DMF would test the reopened waters, and if the results yield samples that exceed the threshold for public safety, DMF would inform us to that effect, and we would work with the FDA to reinstate the closure.

If this action is implemented, NMFS would reopen the area referred to as the Northern Temporary PSP Closed Area for bivalve harvesting. This includes the fisheries for Atlantic surfclam and ocean

quahog, as well as mussels. The area would remain closed to the harvest of whole or roe-on scallops and gastropods. Whole and roe-on scallops and gastropods are believed to be more susceptible to PSP and may accumulate and retain much higher levels of toxicity. In addition, sufficient data do not exist to demonstrate that it would be safe to lift the closure for gastropods or whole and roe-on scallops. NMFS, the FDA, and DMF are working with the fishing industry to conduct a research project that would collect samples to help determine whether the area could also be opened to whole or roe-on scallops and gastropods. NMFS is seeking public comments on lifting the closure for bivalves as well as information regarding whole or roe-on scallops and gastropods and PSP in the area.

The areas defined at 50 CFR 648.81(d) and (e), referred to as the Cashes Ledge and the Western Gulf of Maine Essential Fish Habitat Areas (EFH), respectively, overlap with the area that would be reopened. Theses overlapping EFH areas would remain closed to hydraulic clam dredge gear.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the Assistant Administrator for Fisheries, NOAA, has determined that this proposed rule is consistent with the Atlantic Surfclam and Ocean Quahog Fishery Management Plan, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this certification is as follows.

The proposed measures would only affect vessels holding an active Federal open access surfclam and/or ocean quahog permit. The SBA defines a small commercial shellfish fishing entity as a firm with gross annual receipts not exceeding $5 million. In 2012, a total of 42 vessels reported harvesting surfclams and/or ocean quahogs from Federal waters under the Individual Fishing Quota system. In addition, 12 vessels participated in the limited access Maine ocean quahog fishery, for a total of 54 participants in 2012. Average 2012 gross income was $950,000 per vessel. Each vessel in this analysis is treated as a single entity for purposes of size determination and impact assessment. All 54 commercial fishing entities fall below the SBA size threshold for small commercial shellfish fishing entities, and thus would be considered small entities for the purposes of this analysis.

This rule, if implemented, is expected to have only a slightly beneficial economic impact on affected entities. The surfclam and ocean quahog fishery is managed under an Individual Transferable Quota (ITQ) system, and, since overall quotas are not being changed as a result of this action, no additional harvest would be permitted with this action. However, participating vessels would be able to fish in the Northern Temporary Paralytic Shellfish Poisoning (PSP) Closed Area, in addition to the existing areas open to the harvest of surfclams and ocean quahogs. Those vessels that choose to fish in the area proposed to be opened may experience a reduction in operational costs due to the area's relative close proximity to major fishing ports. As a result, these vessels could see some positive economic impacts. However, these benefits are not expected to be significant as this fishery is typically market limited and, as mentioned above, the fishery is managed under an ITQ, so it is not expected that there would be an increase in overall landings beyond what is allowed under the ITQ.

In addition, due to the seasonal variability of PSP toxin levels, any or all of the area associated with this action could open or close based on PSP conditions. Given the uncertainty as to whether the area would remain open, and since the fishery is managed under an ITQ system, it is not anticipated that there would be an overall increase in participation in the surfclam and ocean quahog fishery due to the opening of this area. Therefore, because this action only proposes to reopen an area that has previously been closed, and because no net change in fishing effort, participation in the fishery, or fishery expenses is expected, this action will not have a significant economic effect on a substantial number of small entities.

Reporting and Recordkeeping Requirements

This action does not introduce any new reporting, recordkeeping, or other compliance requirements. This proposed rule does not duplicate, overlap, or conflict with other Federal rules.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: July 1, 2014.

Eileen Sobeck,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to read 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 § 648.14, paragraph (a)(10)(iii) is revised to read as follows:

§ 648.14 Prohibitions.

(a) * * *

(10) * * *

(iii) Fish for, harvest, catch, possess or attempt to fish for, harvest, catch, or possess any any sea scallops, except for sea scallops harvested only for adductor muscles and shucked at sea and any gastropod species, including whelks, conchs, and carnivorous snails, unless issued and possessing on board a Letter of Authorization (LOA) from the Regional Administrator authorizing the collection of shellfish and/or gastropods for biological sampling and operating under the terms and conditions of said LOA, in the area of the U.S. Exclusive Economic Zone bound by the following coordinates in the order stated:

(A) 43°00′ N. lat., 71°00′ W. long.;

(B) 43°00′ N. lat., 69°00′ W. long.;

(C) 41°39′ N. lat., 69°00′ W. long.;

(D) 41°39′ N. lat., 71°00′ W. long.; and then ending at the first point.

* * * * *

[FR Doc. 2014–15803 Filed 7–3–14; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 79, No. 129

Monday, July 7, 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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0039]

Notice of Request for Revision to and Extension of Approval of an Information Collection; National Poultry Improvement Plan

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the National Poultry Improvement Plan.

DATES: We will consider all comments that we receive on or before September 5, 2014.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docket Detail;D=APHIS-2014-0039.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0039, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0039* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the National Poultry Improvement Plan, contact Dr. Denise Brinson, Director, National Poultry Improvement Plan, Veterinary Services, APHIS, 1506 Klondike Road, Suite 300, Conyers, GA 30094; (770) 922–3496. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

SUPPLEMENTARY INFORMATION:

Title: National Poultry Improvement Plan.

OMB Control Number: 0579–0007.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA), is authorized to, among other things, administer the National Poultry Improvement Plan (NPIP or the Plan), the primary purpose of which is to protect the health of the U.S. poultry population. NPIP is a voluntary Federal-State-industry cooperative program for the improvement of poultry flocks and products through disease control techniques. Participation in all Plan programs is voluntary, but flocks, hatcheries, and dealers of breeding poultry must first qualify as ''U.S. Pullorum-Typhoid Clean'' as a condition for participation in the Plan programs. The NPIP regulations are contained in 9 CFR parts 56, 145, 146, and 147.

To administer the Plan, APHIS requires a number of information activities and forms, including Veterinary Services (VS) Forms 1–23/1–23A, Appraisal and Indemnity Claim for Animals Destroyed or Materials Destroyed/Continuation Sheet; VS Form 9–2, Flock Selecting and Testing Report; VS Form 9–3, Report of Sales of Hatching Eggs, Chicks, and Poults; VS Form 9–4, Summary of Breeding Flock Participation; VS Form 9–5, Report of Hatcheries, Dealers, and Independent Flocks, Table-Egg Producers, Meat-Type Chicken and Turkey Slaughter Plants Participating in the NPIP; VS Form 9–6, Report of Salmonella Isolations to NPIP Official State Agencies; VS Form 9–7, Investigation of Salmonella Isolations in Poultry; VS Form 9–8, Flock Inspection and Check-Testing Report; VS Form 9–9, Hatchery Inspection Report; VS Form 10–3, Request for Salmonella Serotyping; banding of sentinel birds for identification prior to flock vaccination; memorandums of understanding; and recordkeeping.

Since the last approval of these collection activities, participation in NPIP has risen. In addition to industry participation, which is estimated at 99 percent, backyard chicken farmers who are raising poultry to satisfy the demand due to the increasing number of organic chicken and egg consumers want to join. Many people are also raising chickens and producing eggs for their own use. As a result of the increase in participation, the estimated annual number of respondents has increased from 10,800 to 18,097, and the estimated annual total burden has increased from 103,363 hours to 104,311 hours. Though the number of respondents increased, there was not a commensurate increase in the burden because of NPIP procedural changes. For instance, due to the information that can be obtained from NPIP's Web site, NPIP no longer sends letters to all NPIP participants and no longer prints participant directories.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection

technologies; e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.7 hours per response.

Respondents: Flock owners, breeders, hatchery operators, table-egg producers, meat-type chicken and turkey slaughter plant workers, personnel at approved laboratories, and State personnel.

Estimated annual number of respondents: 18,097.

Estimated annual number of responses per respondent: 8.5.

Estimated annual number of responses: 153,548.

Estimated total annual burden on respondents: 104,311 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 30th day of June 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–15751 Filed 7–3–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0044]

Notice of Request for Reinstatement of an Information Collection; National Animal Health Monitoring System; Equine 2015 Study

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Reinstatement of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a reinstatement of an information collection to support the National Animal Health Monitoring System's Equine 2015 Study to support the equine industry in the United States.

DATES: We will consider all comments that we receive on or before September 5, 2014.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docket Detail;D=APHIS-2014-0044.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0044, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail; D=APHIS-2014-0044* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the Equine 2015 Study, contact Mr. Chris Quatrano, Industry Analyst, Centers for Epidemiology and Animal Health, VS, APHIS, 2150 Centre Avenue, Building B MS 2E7, Fort Collins, CO 80526; (970) 494–7207. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

SUPPLEMENTARY INFORMATION:

Title: National Animal Health Monitoring System; Equine 2015 Study.

OMB Control Number: 0579–0269.

Type of Request: Reinstatement of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is authorized, among other things, to protect the health of U.S. livestock and poultry populations by preventing the introduction and interstate spread of serious diseases and pests of livestock and by eradicating such diseases from the United States when feasible. In connection with this mission, APHIS operates the National Animal Health Monitoring System (NAHMS), which collects nationally representative, statistically valid, and scientifically sound data on the prevalence and economic importance of livestock diseases and associated risk factors.

NAHMS' national studies are a collaborative industry and Government initiative to help determine the most effective means of preventing and controlling diseases of livestock. APHIS is the only agency responsible for collecting national data on livestock health. Participation in any NAHMS study is voluntary.

APHIS plans to conduct an Equine 2015 Study as part of an ongoing series of NAHMS studies on the U.S. livestock population. The purpose of this study is to:

- Describe trends in equine care and health management for study years 1998, 2005, and 2015;
- Estimate the occurrence of owner-reported lameness and describe practices associated with the management of lameness;
- Describe health and management practices associated with important equine infectious diseases;
- Describe animal health related costs of equine ownership;
- Evaluate control practices for gastrointestinal parasites;
- Evaluate horses for presence of ticks and describe tick-control practices used on equine operations; and
- Collect equine sera along with equine demographic information in order to create a serum bank for future studies.

The Equine 2015 Study will consist of on-farm questionnaires and a biological collection administered by National Agricultural Statistics Service enumerators and APHIS-designated data collectors. States are selected for participation based on the number of operations with equids and on the equid inventory. The goal is to include States that, combined, account for at least 70 percent of the operations and inventory in the United States. For each State, a weighted average of operations and inventory is calculated, with inventory weighted slightly higher. Generally, States with at least 2 percent of the U.S. total weighted average are selected to participate in the survey. States may also be included based on industry interest or for geographic representation.

The information collected will be used to:

- Direct future equine industry education;
- Allow equine owners and managers to compare their health management practices and disease prevalence in their equids with national and regional estimates;
- Identify research needs;
- Describe trends in equine health and management over time; and
- Provide baseline information to assist with policy development.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, such as electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.906 hours per response.

Respondents: Equine owners, equine farm managers, and equine trainers.

Estimated annual number of respondents: 18,446.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 18,446.

Estimated total annual burden on respondents: 16,712 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 30th day of June 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–15749 Filed 7–3–14; 8:45 am]

BILLING CODE 3410–34–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Performance Review Board Membership

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice.

SUMMARY: Notice is given of the appointment of members to a performance review board for the Architectural and Transportation Barriers Compliance Board (Access Board).

FOR FURTHER INFORMATION CONTACT: David M. Capozzi, Executive Director, Access Board, 1331 F Street NW., Suite 1000, Washington, DC 20004–1111. Telephone (202) 272–0010.

SUPPLEMENTARY INFORMATION: Section 4314 (c) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations, one or more Senior Executive Service (SES) performance review boards. The function of the boards is to review and evaluate the initial appraisal of senior executives' performance and make recommendations to the appointing authority relative to the performance of these executives. Because of its small size, the Access Board has appointed SES career members from other federal agencies to serve on its performance review board. The members of the performance review board for the Access Board are:

- Craig Luigart, Chief Information Officer, Veterans Health Administration, Department of Veterans Affairs;
- Georgia Coffey, Deputy Assistant Secretary for Diversity and Inclusion, Department of Veterans Affairs;
- Rebecca Bond, Chief, Disability Rights Section, Department of Justice.

David M. Capozzi,

Executive Director.

[FR Doc. 2014–15779 Filed 7–3–14; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Reporting of Sea Turtle Entanglement in Fishing Gear and Marine Debris.

OMB Control Number: 0648–0496.

Form Number(s): NA.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 112.

Average Hours per Response: Initial telephone calls and written reports, 1 hour each; follow-up interviews, 30 minutes.

Burden Hours: 163.

Needs and Uses: This request is for extension of a currently approved information collection.

Sea turtles can become accidentally entangled in active or discarded fishing gear, marine debris, or other lines in the marine environment. These entanglements may prevent the recovery of endangered and threatened sea turtle populations. NOAA's Marine Fisheries Service (NMFS) established the Sea Turtle Disentanglement Network in response to the threat of entanglement, in particular in the vertical line of fixed gear fisheries. The Network's goals are to increase reporting and to reduce sea turtle serious injury and mortality associated with these events. As there is limited to no observer coverage of pot gear fisheries, NMFS relies on the Network, the United States Coast Guard (USCG), the fishing industry, Federal, state, and local authorities, and the public for this information, which helps NMFS understand the threats to sea turtle populations in the Northeast Region (Maine to Virginia).

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

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

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

Dated: June 30, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–15684 Filed 7–3–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–861, A–580–850, A–570–879]

Polyvinyl Alcohol From Japan, the Republic of Korea, and the People's Republic of China: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders

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

SUMMARY: On June 5, 2008, the Department of Commerce (the Department) initiated sunset reviews of the antidumping duty orders on polyvinyl alcohol (PVA) from Japan, the Republic of Korea (Korea), and the People's Republic of China (PRC)

pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). The Department has conducted expedited (120-day) sunset reviews for these orders pursuant to 19 CFR 351.218(e)(1)(ii)(C)(2). As a result of these sunset reviews, the Department finds that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping as indicated in the ''Final Results of Review'' section of this notice.[1]

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

FOR FURTHER INFORMATION CONTACT: Alice Maldonado at (202) 482–4682, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 2014, the Department published the notice of initiation of the sunset reviews of the antidumping duty orders on PVA from Japan, Korea, and the PRC pursuant to section 751(c) of the Act.[2]

The Department received notices of intent to participate from E.I. du Pont de Nemours and Company and Sekisui Specialty Chemical America, LLC (collectively, ''the domestic interested parties'') within the deadline specified in 19 CFR 351.218(d)(1)(i). The companies claimed interested party status under section 771(9)(C) of the Act as manufacturers of a domestic like product in the United States.

The Department received complete substantive responses to the notice of initiation from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). We received no substantive responses from respondent interested parties with respect to any of the orders covered by these sunset reviews, nor was a hearing requested. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted expedited (120-day) sunset reviews of the antidumping duty orders for Japan, Korea, and the PRC.

Scope of the Orders

The merchandise covered by these orders is PVA. This product consists of all PVA hydrolyzed in excess of 80 percent, whether or not mixed or diluted with commercial levels of defoamer or boric acid, except as noted below.

The following products are specifically excluded from the scope of these orders:

(1) PVA in fiber form.

(2) PVA with hydrolysis less than 83 mole percent and certified not for use in the production of textiles.

(3) PVA with hydrolysis greater than 85 percent and viscosity greater than or equal to 90 cps.

(4) PVA with a hydrolysis greater than 85 percent, viscosity greater than or equal to 80 cps but less than 90 cps, certified for use in an ink jet application.

(5) PVA for use in the manufacture of an excipient or as an excipient in the manufacture of film coating systems which are components of a drug or dietary supplement, and accompanied by an end-use certification.

(6) PVA covalently bonded with cationic monomer uniformly present on all polymer chains in a concentration equal to or greater than one mole percent.

(7) PVA covalently bonded with carboxylic acid uniformly present on all polymer chains in a concentration equal to or greater than two mole percent, certified for use in a paper application.

(8) PVA covalently bonded with thiol uniformly present on all polymer chains, certified for use in emulsion polymerization of non-vinyl acetic material.

(9) PVA covalently bonded with paraffin uniformly present on all polymer chains in a concentration equal to or greater than one mole percent.

(10) PVA covalently bonded with silan uniformly present on all polymer chains certified for use in paper coating applications.

(11) PVA covalently bonded with sulfonic acid uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent.

(12) PVA covalently bonded with acetoacetylate uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent.

(13) PVA covalently bonded with polyethylene oxide uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent.

(14) PVA covalently bonded with quaternary amine uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent.

(15) PVA covalently bonded with diacetoneacrylamide uniformly present on all polymer chains in a concentration level greater than three mole percent, certified for use in a paper application.

The merchandise subject to these orders is currently classifiable under subheading 3905.30.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of these orders is dispositive.

Analysis of Comments Received

All issues raised in these reviews are addressed in the ''Decision Memorandum for the Expedited Sunset Reviews of the Antidumping Duty Orders on Polyvinyl Alcohol from Japan, the Republic of Korea, and the People's Republic of China'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald Lorentzen, Acting Assistant Secretary for Enforcement and Compliance (June 30, 2014) (Decision Memo), which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margins of dumping likely to prevail if the orders were revoked. The Decision Memo is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov,* and it is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Decision Memo can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Decision Memo are identical in content.

Final Results of Reviews

The Department determines that revocation of the antidumping duty orders on PVA from Japan, Korea, and the PRC would be likely to lead to continuation or recurrence of dumping, and that the margins of dumping likely to prevail are the following rates:

[1] *See Initiation of Five-Year (''Sunset'') Reviews,* 79 FR 11762 (Mar. 3, 2014) (*Notice of Initiation*).

[2] *Id.*

Exporters or producers	Rate (percent)
Japan:	
Denki Kagaku Kogyo Kabushiki Kaisha	144.16
Japan VAM & POVAL Co., Ltd	144.16
Kuraray Co., Ltd	144.16
The Nippon Synthetic Chemical Industry Co., Ltd	144.16
All-Others Rate	76.78
Korea:	
DC Chemical Company, Ltd	38.74
All-Others Rate	32.08
PRC:	
Sinopec Sichuan Vinylon Works	3.45
PRC-Wide Entity	97.86

Notifications to Interested Parties

This notice serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely notification of the destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these results in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.221(c)(5)(ii).

Dated: June 30, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–15766 Filed 7–3–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council (Council); Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Gulf of Mexico Fishery Management Council (GMFMC) and the South Atlantic Fishery Management Council (SAFMC) will hold a meeting of its Joint Council Committee on South Florida Management Issues and the Ad Hoc Goliath Grouper Joint Council Steering Committee in Key Largo, FL.

DATES: The meeting will be held from 9 a.m. Tuesday, July 22, 2014 until 12 noon on Thursday, July 24, 2014.

ADDRESSES:

Meeting address: The meeting will be held at the Hilton Key Largo Hotel, 97000 Overseas Highway, Key Largo, FL.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Mr. Douglas Gregory, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630; fax: (813) 348–1711; email: *doug.gregory@gulfcouncil.org.*

SUPPLEMENTARY INFORMATION: The items of discussion on the agenda are as follows:

Joint Council Committee on South Florida Management Issues Agenda, Tuesday, July 22, 2014, 9 a.m. Until 5 p.m.

1. Introduction
2. Approval of Agenda
3. Approval of January 7–9, 2014 Jt. Council Committee on South Florida Management Issues and Ad Hoc Goliath Grouper Joint Council Steering Committee Minutes
4. South Florida Management Issues
   a. Status of South Atlantic Species Removal
   b. Committee Recommendations
   c. Review of Draft Joint Generic Amendment to the Gulf Reef Fish and South Atlantic Snapper Grouper FMPs
   d. Committee Recommendations
5. Public Comment
6. Recess

Joint Council Committee on South Florida Management Issues, Wednesday, July 23, 2014, 9 a.m. Until 5 p.m.

7. South Florida Management Issues—continued
   a. Continue Reviewing a of Draft Joint Generic Amendment to the Gulf Reef Fish and South Atlantic Snapper Grouper FMPs
   b. Committee Recommendations
8. Progress Report on Speckled Hind and Warsaw Grouper Working Group
   a. Life history information
   b. Stock structure and status
   c. Regulations
   d. Committee Recommendations
9. Public Comment
10. Summary of motions and committee actions/wrap-up
11. Other Business
12. Adjourn

Ad Hoc Goliath Grouper Joint Steering Committee Agenda, Thursday, July 24, 2014, 9 a.m. Until 12 noon

Goliath Grouper
   a. Review of ongoing goliath grouper research obtained
   b. Report on SSC/stock assessment analyst recommendations
   c. Next steps for assessment/additional data collection
   d. Ad Hoc Goliath Grouper Joint Steering Committee Recommendations
   e. Other business
   f. Adjourn

Joint Council Committee on South Florida Management Issues will be convened to provide Discussion and Feedback on the Recommendations from Ad Hoc Goliath Grouper Joint Committee
   a. Public Comment
   b. Joint Council Committee Recommendations and Next Steps

—Adjourn—

The Agenda is subject to change, and the latest version will be posted on the Council's file server, which can be accessed by going to the Council Web site at *http://www.gulfcouncil.org* and clicking on FTP Server under Quick Links. The meetings will be Webcast over the Internet. A link to the Webcast will be available on the Council's Web site, *http://www.gulfcouncil.org.*

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action

will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Council Office (see **ADDRESSES**), at least 5 working days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: July 1, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–15777 Filed 7–3–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD365

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Whiting Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, July 23, 2014 at 9:30 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the Sheraton Harborside, 250 Market Street, Portsmouth, NH 0380; telephone: (603) 431–2300; fax: (603) 433–5649.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The Whiting Committee will meet and discuss management adjustments to be included in the 2015–17 specifications package. Following the Scientific and Statistical Committee approval of Acceptable Biological Catches and Annual Catch Limits in late August based on an operational assessment and recommendations of the Whiting Plan Development Team, the Council will hold a first specifications meeting in September, 2014 and approve final adjustments in November, 2014.

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during this meeting. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: July 1, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–15776 Filed 7–3–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD363

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Mid-Atlantic Fishery Management Council's (MAFMC) Bluefish Monitoring Committee and Summer Flounder, Scup, and Black Sea Bass Monitoring Committee will hold public meetings.

DATES: The Monitoring Committees will meet on Friday, July 25, from 9 a.m. until 2:30 p.m. See **SUPPLEMENTARY INFORMATION** for meeting agendas.

ADDRESSES: The meeting will be held via webinar, accessible at: *http://mafmc.adobeconnect.com/mc/*. Audio-only connection details will be posted at *http://www.mafmc.org/prior* to the meeting.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Bluefish Monitoring Committee will meet from 9 a.m. to 10 a.m. on Friday, July 25 to discuss and recommend 2015 annual catch targets (ACTs) and other associated management measures for the bluefish fishery. The Summer Flounder, Scup, and Black Sea Bass Monitoring Committee will meet from 10 a.m. to 2:30 p.m. to review and discuss previously implemented 2015 annual catch targets (ACTs) and other associated management measures for the summer flounder, scup, and black sea bass fisheries. The Summer Flounder, Scup, and Black Sea Bass Monitoring Committee may consider recommending changes to the implemented 2015 ACTs and management measures as necessary. Meeting materials will be posted to *http://www.mafmc.org/prior* to the meeting.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Saunders at the Mid-Atlantic Council Office, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: July 1, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–15775 Filed 7–3–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC477

Marine Mammals; File No. 17754

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that a public display permit has been issued to Sea World, Inc., 9205 South Park Circle, Suite 400, Orlando, FL 32819.

ADDRESSES: The application and related documents are available for review upon written request or by appointment at the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore or Amy Sloan, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On February 4, 2013, notice was published in the **Federal Register** (78 FR 7755) that a request for a permit to import one female, captive-born Pacific white-sided dolphin (*Lagenorhynchus obliquidens*) had been submitted by the above-named applicant. The dolphin would be imported from Kamogawa SeaWorld 1404–18 Higashi-cho, Kamogawa, Chiba, Japan to Sea World San Antonio, 10500 SeaWorld Drive, San Antonio, TX 78251 for the purposes of public display. The requested permit has been issued under the under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216). The permit is valid through June 30, 2017.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: July 1, 2014.

Julia Harrison,

Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–15778 Filed 7–3–14; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds products and a service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products from the Procurement List previously furnished by such agencies.

DATES: Effective Date: 8/7/2014

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 5/16/2014 (79 FR 28490–28491); 5/30/2014 (79 FR 31095–31096); and 6/6/2014 (79 FR 32716–32718), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and service and impact of the additions on the current or most recent contractors, the Committee has determined that the products and service 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 and service to the Government.

2. The action will result in authorizing small entities to furnish the products and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 USC 8501–8506) in connection with the products and service proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products and service are added to the Procurement List:

Products

NSN: 5340–00–NIB–0080—Desktop/Notebook Security Cable, Master-Coded Combination Lock Kit, 20 Lock Kits
NSN: 5340–00–NIB–0082—Desktop/Notebook Security Cable, Master-Keyed Lock Kit, 10 Lock Kits
NPA: Alphapointe, Kansas City, MO
Contracting Activity: Defense Logistics Agency Troop Support, Philadelphia, PA
Coverage: A-List for the Total Government Requirement as aggregated by the Defense Logistics Agency Troop Support, Philadelphia, PA
NSN: 7920–00–NIB–0570—Broom, Sweeping, Extra-Rough Surface, 24″ Block with 60″ Handle
NSN: 7920–00–NIB–0571—Broom, Sweeping, Smooth Surface, 24″ Block with 60″ Handle
NSN: 7920–00–NIB–0572—Broom, Sweeping, Medium Surface, 24″ Block with 60″ Handle
NPA: Industries for the Blind, Inc., West Allis, WI
Contracting Activity: General Services Administration, Fort Worth, TX
Coverage: B-List for the Broad Government Requirement as aggregated by the General Services Administration, Fort Worth, TX

Service

Service Type/Location: Kennel Caretaker Service, U.S. Customs and Border Protection, Kennel Facility, Ft Buchanan, Bldg 295, Guaynabo, PR.
NPA: The Corporate Source, Inc., New York, NY
Contracting Activity: Dept of Homeland Security, U.S. Customs and Border Protection, Border Enforcement Contracting Division, Washington, DC

Deletions

On 5/23/2014 (79 FR 29747), 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 products 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 products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 USC 8501–8506) in connection with the products deleted from the Procurement List.

End of Certification

Accordingly, the following products are deleted from the Procurement List:

Products

Cord Assembly, Elastic

NSN: 4020–01–072–4557
NSN: 4020–01–072–4558
NPA: Alpha Opportunities, Inc., Jamestown, ND
Contracting Activity: Defense Logistics Agency Troop Support, Philadelphia, PA

Glove, Powder Free

NSN: 6515–00–NIB–0555—Protegrity Smt
NSN: 6515–00–NIB–0556—Protegrity Smt
NSN: 6515–00–NIB–0557—Protegrity Smt
NSN: 6515–00–NIB–0558—Protegrity Smt
NSN: 6515–00–NIB–0559—Protegrity Smt
NSN: 6515–00–NIB–0560—Protegrity Smt
NSN: 6515–00–NIB–0561—Protegrity Smt
NSN: 6515–00–NIB–0562—Protegrity Smt
NSN: 6515–00–NIB–0563—Protegrity Micro Smt
NSN: 6515–00–NIB–0564—Protegrity Micro Smt
NSN: 6515–00–NIB–0565—Protegrity Micro Smt
NSN: 6515–00–NIB–0566—Protegrity Micro Smt
NSN: 6515–00–NIB–0567—Protegrity Micro Smt
NSN: 6515–00–NIB–0568—Protegrity Micro Smt
NSN: 6515–00–NIB–0569—Protegrity Micro Smt
NSN: 6515–00–NIB–0570—Protegrity Micro Smt
NPA: Bosma Industries for the Blind, Inc., Indianapolis, IN
Contracting Activity: Department of Veterans Affairs, NAC, Hines, IL

Mattress, High Density Lumbar

NSN: 7210–00–NIB–0060
NSN: 7210–00–NIB–0061
NPA: RLCB, Raleigh, NC
Contracting Activity: Dept. of the Army, W40M Northeregion Contract Ofc, Fort Belvoir, VA

Folder, File

NSN: 7530–00–NSH–0073
NSN: 7530–00–NSH–0074
NSN: 7530–00–NSH–0075
NSN: 7530–00–NSH–0076
NSN: 7530–00–NSH–0077
NSN: 7530–00–NSH–0078
NSN: 7530–00–NSH–0079
NSN: 7530–00–NSH–0080
NSN: 7530–00–NSH–0081
NSN: 7530–00–NSH–0082
NPA: Goodwill Industries of the Pioneer Valley, Inc., Springfield, MA
Contracting Activity: General Services Administration, New York, NY

Hydramax Hydration System

NSN: 8465–01–525–1559—Alpha, UCP, 120 oz
NSN: 8465–01–524–2144—Mustang, UCP, 120 oz
NSN: 8465–01–524–2761—Mustang, Black, 120 oz
NSN: 8465–01–524–2764—Replacement Parts, Alpha and Mustang, 120 oz
NPA: The Lighthouse for the Blind, Inc. (Seattle Lighthouse), Seattle, WA
Contracting Activity: General Services Administration, Fort Worth, TX

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2014–15745 Filed 7–3–14; 8:45 am]

BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Renew Collection 3038–0082—Whistleblower Provision and Updated Form TCR for Whistleblower Submissions

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (CFTC) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (''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 August 2011, the Commission adopted the final rule, as required by the Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act''), requiring the submission of whistleblower information to the Commission on the Form TCR. The Commission is updating the Form TCR to incorporate questions from the Division of Enforcement's Complaint Form. This notice solicits comments, as described below, on the proposed Information Collection Request (ICR) titled: Whistleblower Provision, and Updated Form TCR; OMB Control Number 3038–0082.

DATES: Comments must be submitted on or before September 5, 2014.

ADDRESSES: You may submit comments, identified by ''Whistleblower Provision and Updated Form TCR,'' by any of the following methods:

- *Agency Web Site, Via Its Comments Online Process: http://comments.cftc.gov.* Follow the instructions for submitting comments through the Web site.
- *Mail:* Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail, above.
- *Federal eRulemaking Portal: http://www.regulations.gov/search/index.jsp.* Follow the instructions for submitting comments through the Portal.

Please submit your comments using only one method.

FOR FURTHER INFORMATION CONTACT: Eduardo Martinez, Attorney, Whistleblower Office, Commodity Futures Trading Commission, (202) 418–5979; email: *emartinez@cftc.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of Information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed collection of information listed below.

With respect to the following collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of 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.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Whistleblower Provision and Updated Form TCR for Whistleblower Submissions, OMB Control Number 3038–0082—Extension

Abstract: 17 CFR 165.3(a) requires the submission of information to the Commission on a Form TCR. The Form TCR, ''Tip, Complaint, or Referral,'' and the instructions thereto, are designed to capture basic identifying information about a complainant and elicit sufficient information to determine whether the conduct alleged suggests a violation of the Commodity Exchange Act. The Commission has updated the questions asked on the Form TCR to be more specific and detailed.

Burden Statement: The respondent burden for this collection is estimated to be .5 hours per response.

Respondents/Affected Entities: Individuals.

Estimated Number of Respondents: 250 per year.

Estimated Total Annual Burden on Respondents: 125 hours.

Frequency of Collection: Once.

[1] 17 CFR 145.9.

Dated: June 30, 2014.

Christopher J. Kirkpatrick,

Acting Secretary of the Commission.

[FR Doc. 2014–15729 Filed 7–3–14; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board, U.S. Department of Education.

ACTION: Notice of Open and Closed Meeting Sessions.

SUMMARY: This notice sets forth the schedule and proposed agenda for the upcoming meeting of the National Assessment Governing Board (Board) and also describes the specific functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This notice is issued to provide members of the general public with an opportunity to attend and/or provide comments. Individuals who will need special accommodations in order to attend the meeting (e.g. interpreting services, assistive listening devices, materials in alternative format) should notify Munira Mwalimu at 202–357–6938 or at *Munira.Mwalimu@ed.gov* no later than July 28, 2014. We will attempt to meet requests after this date but cannot guarantee availability of the requested accommodation. The meeting site is accessible to individuals with disabilities.

DATES: July 31–August 2, 2014.

Times

July 31: Committee Meetings

Assessment Development Committee: Closed Session: 8:30 a.m.–4:00 p.m.

Assessment Literacy Work Group: Open Session: 2:00 p.m.–4:00 p.m.

Executive Committee: Open Session: 4:30 p.m.–5:00 p.m. Closed Session: 5:00 p.m.–5:30 p.m.

August 1: Full Board and Committee Meetings

Full Board: Open Session: 8:30 a.m.–9:45 a.m.; Closed Session 12:45 p.m.–1:45 p.m.; Open Session 2:00 p.m.–3:15 p.m.; Closed Session 3:30 p.m.–5:00 p.m.

Committee Meetings:

Reporting and Dissemination Committee (R&D): Open Session: 9:45 a.m.–12:30 p.m.

Assessment Development Committee (ADC): Open Session: 9:45 a.m.–12:30 p.m.

Committee on Standards, Design and Methodology (COSDAM): Open Session: 9:45 a.m.–12:30 p.m.

August 2: Full Board and Committee Meetings

Nominations Committee: Closed Session: 7:30 a.m.–8:15 a.m.

Full Board: Open Session 8:30 a.m.–12:00 p.m.

Location: The Fairfax at Embassy Row, 2100 Massachusetts Avenue NW., Washington DC.

FOR FURTHER INFORMATION CONTACT: Munira Mwalimu, Executive Officer, National Assessment Governing Board, 800 North Capitol Street NW., Suite 825, Washington, DC, 20002–4233, Telephone: (202) 357–6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board (Board) is established under section 302 of the National Assessment of Educational Progress Authorization Act.

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress (NAEP). The Board's responsibilities include the following: selecting subject areas to be assessed, developing assessment frameworks and specifications, developing appropriate student achievement levels for each grade and subject tested, developing standards and procedures for interstate and national comparisons, developing guidelines for reporting and disseminating results, and releasing initial NAEP results to the public.

On July 31, 2014, from 8:30 a.m. to 4:00 p.m. the Assessment Development Committee will meet in closed session to review secure NAEP test items in grades 4, 8 and 12 for the 2015 operational assessment in science. The Committee will review and discuss secure test items that cannot be discussed in an open meeting to protect the confidentiality of the secure assessment materials. Premature disclosure of these results would significantly impede implementation of the NAEP assessment program, and is therefore protected by exemption 9(B) of section 552b(c) of Title 5 United States Code.

The Board's Assessment Literacy Work Group will meet in open session on July 31, 2014, from 2:00 p.m. to 4:00 p.m. The Work Group will discuss strategies and timelines related to their work on promoting a better understanding of educational tests among parents and members of the general public.

The Board's Executive Committee will convene on July 31, 2014 in open session from 4:30 p.m. to 5:00 p.m. to

review and discuss the July 31-August 2, 2014 Board meeting agenda, receive updates on the NAEP budget, assessment schedule, and reauthorization, and discuss Board Committee issues and challenges to be addressed by the respective Board Committees.

Following this session, the Executive Committee will meet in closed session from 5:00 p.m. to 5:30 p.m. to receive and discuss costs for specific activities under individual and collective current contracts, and independent government cost estimates from the National Center for Education Statistics (NCES) staff on various options for proposed item development, data collection, scoring and analysis, and reporting of NAEP for 2014–2018. The implications of the cost estimates and funds in support of the NAEP Assessment Schedule and future NAEP activities will also be discussed. This part of the meeting must be conducted in closed session because public disclosure of this information would likely have an adverse financial effect on the NAEP program by providing confidential cost details and proprietary contract costs of current contractors to the public. Discussion of this information would be likely to significantly impede implementation of a proposed agency action if conducted in open session. Such matters are protected by exemption 9(B) of section 552b of Title 5 U.S.C.

On August 1, 2014, the full Board will meet in open session from 8:30 a.m. to 9:30 a.m. The Board will review and approve the August 2014 Board meeting agenda and meeting minutes from the May 15–17, 2014 Quarterly Board meeting. This session will be followed by the Chairman's remarks. Following these remarks, the Executive Director of the Governing Board will provide a report, followed by updates on the National Center for Education Statistics (NCES) and NAEP from the Director of the Institute of Education Sciences (IES). Thereafter, the Board will recess for Committee meetings from 9:45 a.m. to 12:30 p.m.

The Reporting and Dissemination Committee, Assessment Development Committee, and the Committee on Standards, Design and Methodology (COSDAM) will meet in open sessions from 9:45 a.m. to 12:30 p.m.

Following the Committee meetings, the Board will convene in closed session from 12:45 p.m. to 1:45 p.m. to receive a briefing and discuss the NAEP Report on School Composition and the Black-White Achievement Gap. The Board will receive an embargoed briefing on preliminary results, which will include assessment data and results that cannot be discussed in an open meeting prior to their official approval and release by the National Assessment Governing Board. Premature disclosure of these results would significantly impede implementation of the NAEP assessment program, and is therefore protected by exemption 9(B) of section 552b(c) of Title 5 United States Code.

On August 1, 2014 from 2:00 p.m. to 3:15 p.m., the Board will meet in open session to engage in a question and answer session with representatives from the Common Core State Assessment Consortia. Thereafter, from 3:30 p.m. to 5:00 p.m., the Board will meet in closed session to discuss and take action on the NAEP Schedule of Assessments. The action will require discussions on independent government cost estimates that will likely have an impact on the NAEP Schedule of Assessments. This part of the meeting must be conducted in closed session because public disclosure of this information would likely have an adverse financial effect on the NAEP program by providing contractors attending an unfair advantage in procurement and contract negotiations for NAEP. Discussion of this information would be likely to significantly impede implementation of a proposed agency action if conducted in open session. Such matters are protected by exemption 9(B) of section 552b of Title 5 U.S.C.

On August 2, 2014, the Nominations Committee will meet in closed session from 7:30 a.m. to 8:15 a.m. to discuss candidates for the eight Board vacancies for terms beginning on October 1, 2015. The Committee's discussions pertain solely to internal personnel rules and practices of an agency and information of a personal nature where disclosure would constitute an unwarranted invasion of personal privacy. As such, the discussions are protected by exemptions 2 and 6 of section 552b(c) of Title 5 of the United States Code.

On August 2, 2014, the Board will meet in open session from 8:30 a.m. to 12:00 p.m. The Board will receive a briefing on an Inside NAEP series—Expanding Scales to Improve Achievement from 8:30 a.m. to 9:30 a.m. Following this session, from 9:30 a.m. to 10:15 a.m. the Board will receive a briefing on research work on NAEP Contextual Questions.

Outgoing Board members Brent Houston, Tom Luna, and David Driscoll will provide remarks from 10:30 a.m. to 10:45 a.m. The Board is scheduled to receive reports from the standing Committees and take action on Committee recommendations from 10:45 a.m. to 12:00 p.m. The August 2, 2014 meeting is scheduled to adjourn at 12:00 p.m.

A verbatim transcript of the meeting, consistent with the policy of section 5 U.S.C. 552b(c) will be available to the public within 14 days of the meeting. Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, Suite #825, 800 North Capitol Street NW., Washington, DC 20002, from 9:00 a.m. to 5:00 p.m. Eastern Time, Monday through Friday.

Electronic Access to This Document: You may 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) on the Internet at *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at *http://get.adobe.com/reader.* If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free at 1–866–512–1800; or in the Washington, DC, area at (202) 512–0000.

Note: 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 on GPO Access at: *www.gpoaccess.gov/nara/index.html*

Dated: July 1, 2014.

Cornelia S. Orr,

Executive Director, National Assessment Governing Board (NAGB), U.S. Department of Education.

[FR Doc. 2014–15743 Filed 7–3–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Microgrid Competition

Correction

In notice document 2014–15386 beginning on page 37303 in the issue of Tuesday, July 1, 2014, make the following correction:

On page 37306, in the third column, under ''IX. Contact Information,'' starting in the second line, *Microgrid;Competition@hq.doe.gov* should read *MicrogridCompetition@hq.doe.gov.*

[FR Doc. C1–2014–15386 Filed 7–3–14; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–101–000]

City of Clarksville, Tennessee; Notice of Availability of the Environmental Assessment for the Proposed Clarksville Natural Gas Interconnect Pipeline Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared this environmental assessment (EA) for the Clarksville Natural Gas Interconnect Pipeline Project proposed by City of Clarksville, Tennessee (Clarksville) in the above-referenced docket. Clarksville requests authorization to construct pipeline facilities in Todd County, Kentucky and Montgomery County, Tennessee to provide access to additional natural gas sources to serve Clarksville's retail distribution system.

The EA assesses the potential environmental effects of the construction and operation of the Clarksville Natural Gas Interconnect Pipeline Project in accordance with the requirements of the National Environmental Policy Act of 1969. The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The U.S. Army Corps of Engineers participated as a cooperating agency in the preparation of the EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis.

The proposed Clarksville Natural Gas Interconnect Pipeline Project includes the following facilities:

- 20.8 miles of 12-inch-diameter pipeline in Todd County, Kentucky; and
- a pressure-reducing valve station at milepost 0.0 in Todd County, Kentucky.

The FERC staff mailed copies of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; newspapers and libraries in the project area; and parties to this proceeding.

In addition, the EA is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before July 30, 2014.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the project docket number (CP14–101–000) with your submission. The Commission encourages electronic filing of comments and has dedicated eFiling expert staff available to assist you at 202–502–8258 or *efiling@ferc.gov.*

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's Internet Web site at *www.ferc.gov* under the link to Documents and Filings. An eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments electronically by using the eFiling feature, which is located at *www.ferc.gov* under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making. A comment on a particular project is considered a ''Comment on a Filing;'' or

(3) You may file a paper copy of your comments at the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number excluding the last three digits in the Docket Number field (i.e., CP14–101). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notifications of these filings, document summaries, and direct links to the documents. Go to *http://www.ferc.gov/docs-filing/esubscription.asp.*

Dated: June 27, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–15697 Filed 7–3–14; 8:45 am]

BILLING CODE 6717–01–P

[1] See the previous discussion on the methods for filing comments.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF13–7–001]

United States Department of Energy; Bonneville Power Administration; Notice of Filing

Take notice that on June 13, 2014, the Bonneville Power Administration resubmitted Appendix A to its Proposed 2014 Wholesale Power and Transmission Rates Rate Adjustment to be effective 9/27/2013.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the

Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on July 14, 2014.

Dated: June 27, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–15700 Filed 7–3–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL14–78–000; QF14–91–001]

Notice of Petition for Declaratory Order; Beaver Falls Municipal Authority

Take notice that on June 26, 2014, pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2), Beaver Falls Municipal Authority (BFMA) filed a petition for declaratory order seeking limited waiver of the Commission's small power production qualifying (QF) filing regulations set forth in 18 CFR 292.203(a)(3) from March 17, 2006 to November 15, 2003 when BFMA inadvertently failed to file its QF self-certification with the Commission.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on July 28, 2014.

Dated: June 27, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–15701 Filed 7–3–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–507–000]

Texas Eastern Transmission, LP; Notice of Request Under Blanket Authorization

Take notice that on June 25, 2014, Texas Eastern Transmission, LP (Texas Eastern), 5400 Westheimer Court, Houston, Texas 77056–5310, filed a prior notice application pursuant to section 7(b) of the Natural Gas Act (NGA) and sections 157.205 and 157.216 of the Federal Energy Regulatory Commission's (Commission) regulations under the NGA, and Texas Eastern's blanket certificate issued in Docket No. CP82–535–000, for authorization to abandon certain inactive supply laterals located in offshore federal waters in the Gulf of Mexico near Louisiana. Specifically, Texas Eastern proposes to abandon in place approximately 5.2 miles of 12-inch diameter pipeline (Line 40–B–3–B), all as more fully set forth in the application, which is open to the public for inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Lisa A. Connolly, General Manager, Rates & Certificates, Texas Eastern Transmission, LP, P.O. Box 1642, Houston, Texas 77251–1642, or phone (713) 627–4102 or fax (713) 627–5947 or by email *laconnolly@spectraenergy.com.*

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

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.

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 commenters 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 commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenter will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: June 27, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–15699 Filed 7–3–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–502–000]

Columbia Gas Transmission, LLC; Notice of Request Under Blanket Authorization

Take notice that on June 17, 2014, Columbia Gas Transmission, LLC (Columbia), 5151 San Felipe, Suite 2500, Houston, TX 77056, filed a prior notice application pursuant to section 7(b) of the Natural Gas Act (NGA) and sections 157.205 and 157.216 of the Federal Energy Regulatory Commission's (Commission) regulations under the NGA, and Columbia's blanket certificate issued in Docket No. CP83–76–000, for authorization to abandon by removal four compressor units and various appurtenant facilities and structures at Huff Creek Compressor Station situated in Wyoming County, West Virginia, all as more fully set forth in the application, which is open to the public for inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Fredric J. George, Senior Counsel, Columbia Gas Transmission, LLC, P.O. Box 1273, Charleston, West Virginia 25325–1273, or phone (304) 357–2359 or fax (304) 357–3206 or by email *fgeorge@nisource.com.*

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

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.

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 commenters 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 commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenter will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: June 27, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–15698 Filed 7–3–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2014–0381; FRL–9911–22]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is required under the Toxic Substances Control Act (TSCA) to publish in the **Federal Register** a notice of receipt of a premanufacture notice (PMN); an application for a test marketing exemption (TME), both pending and/or expired; and a periodic status report on any new chemicals under EPA review and the receipt of notices of commencement (NOC) to manufacture those chemicals. This document covers the period from May 23, 2013 to September 30, 2013.

DATES: Comments identified by the specific PMN number or TME number, must be received on or before August 6, 2014.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2014–0381, and the specific PMN number or TME number for the chemical related to your comment, by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

• *Mail:* 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:* Bernice Mudd, Information Management Division (7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8951; email address: *mudd.bernice@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?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the PMNs addressed in this action.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. What action is the Agency taking?

This document provides receipt and status reports, which cover the period from May 23, 2013 to September 30, 2013, and consists of the PMNs and TMEs both pending and/or expired, and the NOCs to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. What is the Agency's authority for taking this action?

Section 5 of TSCA requires that EPA periodical publish in the **Federal Register** receipt and status reports, which cover the following EPA activities required by provisions of TSCA section 5.

EPA classifies a chemical substance as either an ''existing'' chemical or a ''new'' chemical. Any chemical substance that is not on EPA's TSCA Inventory is classified as a ''new chemical,'' while those that are on the TSCA Inventory are classified as an ''existing chemical.'' For more information about the TSCA Inventory go to: *http://www.epa.gov/opptintr/newchems/pubs/inventory.htm.* Anyone who plans to manufacture or import a new chemical substance for a non-exempt commercial purpose is required by TSCA section 5 to provide EPA with a PMN, before initiating the activity. Section 5(h)(1) of TSCA authorizes EPA to allow persons, upon application, to manufacture (includes import) or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a), for ''test marketing'' purposes, which is referred to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: *http://www.epa.gov/oppt/newchems.*

Under TSCA sections 5(d)(2) and 5(d)(3), EPA is required to publish in the **Federal Register** a notice of receipt of a PMN or an application for a TME and to publish in the **Federal Register** periodic status reports on the new chemicals under review and the receipt of NOCs to manufacture those chemicals.

IV. Receipt and Status Reports

In Table I of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: The EPA case number assigned to the PMN, the date the PMN was received by EPA, the projected end date for EPA's review of the PMN, the submitting manufacturer/importer, the potential uses identified by the manufacturer/importer in the PMN, and the chemical identity.

TABLE I—249 PMNS RECEIVED FROM 5/23/13 TO 9/30/13

Case No.	Received date	Projected notice end date	Manufacturer/ Importer	Use	Chemical
P–13–0467	05/22/2013	08/20/2013	CBI	(G) Curing Agent For Thermoset Resins.	(G) Substituted Polysiloxane.
P–13–0468	05/23/2013	08/21/2013	Henkel Corporation	(S) Site Limited Chemical Intermediate To Cureable Monomer.	(S) Oxirane,[(1-Propenyloxy)Methyl]-(9ci).
P–13–0494	05/30/2013	08/28/2013	CBI	(G) Cleaning Fluid	(S) 1,3-Dioxolane-4-Methanol, 2-methyl-2-(2-Methylpropyl)-.
P–13–0495	05/30/2013	08/28/2013	Wacker Chemicals Corporation.	(G) The Substance Is A Filler Used In Fire Resistant Silicone Rubber Blends.	(G) Metal Hydroxide, Treated With Alkenyl Alkoxy Silane.
P–13–0496	05/31/2013	08/29/2013	CBI	(G) Additive For Paper	(G) Amophoteric Polyacrylamine.
P–13–0497	05/31/2013	08/29/2013	Henkel Corporation	(S) A Polymerizable Component Of Adhesive And Sealant Formulations.	(S) 2-Propenoic Acid, Butyl Ester, Homopolymer, [(1-Oxo-2-Propen-1-Yl)Oxy]-Terminated.
P–13–0498	06/05/2013	09/03/2013	Henkel Corporation	(S) Hot melt Adhesives Used In Panel Lamination And Other Assemblies.	(S) Hexanedioic Acid, Polymer With 1,4-Butanediol, 1,6-Hexanediol, Alpha-Hydro-Omega-Hydroxypoly[Oxy(Methyl-1,2-Ethanediyl)], 1,1'-Methylenebis[4-Isocyanatobenze] And 2-Oxepanone, 3–9 trimethoxysilyl)-1-Propanethiol-Blocked.
P–13–0514	06/04/2013	09/02/2013	Alberdingk Boley Inc.	(S) Coatings For Wood And Plastic	(G) Alkyl Carboxylic Acid, Hydroxy-(Hydroxyalkyl) Polymer With Methylenebis[Isocyanatocycloalkane], Ditetrahydroxyalkane, Pentaacrylate-Blocked, Compounds With Alkylmorpholine.
P–13–0515	06/04/2013	09/02/2013	Alberdingk Boley Inc.	(S) Coatings For Wood And Plastic	(G) Alkyl Carboxylic Acid, Hydroxy-(Hydroxyalkyl), Polymer With Diisocyanatoalkane, Alkyldiamine And Methylenebis[Isocyanatocycloalkane], Tetrahydroxyalkane Triacrylate-Blocked, Compounds With Trialkylamine.
P–13–0516	06/04/2013	09/02/2013	Alberdingk Boley Inc.	(S) Coatings For Wood And Plastic	(G) Alkanedioic Acid, Polymer With (Haloalkyl)Oxirane, (Hydroxyalkyl)-Alkyldiol, (Alkylethylidene)Bis[Hydroxybenzene] And Oxirane-Alkenoate Polymer With Hydroxy-(Hydroxyalkyl)-Alkanoic Acid And Isocyanato-(Isocyanatoalkyl)-Cycloalkane, Compound With *N,N*-Dialkylalkylamine.
P–13–0517	06/04/2013	09/02/2013	CBI	(G) Processing Aid For Fuel Ethanol Production.	(S) 6-Phytase.
P–13–0518	06/04/2013	09/02/2013	Alberdingk Boley Inc.	(S) Polymer For Plastic Coatings	(G) Alkanedioic Acid, Polymer With Diisocyanatoakane, Dimethyl-Alkyldiol, Hydroxy (Hydroxyalkyl)-Alkane Carboxylic Acid, Methylenebis[Isocyanatoalkane] And Lactone Compound. With Diethy Alkylamine.
P–13–0519	06/04/2013	09/02/2013	Alberdingk Boley Inc.	(S) Polymer For Plastic Coatings	(G) Unsatuated Fatty Acids, Dimers, Di-Me Esters, Hydrogenated, Polymers With Alkyl Dioic Acid, Diisocyanatocycloalkane, Hydroxy (Hydroxymethyl) Alkylcarboxylic Acid, Methylenebis[Isocyanatocycloalkane], Alkyl Glycol And Lactone Compound. With Trialkylamine.
P–13–0520	06/04/2013	09/02/2013	Alberdingk Boley Inc.	(S) Coatings For Wood, Metal And Plastic.	(G) Aromatic Dicarboxylic Acid, Polymer With Cycloalkanemethanol, Alkanediamine, Alkanedioic Acid, Hydroxy-2-(Hydroxyalkyl)-2-Alkylcarboxylic Acid, Methylenebis[Isocyanatocycloalkane] And (Methylethyliden-e)Bis)Phenyleneoxy)]Bis[Alkanol], Compound With Dialkylamino Ethanol.
P–13–0521	06/04/2013	09/02/2013	Alberdingk Boley Inc.	(S) Coatings For Wood, Metal And Plastic.	(G) Aromatic Dicarboxylic Acid, Polymer With Alkanediamine, Alkane Dioic Acid, Alkanediol, Hydroxy-2-(Hydroxymethyl)-2-Alkyl Carboxylic Acid, Methylenebis [Isocyanatocycloalkane] And [(Alkylethylidene) Bis(Phenyleneoxy)]Bis[Alkanol], Compound With Dialkylethanamine.
P–13–0522	06/04/2013	09/02/2013	Alberdingk Boley Inc.	(S) Coatings For Wood And Plastic	(G) Alkanedioic Acid, Polymer With Aminoalkanol, Alkanediol, Alkyl-(Hydroxyalkyl)Alkanediol, 1,X-Alkanediol, Hydroxy-(Hydroxyalkyl)Alkanoic Acid, Methylenebis[Isocyanatocycloalkane] And Alkene Carboxylic Acid, Compound. With Alkylmorpholine.
P–13–0554	06/05/2013	09/03/2013	3M Company	(G) Protective Treatment	(G) Fluorochemical Urethane.
P–13–0555	06/05/2013	09/03/2013	DIC International (USA) LLC.	(G) Artificial Textile Production	(G) Polycarbonate Type Polyurethane Resin.
P–13–0556	06/07/2013	09/05/2013	CBI	(G) Ingredient In Fragrances For Dispersive Use.	(G) Cycloalkene, Acetic Acid Alkylester.
P–13–0557	06/06/2013	09/04/2013	CBI	(S) Epoxy Curing Agent	(G) Tall Oil Fatty Acid, Compound With Cyclic Amine.

TABLE I—249 PMNS RECEIVED FROM 5/23/13 TO 9/30/13—Continued

Case No.	Received date	Projected notice end date	Manufacturer/ Importer	Use	Chemical
P–13–0558	06/07/2013	09/05/2013	CBI	(G) Humidity Barrier	(G) Alkylene Imine Homopolymer, Alkyl Derivatives.
P–13–0559	06/10/2013	09/08/2013	Reichhold Inc	(S) Wood Sealer; Concrete Sealer	(G) Amine Salt Of Vegetable Oil, Polymer With Cycloaliphatic Glycol, Hydroxy Substituted Carboxylic Acid, Aliphatic Diisocyanate And Tetra Hydroxy Alkane.
P–13–0560	06/10/2013	09/08/2013	Eastman Chemicals Co.	(G) Solvent	(G) Aliphatic Ester Of A Modified Carboxylic Acid.
P–13–0563	06/10/2013	09/08/2013	The Dow Chemical Company.	(G) Chemical Intermediate For Polyurethane Polymer.	(G) Polyalkylene Glycol, Alpha Isocyanate, Omega Silane.
P–13–0564	06/10/2013	09/08/2013	Henkel Corporation	(S) Site Limited Intermediate To Functionalized Polymers.	(S) Benzene, 1,4-Bis(1-Chloro-1-Methylethyl)-, Reaction Products With Polyisobutylene, Diallyl Terminated.
P–13–0566	05/30/2013	08/28/2013	CBI	(S) Additive	(S) Urea, *N,N″*-1,6-Hexanediylbis[N'-[(1s)-1-Phenylethyl]-.
P–13–0567	05/30/2013	08/28/2013	CBI	(G) Additive	(G) Ester Wax.
P–13–0568	06/07/2013	09/05/2013	CBI	(G) Down Well Additive	(G) Benzenesulfonic Acid, Dimethyl-, Alkyl Derivatives, Sodium Salt.
P–13–0569	05/31/2013	08/29/2013	International Flavors & Fragrances Inc.	(S) Fragrance Ingredient For Use In Fragrances For Soaps, Detergents, Cleaners And Other Household Products.	(S) 5*h*-Cyclopenta[H]Quinazoline, 6,6a,7,8,9,9a-Hexahydro-7,7,8,9,9-Pentamethyl-.
P–13–0570	05/31/2013	08/29/2013	Gharda Chemicals Limited.	(G) Manufacture Of Mechanical Parts, Insulation, Valves, Heat Exchange Parts, Oil Drilling, Aircraft Parts.	(G) Poly(Oxy-1,4-Phenylenecarbonyl-1,4-Phenylenecarbonyl-1,4-Phenylene.
P–13–0571	05/31/2013	08/29/2013	Gharda Chemicals Limited.	Manufacture Of Mechanical Parts, Insulation, Valves, Heat Exchange Parts, Oil Drilling, Aircraft Parts.	(G) Poly(Oxy-1,4-Phenylenecarbonyl-1,4-Phenylenecarbonyl-1,4-Phenylene.
P–13–0572	05/31/2013	08/29/2013	Gharda Chemicals Limited.	(G) Manufacture Of Mechanical Parts, Insulation, Valves, Heat Exchange Parts, Oil Drilling, Aircraft Parts.	(G) Poly (2,5-Benzimidazole), Polybenzimidazole.
P–13–0573	06/12/2013	09/10/2013	Technolgies Zyvex	(G) Coating Attached To Carbon Nanotubes.	(G) Polymer Of Terepthalic Acid And Ethyl Benzene With Mutiwalled Carbon Nanotube.
P–13–0574	05/31/2013	08/29/2013	Canon USA Inc	(G) Component For Toner Use	(G) Diester.
P–13–0575	06/13/2013	09/11/2013	CBI	(S) Flame Retardant Additive For Use In Plastics.	(G) Phosphonic Acid.
P–13–0594	06/14/2013	09/12/2013	CBI	(G) Surfactant	(G) Alkyl Oxirane, Polymer With Alkyl Oxirane Sulfate Alkylethers, Alkali Salts.
P–13–0595	06/14/2013	09/12/2013	CBI	(G) Surfactant	(G) Alkyl Oxirane, Polymer With Alkyl Oxirane Sulfate Alkylethers, Alkali Salts.
P–13–0615	06/02/2013	08/31/2013	CBI	(G) Renewable Chemical Intermediate	(G) Alkyl Alkanoate.
P–13–0616	05/30/2013	08/28/2013	CBI	(G) Cleaning Fluid	(S) 1,3-Dioxolane-4-Methanol, 2-methyl-2-(2-Methylpropyl)-.
P–13–0617	06/06/2013	09/04/2013	CBI	(G) Adhesive	(G) Aromatic dicarboxylic Acid Polymer With Alkanediol, Alkyl Alkyl-2-Alkenoate, 1,4-Dialkyl Aromatic dicarboxylate, Alkanedioc Acid, Alkanedioc Acid. Alkanediol, Alpha-Hydro-Omega-Hydroxypoly[Oxy(Alkyll-Alkanediyl)], Hydroxyalkyl 2-Alkyl-2-Alkenoate, Aromatic Diisocyanate, Alkyl 2-Alkyl-2-Alkenoate And 2-Alkyl-2-Alkenoic Acid.
P–13–0618	06/06/2013	09/04/2013	CBI	(G) Adhesive	(G) Alkanedioic Acid, Polymer With Alkyl 2-Alkyl-2-Alkenoate, Alkanedioic Acid, Alkanediol, Alpha-Hydro-Omega-Hydroxypoly[Oxy(Alkyl-1 2-Alkanediyl)], Hydroxyalkyl 2-Alkyl-2-Alkenoate, Aromatic Diisocyanate, Alkyl 2-Alkyl-2-Alkenoate And 2-Alkyl-2-Alkenoic Acid.
P–13–0619	06/06/2013	09/04/2013	CBI	(G) Adhesive	(G) Alkanedioic Acid, Polymer With Alkyl Alkyl-Alkenoate, Alkanedioic Acid, Alkanediol, Alpha-Hydro-Omega-Hydroxypoly[Oxy(Alkyl-1,2-Alkanediyl)], Aromatic Diisocyanate, Alkyl Alkyl-Alkeneoate And Alkyl-Alkenoic Acid.
P–13–0620	06/13/2013	09/11/2013	CBI	(G) Industrial Liquid Coatings	(G) Polymer Of Aliphatic Acids, Aliphatic Diols, Aliphatic Polyols, Oligomeric Silsesquioxane, And Aromatic Acids.
P–13–0621	06/13/2013	09/11/2013	CBI	(G) Component Of Foam	(G) Fatty Acid Polymer With Aliphatic Alcohol And Aromatic Diacid.
P–13–0622	06/17/2013	09/15/2013	Gelest	(S) Polymerized Into A Rubber Formulation; Research.	(S) 1-Propanamine, 3-(Diethoxymethylsilyl)-*N,N*-Dimethyl-.
P–13–0624	06/17/2013	09/15/2013	Halliburton Energy Services Inc.	(S) Filter Cake Breaker For Oil/Gas Wells.	(S) Ethanol, 2,2'-Oxybis-,1,1′-Diformate.
P–13–0625	06/07/2013	09/05/2013	CBI	(G) Reaction Modifier For Molding Compounds.	(G) Metal Amine Salt.
P–13–0626	06/19/2013	09/17/2013	CBI	(G) Dispersing Agent	(G) Alkenylic Acid, Alkyl Ester, Polymer With Alkylaminoalkyl Alkenamide And Alkenyl Benzene, Ester With Alkyl Ethylene Glycol, Compound. With Chloro-Chloroalkyl Benzene.

TABLE I—249 PMNS RECEIVED FROM 5/23/13 TO 9/30/13—Continued

Case No.	Received date	Projected notice end date	Manufacturer/ Importer	Use	Chemical
P–13–0628	06/19/2013	09/17/2013	CBI	(G) Pigment Dispersant	(G) Caprolactam, Polymer With Caprolactone, Hydrogenphosphate, Phenylalkyl, Ester With Alkyl Polyethylene Glycol.
P–13–0629	05/30/2013	08/28/2013	Estron Chemical	(G) Industrial non-VOC Ultra Violet (UV) cure Coatings.	(S) 2-Propenoic Acid, 2-Methyl-,Methyl Ester, Polymer With Butyl 2-Propenoate, Ethenylbenzene And 2-Oxiranylmethyl 2-Methyl-2-Propenoate, 2-Propenoate, 1,1-Dimethylpropyl 2-Ethylhexaneperoxoate-Initiated*.
P–13–0630	06/20/2013	09/18/2013	CBI	(S) A Polymerizable Component In Novel Adhesive/Sealant Formulations.	(G) Silyl Modified Polymer.
P–13–0633	06/24/2013	09/22/2013	CBI	(G) Polyurethane Resin For Coating Agent.	(G) Siloxanes And Silicones, Di-Alkyl, 3-(2-Substituted) Alkyl Group-Terminated, Polymers With 1,4-Alkanediol, Alkyl Diisocyanate, Di-Alkyl Carbonate, 2-Substituted Heteromonocycle, 1,6-Alkanediol, Hydrazine, 3-Substituted-2-(Substituted)-2-Alkylpropanoic Acid And Trialkyl Carbomonocycle Diisocyanate, Compounds. With Trialkylamine.
P–13–0646	06/24/2013	09/22/2013	CBI	(G) Tile Treatment	(G) Fluoroalkyl Acrylate Copolymer.
P–13–0647	06/24/2013	09/22/2013	CBI	(G) Textile Treatment	(G) Fluoroalkyl Acrylate Copolymer.
P–13–0648	06/24/2013	09/22/2013	CBI	(G) Tile Treatment	(G) Fluoroalkyl Acrylate Copolymer.
P–13–0649	06/24/2013	09/22/2013	CBI	(G) Textile Treatment	(G) Fluoroalkyl Acrylate Copolymer.
P–13–0650	06/24/2013	09/22/2013	CBI	(G) Open, Non-Dispersive	(G) Epoxy-Amine Adduct, Neutralized.
P–13–0651	06/25/2013	09/23/2013	CBI	(S) Water Borne Industrial Coatings Like Metal Coatings; (S) Coatings For Wood.	(G) Hexamethylenediisocyanate Homopolymer, Alkoxy-Terminated.
P–13–0652	06/25/2013	09/23/2013	Coatex Inc	(G) Reactant Which Is Part Of A Polymer, Used As A Coating Additive (Destructive Use).	(G) Cyclohexanol, 4-(C_{10-14}-Branched Alkyl) Derivs.
P–13–0653	06/25/2013	09/23/2013	CBI	(G) Component In Foam Insulation	(G) Fatty Acid Polymer With Aliphatic Alcohol And Aromatic Diacid.
P–13–0654	06/26/2013	09/24/2013	Hampford Research Inc.	(G) UV Curable Coating	(G) Polyether Urethane Acrylate Oligomer.
P–13–0655	06/27/2013	09/25/2013	Henkel Corporation	(S) Adhesives Used For Panel Bonding And Other Adhesive Assembly applications.	(G) Acrylic Modified Polyether-Polyester Prepolymer.
P–13–0656	06/27/2013	09/25/2013	CBI	(G) Process Aid For Composite Manufacturing..	(G) Phosphoric Acid, Mixed Alkyl Alcohol Esters, Trialkanol Ammonium Salts.
P–13–0657	06/26/2013	09/24/2013	Firmenich Inc	(S) Aroma For Use In Fragrance Mixtures, Which In Turn Are Used In Perfumes.	(S) 2,6-Octandienal, 3,6,7-Trimethyl-.
P–13–0658	06/28/2013	09/26/2013	CBI	(G) Metallic Phosphate For Battery Electrodes.	(G) Lithium Metal Phosphate.
P–13–0659	06/28/2013	09/26/2013	Huntsman Corporation.	(S) Foam Stabilizer For Detergents In Household And Industrial Multi-Surface Cleaners; (S) Foam Stabilizer For Personal Care Products.	(S) Amides, Coco, *N*-(Hydroxyethyl)-N-Methyl.
P–13–0667	06/28/2013	09/26/2013	Henkel Corporation	(S) A Polymerizable Component Of Adhesive And Sealnt Formulations.	(S) 2-Propenoic Acid, Butyl Ester, Polymer With Ethyl 2-Propenoate And 2-Methoxyethylpropenoate, Reaction Products With Acrylic Acid.
P–13–0668	06/28/2013	09/26/2013	CBI	(G) Additive, Open, Non-Dispersive	(S) Siloxanes And Silicones, Di-Me, Stearyl Group-Terminated.
P–13–0670	07/01/2013	09/29/2013	CBI	(G) Antioxidant	(G) Alkyl-[4-(Carbomonocycle-substituted)Carbomonocycle]-(Dialkyl-Hydroxycarbomonocycle)Alkane Derivative.
P–13–0671	07/01/2013	09/29/2013	CBI	(G) Antioxidant; (G) Additive For Rubber Goods To Improve Properties.	(G) Alkyl-[4-(Carbomonocycle-substituted)Carbomonocycle]-(Dialkyl-Hydroxycarbomonocycle)Alkane Derivative.
P–13–0672	07/01/2013	09/29/2013	Shin Etsu Silicones Of America.	(S) Law Material Of Amino-Modefied Silicone.	(S) Siloxanes And Silicones, 3-[(2-Aminoethyl)Amino]Propyl Methyl, Hydroxy-Terminated.
P–13–0673	07/01/2013	09/29/2013	CBI	(S) Electrolyte For Energy Applications	(S) Pyrrolidinium, 1-Butyl-1-Methyl-, Tetrakis(Cyano-Kc)Borate(1-) (1:1).
P–13–0674	07/02/2013	09/30/2013	CBI	(G) Open, Non-Dispersive	(G) Polycarbamoylsulfonate.
P–13–0676	07/03/2013	10/01/2013	CBI	(G) Polyurethane Resin For Coating Agent.	(G) 1,3-Dioxolan-2-One, Polymer With 5-Substituted-1,3,3-Trialkylmonocarbocyclemethanamine, 1,4-Alkanediol, 1,2-Alkanediol, 1,1′-Alkylenebis[4-Substituted monocarbocycle] And 2-Alkyl-1,3-Alkanediol.
P–13–0677	07/03/2013	10/01/2013	CBI	(G) Polyurethane Resin For Coating Agent.	(G) 1,3-Dioxolan-2-One, Polymer With 1,4-Alkanediol, 1,2-Alkanediol, 1,1′-Alkylenebis[4-Substituted monocarbocycle] And 2-Alkyl-1,3-Alkanediol.
P–13–0678	07/02/2013	09/30/2013	CBI	(G) Water And Oil Repellent For Plastic And Inorganic Substrates.	(G) Fluoroalkyl Methacrylate Copolymer.
P–13–0679	07/02/2013	09/30/2013	CBI	(G) Paper Treatment	(G) Fluoroalkyl Acrylate Copolymer.

TABLE I—249 PMNS RECEIVED FROM 5/23/13 TO 9/30/13—Continued

Case No.	Received date	Projected notice end date	Manufacturer/ Importer	Use	Chemical
P–13–0680	07/03/2013	10/01/2013	CBI	(G) Renewable Chemical Intermediate	(G) Alkyl Alkenoate.
P–13–0681	07/03/2013	10/01/2013	CBI	(G) For Use In External Can Coatings	(G) Phosphate Ester.
P–13–0687	07/08/2013	10/06/2013	Compass Chemical International LLC.	(G) Oil And Gas Production; Industrial Water Treatment.	(G) Aminophosphonate Salt.
P–13–0688	07/10/2013	10/08/2013	Henkel Corporation	(S) Isolated Intermediate To Function Polyisobutylene Polymers.	(S) Benzene, 1,4-Bis(1-Chloro-1-Methylethyl) -, Reaction Products With Polyisobutylene, Bis(3-Hydroxypropyl)-Terminated.
P–13–0689	07/10/2013	10/08/2013	CBI	(G) Material For Fiber, Monofilament, Sheet, Film; Molding Material For Agriculture, Food Package, Const.	(G) Alkanedioic Acid, Polymer With Butanedioic Acid, Alkanediol And 2-Substituted Alkanedioic Acid.
P–13–0690	07/11/2013	10/09/2013	JJI Technologies, LLC.	(S) Flame Retardant For Industrial Plastics.	(G) Aluminum Phosphate.
P–13–0706	07/11/2013	10/09/2013	Nano-C, Inc	(S) Additive For Fibers In Fabrics; (S) Additive For Fibers In Structural And Electrical uses; Additive For Transparency And Conductivity Additive In Lubricants And Grease; Additive To Improve The Strength And Durability Of Materials; Catalyst Support In Fuel Cells; Coating Additive To Improve Corrosion Resistance Use As A Nanoporous Network; (S) Use As A Semi-Conductor, Conductive, Or Resistive Element; Use As An Electromechanical Switch, Use In Film Laminates To Improve Conductivity, Use In Film Laminates To Improve Structural, Electrical, Or Electrochemical Properties; (S) Use With Materials To Improve Mechanical Properties Or Electrical Conductivities(S) Additive For Fibers In Fabrics; (S) Additive For Fibers In Structural And Electrical uses; (S) Additive For Transparency And Conductivity; (S) Additive In Lubricants And Grease; (S) Additive To Improve material Strength; (S) Catalyst Support In Fuel Cells; (S) Coating Additive for Improve Corrosion Resistance; (S) Use As A Nanoporous Network; (S) Use As A Semi-Conductor, Conductive, Or Resistive; (S) Use As An Electromechanical Switch; (S) Use In Film Laminates To Improve Structural, Electrical, Or Electrochemical Properties Of Composite; (S) Use In Separation Of Chemicals; (S) Use With Materials for Mechanical Properties.	(G) Single-Walled Carbon Nanotubes.
P–13–0707	07/11/2013	10/09/2013	Nano-C, Inc	(S) Additive For Fibers In Fabrics; (S) Additive For Fibers In Structural And Electrical uses; (S) Additive For Transparency And Conductivity; (S) Additive In Lubricants And Grease; (S) Additive To Improve material Strength; (S) Catalyst Support In Fuel Cells; (S) Coating Additive for Improve Corrosion Resistance; (S) Use As A Nanoporous Network; (S) Use As A Semi-Conductor, Conductive, Or Resistive; (S) Use As An Electromechanical Switch; (S) Use In Film Laminates To Improve Structural, Electrical, Or Electrochemical Properties Of Composite; (S) Use In Separation Of Chemicals; (S) Use With Materials for Mechanical Properties.	(G) Single-Walled Carbon Nanotubes.
P–13–0708	07/12/2013	10/10/2013	CBI	(G) Lubricant Additive	(G) Zinc Dialkyldithiocarbamate.
P–13–0709	07/12/2013	10/10/2013	CBI	(G) Lubricant Additive	(G) Zinc Dialkyldithiocarbamate.
P–13–0710	07/12/2013	10/10/2013	CBI	(G) Lubricant Additive	(G) Zinc Dialkyldithiocarbamate.
P–13–0711	07/12/2013	10/10/2013	CBI	(G) Lubricant Additive	(G) Zinc Dialkyldithiocarbamate.
P–13–0712	07/12/2013	10/10/2013	CBI	(G) Lubricant Additive	(G) Zinc Dialkyldithiocarbamate.
P–13–0713	07/12/2013	10/10/2013	CBI	(G) Lubricant Additive	(G) Zinc Dialkyldithiocarbamate.
P–13–0714	07/15/2013	10/13/2013	CBI	(G) Destructive And Contained Use	(G) Carbopolycycle Bis(Amine Monocycle).

TABLE I—249 PMNS RECEIVED FROM 5/23/13 TO 9/30/13—Continued

Case No.	Received date	Projected notice end date	Manufacturer/ Importer	Use	Chemical
P–13–0715	07/11/2013	10/09/2013	CBI	(S) Additive For Fibers In Fabrics; (S) Additive For Fibers In Structural And Electrical uses; (S) Additive For Transparency And Conductivity; (S) Additive In Lubricants And Grease; (S) Additive To Improve material Strength; (S) Catalyst Support In Fuel Cells; (S) Coating Additive for Improve Corrosion Resistance; (S) Use As A Nanoporous Network; (S) Use As A Semi-Conductor, Conductive, Or Resistive; (S) Use As An Electromechanical Switch; (S) Use In Film Laminates To Improve Structural, Electrical, Or Electrochemical Properties Of Composite; (S) Use In Separation Of Chemicals; (S) Use With Materials for Mechanical Properties.	(G) Single-Walled Carbon Nanotubes.
P–13–0716	07/11/2013	10/09/2013	CBI	(S) Additive For Fibers In Fabrics; (S) Additive For Fibers In Structural And Electrical uses; (S) Additive For Transparency And Conductivity; (S) Additive In Lubricants And Grease; (S) Additive To Improve material Strength; (S) Catalyst Support In Fuel Cells; (S) Coating Additive for Improve Corrosion Resistance; (S) Use As A Nanoporous Network; (S) Use As A Semi-Conductor, Conductive, Or Resistive; (S) Use As An Electromechanical Switch; (S) Use In Film Laminates To Improve Structural, Electrical, Or Electrochemical Properties Of Composite; (S) Use In Separation Of Chemicals; (S) Use With Materials for Mechanical Properties.	(G) Single-Walled Carbon Nanotubes.
P–13–0717	07/15/2013	10/13/2013	CBI	(G) Destructive And Contained Use	(G) Carbopolycycle Bis(Substituted Amine Monocycle.
P–13–0718	07/11/2013	10/09/2013	Nano-C, Inc	Additive For Fibers In Fabrics; (S) Additive For Fibers In Structural And Electrical uses; Additive For Transparency And Conductivity Additive In Lubricants And Grease; Additive To Improve The Strength And Durability Of Materials; Catalyst Support In Fuel Cells; Coating Additive To Improve Corrosion Resistance Use As A Nanoporous Network; (S) Use As A Semi-Conductor, Conductive, Or Resistive Element; Use As An Electromechanical Switch, Use In Film Laminates To Improve Conductivity, Use In Film Laminates To Improve Structural, Electrical, Or Electrochemical Properties.	(G) Single-Walled Carbon Nanotubes.
P–13–0719	07/11/2013	10/09/2013	Nano-C, Inc		(G) Single-Walled Carbon Nanotubes.

TABLE I—249 PMNS RECEIVED FROM 5/23/13 TO 9/30/13—Continued

Case No.	Received date	Projected notice end date	Manufacturer/ Importer	Use	Chemical
P–13–0720	07/11/2013	10/09/2013	Nano-C, Inc	(S) Additive For Fibers In Fabrics; (S) Additive For Fibers In Structural And Electrical Applications; (S) Additive For Transparency And Conductivity In Electronic Devices; (S) Additive In Lubricants And Grease To Improve Wear Resistance; (S) Additive To Improve The Strength And Durability Of Materials And Batteries; (S) Catalyst Support For Use In Fuel Cells; (S) Coating Additive To Improve Corrosion Resistance Of Metals; (S) Use As A Nanoporous Network In Gas Diffusion Layers; (S) Use As A Semi-Conductor, Conductive, Or Resistive Element In Electronic Circuitry And Devices; (S) Use As An Electromechanical Switch In Electronic Circuitry And Devices; (S) Use In Film Laminates To Improve Conductivity In Batteries, Capacitors, And Fuel Cells; (S) Use In Film Laminates To Improve Structural, Electrical, Or Electrochemical Properties Of Composite; (S) Use In Separation Of Chemicals; (S) Use With Materials To Improve Mechanical Properties Or Electrical Conductivities.	(G) Single-Walled Carbon Nanotubes.
P–13–0721	07/11/2013	10/09/2013	Nano-C, Inc	(S) Additive For Fibers In Fabrics; (S) Additive For Fibers In Structural And Electrical Applications; (S) Additive For Transparency And Conductivity In Electronic Devices; (S) Additive In Lubricants And Grease To Improve Wear Resistance; (S) Additive To Improve The Strength And Durability Of Materials And Batteries; (S) Catalyst Support For Use In Fuel Cells; (S) Coating Additive To Improve Corrosion Resistance Of Metals; (S) Use As A Nanoporous Network In Gas Diffusion Layers; (S) Use As A Semi-Conductor, Conductive, Or Resistive Element In Electronic Circuitry And Devices; (S) Use As An Electromechanical Switch In Electronic Circuitry And Devices; (S) Use In Film Laminates To Improve Conductivity In Batteries, Capacitors, And Fuel Cells; (S) Use In Film Laminates To Improve Structural, Electrical, Or Electrochemical Properties Of Composite; (S) Use In Separation Of Chemicals; (S) Use With Materials To Improve Mechanical Properties Or Electrical Conductivities.	(G) Single-Walled Carbon Nanotubes.
P–13–0722	07/12/2013	10/10/2013	CBI	(G) Polymer Additive	(G) Quaternary Alkyl Ammonium Sulfonimide.
P–13–0724	07/17/2013	10/15/2013	CBI	(G) Coating Component	(G) Polyurethane Prepolymer.
P–13–0725	07/16/2013	10/14/2013	Allnex USA Inc	(S) Coating Resin For Substrate Protection And Aesthetics.	(G) Alkanedioc Acid, Polymer With Substituted Oxirane Polymer With Substituted Carbomonocyle, Di-Substituted Alkane, Substituted Alkanoic Acid, Substituted Cycloalkane And Substituted Alkoxylated Glycerol.
P–13–0726	07/16/2013	10/14/2013	Genagain Technologies, LLC.	(S) Additive To Diesel Fuel	(S) Waste Plastics, Pyrolyzed, Depolymd., Acid-Free, C_{6-21} Fraction. Definition: A Complex Combination Of Hydrocarbons Obtained By The Distillation Of A Waste Plastics Feed Under Vacuum Usingwiped-Film Evaporation. Is Consists Predominately Of C_6 To C_{21} Branched And Linear Hydrocarbons, And Boils In The range Of 50 Â°C To 320 Â°C (122 Â°F To 608 Â°F).
P–13–0747	07/18/2013	10/16/2013	CBI	(G) Antioxidant/Stabilizer For Plastic	(G) Mixed Alkyl Phenyl Phosphite.
P–13–0748	07/18/2013	10/16/2013	Zyvex Technolgies	(G) Coating Attached To Carbon Nanotubes.	(G) Polymer Of Terepthalic Acid And Ethyl Benzene With Mutiwalled Carbon Nanotube.
P–13–0751	07/18/2013	10/16/2013	CBI	(G) Polymeric Colorant	(G) Polyether Substituted Polymeric Colorant.

TABLE I—249 PMNS RECEIVED FROM 5/23/13 TO 9/30/13—Continued

Case No.	Received date	Projected notice end date	Manufacturer/ Importer	Use	Chemical
P–13–0752	07/19/2013	10/17/2013	Allnex USA Inc	(S) Isolated Intermediate For Manufacture Of A Coating Resin.	(G) Substituted Polyethylene Glycol Monomethy Ether.
P–13–0754	07/23/2013	10/21/2013	CBI	(S) Intermediate Reaction Product	(G) Alkylphenol.
P–13–0766	07/24/2013	10/22/2013	CBI	(G) Hydrocarbon Feedstock	(G) Hydrocarbon Feedstock.
P–13–0767	07/25/2013	10/23/2013	The Dow Chemical Company.	(G) Chemical Intermediate	(G) Substituted Picolinic Acid.
P–13–0768	07/25/2013	10/23/2013	CBI	(G) The new substance is intended for use as a binder for industrial waterborne coating applications.	(G) Phenol, (Alkylidene)Bis-, Polymer With (Chloroalkyl)Oxirane, Alkenoate, Bis(Hydroxyalkyl)Alkanoic Acid, Hydroxyalkylacrylate, Alkyl Polyalkyleneglycol, Benzenedicarboxylic Acid, Polymer With Alkanedioic Acid And Alkanediol, Alkanediol, Alkane, Diisocyanato-, Homopolymer, Isocyanatoalkyltrialkylcycloalkyl Isocyanate And Alkylene Diisocyanate.
P–13–0769	07/25/2013	10/23/2013	CBI	(G) Printing Inks	(G) Calcium Salt Of Aldehyde Resins.
P–13–0770	07/26/2013	10/24/2013	CBI	(G) Adhesive For Electrical Industry Use.	(G) Latex Polymer.
P–13–0771	07/26/2013	10/24/2013	CBI	(G) Colorant For Polyolefins	(G) Anthraquinone Polyamide.
P–13–0772	07/31/2013	10/29/2013	Huntsman	(G) Curing Agent	(G) Fatty Acids, $C_{16–18}$ And C_{18}-Unsatuated, Polymers With Ethyleneamine, Alkoxylated Derivs.
P–13–0773	07/31/2013	10/29/2013	CBI	(S) Herbicide Intermediate	(S) 4-Pyrimidianamine, 2,5 Dimethoxy.
P–13–0774	07/31/2013	10/29/2013	CBI	(S) Pour Point Depressant For Use In Oil. Dispersant For Use In Oil.	(G) Acrylic Polymer.
P–13–0775	07/31/2013	10/29/2013	CBI	(G) Used In The Manufacture Of An Article.	(G) Polyamic Acid.
P–13–0779	07/31/2013	10/29/2013	CBI	(G) Assembly Adhesive	(G) Isocyanic Acid, Polymethylenepolyphenylene Ester, Polymer With Substituted Bisphenol And Substituted Diepoxide.
P–13–0780	08/01/2013	10/30/2013	CBI	(G) Oil And Water Repellent And Release Agent.	(G) Fluorinated Acrylic Copolymer.
P–13–0781	08/01/2013	10/30/2013	Henkel Corporation	(S) Site Limited Intermediate To Cureable Monomers.	(S) 4-Phenoxybutyl Bromide.
P–13–0782	08/01/2013	10/30/2013	CBI	(G) Reactive Prepolymer For Polyurethane Dispersions, Adhesives, Sealants And Elastomers.	(G) Polyester Polyol.
P–13–0786	08/01/2013	10/30/2013	CBI	(S) Pigment For Automotive Coatings To Be Used In Automotive Oem And Refinish.	(G) Substituted Alkylsilanes, Reaction Products With Aluminum, Metal Oxide, Silica And Tin Oxide (Sno2).
P–13–0787	08/01/2013	10/30/2013	Syngenta Crop Protection LLC.	(G) Imported And Site Limited Raw Material, Used In The Manufacture Of An EPA FIFRA Registerred Pesticid.	(S) Benzenamine, 2-Ethyl-*N*-[(1s)-2-Methoxy-1-Methylethyl]-6-Methyl-.
P–13–0788	08/02/2013	10/31/2013	Allnex USA Inc	(G) Resin For Inks	(G) Substituted Alkanediol, Polymer With Heteromonocycles, Substituted Carbomonocycle Alkenoate, Reaction Products With Dialkylamine.
P–13–0789	08/02/2013	10/31/2013	Allnex USA Inc	(G) Resin For Inks	(G) Substituted Alkanediol, Polymer With Heteromonocycles, Substituted Carbomonocycle Alkenoate, Reaction Products With Dialkylamine.
P–13–0793	08/02/2013	10/31/2013	CBI	(S) Thin Film For Electronic Device Applications.	(G) Functionalized Carbon Nanotubes.
P–13–0794	08/02/2013	10/31/2013	CBI	(G) Additive, Open, Non-Dispersive Use.	(G) Poly(Alkylmethacrylate-Co-Dimethylaminoethylmethacrylate).
P–13–0796	08/05/2013	11/03/2013	CBI	(G) Additive For Polymer Manufacturing.	(G) Dicarbomonocycle-Substituted Carbomono cycledicarboxamide.
P–13–0797	08/05/2013	11/03/2013	CBI	(G) Additive For Polymer Manufacturing.	(G) Dicarbomonocycle-Substituted Carbomono cycledicarboxamide.
P–13–0798	08/05/2013	11/03/2013	CBI	(G) Additive For Polymer Manufacturing.	(G) Dicarboheterocycle-Substituted Carbomono cycledicarboxamide.
P–13–0799	08/05/2013	11/03/2013	CBI	(G) Additive For Polymer Manufacturing.	(G) Dicarbomonocycle-Substituted Carbomono cycledicarboxamide.
P–13–0800	08/05/2013	11/03/2013	CBI	(G) Additive For Polymer Manufacturing.	(G) Tricarbomonocycle-Substituted Carbomono cycletricarboxamide.
P–13–0803	08/04/2013	11/02/2013	CBI	(G) Assembly Adhesive	(G),(G) Polymer With Aromatic Diacids, Alkylene Diacid, Substituted Alkylene Diol, Unsubstituted Alkylene Diol And Polymethylenepolyphenylene Isocyanate Isocyanic Acid, Polymethylenepolyphenylene Ester, Polymer With Substituted Bisphenol And Substituted Diepoxide Isocyanic Acid, Polymethylenepolyphenylene Ester, Polymer With Unsubstituted Alkylene Diol, Substituted Alkylene Diol And Cyclic Alkylene Ester.

TABLE I—249 PMNS RECEIVED FROM 5/23/13 TO 9/30/13—Continued

Case No.	Received date	Projected notice end date	Manufacturer/ Importer	Use	Chemical
P–13–0804	08/05/2013	11/03/2013	Kaneka North America LLC.	(G) Surface Active Agent	(S) A Cyclic Oligopeptide Produced By The Fermentation Of Carbon And Nitrogen Sources (Such As Soybean Meal, Glucose,Maltose) Using *Bacillus Subtillis*. The Product Is The Sodium Salt Of The Polypeptide. The Individual Residues Include:L-Glutamic Acid, D-Leucine, L-Leucine, L-Valine, L-Aspartic Acid, L-Isoleucine And .Beta.-Hydroxy C_{12-17} Branchedalkanoic Acids.
P–13–0805	08/06/2013	11/04/2013	CBI	(G) Used as a Receptive Coating In Ink-Jet Printing.	(G) Polu(Urethane Urea).
P–13–0806	08/07/2013	11/05/2013	Mane USA	(S) Refreshing Agent in Cosmetic Products.	(S) Butanedioic Acid, 1-[(1*r, 2s, 5r*)-5-Methyl-2-(1-Methylethyl) Cyclohexyl] Ester.
P–13–0807	08/06/2013	11/04/2013	CBI	(G) Lubricant Additive	(G) Calcium Alkyl Salicylate.
P–13–0808	08/06/2013	11/04/2013	Hampford Research, Inc.	(G) UV Curable Coating	(G) Polyether Urethane Acrylate Oligomer.
P–13–0809	08/06/2013	11/04/2013	CBI	(S) Acrylic Resin Used In UV Curable Inks And Coatings.	(G) Melamine Acrylate.
P–13–0810	08/07/2013	11/05/2013	CBI	(G) Inhibitor For Oil Field Applications	(G) Cycloalkylamino Oleylalkyl Alkylamide Acid Salt.
P–13–0811	08/07/2013	11/05/2013	CBI	(G) Inhibitor For Oil Field Applications	(G) Cycloalkylamino Oleylalkyl Alkylamide Acid Salt.
P–13–0812	08/07/2013	11/05/2013	CBI	(G) Inhibitor For Oil Field Applications	(G) Cycloalkylamino Oleylalkyl Alkylamide Acid Salt.
P–13–0813	08/07/2013	11/05/2013	CBI	(G) Inhibitor For Oil Field Applications	(G) Cycloalkylamino Oleylalkyl Alkylamide Acid Salt.
P–13–0814	08/07/2013	11/05/2013	CBI	(G) Inhibitor For Oil Field Applications	(G) Cycloalkylamino Oleylalkyl Alkylamide Acid Salt.
P–13–0815	08/07/2013	11/05/2013	CBI	(G) Inhibitor For Oil Field Applications	(G) Cycloalkylamino Oleylalkyl Alkylamide Acid Salt.
P–13–0816	08/07/2013	11/05/2013	CBI	(G) Inhibitor For Oil Field Applications	(G) Cycloalkylamino Cocoalkyl Alkylamide Acid Salt.
P–13–0817	08/07/2013	11/05/2013	CBI	(G) Inhibitor For Oil Field Applications	(G) Cycloalkylamino Cocoalkyl Alkylamide Acid Salt.
P–13–0818	08/07/2013	11/05/2013	CBI	(G) Inhibitor For Oil Field Applications	(G) Cycloalkylamino Cocoalkyl Alkylamide Acid Salt.
P–13–0819	08/07/2013	11/05/2013	CBI	(G) Inhibitor For Oil Field Applications	(G) Cycloalkylamino Cocoalkyl Alkylamide Acid Salt.
P–13–0820	08/07/2013	11/05/2013	CBI	(G) Inhibitor For Oil Field Applications	(G) Cycloalkylamino Cocoalkyl Alkylamide Acid Salt.
P–13–0821	08/07/2013	11/05/2013	CBI	(G) Inhibitor For Oil Field Applications	(G) Cycloalkylamino Cocoalkyl Alkylamide Acid Salt.
P–13–0822	08/07/2013	11/05/2013	CBI	(G) Additive, Open, Non-Dispersive Use.	(G) Polyether Modified Acrylic Ester Polymer With Dimethylamino Groups.
P–13–0823	08/08/2013	11/06/2013	CBI	(G) Rubber Products	(G) Fluoroelastomer.
P–13–0824	08/08/2013	11/06/2013	CBI	(G) Molding Material For Film, Sheet, Plates, Interior, Cases.	(G) D-Glucitol, 1,4:3,6-Dianhydro-, Polymer With 1,4-Cycloalkanedimethanol And Diphenyl Carbonate.
P–13–0825	08/09/2013	11/07/2013	CBI	(G) Coating Material	(G) Polyurethane.
P–13–0826	08/09/2013	11/07/2013	CBI	(S) Thermoplastic Urethanes For Recreation, Industrial, Oil, Gas, And Mining Applications.	(S) 2-Oxepanone, Polymer With 1,4-Butanediol, 1,4-Disocyanatobenzene And 2,2-Dimethyl-1,3-Propanediol.
P–13–0827	08/12/2013	11/10/2013	CBI	(G) Lubricating Oil Additive	(G) Alkyl Borate Esters And Ethers.
P–13–0830	08/12/2013	11/10/2013	Alberdingk Boley Inc.	(S) Wood Coatings	(G) Dicarboxylic Acid, Polymer With Cycloalkyl Alkyl-2-Alkennoate, *N*-(Dimethyl-Oxoalkyl)-2-Alkyenamide, Alkanediol, .Alpha.-Hydro-.Omega.-Hydroxypoly[Oxyalkanediyl], 3-Hydroxy-2-(Hydroxymethyl)-Alkyl Carboxylic Acid, Isocyanato-(Isocyanatoalkyl)-Trimethylcycloalkane And Methylalkenoate, Alkyl Hydroperoxide-Initiated, Compounds with Tralkyllamine Aaa.
P–13–0831	08/12/2013	11/10/2013	Alberdingk Boley Inc.	(S) Wood Coatings	(G) Dicarboxylic Acid, Polymer With *N*-(Dialkyl-Oxoalkyl)-Alkennamide, Alkanediol, Alkanediol, Hydroxy-(Hydroxyalkyl)-Alkyl Carboxylic Acid, Isocyanato-(Isocyanatoalkyl)-Trimethylcycloalkane, Methylenebis[Isocyanatocycloalkane] And Alkyl Alkyl-Alkenoate, Compounds with Dialkylalkylamine.
P–13–0832	08/12/2013	11/10/2013	Alberdingk Boley Inc.	(S) Wood Coatings	(G) Dicarboxylic Acid, Polymer With Cycloalkyl Alkyl-Alkenoate, N-(Dialkyl-Oxoalkyl)-Alkenamide, Alkanediol, Hydroxy—(Hydroxyalkyl)-Alkyl Carboxylic Acid, Methylenebis[Isocyanatocycloalkane] And Alkyll Alkenoate, Alkyl Hydroperoxide-Initiated, Compounds with Dialkylalkylamine.

TABLE I—249 PMNS RECEIVED FROM 5/23/13 TO 9/30/13—Continued

Case No.	Received date	Projected notice end date	Manufacturer/ Importer	Use	Chemical
P–13–0833	08/12/2013	11/10/2013	CBI	(G) Assembly Adhesive	(G); Isocyanic Acid, Polymethylenepolyphenylene Ester, Polymer With Unsubstituted Alkylene Diol, Substituted Alkylene Diol And Cyclic Alkylene Ester,(G) Isocyanic Acid, Polymethylenepolyphenylene Ester, Polymer With Substituted Bisphenol And Substituted Diepoxide,(G) Polymer With Aromatic Diacids, Alkylene Diacid, Substituted Alkylene Diol, Unsubstituted Alkylene Diol And Polymethylenepolyphenylene Isocyanate.
P–13–0834	08/13/2013	11/11/2013	CBI	(G) Polymeric Colorant	(G) Polyalkoxylated Polycyclic Aromatic Amine Colorant.
P–13–0835	08/13/2013	11/11/2013	CBI	(S) Polyurethane Prepolymer	(G) Aliphatic Polyester Polyol.
P–13–0836	08/14/2013	11/12/2013	CBI	(G) Ultra violet Catalyst	(G) Alkyl Carbonyl Alkyl Ether Metal Complex.
P–13–0837	08/14/2013	11/12/2013	CBI	(G) Component In Drilling Fluids; Component In Resin Coatings.	(G) Amine Capped Fatty Acid Dimer Polyamide.
P–13–0839	08/14/2013	11/12/2013	CBI	(G) Ingredient Of Pre-Coat Solution	(G) Methanamine, *N,N*-Dimethyl-, Reaction Products With Alkylamine-Epichlorohydrin Polymer, Chlorides.
P–13–0840	08/15/2013	11/13/2013	Colonial Chemical, Inc.	(S) Oil Dispersant	(S) D-Glucopyranose, Oligomeric, Decyl Octyl Glycosides, Polymers With Epichlorohydrin And Sorbitan Monooleate.
P–13–0841	08/15/2013	11/13/2013	Colonial Chemical, Inc.	(S) Intermediate For Surfactant Production; Chemical Intermediate For Sale Into Commerce.	(S) (3-Chloro-2-Hydroxypropyl) Dimethyloctadecylammonium Chloride.
P–13–0842	08/15/2013	11/13/2013	CBI	(G) Hydraulic Fracturing Chemical	(G) Poly(Oxyalkanediyl), Alpha-Hydro-Omega-Hydroxy-, Mono(Alkyl And Alkenyl)Ethers, Phosphates, Alkali Metal Salt.
P–13–0843	08/15/2013	11/13/2013	CBI	(G) Hydraulic Fracturing Chemical	(G) Poly(Oxyalkanediyl), Alpha-Hydro-Omega-Hydroxy-, Mono(Alkyl And Alkenyl)Ethers, Phosphates.
P–13–0846	08/19/2013	11/17/2013	Allnex USA Inc	(G) Crosslinker For Coatings	(G) Substituted Alkanoic Acid, Compounds with Substituted Dialkylene-Substituted Carbomonocycle-Substituted Alkanediamine-Substituted Heteromonocycle-Polyalkylene Glycol-Substituted Dialkanol-Substituted Carbomonocycle Reaction Products.
P–13–0847	08/19/2013	11/17/2013	Allnex USA Inc	(G) Resin For Waterborne Coatings	(G) Heteropolycycle, Polymer With Substituted Heteromonocycle, Polyalkylene Glycol And Substituted Carbomonocycle.
P–13–0848	08/02/2013	10/31/2013	Akzo Nobel Coatings, Inc.	(S) To Be Used As A Coating By Body Shops For Vehicles.	(G) alkyl polymer with alkyl diol diisocyanate compound with amine salt.
P–13–0849	08/19/2013	11/17/2013	CBI	(G) Adhesive For Electrical Industry Use.	(G) Modified Polymer Of Ethenylbenzene, Buta-1,3-Diene, And Substituted Methyl Acrylates.
P–13–0851	08/26/2013	11/24/2013	CBI	(G) Lubricant Additive	(G) Sulfurized Ester.
P–13–0852	08/26/2013	11/24/2013	CBI	(G) One Component Urethane Adhesive.	(G) Alkyl Dioic Acid Polymer With Poly-(Oxyalkyl)—Hydro—Hydroxy-, And Aromatic Diisocyanate.
P–13–0853	08/26/2013	11/24/2013	CBI	(G) Polymer Additive For Plastic Compounds.	(G) Inorganic Acid, Triphenyl Ester, Polymer.
P–13–0854	08/27/2013	11/25/2013	CBI	(G) Petroleum Production Chemical	(G) Zinc Carboxylate Salt.
P–13–0856	08/27/2013	11/25/2013	CBI	(G) Foam Insulation	(G) Soybean Oil, Polymer With Benzoic Acid, Difunctional Glycols, Glycerol, Phthalic Anhydride,Sorbitol, Terephthalic Acid.
P–13–0858	08/27/2013	11/25/2013	CBI	(G) Component For Toner Use	(G) Diester.
P–13–0859	08/28/2013	11/26/2013	CBI	(G) Component For Toner Use	(G) Amide Resin.
P–13–0860	08/27/2013	11/25/2013	Alberdingk Boley Inc.	(S) Good Adhesion Properties For Plastic Coatings.	(G) Alkanedicarboxylic Acid, Polymer With Alkanediamine, Alkanediol, Hydroxy-(Hydroxymethyl)-Alkanecarboxylic Acid Andmethylenebis[Isocyanatocycloalkane] Compound with (Dialkylamino)Alkanol.
P–13–0861	08/27/2013	11/25/2013	Alberdingk Boley Inc.	(S) Good Adhesion Properties For Plastic Coatings.	(G) Alkanedicarboxylic Acid, Polymer With Alkanediol, Hydroxy-(Hydroxyalkyl)-Alkane Carboxylic Acid And Methylenebis[4-Isocyanatocycloalkane], Compound with Dialkylamine.
P–13–0862	08/28/2013	11/26/2013	CBI	(G) Component Of Polymer Film	(G) Aromatic Dicarboxylic Acid, Polymers With Aliphatic Polyols And Substituted Alkenes.
P–13–0863	08/28/2013	11/26/2013	CBI	(G) Used In The Manufacture Of An Article.	(G) Fluorinated Aromatic Polyamic Acid Polymer.
P–13–0864	08/28/2013	11/26/2013	CBI	(G) Chemical Intermediate	(G) Chloridite.
P–13–0865	08/28/2013	11/26/2013	CBI	(G) Coating Additive (Open, Non-Dispersive Use).	(G) Poly(Oxy-1,2-Ethanediyl), -[[[3-[(Carboxyamino)Methyl]-3,5,5-Trimethylcyclohexyl]Amino]Carbonyl]—[[[[3-[(Carboxyamino)Methyl]-3,5,5-Trimethylcyclohexyl]Amino]Carbonyl]Oxy]-, Mixed 4-Alkylcyclohexyl And Lauryl Diesters.
P–13–0866	08/28/2013	11/26/2013	Firmenich Inc	(S) Fragrance Ingredient For The Use In Cosmetic Products.	(S) Oils, Aquilaria Crassna.

TABLE I—249 PMNS RECEIVED FROM 5/23/13 TO 9/30/13—Continued

Case No.	Received date	Projected notice end date	Manufacturer/ Importer	Use	Chemical
P–13–0867	08/28/2013	11/26/2013	CBI	(G) Component Of Polymer Film	(G) Aromatic Dicarboxylic Acid, Polymers With Aliphatic Polyols And Substituted Alkenes.
P–13–0868	08/29/2013	11/27/2013	CBI	(G) Functions As An Oil-Soluble Corrosion Inhibitor For Use In Oil And Gas Wells And Pipelines.	(G) Tall Oil Fatty Acid Diethylenetriamine Compounds with Substituted Polyethylene Glycol Ether.
P–13–0869	08/30/2013	11/28/2013	Mane USA	(S) Fine Fragrance; Fragrance In A Cosmetic Product; Fragrance In A Non-Cosmetic Product.	(S) 2-Cyclohexen-1-Ol, 2,6-Dimethyl-4-(2,2,3-Trimethyl-3 Cyclopenten-1-Yl)-.
P–13–0871	08/30/2013	11/28/2013	CBI	(G) Rheology Modifier	(G) Polyalkylene Glycol, Polymer With Alkylisocyanate And Alkylphenol.
P–13–0872	08/30/2013	11/28/2013	Lamberti USA	(G) Removal Of Hydrogen Sulfide	(G) Alkyl Triazine.
P–13–0874	08/30/2013	11/28/2013	CBI	(G) Chemical Intermediate	(G) Substituted Phenol.
P–13–0875	08/30/2013	11/28/2013	CBI	(G) Chemical Intermediate	(G) Substituted Phenol.
P–13–0876	08/30/2013	11/28/2013	CBI	(G) Chemical Intermediate	(G) Substituted Phenol.
P–13–0877	08/30/2013	11/28/2013	CBI	(G) Chemical Intermediate	(G) Substituted Phenol.
P–13–0878	09/02/2013	12/01/2013	CBI	(S) Acrylic Resin Used In Ultra violet Curable Inks And Coatings.	(G) Reaction Product Of Acrylic Acid And Isocyanate.
P–13–0879	09/02/2013	12/01/2013	CBI	(S) Intermediate Reaction Product Used As Input To Further Polymer Reaction.	(G) Alkylphenol.
P–13–0880	09/03/2013	12/02/2013	CBI	(G) Binder In Primer	(G) Polyurethane Crosslinker.
P–13–0881	09/03/2013	12/02/2013	Firmenich Inc	(G) Fragrance Ingredient For The Use In Consumer Products (Cosmetic And Household Use).	(S) Patchouli Essential Oil Produced By Fermentation Of A Sugar Source.
P–13–0882	09/04/2013	12/03/2013	CBI	(G) Destructive Use	(G) Alkylated Benzene, Brominated,(G) Alkylated Benzene, Dibrominated.
P–13–0883	09/05/2013	12/04/2013	CBI	(G) Corrosion Inhibitor For Down-Hole Well Treatment And Pipelines Used In The Oil And Gas Industry.	(G) Fatty Acids, Tall Oil, Reaction Products With Polyamine, 2-Mercaptoacetate.
P–13–0884	09/06/2013	12/05/2013	CBI	(S) Dye Intermediate	(G) Substituted Bipyridinium Salt.
P–13–0885	09/06/2013	12/05/2013	CBI	(S) Raw Material Used In The Manufacture Of Ultra violet Coatings And Inks.	(G) Mono Function Acrylate.
P–13–0886	09/06/2013	12/05/2013	CBI	(G) Rubber Products	(G) Hydrofluoroolefin Polymer With 1,1-Difluoroethene.
P–13–0906	09/09/2013	12/08/2013	CBI	(S) Pretreatment To Be Applied On A Steel Substrate In Liquid Form, Dried, And Covered By A Paint Layer. Aternatively, To Be Applied On A Galvanized Steel Substrate As A Shipout Passivate And Not Further Painted.	(G) Silicate-Silane.
P–13–0907	09/09/2013	12/08/2013	CBI	(G) Additive, Open, Non-Dispersive Use.	(G) Epoxy Resin, Reaction Products With Alkanolamines.
P–13–0908	09/09/2013	12/08/2013	CBI	(G) Additive, Open, Non-Dispersive Use.	(G) Polyether Polyester Urethane Phosphate.
P–13–0909	09/09/2013	12/08/2013	CBI	(G) Additive, Open, Non-Dispersive Use.	(G) Byk-Lp X 22338 (Substances Notified).
P–13–0910	09/09/2013	12/08/2013	CBI	(G) Surfactant Or Emulsifier	(G) Glycolipid.
P–13–0911	09/09/2013	12/08/2013	CBI	(G) Surfactant Or Emulsifier	(G) Glycolipid.
P–13–0912	09/09/2013	12/08/2013	CBI	(G) Surfactant Or Emulsifier	(G) Glycolipid.
P–13–0913	09/09/2013	12/08/2013	CBI	(G) Surfactant Or Emulsifier	(G) Glycolipid.
P–13–0915	09/11/2013	12/10/2013	CBI	(G) Production Aid For Chemical Processing.	(G) Fatty Acids Esters, Reaction Products With Amines.
P–13–0916	09/11/2013	12/10/2013	CBI	(S) Reactive Polymer For Use In Adhesive Applications.	(G) Polyurethane.
P–13–0917	09/11/2013	12/10/2013	Lamberti USA	(G) Limit Scale Build Up	(G) Alkylphosphonate.
P–13–0918	09/11/2013	12/10/2013	Henkel Corporation	(S) Chemical Intermediate To Cureable Monomer.	(S) Siloxanes And Silicones, Di-Me, Hydrogen-Terminated, Polymers With 2,4,6,8-Tetraethenyl-2,4,6,8-Tetramethylcyclotetrasiloxane..
P–13–0919	09/11/2013	12/10/2013	CBI	(G) Industrial Feedstock Chemical	(G) Glycerides, C_{14-18}, C_{16-18} Unsaturated, From Fermentation.
P–13–0920	09/12/2013	12/11/2013	Biochar Now LLC	(S) Filler For Plastics Or Polymers; Soil Amendment.	(S) Charcoal Or Biochar.
P–13–0923	09/13/2013	12/12/2013	CBI	(S) Reactive Polymer For Use In Paints.	(G) Acrylate Polymer.
P–13–0924	09/17/2013	12/16/2013	Lambent Technologies.	(S) Anti-Wear Additive For Lubricants, Greases, And Metalworking Fluids.	(G) Phosphated Mono And Di-Glycerides (Pmdg).
P–13–0925	09/17/2013	12/16/2013	CBI	(S) Raw Material In Powder Coatings	(G) Vinyl Ether Urethane Resin.
P–13–0927	09/19/2013	12/18/2013	CBI	(G) Coloring Component	(G) *N*-(Dialkylamino)Alkyl-Dialkylphenyl-Tetrahydrodioxopyrrolopyrrolyl-Benzamide.
P–13–0928	09/19/2013	12/18/2013	CBI	(G) Fabrication Of Composite Articles	(G) Unsaturated Polyester Resin In Reactive Solvent.
P–13–0930	09/23/2013	12/22/2013	CBI	(G) Reactant In Polymerization Reaction.	(G) Substituted Phenol.
P–13–0931	09/23/2013	12/22/2013	Henkel Corporation	(S) Polymerizable Component in Adhesive Formulations.	(S) 2-Propenoic Acid, 4-Phenoxybutyl Ester.
P–13–0932	09/23/2013	12/22/2013	CBI	(G) Adhesive For Open Non-Descriptive Use.	(G) Polyester Adduct.

TABLE I—249 PMNS RECEIVED FROM 5/23/13 TO 9/30/13—Continued

Case No.	Received date	Projected notice end date	Manufacturer/ Importer	Use	Chemical
P–13–0933	09/24/2013	12/23/2013	CBI	(G) Contained Use In Energy Production.	(G) Organic Phosphonate Salt.
P–13–0934	09/24/2013	12/23/2013	CBI	(S) Polymer For Soft-Feel Effects Coatings For Film.	(G) Polyether Polyurethane Polymer.
P–13–0935	09/24/2013	12/23/2013	CBI	(G) Adhesive For Open Non-Descriptive Use.	(G) Polyisocyanate Adduct.
P–13–0936	09/25/2013	12/24/2013	CBI	(G) Contained Use In Energy Production.	(G) Organic Phosphonate Salt.
P–13–0937	09/25/2013	12/24/2013	Pennzoil-Quaker State Company.	(G) SHELL ONDINA	(S) Distillates (Fischer-Tropsch), Heavy, C_{18-50}-Branched, And Linear.
P–13–0939	09/13/2013	12/12/2013	CBI	(S) A Polymerized Component In Novel Adhesive/Sealant Formulations.	(G) Silyl Modified Polymer.
P–13–0940	09/13/2013	12/12/2013	Cray Valley USA, LLC.	(G) Additive For Rubber Goods To Improve Properties.	(S) 1,3-Butadiene, Homopolymer, Triethoxysilyl-Terminated.
P–13–0941	09/13/2013	12/12/2013	Umicore Precious Metals NJ, LLC.	(S) Inhibited Curing Agent	(S) Platinate (2-), Hexachloro-, Hydrogen (1:2), (Oc-6–11)-, Reaction Product With Carbon Monoxideand 2, 4, 6, 8-Tetraethenyl-2, 4, 6, 8-Tetramethylcyclotetrasiloxane.
P–13–0942	09/27/2013	12/26/2013	CBI	(G) Coating Material	(G) Copolymer Of Alkyl Methacrylate.
P–13–0943	09/30/2013	12/29/2013	Henkel Corporation	(S) Polymerizable Component In Adhesive And Sealant Formulations.	(S) Benzene, 1,4-Bis(1-Chloro-1-Methylethyl)-,Reaction Products With Polyisobutylene, Bis[3-[(1-Oxo-2-Propen-1-Yl)Oxy]Propyl]-Teminated.
P–13–0944	09/27/2013	12/26/2013	Elantas PDG, Inc	(S) Coating For Electrical Equipment	(S) 5-Isobenzofurancarboxylic Acid, 1,3-Dihydro-1,3-Dioxo-, Polymer With 2-Aminoethanol, 2,2-Dimethyl-1,3-Propanediol, 2,5-Furandione And 3a,4,7,7a-Tetrahydro-1,3-Isobenzofurandione.
P–13–0945	09/30/2013	12/29/2013	CBI	(G) Industrial Thermoplastic Additive	(G) Alkoxysilane.
P–13–0946	09/30/2013	12/29/2013	CBI	(G) Industrial Thermoplastic Additive	(G) Alkoxysilane.
P–13–0947	09/27/2013	12/26/2013	CBI	(G) Open, Non-Dispersive Use	(G) Hydroxy Functional Polyester.
P–13–0948	09/30/2013	12/29/2013	Lambent Technologies.	(S) Lubricant Additive	(G) Amine Phosphate.
P–13–0949	09/30/2013	12/29/2013	CBI	(G) Inks	(G) Nickel, Bisdiphenylimidazolidinetrithione.
P–13–0950	09/30/2013	12/29/2013	CBI	(G) Rheology Modifier	(G) Polyalkylene Glycol, Polymer With Alkylisocyanate And Alkylphenol.
P–13–0951	09/30/2013	12/29/2013	CBI	(G) A Destructive Use In The Manufacture Of Coating Materials And Fuels.	(G) Zinc Carboxylate.

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the NOCs received by EPA during this period: The EPA case number assigned to the NOC, the date the NOC was received by EPA, the projected end date for EPA's review of the NOC, and chemical identity.

TABLE II—63 NOCS RECEIVED FROM 5/23/13 TO 9/30/13

Case No.	Received date	Commencement notice end date	Chemical
P–07–0011	08/22/2013	08/15/2013	(G) Alkylated Phenol.
P–09–0011	08/15/2013	07/26/2013	(G) Unsaturated Urethane Acrylate.
P–09–0356	09/19/2013	06/19/2013	(G) Zirconium Lysine Complex.
P–10–0484	08/22/2013	02/22/2012	(G) Esterified Polymer Of Styrene, Maleic Anhydride And Ethenylbenzene, Potassium Salt.
P–11–0074	09/24/2013	09/05/2013	(G) Glyceryl Polypropylene Glycol Ether Polymer With Isophorone Diisocyanate, Methacrylate Blocked.
P–11–0177	08/05/2013	07/12/2013	(S) Dodecanedioic Acid, Polymer With 2,2-Dimethyl-1,3-Propanediol, 2-Ethyl-2-(Hydroxymethyl)-1,3-Propanediol, Hydrazine, 3-Hydroxy-2-(Hydroxymethyl)-2-Methylpropanoic Acid And 1,1'-Methylenebis[4-Isocyanatocyclohexane], Compound. With *N,N*-Diethylethanamine.
P–11–0270	08/28/2013	09/01/2011	(S) Lead Strontium Titanium Zirconium Oxide.
P–11–0560	09/16/2013	12/15/2012	(G) Alkylated Diphenyl Ethers.
P–12–0032	09/05/2013	09/04/2013	(G) Modified Fluorinated Acrylate.
P–12–0138	09/24/2013	09/05/2013	(G) Hydroxy Phenyl Fatty Acids.
P–12–0149	08/19/2013	07/30/2013	(G) Brominated Distillation Bottoms.
P–12–0194	09/25/2013	09/17/2013	(G) Amines, Bis(Alkyl). 3-[Bis(Alkylalkoxy)Phosphinothioyl]Thio]-2-Alkylalkananoates.
P–12–0342	08/02/2013	08/01/2013	(S) 3[Cis-4-(2-Methylpropyl)Cyclohexyl]Propanal*.
P–12–0408	08/13/2013	08/07/2013	(G) Alkenedioic Acid Dialkyl Ester, Reaction Products With Alkenoic Acid Alkyl Esters.
P–12–0441	08/01/2013	01/08/2013	(G) A Glucopyranose.
P–12–0493	09/06/2013	04/03/2013	Null.
P–12–0532	08/14/2013	07/23/2013	(G) Tetrasubstituted Dioxadithiane.
P–12–0557	08/16/2013	07/29/2013	(S) Tires, Wastes, Pyrolyzed, C_{8-25} Oil Fraction.
P–12–0558	08/16/2013	07/29/2013	(S) Tires, Wastes, Pyrolyzed, C_{21-33} Oil Fraction.

TABLE II—63 NOCS RECEIVED FROM 5/23/13 TO 9/30/13—Continued

Case No.	Received date	Commencement notice end date	Chemical
P–13–0010 ..	09/04/2013	08/30/2013	(S) 1,4-Cyclohexanedicarboxylic Acid, 1,4-Dimethyl Ester, Hydrogenolysis Products.
P–13–0033 ..	08/23/2013	08/22/2013	(G) Dialkyl Thiophenol, Manufactor Of, By-Products From.
P–13–0034 ..	08/23/2013	08/22/2013	(G) Alkylthiophenamine, Manufactor Of, By-Products From.
P–13–0055 ..	08/23/2013	08/22/2013	(G) Alkaneamide, Halo-Dialkylthienyl-Alkoxydialkyl-, Manufactor Of, By-Products From.
P–13–0110 ..	08/22/2013	08/09/2013	(G) Hydroxyalkyl Methacrylate, Reaction Product With Cyclic Ether.
P–13–0131 ..	08/06/2013	07/20/2013	(G) Tertiary Ammonium Compound.
P–13–0140 ..	09/25/2013	09/18/2013	Null.
P–13–0173 ..	08/12/2013	07/16/2013	(S) 9-Dodecanoic Acid, Methyl Ester*.
P–13–0189 ..	08/06/2013	07/10/2013	(G) Depolymerized Waste Plastics.
P–13–0214 ..	08/30/2013	08/21/2013	(G) Polymer Reaction Product Of Formaldehyde, Chloromethyl Oxirane, Phenol, 1,3-Isobenzofurandione, With N-(2-Aminoethyl)-1,2-Ethanediamine And Phenol With Tetrahydro-Methano-Indene Glycidyl Ether.
P–13–0218 ..	08/05/2013	07/28/2013	(S) Bicyclo[2.2.1]Hept-2-Ene, 5-Ethenyl-, Polymer With Ethene, 5-Ethylidenebicyclo[2.2.1]Hept-2-Ene And 1-Propene.
P–13–0228 ..	08/28/2013	08/14/2013	(S) Phosphine, Triphenyl-, Reaction Products With Brominated Isobutylene-Isoprene Polymer.
P–13–0260 ..	09/20/2013	08/28/2013	(G) Zinc Bis(Dialkyldithiocarbamate).
P–13–0315 ..	09/05/2013	08/24/2013	(G) 1,4-Benzenedicarboxylic Acid, Polymer With Substituted-2,5-Furandione, Carboxylic Acid, Substituted Carbomonocycle Ethoxylated, Substituted Carbomonocycle Propoxylated And Polyol.
P–13–0316 ..	09/23/2013	09/10/2013	(G) Copolymer Of Methacryclic Acid Derivatives.
P–13–0320 ..	09/16/2013	09/05/2013	(G) Substituted Dicarboxylic Acid, Polymer With Substituted Benzenamine And Substituted Dicarboxylic Acid.
P–13–0330 ..	09/30/2013	09/23/2013	(G) Fatty Acids, C_{18}, Dimers, Dialkyl Esters, Hydrogenated, Polymers With Alkanedioic Acid, 1,3-Bis-(Isocyanato-1-Alkyl)Benzene, 3-Hydroxy-2-(Hydroxymethyl)-2-Alkylpropenoic Acid, 1,1'-Methylenebis [Isocyanatocycloalkane], Neopentyl Glycol And Oxepanone Compounds With Trialkyl Amine.
P–13–0337 ..	08/15/2013	07/31/2013	(G) Fatty Acid Phthalate Alkyd Polymer.
P–13–0341 ..	08/12/2013	07/18/2013	(S) 9-Dodecenoic Acid, Methyl Ester.
P–13–0358 ..	08/05/2013	07/03/2013	(G) Vegetable Oil Esters.
P–13–0374 ..	09/05/2013	09/03/2013	(G) Substituted Picolinic Acid.
P–13–0378 ..	09/05/2013	09/03/2013	(G) Carboxylic Anhydride, Polymer With -Hydro-Hydroxypoly(Oxy-1,2-Diethanediyl), Compound. With 2,3,4,6,7,8,9,10-Octahydropyrimido-[1,2–A]Azepine.
P–13–0380 ..	09/12/2013	09/10/2013	(S) 2-Propenoic Acid, 2-Methyl-, 1,1-Dimethylethyl Ester, Polymer With Butyl 2-Propenoate, Ethenylbenzene And 2-Oxiranylmethyl 2-Methyl-2-Propenoate, 2-Propenoate.
P–13–0381 ..	08/22/2013	08/19/2013	(G) Pyrrolopyrrol.
P–13–0387 ..	08/12/2013	08/05/2013	(G) Amines, Polyethylenepoly-, Reaction Products With Aryl Anhydride And Succinic Monopolyisobutylene Derivs.
P–13–0388 ..	08/05/2013	07/28/2013	(G) Hexanedioic Acid, Polymer With 1,2-Butanediol, Diesters With Alkene Reaction Products.
P–13–0390 ..	09/25/2013	09/24/2013	(G) Halogenated, Substituted Picolinic Ester.
P–13–0392 ..	09/16/2013	09/11/2013	(G) Acrylic Acid Esters Polymer With Polyisocyanate.
P–13–0405 ..	08/26/2013	08/17/2013	(S) Carbonic Acid, Dimethyl Ester, Polymer With 1,4-Diisocyanatobenzene, 1,6-Hexanediol And 2,2'-[1,4-Phenylenebis(Oxy)]Bis]Ethanol].
P–13–0406 ..	08/07/2013	08/05/2013	(S) 2*h*-2,4*a*-Methanonaphthalen-1(5*h*)-One, Hexahydro-5,5-Dimethyl-2-Propyl-.
P–13–0407 ..	09/03/2013	08/15/2013	(G) Triazinylaminostilbene.
P–13–0414 ..	08/22/2013	07/31/2013	(S) 1,4-Benzenedicarboxylic Acid, Polymer With [1,1'-Biphenyl]-3,3',4,4'-Tetramine*.
P–13–0415 ..	08/27/2013	08/16/2013	(S) Pyridine, 2,2'-Dithiobis.
P–13–0421 ..	08/27/2013	08/13/2013	(S) 4,7-Methano-1*h*-Indene-5-Acetaldehyde, Octahyro-*,(S) 4,7-Methano-1*h*-Indene-5-Carboxaldehyde, Octahydro-6-Methyl-.
P–13–0447 ..	08/30/2013	08/21/2013	(G) Carboxylic Anhydride, Polymer With -Hydro-Hydroxypoly(Oxy-1,2-Ethanediyl), Compound. With *N,N'*-Bis[3-(Dimethylamino)Propyl]Urea.
P–13–0448 ..	09/11/2013	09/06/2013	(G) Propoxylated Glycerol Aliphatic Diacid Acrylated Polymer, Polymer With Aliphatic Diamine.
P–13–0458 ..	09/30/2013	09/20/2013	(G) Substituted Carbopolycycle, Polymer With Substituted Carbomonocycle, Alkanoic Acid Ester and Tetrasubstituted Alkane-Blocked.
P–13–0463 ..	09/30/2013	09/11/2013	(G) Substituted Polysiloxane.
P–13–0465 ..	09/30/2013	09/20/2013	(G) Substituted Benzotriazole.
P–13–0466 ..	09/30/2013	09/16/2013	(G) Substituted Polysiloxane.
P–13–0557 ..	09/25/2013	09/09/2013	(G) Tall Oil Fatty Acid, Compound With Cyclic Amine.
P–13–0620 ..	09/23/2013	09/11/2013	(G) Polymer Of Aliphatic Acids, Aliphatic Diols, Aliphatic Polyols, Oligomeric Silsesquioxane, And Aromatic Acids.
P–13–0629 ..	09/12/2013	09/09/2013	(S) 2-Propenoic Acid, 2-Methyl-,Methyl Ester, Polymer With Butyl 2-Propenoate, Ethenylbenzene And 2-Oxiranylmethyl 2-Methyl-2-Propenoate, 2-Propenoate, 1,1-Dimethylpropyl 2-Ethylhexaneperoxoate-Initiated.
P–96–1093 ..	09/26/2013	09/22/2013	(G) Polyetherisocyanate Silane Adduct.

If you are interested in information that is not included in these tables, you may contact EPA as described in Unit III. to access additional non-CBI information that may be available.

List of Subjects

Environmental protection, Chemicals, Hazardous substances, Imports, Notice of commencement, Premanufacturer, Reporting and recordkeeping requirements, Test marketing exemptions.

Dated: June 24, 2014.

Chandler Sirmons,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2014–15760 Filed 7–3–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2014–0462; FRL–9912–06]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is required under the Toxic Substances Control Act (TSCA) to publish in the **Federal Register** a notice of receipt of a premanufacture notice (PMN); an application for a test marketing exemption (TME), both pending and/or expired; and a periodic status report on any new chemicals under EPA review and the receipt of notices of commencement (NOC) to manufacture those chemicals. This document covers the period from October 1, 2013 to January 30, 2014.

DATES: Comments identified by the specific PMN number or TME number, must be received on or before August 6, 2014.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2014–0462, and the specific PMN number or TME number for the chemical related to your comment, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* 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: Bernice Mudd, Information Management Division (7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8951; email address: *Mudd.bernice@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?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the PMNs addressed in this action.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. What action is the Agency taking?

This document provides receipt and status reports, which cover the period from October 1, 2013 to January 30, 2014, and consists of the PMNs pending and/or expired, and the NOCs to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. What is the Agency's authority for taking this action?

Section 5 of TSCA requires that EPA periodically publish in the **Federal Register** receipt and status reports, which cover the following EPA activities required by provisions of TSCA section 5.

EPA classifies a chemical substance as either an ''existing'' chemical or a ''new'' chemical. Any chemical substance that is not on EPA's TSCA Inventory is classified as a ''new chemical,'' while those that are on the TSCA Inventory are classified as an ''existing chemical.'' For more information about the TSCA Inventory go to: *http://www.epa.gov/opptintr/newchems/pubs/inventory.htm.* Anyone who plans to manufacture or import a new chemical substance for a non-exempt commercial purpose is required by TSCA section 5 to provide EPA with a PMN, before initiating the activity. Section 5(h)(1) of TSCA authorizes EPA to allow persons, upon application, to manufacture (includes import) or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a), for ''test marketing'' purposes, which is referred

to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: *http://www.epa.gov/oppt/newchems.*

Under TSCA sections 5(d)(2) and 5(d)(3), EPA is required to publish in the **Federal Register** a notice of receipt of a PMN or an application for a TME and to publish in the **Federal Register** periodic status reports on the new chemicals under review and the receipt of NOCs to manufacture those chemicals.

IV. Receipt and Status Reports

In Table I. of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: The EPA case number assigned to the PMN, the date the PMN was received by EPA, the projected end date for EPA's review of the PMN, the submitting manufacturer/importer, the potential uses identified by the manufacturer/importer in the PMN, and the chemical identity.

TABLE I—248 PMNS RECEIVED FROM 10/01/13 TO 01/30/14

Case No.	Received date	Projected notice end date	Manufacturer/ importer	Use	Chemical
P–13–0953	10/01/2013	12/30/2013	CBI	(G) Coating	(G) Modified Refinery Stream.
P–14–0003	10/07/2013	01/05/2014	Cardolite Corporation	(S) Epoxy Curing Agent For Coatings	(G) Cashew Nutshell Liquid, Epoxidized, Polymer With Formaldehyde-Phenol Polymer Glycidyl Ether.
P–14–0004	10/03/2013	01/01/2014	Cardolite Corporation	(S) Epoxy Binder For Coating Formulations.	(S) Phenol, 4,4′-(1-Methylethylidene)Bis-, Polymer With 2,2′-[(1-Methylethylidene)Bis(4,1-Phenyleneoxymethylene)]Bis[Oxirane], Reaction Products With *N*1,*N*1-Diethyl-1,3-Propanediamine.
P–14–0005	10/07/2013	01/05/2014	CBI	(G) Ingredient In Resin Manufacturing	(G) Acrylonitrile-Acrylate Copolymer.
P–14–0006	10/07/2013	01/05/2014	Cardolite Corporation	(S) Epoxy Curing Agent For Light Color Coatings.	(G) Fatty Acids, C_{-18} Unsatd., Dimers, Polymers With Cashew Nutshell Liq., Epichlorohydrin.
P–14–0007	10/03/2013	01/01/2014	CBI	(G) Additive For Oil Industry	(G) Fatty Acids, Esters With Polyol.
P–14–0008	10/08/2013	01/06/2014	Cardolite Corporation	(S) Epoxy Curing Agent For Light Color Coatings.	(G) Fatty Acids, C_{18}.Unsatured, Dimers, Polymers With Bisphenol A, Cashew Nutshell Liq., Epichlorohydrin.
P–14–0009	10/04/2013	01/02/2014	Cardolite Corporation	(S) Resin Modifier For Coatings Formulations.	(G) Ether Alcohol Of Cashew Nutshell Liquid Novolac.
P–14–0010	10/09/2013	01/07/2014	CBI	(G) Intermediate For Silylation	(G) Alkylchlorosilane.
P–14–0011	10/18/2013	01/16/2014	CBI	(G) Industrial Coating Applications	(G) Aliphatic Polycarbonate Diol.
P–14–0012	10/18/2013	01/16/2014	CBI	(S) Emulsifier For Use In Asphalt Applications.	(G) Fatty Acid Amide.
P–14–0013	10/18/2013	01/16/2014	CBI	(S) Emulsifier For Use In Asphalt Applications.	(G) Fatty Acid Amide.
P–14–0014	10/11/2013	01/09/2014	CBI	(G) Resin Additive	(G) Spirobi[1*h*,6*h*-Dibenzo Heteropolycyclic],1,1′,15,15′-Tetradehydro.
P–14–0015	10/18/2013	01/16/2014	CBI	(S) Emulsifier For Use In Asphalt Applications.	(G) Fatty Acid Amide.
P–14–0016	10/18/2013	01/16/2014	CBI	(S) Emulsifier For Use In Asphalt Applications.	(G) Fatty Acid Amide.
P–14–0017	10/18/2013	01/16/2014	CBI	(S) Thermoplastic Polyurethane For Coatings/Mouldings.	(S) Carbonic Acid, Dimethyl Ester, Polymer With 1,6-Hexanediol, 1,1′-Methylenebis[4-Isocyanatobenzene] And 2,2′-[1,4-Phenylenebis(Oxy)]Bis-[Ethanol].
P–14–0018	10/17/2013	01/15/2014	Huntsman Corporation	(G) This Product Is Used As An Anti-Swelling Additive In Water-Based Drilling Mud To Prevent Wellbore And Formation Damage Due To Clay Swelling.	(S) 2-Propanamine, *N,N′*-[1,2-Ethanediylbis(Oxy-2,1-Ethanediyl)]Bis-.
P–14–0019	10/17/2013	01/15/2014	Huntsman Corporation	(G) This Product Is Used As An Anti-Swelling Additive In Water-Based Drilling Mud To Prevent Wellbore And Formation Damage Due To Clay Swelling.	(S) Ethanamine, 2,2′-[1,2-Ethanediylbis(Oxy)]Bis[N-Ethyl-.
P–14–0020	10/17/2013	01/15/2014	Allnex USA Inc	(G) Coating Resin	(G) Heteropolycyclic Diacrylate.
P–14–0024	10/17/2013	01/15/2014	Allnex USA Inc	(G) Coating Resin	(G) Substituted Fatty Acids, Polymers With Alkanedioic Acid, Substituted Carbomonocycles, Substituted Alkanoates, Alkanediol, Compds. With Substituted Alkanol.
P–14–0025	10/14/2013	01/12/2014	CBI	(S) Water Reducing Agent For Use In Concrete.	(G) Polyethylene Glycol-Acrylic Polymer Salt.
P–14–0026	10/14/2013	01/12/2014	CBI	(G) Fuel Additive	(G) Substituted Maleic Anhydride Polymer.
P–14–0028	10/21/2013	01/19/2014	Allnex USA Inc	(G) Intermediate For Coating Resin Manufacture.	(G) Substituted Alkene, Reaction Products With Substituted Carbomonocycle.
P–14–0030	10/23/2013	01/21/2014	Allnex USA Inc	(G) Coating Resin	(G) Alkyl Substituted Alkanoic Acid-, Alkyl Ester, Polymer With Substituted Alkanoates, Alkyl Peroxide-Initiated.

TABLE I—248 PMNS RECEIVED FROM 10/01/13 TO 01/30/14—Continued

Case No.	Received date	Projected notice end date	Manufacturer/ importer	Use	Chemical
P–14–0031	10/23/2013	01/21/2014	Allnex USA Inc	(G) Coating Resin	(G) Substituted Fatty Acids, Polymers With Alkanedioic Acid, Substituted Carbomonocycles, Substituted Alkanoates, Alkanediol, Compounds, With Substituted Alkanol.
P–14–0032	10/24/2013	01/22/2014	CBI	(G) Resin For Waterborne Automotive & Industrial Coatings.	(G) Branched Acid Functional Amine Salted Polyester.
P–14–0033	10/24/2013	01/22/2014	CBI	(G) Haps Free, Silicone Based Resin For The Manufacture Of Ambient Curing Industrial Coatings, Such As Anti-Corrosion Coatings For Mufflers, Ovens,Chimneys, Oven Inserts, Barbeques And Electric And Gas Heaters As Well As Other Large Industrial Objects And Equipment.	(S) Siloxanes And Silicones, Di-Me, Ethoxy Ph, Polymers With Ph Silsesquioxanes, Ethoxy- Terminated.
P–14–0034	10/24/2013	01/22/2014	CBI	(G) P0180t Will Be Used As An Additive In Dish Detergent Formulations.	(G) Alkyl Acrylate, Polymer With 2-Propenoic Acid, Sodium Salt.
P–14–0035	10/24/2013	01/22/2014	CBI	(G) Dish Detergent Additive	(G) Alkyl Acyrlate, Polymer With 2-Propenoic Acid And Sodium 2-Methyl-2-[(1-Oxo-2-Propen-1-Yl)Amino]-1-Propanesulfonate (1:1), Sodium Salt.
P–14–0036	10/28/2013	01/26/2014	Allnex USA Inc	(S) Coating Resin For Automobile Parts.	(G) Substituted Alkanoic Acid Ester, Polymer With Alkyl Substituted Alkanoate, Substituted Carbomonocycle, Substituted Alkanoates And Heteromonocycle, Substituted Peroxoate-Initiated.
P–14–0037	10/28/2013	01/26/2014	Allnex USA Inc	(S) Coating Resin For Automobile Parts.	(G) Substituted Alkanoic Acid Ester, Polymer With Alkyl Substituted Alkanoate, Substituted Carbomonocycle, Substituted Alkanoates, Heteromonocycle And Alkanoic Acid, Substituted Peroxoate-Initiated, Compounds With Substituted Alkanol.
P–14–0039	10/29/2013	01/27/2014	CBI	(G) Fabric Softener Additive	(G) Quaternized Protein/Silicone Copolymer.
P–14–0040	10/29/2013	01/27/2014	CBI	(G) Reaction Intermediate	(G) Polyethylene Glycol Derivative.
P–14–0041	10/29/2013	01/27/2014	CBI	(G) Reaction Intermediate	(G) Polyethylene Glycol Derivative.
P–14–0042	10/29/2013	01/27/2014	CBI	(G) Surfactant For Laboratory Use Fluid.	(G) Fluorosurfactant.
P–14–0043	10/30/2013	01/28/2014	CBI	(S) Curing Agent For Use In Adhesives, Coatings, And Sealants; Drying Agent For Use In Adhesives And Sealants.	(G) Polypropylene Glycol Amine Adduct.
P–14–0044	10/30/2013	01/28/2014	CBI	(G) Polymer Dispersant Admixture	(G) Modified Ketone Resin, Sodium Salt.
P–14–0045	10/30/2013	01/28/2014	Allnex USA Inc	(S) Ultra violet Curable Coating Resin For Printing Inks.	(G) Substituted Alkanediol, Polymer With Substituted Heteromonocycle And Heteromoncycle, Alkenoate, Reaction Products With Dialkylamine.
P–14–0046	10/29/2013	01/27/2014	CBI	(G) Pigment Dispersant For Use In Inks And Coatings.	(G) Polyester Polyethyleneimine Copolymer.
P–14–0049	10/31/2013	01/29/2014	CBI	(S) Filler	(G) Treated Silica.
P–14–0050	10/31/2013	01/29/2014	H.B. Fuller Company	(G) Industrial Adhesive	(G) Fatty Acids, C_{18}-Unsaturated, Dimers, Polymers With Alkane Acid, 1,6-Hexanediol, 1,1′-Methylenebis[Isocyanatobenzene] And Neopentyl Glycol.
P–14–0051	10/31/2013	01/29/2014	H.B. Fuller Company	(G) Industrial Adhesive	(G) Fatty Acids, C_{18}-Unsatd., Dimers, Polymers With Alkane Acid, 1,6-Hexanediol, 1,1′-Methylenebis[4-Isocyanatobenzene] And Neopentyl Glycol.
P–14–0052	10/31/2013	01/29/2014	CBI	(S) Crosslinker For Automotive Coatings, Crosslinker For Wood And Plastic Coatings.	(G) Polymer Modified Multifunctional Silane.
P–14–0053	10/31/2013	01/29/2014	Takasago	(S) Fragrance In Deodorants And Cosmetics, Fragrance In Fine Fragrance, Fragrance In Household Products Such As Laundry Detergents And Air Fresheners, Fragrance In Shampoos And Body Washes.	(S) 2-Pentanone, 3-Methyl-5-(2,2,3-Trimethylcyclopentyl)-.
P–14–0054	10/31/2013	01/29/2014	CBI	(G) Destructive Use, Will Be Used As A Monomer To Synthesize Other Polymers And Be Completely Consumed In The Polymer Synthesis Process.	(G) Amine-Functional Oligomer.

TABLE I—248 PMNS RECEIVED FROM 10/01/13 TO 01/30/14—Continued

Case No.	Received date	Projected notice end date	Manufacturer/ importer	Use	Chemical
P–14–0055	10/31/2013	01/29/2014	Takasago	(S) Fragrance In Deodorants And Cosmetics, Fragrance In Fine Fragrance, Fragrance In Household Products Such As Laundry Detergents And Air Fresheners, Fragrance In Shampoos, Body Wash.	(S) Cyclohexanecarboxylic Acid, 2,2,6-Trimethyl-,2-Propen-1-Yl Ester.
P–14–0056	10/31/2013	01/29/2014	Jotun Paints Inc	(G) A Curing Agent Or Hardener For A 2-Component Liquid.	(G) 4,4′-(1-Methylethylidene)Bisphenol, Polymer With (Chloromethyl)Oxirane and Diamines.
P–14–0057	10/31/2013	01/29/2014	CBI	(G) Industrial Feedstock Chemical	(G) Glycerides, C_{8-18} and C_{18} Unsaturated, From Fermentation.
P–14–0058	11/01/2013	01/30/2014	CBI	(S) Flame Retardant Additive For Use In Electronic Parts.	(G) Alkylphosphinic Acid.
P–14–0059	11/01/2013	01/30/2014	Henkel Corporation	(S) Catalyst Used To Prepare Site Limited Chemical Intermediate To Cureable Monomer (P–13–0468).	(S) Tris (Triphenylphosphin-e)Dichlororuthenium (Ii).
P–14–0060	11/01/2013	01/30/2014	CBI	(G) Coating Component	(G) 1,1′-Methylenebis[Isocyanatobenzene], Polymer With Polycarboxylic Acids In Alkane Polyols.
P–14–0061	11/01/2013	01/30/2014	CBI	(G) Additive, Open, Non-Dispersive Use.	(G) Dicarboxylic Acid, Polymer With Alkanediol, Diester With Alkylalcohols.
P–14–0062	11/04/2013	02/02/2014	CBI	(G) Coatings	(G) Heteropolycycle, Polymer With Substituted Diols And Polyalkyl Alkanoate.
P–14–0063	11/05/2013	02/03/2014	Shell Chemical LP	(S) Wax Applications, Such As For burning Candles.	(S) Alkenes, C_{30-60}, Branched And Linear.
P–14–0066	11/06/2013	02/04/2014	Baze Chemical Company	(S) Water Clarifier Intermediate	(S) 1,6-Hexanediamine, N1-(6-Aminohexyl)-,Polymer With 2-(Choloromethyl) Oxirane,N-(Dithiocarboxy) Derivs., Sodium Salts.
P–14–0067	11/06/2013	02/04/2014	3M Company	(G) Polymer Additive	(G) Fluoroalkyl Derivative.
P–14–0068	11/06/2013	02/04/2014	CBI	(S) Crosslinker For Radiation Cured Adhesive.	(G) Urethane Acrylate.
P–14–0069	11/06/2013	02/04/2014	CBI	(G) Material For Molding Electronic Parts.	(G) Aromatic Polyester Resin.
P–14–0070	11/07/2013	02/05/2014	Cathay Industrial Biotech, Ltd.	(S) As a Monomer For Polyamides	(S) 1,5-Pentanediamine.
P–14–0071	11/07/2013	02/05/2014	CBI	(G) Reaction Intermediate	(G) Polyethylene Glycol Derivative.
P–14–0072	11/06/2013	02/04/2014	CBI	(S) Polymerization Initiator For The Production Of Low Density Polyethylene (Ldpe) Resin, Polymerization Initiator For The Production Of Polyvinyl Chloride (Pvc) Resin.	(S) Propaneperoxoic Acid, 2,2-Dimethyl-, 1,1,3,3-Tetramethylbutyl Ester.
P–14–0073	11/10/2013	02/08/2014	CBI	(G) Manufacturing Intermediate	(G) Fluorinated Alcohol.
P–14–0074	11/11/2013	02/09/2014	CBI	(G) Acrylate Component In Inks, Coatings, Adhesives.	(G) Amino Acrylate Oligomer.
P–14–0075	11/12/2013	02/10/2014	CBI	(S) Flame Retardant Additive For Use In Electronic Parts.	(G) Alkylphosphinic Acid.
P–14–0076	11/12/2013	02/10/2014	Calumet Lubricants Co., LP.	(S) Polyol Esters For Use In General Purpose Industrial Lubricants And Refrigeration Compressors.	(G) Polyol Esters.
P–14–0077	11/12/2013	02/10/2014	Calumet Lubricants Co., LP.	(S) Polyol Esters,(S) Polyol Esters For Use In General Purpose Industrial Lubricants And Refrigeration Compressors.	(G) Polyol Ester.
P–14–0078	11/12/2013	02/10/2014	Calumet Lubricants Co., LP.	(S) Polyol Esters,(S) Polyol Esters For Use In General Purpose Industrial Lubricants And Refrigeration Compressors.	(G) Polyol Ester.
P–14–0079	11/12/2013	02/10/2014	Calumet Lubricants Co., LP.	(S) Polyol Esters,(S) Polyol Esters For Use In General Purpose Industrial Lubricants And Refrigeration Compressors.	(G) Polyol Ester.
P–14–0080	11/13/2013	02/11/2014	CBI	(G) Surface Tension Reducer For Metal And Plastic Plating Processes.	(G) Substituted Alkyl Phosphinic Acid.
P–14–0082	11/13/2013	02/11/2014	Zeon Chemicals LP	(G) polycycloolefin-L-15	(G) polycycloolefin-L-15.
P–14–0088	11/15/2013	02/13/2014	CBI	(G) Polymer Additive	(G) Mixed Alkyl Dicarboxylic Acid Esters.
P–14–0089	11/15/2013	02/13/2014	CBI	(S) Surfactant For Use In Asphalt Emulsions.	(G) Fatty Acid Amide Hydrochloride.
P–14–0090	11/15/2013	02/13/2014	CBI	(S) Surfactant For Use In Asphalt Emulsions.	(G) Fatty Acid Amide Hydrochloride.
P–14–0091	11/15/2013	02/13/2014	CBI	(S) Surfactant For Use In Asphalt Emulsions.	(G) Fatty Acid Amide Hydrochloride.
P–14–0092	11/15/2013	02/13/2014	CBI	(S) Surfactant For Use In Asphalt Emulsions.	(G) Fatty Acid Amide Hydrochloride.

TABLE I—248 PMNS RECEIVED FROM 10/01/13 TO 01/30/14—Continued

Case No.	Received date	Projected notice end date	Manufacturer/ importer	Use	Chemical
P–14–0093	11/18/2013	02/16/2014	CBI	(G) Resin For Coatings	(G) Phenol, Bis Alkylalylidene-, Polymer With Haloalkyl Hetermonocycle, Alkylhexanoate, Reaction Products With Substituted Amines.
P–14–0094	11/18/2013	02/16/2014	CBI	(G) Crosslinking Agent	(G) Substituted Polyalkylene Polycarbomonocyclic Ester, 2-Alkoxyethanol- And Dialkylene Glycol Alkyl Ether-Blocked.
P–14–0095	11/18/2013	02/16/2014	CBI	(G) Resin For Coatings	(G) Dihydroxyalkyl Alkanol, Polymer With Disubstituted Alkane, Ketoxime-Blocked.
P–14–0096	11/18/2013	02/16/2014	CBI	(S) Intermediate	(G) Aryloxyalkyl Amine.
P–14–0097	11/18/2013	02/16/2014	CBI	(S) Intermediate	(G) Polyalkylene Polymer, Anhydride Reaction Products.
P–14–0098	11/18/2013	02/16/2014	CBI	(G) Lubricating Oil Additive	(G) Polyalkylene Polymer, Anhydride Reaction Products, Imidated.
P–14–0100	11/20/2013	02/18/2014	CBI	(S) Pesticide Inert Formulation Ingredient.	(G) Polymerized Fatty Acid Esters With Aminoalcohol Alkoxylates.
P–14–0101	11/20/2013	02/18/2014	CBI	(S) Pesticide Inert Formulation Ingredient.	(G) Polymerized Fatty Acid Esters With Aminoalcohol Alkoxylates.
P–14–0102	11/20/2013	02/18/2014	CBI	(S) Pesticide Inert Formulation Ingredient.	(G) Polymerized Fatty Acid Esters With Aminoalcohol Alkoxylates.
P–14–0103	11/20/2013	02/18/2014	CBI	(S) Pesticide Inert Formulation Ingredient.	(G) Polymerized Fatty Acid Esters With Aminoalcohol Alkoxylates.
P–14–0104	11/20/2013	02/18/2014	CBI	(G) Industrial Feedstock Chemical	(G) Glycerides, C8–18 And C18 Unsaturated, From Fermentation.
P–14–0105	11/21/2013	02/19/2014	H.B. Fuller Company	(G) Industrial Adhesive	(G) Methylene Diisocyanate Polymer With Diols And Triols.
P–14–0106	11/21/2013	02/19/2014	CBI	(G) Chemical Intermediate; Oilfield Production.	(G) Blown Polymerized Fatty Acid.
P–14–0107	11/21/2013	02/19/2014	CBI	(G) Chemical Intermediate; Oilfield Production.	(G) Blown Polymerized Fatty Acid.
P–14–0108	11/21/2013	02/19/2014	Huntsman	(G) Curing Agent	(G) Fatty acids, $_{C16–18}$ AND C_{18}-unsaturated branched and linear polymers with ethyleneamines.
P–14–0109	11/22/2013	02/20/2014	H.B. Fuller	(G) Industrial Adhesive	(G) 2-Propenoic Acid, 2-Methyl-, Ester, Polymer With Butyl 2-Propenoate, Ethenyl Alkanoate, Ethenylbenzene, 2-Ethylhexyl 2-Propenoate And Alkanediol.
P–14–0110	11/24/2013	02/22/2014	Palmer International Inc	(G) The Product Would Be Used As A Polyol To Be.	(S) Cashew, Nutshell Liquid, Polymer With Formaldehyde, Reaction Products With Diethanolamine And Diisopropanolamine.
P–14–0111	11/24/2013	02/22/2014	CBI	(G) Adhesive For Open Non-Descriptive Use.	(G) Polyurethane Polymer.
P–14–0112	11/25/2013	02/23/2014	CBI	(G) P0182t Is A Lubricant Additive	(G) Amides, From Polyethylenepolyamines And Fatty Acids, Reaction Products With Acid Anhydride Monopolyisobutylene Derivs.
P–14–0113	11/26/2013	02/24/2014	Palmer International Inc	(G) The Product Would Be Used As A Polyol To Be Reacted With Polyisocyanates To Create Polyurethane Foam.	(S) Cashew, Nutshell Liquid, Polymer With Formaldehyde, Reaction Products With Diethanolamine And Diisopropanolamine.
P–14–0114	11/26/2013	02/24/2014	CBI	(S) Ultra violet Curable Waterborne Urethane For Direct-To-Metal Coatings.	(G) Waterborne Acrylate-Functional Polyurethane.
P–14–0123	11/29/2013	02/27/2014	CBI	(S) Acrylic Resin Used In Ultra violet Curable Inks And Coatings.	(G) Reaction Product Of Acrylate And Isocyanate.
P–14–0124	12/02/2013	03/02/2014	CBI	(G) Polymer Intermediate Used In Extrusion And Moulding.	(G) Graft Copolymer Of Polyolefin And Polyamide.
P–14–0125	12/02/2013	03/02/2014	Colonial Chemical, Inc	(G) Chemical Intermediate For Sale Into Commerce.	(S) 1-Octadecanaminium, *N*-(3-Chloro-2-Hydroxypropyl)-*N*, *N*-Dimethyl-,Chloride (1:1).
P–14–0126	12/03/2013	03/03/2014	CBI	(G) Component Of Colorant For Polyurethane Resins.	(G) Substituted Fatty Acid Amide, Polymer With Disubstituted Alkyl Carbomonocycle Disubstituted Alcohol And Alkoxylated Polyol.
P–14–0128	12/03/2013	03/03/2014	CBI	(G) The New Substance Is Intended For Use As A Binder For Industrial Waterborne Coating Applications.	(G) Alkyl Methacrylate Polymer With Alkyl Acrylate, Bis(2,3-Heteromonocyclicalkoxy) -2,2-Dialkylpropane, Vinyl Aromatic, Propenoic Acid Esters With $C_{12–14}$-Alkyloxy 1,2 Alkyldiol, Amine Salts.
P–14–0129	12/03/2013	03/03/2014	CBI	(G) A Solvent In Pesticide Formulations	(G) Carboxylic Acid Alkyl Amide.

TABLE I—248 PMNS RECEIVED FROM 10/01/13 TO 01/30/14—Continued

Case No.	Received date	Projected notice end date	Manufacturer/ importer	Use	Chemical
P–14–0130	12/04/2013	03/04/2014	Shell Chemical LP	(S) Coatings; Cleaning Fluids; Agrochemicals; Metal Working Fluids/Rolling Oils; Sold As Intermediate.	(S) Alkanes C_{15-19} Branched And Linear.
P–14–0131	12/04/2013	03/04/2014	Shell Chemical LP	(S) Coatings; Cleaning Fluids; Agrochemicals; Metal Working Fluids/Rolling Oils; Sold As Intermediate.	(S) Alkanes C_{18}-C_{24} Branched And Linear.
P–14–0132	12/04/2013	03/04/2014	Shell Chemical LP	(S) Coatings; Cleaning Fluids; Agrochemicals; Metal Working Fluids/Rolling Oils.	(S) Alkanes, C_{8-11}-Branched And Linear.
P–14–0133	12/04/2013	03/04/2014	Shell Chemical LP	(S) Coatings; Cleaning Fluids; Agrochemicals; Metal Working Fluids/Rolling Oils; Sold As Intermediate.	(S) Alkanes, C_{9-12} Branched And Linear.
P–14–0134	12/04/2013	03/04/2014	Shell Chemical LP	(S) Coatings; Cleaning Fluids; Agrochemicals; Metal Working Fluids/Rolling Oils; Sold As Intermediate.	(S) Alkanes, C_{9-13} Branched And Linear.
P–14–0135	12/04/2013	03/04/2014	Shell Chemical LP	(S) Coatings; Cleaning Fluids; Agrochemicals; Metal Working Fluids/Rolling Oils; Sold As Intermediate.	(S) Alkanes, C_{10-13} Branched And Linear.
P–14–0136	12/04/2013	03/04/2014	Shell Chemical LP	(S) Coatings; Cleaning Fluids; Agrochemicals; Metal Working Fluids/Rolling Oils; Sold As Intermediate.	(S) Alkanes, C_{12-15} Branched And Linear.
P–14–0137	12/04/2013	03/04/2014	Shell Chemical LP	(S) Coatings; Cleaning Fluids; Agrochemicals; Metal Working Fluids/Rolling Oils; Sold As Intermediate.	(S) Alkanes, C_{14-16} Branched And Linear.
P–14–0138	12/04/2013	03/04/2014	DIC International (USA) LLC.	(G) Material Serves As Part Of A coating which is Laminated To textiles by adhesives to create the artificial leather.	(G) Polycarbonate-Based Polyurethane Resin.
P–14–0139	12/04/2013	03/04/2014	CBI	(G) Open, Non-Dispersive Use	(G) Alkylheterocyclic Amine Blocked Isocyanate, Alkoxysilane Polymer.
P–14–0140	12/04/2013	03/04/2014	CBI	(G) Reactant For Synthesis Of Chemicals, Mixed With Like Substances And Sold 'As Is' To Customers.	(G) Polysilane.
P–14–0141	12/04/2013	03/04/2014	CBI	(G) Reactant For Synthesis Of Chemicals, Mixed With Like Substances And Sold 'As Is' To Customers.	(G) Polysilane.
P–14–0142	12/04/2013	03/04/2014	CBI	(G) Product Will Be Used As A Demulsifier In crude oil Emulsions In oil field operations And a salter in crude oil refineries.	(G) Ethoxylated Resin In Solvent.
P–14–0143	12/06/2013	03/06/2014	CBI	(G) Ingredient Used In Pigment Synthesis.	(G) Alkanaminium, Substituted Carbomonocycle Alkylamino)Carbomonocycle]Alkylene]-Substituted Carbomonocycle, Carboxylate Salt.
P–14–0144	12/10/2013	03/10/2014	CBI	(G) Additive Used In Ink Formulations	(G) 2-Alkenoic Acid, 2-Alkyl-, Polymer With 2-Substitutedalkyl 2-Alkyl-2-Alkenoate And Alkyl Substituted Carbomonocycle 2-Alkyl-2-Alkenoate.
P–14–0145	12/11/2013	03/11/2014	DIC International (USA) LLC.	(G) Lighfastness Stabilizing Agent Used In The Manufacture Of Artificial Leather.	(G) Alkandiol, Polymer With Aralkyl Polyisocyanate, Amine-Blocked.
P–14–0146	12/11/2013	03/11/2014	CBI	(G) Component Of Lighting And Personal Digital Devices.	(G) Mixed Metal Fluoride Silicide.
P–14–0147	12/12/2013	03/12/2014	CBI	(G) Textiles	(S) 1,2,3-Propanetriol, Mono- And Diformates.
P–14–0148	12/12/2013	03/12/2014	CBI	(G) Open, Non-Dispersive Use	(G) Hydroxy-Functional Siloxane.
P–14–0149	12/15/2013	03/15/2014	Greenox Catalysts, Inc	(S) Oxidant activatorfor use in cleaning products. Oxidant activator for use in water treatment applications. Oxidant activator for use in chemical synthesis.	(G) Tetraamido-macrocylic ligand (TAML).
P–14–0150	12/16/2013	03/16/2014	CBI	(S) Chemical Intermediate.; Additive For Flotation Product; adhesion promoter for use in asphalt application.	(G) Fatty Acid Amide.
P–14–0151	12/16/2013	03/16/2014	CBI	(S) Chemical Intermediate.; Additive For Flotation Products; adhesion promoter for use in asphalt application.	(G) Fatty Acid Amide.
P–14–0152	12/16/2013	03/16/2014	CBI	(S) Chemical Intermediate.; Additive For Flotation Products; adhesion promoter for use in asphalt application.	(G) Fatty Acid Amide.

TABLE I—248 PMNS RECEIVED FROM 10/01/13 TO 01/30/14—Continued

Case No.	Received date	Projected notice end date	Manufacturer/ importer	Use	Chemical
P–14–0153	12/16/2013	03/16/2014	CBI	(S) Chemical Intermediate.; Additive For Flotation Products: adhesion promoter for use in asphalt application.	(G) Fatty Acid Amide.
P–14–0154	12/16/2013	03/16/2014	CBI	(S) Chemical Intermediate.; Additive For Flotation Products: adhesion promoter for use in asphalt application.	(G) Fatty Acid Amide.
P–14–0155	12/16/2013	03/16/2014	CBI	(S) Chemical Intermediate.; Additive For Flotation Products: adhesion promoter for use in asphalt application.	(G) Fatty Acid Amide.
P–14–0156	12/16/2013	03/16/2014	CBI	(S) Chemical Intermediate.; Additive For Flotation Products; adhesion promoter for use in asphalt application.	(G) Fatty Acid Amide.
P–14–0157	12/13/2013	03/13/2014	Allnex USA Inc	(G) Coating Resin Additive	(G) Substituted Carbomonocycles, Polymers With, Haloalkyl Substituted Heteromonocycle, Alkylaldehye-Substituted Carbomonocycle Polymer Glycidyl ether and polyualklenene glycol, reaction products with alkyl substitute glycidyl ether.
P–14–0158	12/16/2013	03/16/2014	CBI	(S) Additive For Flotation Products, Chemical Intermediate.	(G) Fatty Acid Amide.
P–14–0159	12/16/2013	03/16/2014	CBI	(S) Additive For Flotation Products, Chemical Intermediate.	(G) Fatty Acid Amide.
P–14–0160	12/16/2013	03/16/2014	CBI	(S) Additive For Flotation Products, Chemical Intermediate.	(G) Fatty Acid Amide.
P–14–0161	12/16/2013	03/16/2014	CBI	(S) Additive For Flotation Products, Chemical Intermediate.	(G) Fatty Acid Amide.
P–14–0162	12/16/2013	03/16/2014	CBI	(S) Additive For Flotation Products, Chemical Intermediate.	(G) Fatty Acid Amide.
P–14–0163	12/16/2013	03/16/2014	CBI	(S) Additive For Flotation Products, Chemical Intermediate.	(G) Fatty Acid Amide.
P–14–0165	12/16/2013	03/16/2014	CBI	(S) Additive For Flotation Products, Adhesion Promoter For Use In Asphalt Applications, Chemical Intermediate.	(G) Fatty Acid Amide.
P–14–0166	12/16/2013	03/16/2014	CBI	(S) Additive For Flotation Products, Adhesion Promoter For Use In Asphalt Applications, Chemical Intermediate.	(G) Fatty Acid Amide.
P–14–0167	12/16/2013	03/16/2014	CBI	(G) Catalyst In Grind Vehicle For Pigment Paste.	(G) Organic Acid, Compounds With Epoxy Polymer Branched Phenyl Ethers-Guanidine-Aminoethanol Reaction Products.
P–14–0168	12/16/2013	03/16/2014	CBI	(G) Catalyst In Grind Vehicle For Pigment Paste.	(G) Epoxy Polymer Branched Phenyl Ethers, Reaction Products With Guanidine And Aminoethanol, Organic Acid Salts.
P–14–0169	12/16/2013	03/16/2014	CBI	(G) Catalyst In Grind Vehicle For Pigment Paste.	(G) Organic Acid Compounds With Epoxy Polymer Branched Phenyl Ethers- Guanidine-Aminoethanol Reaction Products.
P–14–0170	12/16/2013	03/16/2014	CBI	(G) Catalyst In Grind Vehicle For Pigment Paste.	(G) Organic Acid, Compounds With Epoxy Polymer—Guanidine-Aminoethanol Reaction Products.
P–14–0171	12/16/2013	03/16/2014	CBI	(G) Catalyst In Grind Vehicle For Pigment Paste.	(G) Epoxy Polymer, Reaction Products With Guanidine And Aminoethanol, Organic Acid Salts.
P–14–0172	12/16/2013	03/16/2014	CBI	(G) Catalyst In Grind Vehicle For Pigment Paste.	(G) Organic Acid Compounds With Epoxy Polymer—Guanidine-Aminoethanol Reaction Products.
P–14–0173	12/17/2013	03/17/2014	CBI	(S) Flotation Additive For Use In Mineral Processing.	(G) Fatty Acid Amide Acetate.
P–14–0174	12/17/2013	03/17/2014	CBI	(S) Flotation Additive For Use In Mineral Processing.	(G) Fatty Acid Amide Acetate.
P–14–0175	12/17/2013	03/17/2014	CBI	(S) Flotation Additive For Use In Mineral Processing.	(G) Fatty Acid Amide Acetate.
P–14–0176	12/17/2013	03/17/2014	CBI	(S) Flotation Additive For Use In Mineral Processing.	(G) Fatty Acid Amide Acetate.
P–14–0177	12/17/2013	03/17/2014	CBI	(S) Flotation Additive For Use In Mineral Processing.	(G) Fatty Acid Amide Acetate.
P–14–0178	12/17/2013	03/17/2014	CBI	(S) Flotation Additive For Use In Mineral Processing.	(G) Fatty Acid Amide Acetate.
P–14–0179	12/17/2013	03/17/2014	CBI	(S) Flotation Additive For Use In Mineral Processing.	(G) Fatty Acid Amide Acetate.
P–14–0180	12/17/2013	03/17/2014	CBI	(S) Flotation Additive For Use In Mineral Processing.	(G) Fatty Acid Amide Acetate.
P–14–0181	12/17/2013	03/17/2014	CBI	(S) Flotation Additive For Use In Mineral Processing.	(G) Fatty Acid Amide Acetate.
P–14–0182	12/17/2013	03/17/2014	CBI	(S) Flotation Additive For Use In Mineral Processing.	(G) Fatty Acid Amide Acetate.

TABLE I—248 PMNS RECEIVED FROM 10/01/13 TO 01/30/14—Continued

Case No.	Received date	Projected notice end date	Manufacturer/ importer	Use	Chemical
P–14–0183	12/17/2013	03/17/2014	CBI	(S) Flotation Additive For Use In Mineral Processing.	(G) Fatty Acid Amide Acetate.
P–14–0184	12/17/2013	03/17/2014	CBI	(S) Flotation Additive For Use In Mineral Processing.	(G) Fatty Acid Amide Acetate.
P–14–0185	12/17/2013	03/17/2014	CBI	(S) Flotation Additive For Use In Mineral Processing.	(G) Fatty Acid Amide Acetate.
P–14–0186	12/17/2013	03/17/2014	CBI	(S) Flotation Additive For Use In Mineral Processing.	(G) Fatty Acid Amide Acetate.
P–14–0187	12/17/2013	03/17/2014	CBI	(S) Flotation Additive For Use In Mineral Processing.	(G) Fatty Acid Amide Acetate.
P–14–0188	12/17/2013	03/17/2014	CBI	(S) Flotation Additive For Use In Mineral Processing.	(G) Fatty Acid Amide Acetate.
P–14–0189	12/17/2013	03/17/2014	CBI	(S) Flotation Additive For Use In Mineral Processing.	(G) Fatty Acid Amide Acetate.
P–14–0190	12/17/2013	03/17/2014	CBI	(S) Flotation Additive For Use In Mineral Processing.	(G) Fatty Acid Amide Acetate.
P–14–0191	12/17/2013	03/17/2014	CBI	(S) Flotation Additive For Use In Mineral Processing.	(G) Fatty Acid Amide Acetate.
P–14–0192	12/17/2013	03/17/2014	CBI	(S) Flotation Additive For Use In Mineral Processing.	(G) Fatty Acid Amide Acetate.
P–14–0193	12/17/2013	03/17/2014	CBI	(S) Flotation Additive For Use In Mineral Processing.	(G) Fatty Acid Amide Acetate.
P–14–0195	12/18/2013	03/18/2014	CBI	(G) Polyol Component Used In Polyurethane Production.	(G) Aaspartic Ester Resin.
P–14–0196	12/18/2013	03/18/2014	CBI	(G) Polymerization Additive	(G) Poly(Oxy-1,2-Ethanediyl), .Alpha.-Sulfo-.Omega.-Substituted Carbomonocycle, Ammonium Salts.
P–14–0197	12/18/2013	03/18/2014	CBI	(G) Open, Non-Dispersive	(G) Carboxylic Ester.
P–14–0198	12/19/2013	03/19/2014	CBI	(G) Color Developer For General Printing Applications.	(G) Trialkylammonium Borodibenzoate.
P–14–0199	12/19/2013	03/19/2014	CBI	(G) Electric Application	(G) 1-Alkyl-Alkylpyrrolidinium Tetrahalogenborate.
P–14–0200	12/19/2013	03/19/2014	CBI	(G) Adhesive For Open, Non-Descriptive Use.	(G) Isocyanate Terminated Polyurethane Resin.
P–14–0201	12/20/2013	03/20/2014	PMC Organometallix	(G) Chemical Intermediate	(G) 2-Mercaptoethyl Fatty Acid Ester.
P–14–0202	12/20/2013	03/20/2014	CBI	(G) Emulsifier	(G) Fatty Acid Imidazolines.
P–14–0203	12/20/2013	03/20/2014	CBI	(G) Emulsifier	(G) Fatty Acid Imidazolines.
P–14–0204	12/20/2013	03/20/2014	CBI	(G) Emulsifier	(G) Fatty Acid Imidazolines.
P–14–0205	12/20/2013	03/20/2014	CBI	(G) Emulsifier	(G) Fatty Acid Imidazolines.
P–14–0206	12/20/2013	03/20/2014	CBI	(G) Emulsifier	(G) Fatty Acid Imidazolines.
P–14–0207	12/23/2013	03/23/2014	CBI	(G) PMN Substance Is A Hydroxy Terminated Polyester To Be Used Foam Slabstock.	(G) Aromatic Polyester.
P–14–0208	12/23/2013	03/23/2014	CBI	(G) Preservative Resin For Wood Products.	(G) Amine-Aldehyde-Urea Resin.
P–14–0209	12/26/2013	03/26/2014	CBI	(G) Antifoam Additive For FIFRA Controlled Agricultural Products.	(G) Amide.
P–14–0210	12/26/2013	03/26/2014	CBI	(G) Ore Beneficiation	(G) Amides, From Fatty Acid And Diethylenetriamine, Acetates.
P–14–0211	12/26/2013	03/26/2014	CBI	(G) Ore Beneficiation	(G) Amides, From Vegetable Oil And Diethylenetriamine, Acetates.
P–14–0212	12/26/2013	03/26/2014	CBI	(G) Ore Beneficiation	(G) Amides, From Fatty Acids And Diethylenetriamine, Hydrochlorides.
P–14–0213	12/26/2013	03/26/2014	CBI	(G) Ore Beneficiation	(G) Amides, From Fatty Acids And Diethylenetriamine, Formates.
P–14–0214	12/26/2013	03/26/2014	CBI	(G) Ore Beneficiation	(G) Amides, From Vegetable Oil And Diethylenetriamine, Hydrochlorides.
P–14–0215	12/26/2013	03/26/2014	CBI	(G) Ore Beneficiation	(G) Amides, From Vegetable Oil And Diethylenetriamine, Formates.
P–14–0216	12/30/2013	03/30/2014	PMC Organometallix	(S) Stabilizer For Pvc	(G) Mixed Alkyltin Mercaptoester Sulfides.
P–14–0217	12/30/2013	03/30/2014	PMC Organometallix	(S) Stabilizer For Pvc	(G) Mixed Alkyltin Mercaptoester Sulfides.
P–14–0218	12/30/2013	03/30/2014	PMC Organometallix	(S) Stabilizer For Pvc	(G) Mixed Alkyltin Mercaptoester Sulfides.
P–14–0219	12/30/2013	03/30/2014	CBI	(G) Crosslinker For Coatings	(G) Polyurethane Dispersion.
P–14–0220	12/30/2013	03/30/2014	TFL USA Canada, Inc	(G) Industrial Leather Softener	(G) Sulfosuccinic Acid Ester, Alkylamin Derivates, Sodium Salt.
P–14–0225	12/31/2013	03/31/2014	Organometallix	(S) Stabilizer For Pvc	(G) Mixed Alkylmetallic Mercaptoester Sulfides.
P–14–0226	12/31/2013	03/31/2014	Organometallix	(S) Stabilizer For Pvc	(G) Mixed Alkylmetallic Mercaptoester Sulfides.
P–14–0227	01/02/2014	04/02/2014	Firmenich Inc	(G) Fragrance Ingredient For The Use In Consumer Products.	(S) Carbonic Acid, 2-Methoxy-4-Methylphenyl Methyl Ester.
P–14–0228	01/06/2014	04/06/2014	The John D. Walsh Company, Inc.	(S) Fragrance Ingredient For Laundry Applications; Fragrance Ingredient For Household Applications; Fragrance Ingredient For Personal Care.	(S) 1-Butanol, 4-Cyclohexylidene-3-Methyl-, 1-Cyclohexene-1-Butanol, -Methyl-.

TABLE I—248 PMNS RECEIVED FROM 10/01/13 TO 01/30/14—Continued

Case No.	Received date	Projected notice end date	Manufacturer/ importer	Use	Chemical
P–14–0229	01/06/2014	04/06/2014	The John D. Walsh Company, Inc.	(S) Fragrance Ingredient For Laundry Applications; Fragrance Ingredient For Household Applications; Fragrance Ingredient For Personal Care.	(S) 1-Butanol, 4-Cyclohexylidene-3-Methyl-, 1-Cyclohexene-1-Butanol, -Methyl-.
P–14–0231	01/06/2014	04/06/2014	PMC Organometallix	(S) Stabilizer For Pvc	(G) Mixed Alkylmetallic Mercaptoester Sulfides.
P–14–0232	01/06/2014	04/06/2014	PMC Organometallix	(S) Stabilizer For Pvc	(G) Mixed Alkylmetallic Mercaptoester Sulfides.
P–14–0234	01/07/2014	04/07/2014	CBI	(G) Dispersant	(G) Polyoxyethylene(14)Tribenzylated Phenyl Ether.
P–14–0235	01/07/2014	04/07/2014	CBI	(G) Additive, Open, Non-Dispersive Use.	(G) Styrene-Maleic Anhydride Copolymer, Reaction Product With Amino Compounds.
P–14–0236	01/08/2014	04/08/2014	CBI	(G) Semiconductor Additive	(G) Formaldehyde, Polymer With Substituted Carbopolycycle And Substituted Carbopolycycle.
P–14–0240	01/09/2014	04/09/2014	Maroon Inc	(S) Antioxident (Plastics)	(S) Amines, Bis(Hydrogenated Palm-Oil Alkyl)Hydroxyl.
P–14–0241	01/10/2014	04/10/2014	Miwon North America, Inc	(S) Resins For Industrial Coating	(G) Urethane Acrylate.
P–14–0242	01/10/2014	04/10/2014	CBI	(G) Gelling Agent For Oil Field Use	(G) Citric Acid, Isopropanolamine Metal Complexes.
P–14–0244	01/10/2014	04/10/2014	CBI	(S) Dispersent	(G) Maleic Anhydride, Polymer With Alkyl Modified Alkene, Ammonium Salt.
P–14–0245	01/10/2014	04/10/2014	CBI	(G) Semiconductor Additive	(G) Substituted Pyrene, Polymer With Bis(Alkoxyalkyl)Carbomonocycle And Substituted Carbopolycycle.
P–14–0246	01/13/2014	04/13/2014	Shell Chemical LP	(S) Cleaning And Inks; Electronics; Other Solvents; Paint And Coating.	(S) 2-Propanol, 1-Ethoxy-, 2-Acetate.
P–14–0247	01/13/2014	04/13/2014	CBI	(G) Coatings For Water-Borne Base Coat.	(G) Amine Salted Polyurethane.
P–14–0248	01/10/2014	04/10/2014	CBI	(G) Highly Dispersive Use	(G) Modified Essential Oil.
P–14–0251	01/14/2014	04/14/2014	Ethox Chemicals, LLC	(S) A Reactive Emulsifier For Manufacturing Aqueous Emulsion Polymers Or Alkyd Resins. Dispersant For Pigments In Aqueous Or Solvent-Based Coatings.	(S) Poly(Oxy-1,2-Ethanediyl), Alpha-[1-(Phenoxymethyl)-2-(2-Propen-1-Yloxy)Ethyl]-Omega-Hydroxy-, Ar-Styrenated.
P–14–0252	01/14/2014	04/14/2014	Ethox Chemicals, LLC	(S) A Reactive Emulsifier For Manufacturing Aqueous Emulsion Polymers Or Alkyd Resins. Dispersant For Pigments In Aqueous Or Solvent-Based Coatings.	(S) Poly(Oxy-1,2-Ethanediyl), Alpha-[1-[1-(Phenoxymethyl)-2-(2-Propen-1-Yloxy)Ethoxy]Methyl]-2-(2-Propen-1-Yloxy)Ethyl]-Omega-Hydroxy-, Ar-Styrenated.
P–14–0253	01/14/2014	04/14/2014	Ethox Chemicals, LLC	(S) A Reactive Emulsifier For Manufacturing Aqueous Emulsion Polymers Or Alkyd Resins. Dispersant For Pigments In Aqueous Or Solvent-Based Coatings.	(S) Oxirane, 2-[(2-Propen-1-Yloxy)Methyl]-, Polymer With Oxirane, Mono(Dihydrogen Phosphate), Phenyl Ether, Styrenated, Ammonium Salts.
P–14–0254	01/14/2014	04/14/2014	Ethox Chemicals, LLC	(S) A Reactive Emulsifier For Manufacturing Aqueous Emulsion Polymers Or Alkyd Resins. Dispersant For Pigments In Aqueous Or Solvent-Based Coatings.	(S) Poly(Oxy-1,2-Ethanediyl), Alpha-Sulfo-Omega-[1-(Phenoxymethyl)-2-(2-Propen-1-Yloxy)Ethoxy]-, Ar-Styrenated, Ammonium Salts.
P–14–0255	01/14/2014	04/14/2014	Ethox Chemicals, LLC	(S) A Reactive Emulsifier For Manufacturing Aqueous Emulsion Polymers Or Alkyd Resins. Dispersant For Pigments In Aqueous Or Solvent-Based Coatings.	(S) Poly(Oxy-1,2-Ethanediyl), Alpha-Sulfo-Omega-[1-[[1-(Phenoxymethyl)-2-(2-Propen-1-Yloxy)Ethoxy]Methyl]-2-(2-Propen-1-Yloxy)Ethoxy]-, Ar-Styrenated Ammonium Salt.
P–14–0256	01/15/2014	04/15/2014	CBI	(S) Led Lighting Applications	(S) Aluminum Yttrium Oxide, Cerium-Doped.
P–14–0257	01/15/2014	04/15/2014	CBI	(G) The Substance Is Used To Formulate Finished Lubricant.	(G) Branched Acid Ester With Hexafunctional Alcohol.
P–14–0258	01/15/2014	04/15/2014	Pennzoil-Quaker State Company.	(G) This PMN Substance Is Used As A Process Oil, A Technical White Oil Or Medicinal White Oil For Industrial And Commerical Applications.	(G) Distillates (Fisher Tropsch) heavy, C_{18}-C_{50}.
P–14–0259	01/15/2014	04/15/2014	Apollo Chem	(G) Processing Aid For Nylon	(G) Polyamide/Polyester.
P–14–0260	01/16/2014	04/16/2014	American Pacific Corp	(S) Fire Extinguishing Agent For Niche Systems (Aircraft, Normally Unoccupied Systems, Scafes), Fire Extinguishing Agent For Portable Extinguishers (Onboard Aviation And All Non-Residential), Fire Extinguishing Streaming Systems For Aircraft Rescue Fire Fighting Vehicles.	(S) 1-Propene, 2-Bromo-3,3,3-Trifluoro-.
P–14–0262	01/17/2014	04/17/2014	CBI	(S) Led Lighting Applications	(S) Barium Europium Nitrogen Silicon Strontium Oxide.
P–14–0263	01/17/2014	04/17/2014	CBI	(S) Self-Leveling Agent For Use With Epoxy Resins Applied To Concrete.	(G) Polyamine Epoxy Resin Adduct.

TABLE I—248 PMNS RECEIVED FROM 10/01/13 TO 01/30/14—Continued

Case No.	Received date	Projected notice end date	Manufacturer/ importer	Use	Chemical
P–14–0264	01/21/2014	04/21/2014	Colonial Chemical, Inc	(S) Surfactant For Antifog Coating, Surfactant For Carpet Cleaning,Wetting Agent For Fiber Treatment.	(S) D-Glucopyranose, Oligomeric, Decyl Octyl Glycosides, 3-(Dimethyloctadecylammonio)-2-Hydroxypropyl Ethers, Chlorides, Polmers With 1,3-Dichloro-2-Propanol.
P–14–0265	01/21/2014	04/21/2014	Colonial Chemical, Inc	(S) Surfactant For Antifog Coating, Surfactant For Carpet Cleaning, Wetting Agent For Fiber Treatment.	(S) D-Glucopyranose, Oligomeric, C_{10-16}-Alkyl Glycosides, 3-(Dimethyloctadecylammonio)-2-Hydroxypropyl Ethers, Chlorides, Polymers With 1,3-Dichloro-2-Propanol.
P–14–0266	01/21/2014	04/21/2014	CBI	(G) Functions As An Oil-Soluble Corrosion Inhibitor For Use In Oil And Gas Wells And Pipelines.	(G) Tall Oil Fatty Acid Diethylenetriamine Compds. With Substituted Polyethylene Glycol Ether.
P–14–0267	01/21/2014	04/21/2014	CBI	(G) Destructive	(S) Poly(Oxy-1,2-Ethanediyl), Alpha-[[(3-Isocyanatomethylphenyl)Amino]Carbonyl]-Omega-Methoxy-.
P–14–0268	01/21/2014	04/21/2014	CBI	(G) Destructive	(S) Carbamic Acid, N-(3-Isoocyanatomethylphenyl)-, 2-[2-(2-Butoxyethoxy)Ethoxy]Ethyl Ester.
P–14–0269	01/22/2014	04/22/2014	CBI	(S) Melt Processing, E.G. Injection Molding, Compounding, And Extrusion To Produce Finished Articles.	(G) Peek-Pedek Copolymer; Methanone, Bis(4-Fluorophenyl)-, Polymer With 1,4-Benzenediol And [1,1′-Biphenyl]-4,4′-Diol.
P–14–0270	01/23/2014	04/23/2014	DIC International (USA) LLC.	(G) Binder Resin For Electronic Materials, Matrix Resin For Composite Materials.	(G) Multi-Functional Novolac Type Epoxy Resin.
P–14–0271	01/25/2014	04/25/2014	CBI	(G) Intermediate	(G) Fatty Acid Amidoamine.
P–14–0272	01/25/2014	04/25/2014	CBI	(G) Intermediate	(G) Fatty Acid Amidoamine.
P–14–0273	01/25/2014	04/25/2014	CBI	(G) Intermediate	(G) Fatty Acid Amidoamine.
P–14–0274	01/25/2014	04/25/2014	CBI	(G) Intermediate	(G) Fatty Acid Amidoamine.
P–14–0275	01/25/2014	04/25/2014	CBI	(G) Intermediate	(G) Fatty Acid Amidoamine.
P–14–0283	01/27/2014	04/27/2014	CBI	(G) Printing Ink	(G) Polyamid Resin.
P–14–0284	01/27/2014	04/27/2014	CBI	(G) Coloring Agent	(G) Magenta Dye.
P–14–0285	01/28/2014	04/28/2014	Compass Chemical International LLC.	(G) {Subsurface Chemical Injection Valves, Side Pocket Mandrels And.	(G) Aminophosphonate Salt.
P–14–0286	01/27/2014	04/27/2014	DIC International (USA) LLC.	(G) Hot Melt Adhesive	(G) Polyester-Type Polyurethane Hot Melt Resin.
P–14–0287	01/27/2014	04/27/2014	CBI	(G) Additive In Metal Working Fluids	(G) Butanedioic Acid, Mono(Mixed Hexadecen-1-Yl And Polyisobutylene) Derivates, Alkyl Esters.
P–14–0288	01/30/2014	04/30/2014	DIC International (USA) LLC.	(G) Coating Raw Material	(G) Polymer Of Aliphatic Hydrocarbon Acrylic Acid Esters, Isocyanic Acid Derivative And Alkyl Perester With Alkyl Amine.
P–14–0289	01/30/2014	04/30/2014	DIC International (USA) LLC.	(G) Binder Resin For Electronic Materials,(G) Matrix Resin For Composite Materials.	(G) Multi Functional Novolac Type Epoxy Resin.
P–14–0290	01/30/2014	04/30/2014	CBI	(G) Emulsifier	(G) Fatty Acid Amidoamine Maleates.
P–14–0291	01/30/2014	04/30/2014	CBI	(G) Emulsifier	(G) Fatty Acid Amidoamine Maleates.
P–14–0292	01/30/2014	04/30/2014	CBI	(G) Emulsifier	(G) Fatty Acid Amidoamine Maleates.
P–14–0293	01/30/2014	04/30/2014	CBI	(G) Emulsifier	(G) Fatty Acid Amidoamine Maleates.
P–14–0294	01/30/2014	04/30/2014	CBI	(G) Emulsifier	(G) Fatty Acid Amidoamine Maleates.
P–14–0295	01/30/2014	04/30/2014	CBI	(G) Emulsifier	(G) Fatty Acid Amidoamine Maleates.
P–14–0296	01/31/2014	05/01/2014	NOWILLC	(G) Lubricants And Lubricating Base Stock.	(G) Highly Branched Isoparaffinic Hydrocarbons.
P–14–0297	01/31/2014	05/01/2014	NOWILLC	(G) Lubricants And Lubricating Base Stock.	(G) Highly Branched Isoparaffinic Hydrocarbons.
P–14–0298	01/31/2014	05/01/2014	NOWILLC	(G) Lubricants And Lubricating Base Stock.	(G) Highly Branched Isoparaffinic Hydrocarbons.
P–14–0299	01/31/2014	05/01/2014	NOWILLC	(G) Lubricants And Lubricating Base Stock.	(G) Highly Branched Isoparaffinic Hydrocarbons.

In Table II. of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the NOCs received by EPA during this period: The EPA case number assigned to the NOC, the date the NOC was received by EPA, the projected end date for EPA's review of the NOC, and chemical identity.

TABLE II—106 NOCS RECEIVED FROM 10/01/13 TO 1/30/14

Case No.	Received date	Commencement notice end date	Chemical
J–13–0010	11/10/2013	10/21/2013	(G) Modified Saccharomyces Cerevisiae.
P–00–1086	10/29/2013	10/10/2013	(S) Silanamine, 1,1,1-Trimethyl-N-(Trimethylsilyl)-, Potassium Salt.
P–05–0324	12/09/2013	11/14/2013	(S) 1,2,3-Propanetricarboxylic Acid, 2-Hydroxy-, Cerium(3+) Salt (1:1).
P–09–0164	11/05/2013	10/17/2013	(S) 2-Propenoic Acid, Telomer With 3-Mercaptopropanoic Acid, Sodium Salt.
P–09–0448	12/23/2013	12/17/2013	(G) Sodium C_{20-24} Branched Olefin Sulfonate.
P–11–0053	01/23/2014	01/20/2014	(G) Substituted Alkanoic Acid, Polymer With Alkanediol And Cyclic Ether, Alkanoate.
P–11–0132	11/01/2013	10/21/2013	(G) Polyether Urethane.
P–11–0135	12/19/2013	11/23/2013	(G) Benzoic Acid Ester.
P–11–0347	12/06/2013	10/08/2013	(S) Benzeneamine, *N, N,* 4-Trimethyl, *N*-Oxide.
P–11–0529	11/18/2013	10/20/2013	(G) Polyfluorinated Alkyl Thio Acrylamide.
P–11–0530	11/18/2013	10/20/2013	(G) Polyfluorinated Alkyl Thio Polyacrylamide.
P–11–0532	11/18/2013	10/20/2013	(G) Polyfluorinated Alkyl Amine.
P–12–0179	12/20/2013	12/16/2013	(S) Hexanedioic Acid, Polymer With 1,4-Butanediol, 1,2-Ethanediamine, 1,6-Hexanediol, 3-Hydroxy-2-(Hydroxymethyl)-2-Methylpropanoic Acid, 5-Isocyanato-1-(Isocyanatomethyl)-1,3,3-Trimethylcyclohexane And 1,1′-Methylenebis [4-Isocyanatocyclohexane], Compound With *N,N*-Diethylethanamine.
P–12–0307	01/28/2014	01/11/2014	(G) Fatty Acid Modified Polyethylene Terephthalate Polyester Resin.
P–12–0387	11/18/2013	11/06/2013	(G) Modified Polyester.
P–12–0400	01/28/2014	01/20/2014	(G) Neutralized Epoxy Phosphate.
P–12–0401	01/28/2014	01/23/2014	(G) Amine Salt Of Polyester Resin.
P–12–0466	01/27/2014	01/27/2014	(G) Ethylbenzene Butadiene Acrylate Polymer.
P–12–0556	11/06/2013	10/14/2013	(S) Tires, Wastes, Pyrolyzed, Carbon Black Fraction.
P–12–0565	11/26/2013	11/12/2013	(G) Aromatic Polyester.
P–12–0570	10/28/2013	10/22/2013	(S) Bicyclo[2.2.1]Hept-5-Ene-2-Carboxylic Acid, Ethyl Ester.
P–12–0572	12/05/2013	11/26/2013	(G) Aromatic Amine With Cyclo Amino Carbonyls.
P–12–0577	01/29/2014	01/22/2014	(G) Glycerides, C_{14}-C_{18}, C_{16}-C_{18} Unsaturated, From Fermentation of Algae Using Fermentable Sugars.
P–13–0082	12/19/2013	12/10/2013	(G) Acrylic Modified Polyether-Ester Polyurethane Prepolymer.
P–13–0091	10/04/2013	09/25/2013	(G) Siloxane Functional Polybutadiene Polymer.
P–13–0107	01/28/2014	01/17/2014	(S) Alkanes, C_{22-30}-Branched And Linear, Chloro.
P–13–0128	11/04/2013	10/21/2013	(G) Polyether Modified Potassium Polystyrene Maleate.
P–13–0129	11/01/2013	10/21/2013	(G) Polyether Modified Fatty Acid Dimer.
P–13–0133	11/20/2013	10/22/2013	(S) Phosphorane, Pentachloro-, Polymer With Ammonium Chloride ((NH4)Cl).
P–13–0145	11/20/2013	11/05/2013	(G) 2,5-Furandione, Polymer With Alkene And Alkyldiamine.
P–13–0168	11/12/2013	10/29/2013	(G) Alkylphenol.
P–13–0175	01/21/2014	01/13/2014	(S) Hexane, 1,6-Diisocyanato-, Homopolymer, .Alpha.-[1-[[[3-[[3-(Dimethylamino)Propyl] Amino]Propyl]Amino]Carbonyl]-1,2,2,2-Tetrafluoroethyl]-.Omega.-(1,1,2,2,3,3,3-Heptafluoro propoxy)Poly[Oxy[Trifluoro(Trifluoromethyl)-1,2-Ethanediyl]]-Blocked.
P–13–0187	01/29/2014	01/22/2014	(G) Algal Biomass From Fermentation.
P–13–0250	12/16/2013	11/27/2013	(G) Oxiranylpropyl Silsesquioxanes Hydroxy Terminated.
P–13–0267	11/12/2013	11/09/2013	(G) Fatty Acid Amine.
P–13–0270	11/21/2013	11/20/2013	(G) Aromatic Dibenzoate.
P–13–0272	10/15/2013	09/25/2013	(G) Polyester Polyol.
P–13–0279	11/04/2013	10/21/2013	(G) Poly(Ethylenoxide-Co-(2-Ethylhexyl)Glycidether-Co-Cresylglycidether).
P–13–0299	11/13/2013	10/16/2013	(G) Furandione Derivative Reaction Products.
P–13–0300	12/06/2013	11/06/2013	(S) 4,7-Methano-1*H*-Indene-2,6-Dicarboxylic Acid, 3a,4,7,7a-Tetrahydro-.
P–13–0312	10/30/2013	10/25/2013	(G) Acrylic Polymer, Sodium Salt.
P–13–0330	09/30/2013	09/23/2013	(G) Fatty Acids, C_{18}, Dimers, Dialkyl Esters, Hydrogenated, Polymers With Alkanedioic Acid, 1,3-Bis-(Isocyanato-1-Alkyl)Benzene, 3-Hydroxy-2-(Hydroxymethyl)-2-Alkylpropenoic Acid, 1,1′-Methylenebis [Isocyanatocycloalkane], Neopentyl Glycol And Oxepanone Compds. With Trialkyl Amine.
P–13–0344	01/23/2014	01/21/2014	(G) Acrylate Copolymer.
P–13–0347	10/04/2013	10/02/2013	(G) Aromatic Sulfonamide Polyether.
P–13–0348	10/04/2013	09/25/2013	(G) Polyether Substituted Azo Colorant.
P–13–0349	10/04/2013	09/27/2013	(G) Polyether Substituted Azo Colorant.
P–13–0356	01/13/2014	12/22/2013	(G) Aliphatic Diol , Polymer With Polymeric Diol ,Aliphatic Diisocyanate And Aliphatic Diol.
P–13–0371	10/04/2013	10/02/2013	(G) Substituted Phenylsulfonamide Compound.
P–13–0372	11/07/2013	10/26/2013	(G) Polyether Polyurethane.
P–13–0389	11/04/2013	10/07/2013	(G) Alkenyl Ether.
P–13–0391	12/12/2013	11/30/2013	(G) Halogenated Phenylboronic Acid.
P–13–0396	11/06/2013	10/25/2013	(G) Hydroxyalkylamide.
P–13–0409	11/19/2013	11/08/2013	(G) Carboxylic Acid, Ammonium Salt.
P–13–0424	10/28/2013	10/19/2013	(S) Furan, 2,3,3,4,4-Pentafluorotetrahydro-5-Methoxy-2,5-Bis[1,2,2,2-Tetrafluoro-1-(Trifluoromethyl)Ethyl]-.
P–13–0431	12/03/2013	11/23/2013	(G) 2-Propenoic Acid, 2-Methyl-, Polymers With Alkyl Acrylates And Polyethylene Glycol Methacrylate Alkyl Ethers.
P–13–0438	10/17/2013	10/16/2013	(G) Tetrafluoro Acrylates Copolymer With Polyoxy Methyl Derivatives.
P–13–0439	10/08/2013	09/30/2013	(G) Fatty Acid Piperidinyl Esters.
P–13–0453	11/22/2013	10/25/2013	(S) Formaldehyde, Polymer With 2,3-Diemethylphenol, 2,4-Dimethylphenol, 2,5-Dimethylphenol, 3,5-Dimethylphenol, 3-Ethylphenol, 4-Ethylphenol, 3-Methylphenol, 4-Methylphenol and Phenol.

TABLE II—106 NOCS RECEIVED FROM 10/01/13 TO 1/30/14—Continued

Case No.	Received date	Commencement notice end date	Chemical
P–13–0458	09/30/2013	09/20/2013	(G) Substituted Carbopolycycle, Polymer With Substituted Carbomonocycle, Alkanoic Acid Ester And Tetrasubstituted Alkane-Blocked.
P–13–0462	11/18/2013	11/10/2013	(G) Substituted Alkanoic Acid Ester, Polymer With Substituted Alkenoate, Alkenoate, Substituted Peroxoate-Initiated.
P–13–0463	09/30/2013	09/11/2013	(G) Substituted Polysiloxane.
P–13–0465	09/30/2013	09/20/2013	(G) Substituted Benzotriazole.
P–13–0466	09/30/2013	09/16/2013	(G) Substituted Polysiloxane.
P–13–0473	10/07/2013	10/02/2013	(G) Tin(2+) Salt Of Alkylcarboxylic Acid.
P–13–0514	10/01/2013	09/30/2013	(G) Alkyl Carboxylic Acid, Hydroxy-(Hydroxyalkyl) Polymer With Methylenebis [Isocyanatocycloalkane], Ditetrahydroxyalkane, Pentaacrylate-Blocked, Compds. With Alkylmorpholine.
P–13–0515	10/01/2013	09/30/2013	(G) Alkyl Carboxylic Acid, Hydroxy-(Hydroxyalkyl), Polymer With Diisocyanatoalkane, Alkyldiamine and Methylenebis[Isocyanatocycloalkane], Tetrahydroxyalkane Triacrylate-Blocked, Compds. With Trialkylamine.
P–13–0560	10/22/2013	10/21/2013	(S) Butyl 3-Hydroxybutyrate.
P–13–0567	10/21/2013	09/25/2013	(G) Ester Wax.
P–13–0572	10/18/2013	10/28/2013	(S) Benzoic Acid, 3,4-Diamino-,Polymer.
P–13–0575	10/08/2013	09/18/2013	(G) Phosphonic Acid.
P–13–0615	11/04/2013	10/17/2013	(S) Octadecanedioic Acid, 1,18-Dimethyl Ester.
P–13–0617	12/18/2013	12/17/2013	(G) Aromaticdicarboxylic Acid Polymer With Alkanediol, Alkyl Alkyl-2-Alkenoate, 1,4-Dialkyl Aromaticdicarboxylate, Alkanedioc Acid, Alkanedioc Acid, Alkanediol, .Alpha.-Hydro-.Omega.-Hydroxypoly[Oxy(Alkyll-Alkanediyl)], Hydroxyalkyl 2-Alkyl-2-Alkenoate, Aromatic Diisocyanate, Alkyl 2-Alkyl-2-Alkenoate And 2-Alkyl-2-Alkenoic Acid.
P–13–0618	12/18/2013	12/17/2013	(G) Alkanedioic Acid, Polymer With Alkyl 2-Alkyl-2-Alkenoate, Alkanedioic Acid, Alkanediol, .Alpha.-Hydro-.Omega.-Hydroxypoly[Oxy(Alkyl-1 2-Alkanediyl)], Hydroxyalkyl 2-Alkyl-2-Alkenoate, Aromatic Diisocyanate, Alkyl 2-Alkyl-2-Alkenoate And 2-Alkyl-2-Alkenoic Acid.
P–13–0626	10/02/2013	09/30/2013	(G) Alkenylic Acid, Alkyl Ester, Polymer With Alkylaminoalkyl Alkenamide And Alkenyl Benzene, Ester With Alkyl Ethylene Glycol, Compound With Chlorochloroalkyl Benzene.
P–13–0655	12/19/2013	12/10/2013	(G) Acrylic Modified Polyether-Polyester Prepolymer.
P–13–0657	10/24/2013	10/02/2013	(S) 3,6,7-Trimethyl-2,6-Octadienal.
P–13–0673	01/24/2014	01/19/2014	(S) Pyrrolidinium, 1-Butyl-1-Methyl-, Tetrakis(Cyano-Kc)Borate(1-) (1:1).
P–13–0680	11/04/2013	10/07/2013	(S) 9-Octadecenedioic Acid, 1,18-Dimethyl Ester.
P–13–0725	12/12/2013	12/11/2013	(G) Alkanedioc Acid, Polymer With Substituted Oxirane Polymer With Substituted Carbomonocyle, Di-Substituted Alkane, Substituted Alkanoic Acid, Substituted Cycloalkane and Substituted Alkoxylated Glycerol.
P–13–0747	01/23/2014	01/14/2014	(S) Phosphorous Acid, Mixed 2,4-Bis (1-Methyl-1-Phenylethyl)Phenyl And Isodecyl And 2-(1-Methyl-1-Phenylethyl)Phenyl And 4-(1-Methyl-1-Phenylethyl)Phenyl And Phenol Triesters.
P–13–0754	11/06/2013	10/23/2013	(G) Lcap C_{16}-C_{18}, 1048199.
P–13–0768	01/13/2014	12/20/2013	(G) Phenol, (Alkylidene)Bis-, Polymer With (Chloroalkyl)Oxirane, Alkenoate, Bis(Hydroxyalkyl)Alkanoic Acid, Hydroxyalkylacrylate, Alkyl Polyalkylene Glycol, Benzenedicarboxylic Acid, Polymer With Alkanedioic Acid and Alkanediol, Alkanediol, Alkane, Diisocyanato-, Homopolymer, Isocyanatoalkyltrialkylcycloalkyl Isocyanate And Alkylene Diisocyanate.
P–13–0769	01/17/2014	12/30/2013	(G) Calcium Salt Of Aldehyde Resins.
P–13–0773	11/08/2013	11/08/2013	(S) 4-Pyrimidianamine, 2,5 Dimethoxy.
P–13–0781	12/11/2013	12/10/2013	(S) (4-Bromobutoxy) Benzene.
P–13–0786	11/27/2013	11/27/2013	(G) Substituted Alkylsilanes, Reaction Products With Aluminum, Metal Oxide, Silica and Tin Oxide (Sno2).
P–13–0787	01/09/2014	12/20/2013	(S) Benzenamine, 2-Ethyl-N-[(1S)-2-Methoxy-1-Methylethyl]-6-Methyl-.
P–13–0788	12/06/2013	12/04/2013	(G) Substituted Alkanediol, Polymer With Heteromonocycles, Substituted Carbomonocycle Alkenoate, Reaction Products With Dialkylamine.
P–13–0789	12/06/2013	12/04/2013	(G) Substituted Alkanediol, Polymer With Heteromonocycles, Substituted Carbomonocycle Alkenoate, Reaction Products With Dialkylamine.
P–13–0804	12/11/2013	11/23/2013	(S) Surfactin, Sodium Salt.
P–13–0805	12/02/2013	11/22/2013	(G) Sulfuric Acid, Diethyl Ester, Compd. With Alkanolamine Polymer With Alpha-Hydro-Omega-Hydroxypoly(Oxy-1,4-Butanediyl) and 5-Isocanato-1-(Isocyanatomethyl)-1,3,3-Trimethylcyclohexane Acetate (Salt) Ethyl Sulfate (Salt) Phosphate (Salt).
P–13–0806	01/02/2014	12/16/2013	(S) Butanedioic Acid, 1-[(1R, 2S, 5R)-5-Methyl-2-(1-Methylethyl) Cyclohexyl] Ester.
P–13–0807	12/09/2013	11/27/2013	(G) Calcium Alkyl Salicylate.
P–13–0822	01/28/2014	01/14/2014	(G) Polyether Modified Acrylic Ester Polymer With Dimethylamino Groups.
P–13–0836	12/11/2013	12/05/2013	(G) Alkyl Carbonyl Alkyl Ether Metal Complex.
P–13–0840	11/11/2013	11/08/2013	(S) D-Glucopyranose, Oligomeric, Decyl Octyl Glycosides, Polymers With Epichlorohydrin and Sorbitan Monooleate.
P–13–0846	12/12/2013	12/11/2013	(G) Substituted Alkanoic Acid, Compds. With Substituted Dialkylene-Substituted Carbomonocycle- Substituted Alkanediamine-Substituted Heteromonocycle-Polyalkylene Glycol-Substituted Dialkanol-Substituted Carbomonocycle Reaction Products.
P–13–0847	12/12/2013	12/11/2013	(G) Heteropolycycle, Polymer With Substituted Heteromonocycle, Polyalkylene Glycol And Substituted Carbomonocycle.

TABLE II—106 NOCS RECEIVED FROM 10/01/13 TO 1/30/14—Continued

Case No.	Received date	Commencement notice end date	Chemical
P–13–0856	12/05/2013	12/04/2013	(G) Soybean Oil, Polymer With Benzoic Acid, Substituted Diol, Alkanediol, Glycerol, Phthalic Anhydride, Substituted Diol, Sorbitol, Terephthalic Acid, Substituted Diol and Substituted Diol.
P–13–0862	12/22/2013	12/17/2013	(G) Aromatic Dicarboxylic Acid, Polymers With Aliphatic Polyols And Substituted Alkenes.
P–13–0869	01/02/2014	12/16/2013	(S) 2-Cyclohexen-1-Ol, 2,6-Dimethyl-4-(2,2,3-Trimethyl-3 Cyclopenten-1-Yl)-.
P–13–0881	01/29/2014	01/22/2014	(S) Oils, Patchouli, Patchoulol Synthase-Modified Saccharomyces Cerevisiae-Fermented, From Carbohydrates.
P–13–0925	12/19/2013	12/19/2013	(S) 11,18-Dioxa-2,9,20,27-Tetraazaoctacosanedioic Acid, 10,19-Dioxo-,1,28-Bis[4-(Ethenyloxy)Butyl] Ester.
P–13–0934	01/29/2014	01/25/2014	(G) Polyether Polyurethane Polymer.
P–14–0005	01/29/2014	01/18/2014	(G) Acrylonitrile-Acrylate Copolymer.
P–97–0538	01/23/2014	01/01/2014	(S) 2-Propeneitrile, Reaction Products With Oleylamine, Hydrogenated.

If you are interested in information that is not included in these tables, you may contact EPA as described in Unit III. to access additional non-CBI information that may be available.

List of Subjects

Environmental protection, Chemicals, Hazardous substances, Imports, Notice of commencement, Premanufacturer, Reporting and recordkeeping requirements, Test marketing exemptions.

Dated: June 5, 2014.

Chandler Sirmons,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2014–15764 Filed 7–3–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9913–21–OA]

Notification of a Closed Meeting of the Science Advisory Board's Scientific and Technological Achievement Awards Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency's (EPA), Science Advisory Board (SAB) Staff Office is announcing a meeting of the SAB's Scientific and Technological Achievement Awards (STAA) Committee to discuss SAB recommendations regarding the Agency's 2014 STAA recipients. The SAB meeting will be closed to the public.

DATES: The SAB meeting dates are Monday and Tuesday, July 28 and 29, 2014, from 8:00 a.m. to 6:00 p.m. (eastern time).

ADDRESSES: The closed SAB meeting will be held at the Ronald Reagan Building and International Trade Center, Suite 31146, 1300 Pennsylvania Avenue NW., Washington, DC 20460. The SAB mailing address is: EPA Science Advisory Board (1400R), Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460. General information about the SAB concerning the SAB meeting announced in this notice may be found on the SAB Web site at *http://www.epa.gov/sab.*

FOR FURTHER INFORMATION CONTACT: Members of the public who wish to obtain further information regarding this announcement may contact Edward Hanlon, Designated Federal Officer, by telephone: (202) 564–2134 or email at *hanlon.edward@epa.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(d) of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, and section (c)(6) of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(6), EPA has determined that the SAB meeting will be closed to the public. The purpose of the SAB meeting is for the committee to discuss recommendations for the SAB regarding the recipients of the Agency's 2014 Scientific and Technological Achievement Awards. These awards are established to honor and recognize EPA employees who have made outstanding contributions in the advancement of science and technology through their research and development activities, as exhibited in publication of their results in peer reviewed journals. I have determined that the SAB meeting will be closed to the public because it is concerned with selecting employees deserving of awards. In making these recommendations, the Agency requires full and frank advice from the SAB. This advice will involve professional judgments on the relative merits of various employees and their respective work. Such personnel matters involve the discussion of information that is of a personal nature and the disclosure of which would be a clearly unwarranted invasion of personal privacy and, therefore, are protected from disclosure by section (c)(6) of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(6). Minutes of the SAB meeting will be kept and certified by the chair.

Dated: June 26, 2014.

Gina McCarthy,

Administrator.

[FR Doc. 2014–15781 Filed 7–3–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2013–0677; FRL–9913–01]

Receipt of Test Data Under the Toxic Substances Control Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing its receipt of test data submitted pursuant to a test rule issued by EPA under the Toxic Substances Control Act (TSCA). As required by TSCA, this document identifies each chemical substance and/or mixture for which test data have been received; the uses or intended uses of such chemical substance and/or mixture; and describes the nature of the test data received. Each chemical substance and/or mixture related to this announcement is identified in Unit I. under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Heather Njo, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW.,

Washington, DC 20460–0001; telephone number: (202) 564–2574; email address: *njo.heather@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. Chemical Substances and/or Mixtures

Information about the following chemical substances and/or mixtures is provided in Unit IV.: 1-Decene, sulfurized (CAS No. 72162–15–3).

II. Authority

Section 4(d) of TSCA (15 U.S.C. 2603(d)) requires EPA to publish a notice in the **Federal Register** reporting the receipt of test data submitted pursuant to test rules promulgated under TSCA section 4 (15 U.S.C. 2603).

III. Docket Information

A docket, identified by the docket identification (ID) number EPA–HQ–OPPT–2013–0677 has been established for this **Federal Register** document that announces the receipt of data. The test data received have been added to the docket for the TSCA section 4 test rule that required the test data. Use the document ID number provided in Unit IV. to access the test data in the docket for the related TSCA section 4 test rule.

The docket for this **Federal Register** document and the docket for each related TSCA section 4 test rule is available electronically at *http://www.regulations.gov* or in person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

IV. Test Data Received

This unit contains the information required by TSCA section 4(d) for the test data received by EPA.

1-Decene, sulfurized (CAS No. 72162–15–3).

1. *Chemical Use(s):* Used in the petroleum and coal products manufacturing industry as a lubricant additive.

2. *Applicable Test Rule:* (HPV3), 40 CFR 799.5089.

3. *Test Data Received:* The following listing describes the nature of the test data received. The test data have been added to the docket for the applicable TSCA section 4 test rule and can be found by referencing the document ID numbers provided. EPA reviews of test data will be added to the same docket upon completion.

4. Ecotoxicity. Toxicity to Microorganisms. The document ID number assigned to this data is EPA–HQ–OPPT–2009–0112–0265.

List of Subjects

Environmental protection, Hazardous substances, Reporting and Recordkeeping requirements.

Dated: June 27, 2014.

Maria J. Doe,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2014–15762 Filed 7–3–14; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

[Public Notice 2014–0034]

Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of $100 Million: AP088793XX

AGENCY: Export-Import Bank of the United States.

ACTION: Notice.

SUMMARY: This Notice is to inform the public, in accordance with Section 3(c)(10) of the Charter of the Export-Import Bank of the United States (''Ex-Im Bank''), that Ex-Im Bank has received an application for final commitment for a long-term loan or financial guarantee in excess of $100 million (as calculated in accordance with Section 3(c)(10) of the Charter). Comments received within the comment period specified below will be presented to the Ex-Im Bank Board of Directors prior to final action on this Transaction. Comments received will be made available to the public.

DATES: Comments must be received on or before August 1, 2014 to be assured of consideration before final consideration of the transaction by the Board of Directors of Ex-Im Bank.

ADDRESSES: Comments may be submitted through Regulations.gov at *WWW.REGULATIONS.GOV.* To submit a comment, enter EIB–2014–0034 under the heading ''Enter Keyword or ID'' and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name, company name (if any) and EIB–2014–0034 on any attached document.

Reference: AP088793XX.

Purpose and Use:

Brief description of the purpose of the transaction:

To support the export of U.S.-manufactured aircraft to China.

Brief non-proprietary description of the anticipated use of the items being exported:

To be used for airline service in China and between China and international destinations.

To the extent that Ex-Im Bank is reasonably aware, some of the item(s) being exported may be used to produce exports or provide services in competition with the exportation of goods or provision of services by a United States industry.

Parties:

Principal Supplier: The Boeing Company.

Obligor: Air China Limited.

Guarantor(s): N/A.

Description of Items Being Exported:

Boeing 777 aircraft, Boeing 747 aircraft, and Boeing 737 aircraft.

Information on Decision: Information on the final decision for this transaction will be available in the ''Summary Minutes of Meetings of Board of Directors'' on *http://exim.gov/newsandevents/boardmeetings/board/.*

Confidential Information: Please note that this notice does not include confidential or proprietary business information; information which, if disclosed, would violate the Trade Secrets Act; or information which would jeopardize jobs in the United States by supplying information that competitors could use to compete with companies in the United States.

Alla Lake,

Ex-Im Bank Records Officer.

[FR Doc. 2014–15715 Filed 7–3–14; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice 2014–0033]

Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of $100 Million: AP088835XX

AGENCY: Export-Import Bank of the United States.

ACTION: Notice.

SUMMARY: This Notice is to inform the public, in accordance with Section 3(c)(10) of the Charter of the Export-Import Bank of the United States (''Ex-

Im Bank''), that Ex-Im Bank has received an application for final commitment for a long-term loan or financial guarantee in excess of $100 million (as calculated in accordance with Section 3(c)(10) of the Charter). Comments received within the comment period specified below will be presented to the Ex-Im Bank Board of Directors prior to final action on this Transaction.

DATES: Comments must be received on or before August 1, 2014 to be assured of consideration before final consideration of the transaction by the Board of Directors of Ex-Im Bank.

ADDRESSES: Comments may be submitted through Regulations.gov at *WWW.REGULATIONS.GOV*. To submit a comment, enter EIB–2014–0033 under the heading ''Enter Keyword or ID'' and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name, company name (if any) and EIB–2014–0033 on any attached document.

Reference: AP088835XX.

Purpose and Use

Brief description of the purpose of the transaction:

To support the export of U.S.-manufactured aircraft to Australia.

Brief non-proprietary description of the anticipated use of the items being exported:

To be used for short-haul passenger air service within Australia and from Australia to regional destinations.

To the extent that Ex-Im Bank is reasonably aware, the item(s) being exported are not expected to produce exports or provide services in competition with the exportation of goods or provision of services by a United States industry.

Parties

Principal Supplier: The Boeing Company

Obligor: Virgin Australia Airlines

Guarantor(s): None

Description of Items Being Exported

Boeing 737 aircraft.

Information on Decision: Information on the final decision for this transaction will be available in the ''Summary Minutes of Meetings of Board of Directors'' on *http://exim.gov/newsandevents/boardmeetings/board/*.

Confidential Information: Please note that this notice does not include confidential or proprietary business information; information which, if disclosed, would violate the Trade Secrets Act; or information which would jeopardize jobs in the United States by supplying information that competitors could use to compete with companies in the United States.

Alla Lake,

Ex-Im Bank Records Officer.

[FR Doc. 2014–15716 Filed 7–3–14; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation Has Been Appointed Either Receiver, Liquidator, or Manager

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Update Listing of Financial Institutions in Liquidation.

SUMMARY: Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institutions effective as of the Date Closed as indicated in the listing. This list (as updated from time to time in the **Federal Register**) may be relied upon as ''of record'' notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992 issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions which have been placed in liquidation, please visit the Corporation Web site at *www.fdic.gov/bank/individual/failed/banklist.html* or contact the Manager of Receivership Oversight in the appropriate service center.

Dated: June 30, 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
10503	The Freedom State Bank	Freedom	OK	6/27/2014

[FR Doc. 2014–15772 Filed 7–3–14; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 21, 2014.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *Lucie VanLandingham Beeley, Leesburg, Georgia; Stevan Reynolds Tuck, Dawson, Georgia; the Lucie VanLandingham Beeley GST Trust, Lucie Beeley trustee, and the Stevan Reynolds Tuck GST, Stevan Tuck trustee,* to retain voting shares of Georgia Community Bancorp, Inc., Dawson, Georgia, and thereby indirectly retain voting shares of the Citizens State Bank of Taylor County, Reynolds, Georgia.

Board of Governors of the Federal Reserve System, July 1, 2014.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2014–15747 Filed 7–3–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 31, 2014.

A. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *First Light Bancorp,* Evansville, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of Evansville Commerce Bank, Evansville, Indiana.

Board of Governors of the Federal Reserve System, July 1, 2014.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2014–15746 Filed 7–3–14; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0018; Docket 2014–0055; Sequence 8]

Submission to OMB for Review; Federal Acquisition Regulation; Certification of Independent Price Determination and Parent Company and Identifying Data

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Regulatory Secretariat Division (MVCB) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning certification of independent price determination and parent company and identifying data. A notice was published in the **Federal Register** on April 14, 2014. No comments were received.

DATES: Submit comments on or before August 6, 2014.

ADDRESSES: Submit comments identified by Information Collection 9000–0018, Certification of Independent Price Determination and Parent Company and Identifying Data by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0018. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0018, Certification of Independent Price Determination and Parent Company and Identifying Data.'' Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0018, Certification of Independent Price Determination and Parent Company and Identifying Data'' on your attached document.
- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 9000–0018.

Instructions: Please submit comments only and cite Information Collection 9000–0018, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Chambers, Procurement Analyst, Federal Acquisition Policy Division, GSA 202–501–3221 or *Edward.chambers@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

As a first step in assuring that Government contracts are not awarded to firms violating anti-trust laws, offerors on Government contracts must complete the certificate of independent price determination. The Contracting Officer will reject certificates where the offeror has deleted or modified portions of the certificate and has not furnished with the certificate a signed statement of the circumstances of disclosure of prices. Agencies are required to report to the Attorney General rejected offers where the offeror deleted or modified the certificate or the certificate is suspected of being false.

The information collection is required each time an offeror responds to a solicitation for firm-fixed price contract or fixed-price economic price adjustment contract unless the acquisition is: (1) Made under the simplified acquisition threshold; (2) at the request for technical proposals under two-step sealed bidding procedures; or (3) for utility services for which rates are set by law or regulation. The FAR rule requires a Certificate of Independent Price Determination so that contractors certify that the prices in their offer have been arrived at independently, have not been or will not be knowingly disclosed, and have not been submitted for the purpose of restricting competition. This clause does not apply to commercial items.

B. Annual Reporting Burden

A reassessment of FAR 3.103 and FAR 52.203–2 was performed. Based on the comprehensive reassessment performed, this information collection resulted in a slight decrease in the annual number of responses and an increase in the annual time burden from the previous information collection that was published in the **Federal Register** at 76 FR 37353 on June 27, 2011. The decrease in the annual number of responses was likely a result of updated Fiscal Year 2013 data obtained from the Federal Procurement Data System. The

increase in the annual time burden resulted from increases in the amount of time necessary to research and prepares the certification from .01 hours (less than one minute) to .25 hours (15 minutes). No public comments were received in prior years that have challenged the validity of the Government's estimate.

Respondents: 13,486.
Responses per Respondent: 76.
Total Responses: 1,024,936.
Hours per Response: .25.
Total Burden hours: 256,234.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 9000–0018, telephone 202–501–4755.

Please cite OMB Control No. 9000–0018, Certification of Independent Price Determination and Parent Company and Identifying Data, in all correspondence.

Dated: June 27, 2014.

Karlos Morgan,

Acting Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2014–15639 Filed 7–3–14; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0085]

Agency Information Collection Activities; Proposed Collection; Comment Request; Guidance for Industry: Cooperative Manufacturing Arrangements for Licensed Biologics

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the proposed extension of the collection of information concerning cooperative manufacturing arrangements for licensed biologics.

DATES: Submit either electronic or written comments on the collection of information by September 5, 2014.

ADDRESSES: Submit electronic comments on the collection of information to: *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Guidance for Industry: Cooperative Manufacturing Arrangements for Licensed Biologics—(OMB Control Number 0910–0629)—Extension

The guidance document provides information concerning cooperative manufacturing arrangements applicable to biological products subject to licensure under section 351 of the Public Health Service Act (42 U.S.C. 262). The guidance addresses several types of manufacturing arrangements (i.e., short supply arrangements, divided manufacturing arrangements, shared manufacturing arrangements, and contract manufacturing arrangements) and describes certain reporting and recordkeeping responsibilities, associated with these arrangements, including the following: (1) Notification of all important proposed changes to production and facilities; (2) notification of results of tests and investigations regarding or possibly impacting the product; (3) notification of products manufactured in a contract facility; and (4) standard operating procedures.

1. Notification of All Important Proposed Changes to Production and Facilities

Each licensed manufacturer in a divided manufacturing arrangement or shared manufacturing arrangement must notify the appropriate FDA Center regarding proposed changes in the manufacture, testing, or specifications of its product, in accordance with § 601.12 (21 CFR 601.12). In the guidance, we recommend that each licensed manufacturer that proposes such a change should also inform other participating licensed manufacturer(s) of the proposed change.

For contract manufacturing arrangements, we recommend that the contract manufacturer should share with the license manufacturer all important proposed changes to production and facilities (including

introduction of new products or at inspection). The license holder is responsible for reporting these changes to FDA (§ 601.12).

2. Notification of Results of Tests and Investigations Regarding or Possibly Impacting the Product

In the guidance, we recommend the following for contract manufacturing arrangements:

- The contract manufacturer should fully inform the license manufacturer of the results of all tests and investigations regarding or possibly having an impact on the product; and
- The license manufacturer should obtain assurance from the contractor that any FDA list of inspectional observations will be shared with the license manufacturer to allow evaluation of its impact on the purity, potency, and safety of the license manufacturer's product.

3. Notification of Products Manufactured in a Contract Facility

In the guidance, we recommend for contract manufacturing arrangements that a license manufacturer cross reference a contract manufacturing facility's Master Files only in circumstances involving certain proprietary information of the contract manufacturer, such as a list of all products manufactured in a contract facility. In this situation, the license manufacturer should be kept informed of the types or categories of all products manufactured in the contract facility.

4. Standard Operating Procedures

In the guidance, we remind the license manufacture that the license manufacturer assumes responsibility for compliance with the applicable product and establishment standards (21 CFR 600.3(t)). Therefore, if the license manufacturer enters into an agreement with a contract manufacturing facility, the license manufacturer must ensure that the facility complies with the applicable standards. An agreement between a license manufacturer and a contract manufacturing facility normally includes procedures to regularly assess the contract manufacturing facility's compliance. These procedures may include, but are not limited to, review of records and manufacturing deviations and defects, and periodic audits.

For shared manufacturing arrangements, each manufacturer must submit a separate biologics license application (BLA) describing the manufacturing facilities and operations applicable to the preparation of that manufacturer's biological substance or product (§ 601.2(a)). In the guidance, we state that we expect the manufacturer that prepares (or is responsible for the preparation of) the product in final form for commercial distribution to assume primary responsibility for providing data demonstrating the safety, purity, and potency of the final product. We also state that we expect the licensed finished product manufacturer to be primarily responsible for any postapproval obligations, such as postmarketing clinical trials, additional product stability studies, complaint handling, recalls, postmarket reporting of the dissemination of advertising and promotional labeling materials as required under § 601.12(f)(4) and adverse experience reporting. We recommend that the final product manufacturer establish a procedure with the other participating manufacturer(s) to obtain information in these areas.

Description of Respondents: The recordkeeping and reporting recommendations described in this document affect the participating licensed manufacturer(s), final product manufacturer(s), and contract manufacturer(s) associated with cooperative manufacturing arrangements.

Burden Estimate: We believe that the information collection provisions in the guidance do not create a new burden for respondents. We believe the reporting and recordkeeping provisions are part of usual and customary business practices. Licensed manufacturers would have contractual agreements with participating licensed manufacturers, final product manufacturers, and contract manufacturers, as applicable for the type of cooperative manufacturing arrangement, to address all these information collection provisions.

The guidance also refers to previously approved collections of information found in FDA regulations at parts 201, 207, 211, 600, 601, 606, 607, 610, 660, 801, 803, and 807, 809, and 820 (21 CFR parts 201, 207, 211, 600, 601, 606, 607, 610, 660, 801, 803, 807, 809, and 820). The collections of information in §§ 606.121, 606.122, and 610.40 have been approved under OMB control number 0910–0116; § 610.2 has been approved under OMB control number 0910–0206; §§ 600.12(e) and 600.80 have been approved under OMB control number 0910–0308; §§ 601.2(a), 601.12, 610.60 through 610.65, 610.67, 660.2(c), 660.28(a) and (b), 660.35(a), (c) through (g), (i) through (m), 660.45, and 660.55(a) and (b) have been approved under OMB control number 0910–0338; §§ 803.20, 803.50, and 803.53 have been approved under OMB control number 0910–0437; and §§ 600.14 and 606.171 have been approved under OMB control number 0910–0458. The current good manufacturing practice regulations for finished pharmaceuticals (part 211) have been approved under OMB control number 0910–0139; §§ 820.181 and 820.184 have been approved under OMB control number 0910–0073; the establishment registration regulations (parts 207, 607, and 807) have been approved under OMB control numbers 0910–0045, 0910–0052, and 0910–0625; and the labeling regulations (parts 201, 801, and 809) have been approved under OMB control numbers 0910–0537, 0910–0572, and 0910–0485.

Dated: July 1, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–15810 Filed 7–3–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–D–0587]

Guidance for Industry on Neglected Tropical Diseases of the Developing World: Developing Drugs for Treatment or Prevention; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled ''Neglected Tropical Diseases of the Developing World: Developing Drugs for Treatment or Prevention.'' The purpose of the guidance is to assist sponsors in the development of drugs for the treatment or prevention of neglected tropical diseases (NTDs). This guidance represents the FDA's current thinking regarding drug development for the treatment or prevention of NTDs, including clinical trial designs and internal review standards to support approval of drugs. This guidance finalizes the draft guidance issued August 24, 2011.

DATES: Submit either electronic or written comments on Agency guidances at any time.

ADDRESSES: Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 2201, Silver Spring, MD 20993–0002. 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 document.

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: Joseph G. Toerner, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6244, Silver Spring, MD 20993–0002, 301–796–1300.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Neglected Tropical Diseases of the Developing World: Developing Drugs for Treatment or Prevention.'' The purpose of this guidance is to assist sponsors in the development of drugs for the treatment or prevention of NTDs as defined in section 524(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360n(a)(3)).

NTDs are infectious diseases that are generally rare or absent in developed countries, but are often widespread in developing countries. The availability of new drugs that are safe and effective for treatment or prevention of NTDs could provide public health benefit for overall global health.

This guidance addresses general issues in drug development and implementation of clinical trials for NTDs. FDA will review and comment on drug development plans and will review new drug applications or biologics license applications for new drugs for NTDs, regardless of where the clinical development program takes place. Specifically, the guidance provides a general overview of nonclinical development considerations, as well as clinical development considerations and regulatory paradigms. Other activities in the Center for Drug Evaluation and Research that pertain to NTDs are summarized in the guidance. Listings of guidance documents that are most relevant to drug development for NTDs are included in the guidance.

This guidance finalizes the draft guidance issued August 24, 2011. Comments on the draft guidance were considered while finalizing this guidance. Specifically, changes from the draft guidance include descriptions of new regulatory designations (Qualified Infectious Disease Product; Breakthrough Therapy).

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 on developing drugs for the treatment or prevention of neglected tropical diseases of the developing world. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. The Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information that 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 part 312 and 21 CFR part 314 have been approved under OMB control numbers 0910–0014 and 0910–0001.

III. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

IV. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: July 1, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–15801 Filed 7–3–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0001]

Pediatric Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Pediatric Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on September 23, 2014, from 8 a.m. to 5:30 p.m.

Location: Bethesda Marriott, 5151 Pooks Hill Rd., Bethesda, MD 20814.

Contact Person: Walter Ellenberg, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5154, Silver Spring, MD 20993–0002, 301–796–0885, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: The Pediatric Advisory Committee will meet to discuss pediatric-focused safety reviews, as mandated by the Best Pharmaceuticals for Children Act and the Pediatric Research Equity Act for: AFINITOR DISPERZ (everolimus); Berlin Heart EXCOR® Pediatric Ventricular Assist Device; CONTEGRA® Pulmonary Valved Conduit; DYMISTA (azelastine hydrochloride; fluticasone propionate); Elana Surgical Kit; ENTERRA Therapy System; LEVAQUIN (levofloxacin); LEXIVA (fosamprenavir calcium); QNASL (beclomethasone diproprionate), Medtronic Melody® Transcatheter Pulmonary Valve; MENHIBRIX (Meningococcal Groups C and Y and Haemophilus b Tetanus Toxoid Conjugate Vaccine); SINGULAIR (montelukast sodium); TREANDA (bendamustine hydrochloride); VERAMYST (fluticasone furoate); VIREAD (tenofovirdisoproxil fumarate); and VOLUVEN (6% hydroxyethyl starch 130/0.4 in 0.9% sodium chloride injection).

FDA intends to make background material available to the public no later

than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm*. Scroll down to the appropriate advisory committee link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before August 25, 2014. Oral presentations from the public will be scheduled between approximately 11:30 a.m. and 12:30 p.m. on September 23, 2014. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before August 15, 2014. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by August 18, 2014.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Walter Ellenberg at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings. Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 30, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–15683 Filed 7–3–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Ryan White HIV/AIDS Program, AIDS Education and Training Centers, Graduate Medical Education Grant Under the Ryan White HIV/AIDS Program

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice of a Class Deviation from Competition Requirements for the HIV/AIDS Bureau's (HAB) Ryan White HIV/AIDS Program, AIDS Education and Training Centers (AETC), Graduate Medical Education (GME) Program (H4A).

SUMMARY: HRSA will be issuing non-competitive awards under the Ryan White HIV/AIDS Program, AETC/GME Program. Approximately $450,000 will be made available in the form of a grant to current grantees (listed in chart below) during the budget period of July 1, 2014, through June 30, 2015. This will: (1) Continue the current cohort and provide support for one additional cohort of graduate medical residents; (2) continue to provide workforce development that is integral to the national interest through meeting National HIV/AIDS Strategy goals, and that enhances the implementation of the Affordable Care Act; and (3) provide a more robust program evaluation that will yield sufficient data; and aid HRSA/HAB in future decisions regarding the replication and the viability of a subsequent GME competition. The scope of work does not change.

SUPPLEMENTARY INFORMATION: Intended recipients of the awards are the three incumbent grantees of record (listed in chart below). The amount of the non-competitive awards is $150,000 per grantee.

Authority: Section 2692 of the Public Health Service Act, 42, U.S.C. 300ff–111.

CFDA Number: 93.145

Project period: July 1, 2014, through June 30, 2015.

Justification: The GME Program, which has three funded grantees: Yale University (H4AHA22762), Research Foundation of the State University of New York (H4AHA22761), and Family Medicine Residency of Idaho (H4AHA22760), is scheduled to end June 30, 2014. The Ryan White HIV/AIDS AETC/GME Program seeks to provide a one-time non-competitive award in order to avoid interruption in continued HIV primary medical care education at these three universities by completing the current cohort and producing one more cohort of graduates, thus providing additional time to accurately assess and evaluate the success of the program. This is a primary care training group, which helps link critical HIV/AIDS resources within and across communities to help expand the clinician workforce capacity to meet the growing demand for HIV care by training their medical residents. The purpose of the GME program (which ties directly to the shortage of primary health care providers in HIV/AIDS care in the United States) is to fund public and nonprofit private entities and schools, and academic health science centers in order to expand opportunities to train medical residents in HIV/AIDS care and treatment. Grant funds are requested in order to accomplish this purpose and meet the three objectives described in the above summary. This funding is intended to bridge the gap until this GME program may be competed again.

FOR FURTHER INFORMATION CONTACT: Diana Travieso Palow, Branch Chief, HIV Education Branch, Division of Training and Capacity Development, HAB/HRSA 5600 Fishers Lane, Rockville, MD 20857, by email at *DPalow@hrsa.gov*, or by phone at (301) 443–4405.

Grantee/organization name	Grant No.	State	FY 2014 Supplemental funding	Revised project end date
Yale University	H4AHA22762	CT	$150,000	June 30, 2015.
Research Foundation of the State University of New York (SUNY)	H4AHA22761	NY	150,000	June 30, 2015.
Family Medicine Residency of Idaho	H4AHA22760	ID	150,000	June 30, 2015

Dated: June 27, 2014.

Mary K. Wakefield,

Administrator.

[FR Doc. 2014–15705 Filed 7–3–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute 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, Bioengineering Sciences and Technologies: AREA Review.

Date: July 30–31, 2014.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Ping Fan, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5154, MSC 7840, Bethesda, MD 20892, 301–408–9971, *fanp@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Endothelial Dysfunction.

Date: July 30, 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: Natalia Komissarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, MSC 7846, Bethesda, MD 20892, 301–435–1206, *komissar@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Hematology and Vascular Pathobiology.

Date: July 30, 2014.

Time: 2:00 p.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).

Place: Ai-Ping Zou, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–408–9497, *zouai@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Molecular Neuroscience.

Date: July 31, 2014.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Carol Hamelink, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, MSC 7850, Bethesda, MD 20892, (301) 213–9887, *hamelinc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Genomics, Computational Biology and Technology Grant Applications.

Date: July 31, 2014.

Time: 1:00 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: Barbara J Thomas, Ph.D.,Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2218, MSC 7890, Bethesda, MD 20892, 301–435–0603, *bthomas@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 30, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–15728 Filed 7–3–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 on Aging Special Emphasis Panel CR Biomarkers.

Date: July 28, 2014.

Time: 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Rebecca J. Ferrell, Ph.D., Scientific Review Officer, National Institute on Aging, Gateway Building, Rm. 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–402–7703, *ferrellrj@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: June 30, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–15726 Filed 7–3–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 13–390: Indo-US Collaboration on Low Cost Medical Devices.

Date: July 16–17, 2014.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Ping Fan, MD, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5154, MSC 7840, Bethesda, MD 20892, 301–408–9971, *fanp@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Aging: inflammation and functional mobility.

Date: July 17, 2014.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Samuel C. Edwards, Ph.D., IRG CHIEF, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7846, Bethesda, MD 20892, (301) 435–1246, *edwardss@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 30, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–15727 Filed 7–3–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Overflow: CMIA.

Date: July 29, 2014.

Time: 8:00 a.m. to 8:00 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 B. Winter, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4204, MSC 7812, Bethesda, MD 20892, 301–435–1152, *dwinter@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: US-South Africa Collaborative Biomedical Research.

Date: July 29–30, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Alexander D. Politis, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3210, MSC 7808, Bethesda, MD 20892, (301) 435–1150, *politisa@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–13–385: Epigenetic Modification in Gametogenesis and Transgenerational Inheritance.

Date: July 30, 2014.

Time: 11:00 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, (Telephone Conference Call).

Contact Person: Michael Knecht, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6176, MSC 7892, Bethesda, MD 20892, (301) 435–1046, *knechtm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Development, Differentiation and Modulation of Immune Responses.

Date: July 31, 2014.

Time: 10:00 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, (Telephone Conference Call).

Contact Person: Tina McIntyre, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4202, MSC 7812, Bethesda, MD 20892, 301–594–6375, *mcintyrt@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: July 1, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–15856 Filed 7–3–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2014–0543]

Great Lakes Pilotage Advisory Committee

AGENCY: Coast Guard, DHS.

ACTION: Committee Management; Notice of Federal Advisory Committee Meeting.

SUMMARY: The Great Lakes Pilotage Advisory Committee will meet on July 23–24, 2014, in Washington, DC to discuss matters relating to Great Lakes pilotage, including review of proposed Great Lakes pilotage regulations and policies. These meetings will be open to the public.

DATES: The Great Lakes Pilotage Advisory Committee will meet on Wednesday July 23rd, 2014, from 10:00 a.m. to 5:00 p.m., and on Thursday July 24th from 9:00 a.m. to 5 p.m. Please note that the meeting may close early if the committee completes its business. Pre-registration, all submitted written materials, comments and requests to make oral presentations at the meeting should reach Ms. Michelle Birchfield, Great Lakes Pilotage Advisory Committee Alternate Designated Federal Officer on or before July 18, 2014. Any written material submitted by the public will be distributed to the committee and become part of the public record.

ADDRESSES: The meeting will be held at U.S. Coast Guard Headquarters located at 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593 in conference room 4R14–18. All visitors to Coast Guard Headquarters will have to pre-register to be admitted to the building. Please provide your full name, date of birth and Social Security number by close of business on July 18, 2014, to the contact person listed in **FOR FURTHER INFORMATION CONTACT** below. Additionally, all visitors to Coast Guard Headquarters must provide identification in the form of government-issued picture identification card for access to the facility. Please allow at least 30 minutes before the planned start of the meeting in order to pass through security.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the person listed in **FOR FURTHER INFORMATION CONTACT** below as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the committee as listed in the ''Agenda''

section below. Comments must be submitted in writing no later than July 18, 2014, and must be identified by [USCG–2014–9110] and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Same as mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Docket: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov,* and use ''USCG–2014–0543'' in the ''Search'' box, press Enter, and then click on the item you wish to view.

Public comments will be heard during the meeting on July 23 and July 24, 2014. Speakers are requested to limit their comments to 5 minutes. Please note that the public comment period may end before the period allotted, following the last call for comments. Contact the individual listed in the **FOR FURTHER INFORMATION CONTACT**: section below to register as a speaker.

FOR FURTHER INFORMATION CONTACT: Commandant (CG–WWM–2), ATTN: Ms. Michelle Birchfield, Great Lakes Pilotage Advisory Committee Alternate Designated Federal Officer, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7509; telephone 202–372–1537, fax 202–372–8387, or email at *Michelle.R.Birchfield@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 or 1–800–647–5527.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the *Federal Advisory Committee Act (FACA),* 5 U.S.C. Appendix, Public Law 92–463, 86 Stat, 770 as amended. The Great Lakes Pilotage Advisory Committee was established under the authority of 46 U.S.C. 9307, and makes recommendations to the Secretary of Homeland Security and the Coast Guard on matters relating to Great Lakes pilotage, including review of proposed Great Lakes pilotage regulations and policies.

Further information about Great Lakes Pilotage Advisory Committee is available by going to the Web site: *https://www.facadatabase.gov.* Click on the search tab and type ''Great Lakes'' into the search form. Then select ''Great Lakes Pilotage Advisory Committee'' from the list. A copy of all meeting documentation will also be available at *https://homeport.uscg.mil/GLPAC.* Alternatively, you may contact Ms. Michelle Birchfield as noted in the **FOR FURTHER INFORMATION CONTACT**: section above.

Agenda

The Great Lakes Pilotage Advisory Committee will meet to review, discuss, deliberate and formulate recommendations as appropriate on topics contained in the below agenda:

- Ice Operations: Closing of 2013 and Opening of 2014 Seasons
  - Debrief
  - US/Canada coordination
  - Lessons learned
  - Great Lakes Pilotage Management System (GLPMS, or Klein) Migration
- Review General Regulations
  - Update on effort to align with Federal Pilot requirements and credentialing
  - Required Reporting to USCG
    - Financial and operational reporting
    - Accident reporting
- Discussion of Pilotage Governance
  - Working Rules
  - Geographic areas of responsibility
  - Observance of mandatory change points for safety
- Pilotage requirements for yachts
- Commencement of revenue audits
- Proposed changes to the ratemaking methodology
- Billing for pilot boat operations
- Funding capital improvements
- Improving recruitment and retention
- Continuing raining, education and professional development

Public comments or questions will be taken throughout the meeting as the committee discusses the issues. There will also be a public comment period at the end of each day.

Minutes: Minutes from the meeting will be available for public view and copying within 90 days following the meeting at *https://homeport.uscg.mil/GLPAC.*

Dated: June 30, 2014.

G.C. Rasicot,

Director, Marine Transportation Systems, U.S. Coast Guard.

[FR Doc. 2014–15790 Filed 7–3–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

[1651–0041]

Agency Information Collection Activities; Bonded Warehouse Regulations

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security 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: Bonded Warehouse Regulations. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before August 6, 2014 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** (79 FR 22519) on April 22, 2014, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the 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 estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden, including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Bonded Warehouse Regulations.

OMB Number: 1651–0041.

Abstract: Owners or lessees desiring to establish a bonded warehouse must make written application to the CBP port director of the port where the warehouse is located. The application must include the warehouse location, a description of the premises, and an indication of the class of bonded warehouse permit desired. Owners or lessees desiring to alter or to relocate a bonded warehouse may submit an application to the CBP port director of the port where the facility is located. The authority to establish and maintain a bonded warehouse is set forth in 19 U.S.C. 1555, and provided for by 19 CFR 19.2, 19 CFR 19.3, 19 CFR 19.6, 19 CFR 19.14, and 19 CFR 19.36.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 198.

Estimated Number of Responses per Respondent: 46.7.

Estimated Total Annual Responses: 9,254.

Estimated Time per Response: 32 minutes.

Estimated Total Annual Burden Hours: 4,932.

Dated: June 30, 2014.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2014–15739 Filed 7–3–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

[1651–0048]

Agency Information Collection Activities: Declaration of Persons Who Performed Repairs or Alterations

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security 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: Declaration of Persons Who Performed Repairs or Alterations. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before August 6, 2014 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** (79 FR 22519) on April 22, 2014, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the 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 estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden, including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Declaration of Persons Who Performed Repairs or Alterations.

OMB Number: 1651–0048.

Abstract: The ''Declaration of Persons Who Performed Repairs or Alterations,'' as required by 19 CFR 10.8, is used in connection with the entry of articles entered under subheadings 9802.00.40 and 9802.00.50, Harmonized Tariff Schedule of the United States (HTSUS). Articles entered under these HTSUS provisions are articles that were in the U.S. and were exported temporarily for repairs or alterations. Upon their return, duty is only assessed on the value of the repairs or alterations performed abroad and not on the full value of the article. The declaration under 19 CFR 10.8 includes information such as a description of the article and the repairs

or alterations; the value of the article and the repairs or alterations; and a declaration by the owner, importer, consignee, or agent having knowledge of the pertinent facts. The information in this declaration is used by CBP to determine the value of the repairs or alterations, and to assess duty only on the value of those repairs or alterations.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 10,236.

Estimated Number of Total Annual Responses: 20,472.

Estimated Number of Annual Responses per Respondent: 2.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 10,236.

Dated: June 30, 2014.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2014–15738 Filed 7–3–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0022]

Agency Information Collection Activities: Entry Summary

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security 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: Entry Summary. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before August 6, 2014 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** (79 FR 22519) on April 22, 2014, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the 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 estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Entry Summary.

OMB Number: 1651–0022.

Form Number: 7501, 7501A.

Abstract: CBP Form 7501, Entry Summary, is used to identify merchandise entering the commerce of the United States, and to document the amount of duty and/or tax paid. CBP Form 7501 is submitted by the importer, or the importer's agent, for each import transaction. The data on this form is used by CBP as a record of the import transaction; to collect the proper duty, taxes, certifications and enforcement information; and to provide data to the U.S. Census Bureau for statistical purposes. CBP Form 7501 must be filed within 10 working days from the time of entry of merchandise into the United States.

CBP Form 7501A, Document/Payment Transmittal, is used to reconcile a supplemental payment after an initial Automated Clearinghouse payment with the associated entry so the respondent's account is properly credited.

Collection of the data on these forms is authorized by 19 U.S.C. 1484 and provided for by 19 CFR 142.11 and CFR 141.61. CBP Form 7501 and accompanying instructions can be found at *http://www.cbp.gov/newsroom/publications/forms.*

Current Actions: This submission is being made to extend the expiration date of this information collection with no change to the burden hours or to the information collected on Form 7501 or 7501A.

Type of Review: Extension (without change).

Affected Public: Businesses.

CBP Form 7501—Formal Entries

Estimated Number of Respondents: 2,450.

Estimated Number of Responses per Respondent: 9,903.

Estimated Total Annual Responses: 24,262,350.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 8,079,363.

CBP Form 7501—Formal Entries With Softwood Lumber Act

Estimated Number of Respondents: 210.

Estimated Number of Responses per Respondent: 1,905.

Estimated Total Annual Responses: 400,050.

Estimated Time per Response: 40 minutes.

Estimated Total Annual Burden Hours: 266,433.

CBP Form 7501—Informal Entries

Estimated Number of Respondents: 1,572.

Estimated Number of Responses per Respondent: 2,582.

Estimated Total Annual Responses: 4,058,904.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 1,014,726.

CBP Form 7501A—Document/Payment Transmittal

Estimated Number of Respondents: 20.

Estimated Number of Responses per Respondent: 60.

Estimated Total Annual Responses: 1,200.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 300.

Dated: June 30, 2014.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2014–15740 Filed 7–3–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0106]

Agency Information Collection Activities: Application to Pay Off or Discharge an Alien Crewman

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security 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: Application to Pay Off or Discharge an Alien Crewman. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before August 6, 2014 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** (79 FR 22521) on April 22, 2014, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the 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 estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden, including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Application to Pay Off or Discharge Alien Crewman.

OMB Number: 1651–0106.

Form Number: I–408.

Abstract: CBP Form I–408, Application to Pay Off or Discharge Alien Crewman, is used as an application by the owner, agent, consignee, charterer, master, or commanding officer of any vessel or aircraft arriving in the United States to obtain permission from the Secretary of the Department of Homeland Security to pay off or discharge alien crewmen. This form is submitted to the CBP officer having jurisdiction over the area in which the vessel or aircraft is located at the time of application. CBP Form I–408 is authorized by Section 256 of the Immigration and Nationality Act (8 U.S.C. 1286) and provided for by 8 CFR 252.1(h). This form is accessible at: *http://www.cbp.gov/sites/default/files/documents/CBP%20Form%20I-408.pdf.*

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 85,000.

Estimated Time per Respondent: 25 minutes.

Estimated Total Annual Burden Hours: 35,360.

Dated: June 30, 2014.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2014–15741 Filed 7–3–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

Notice of Issuance of Final Determination Concerning Certain Toner Cartridge Products

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection (''CBP'') has issued a final determination concerning the country of origin of certain toner cartridge products known as All-In-One Toner Cartridges. Based upon the facts presented, CBP has concluded in the final determination that Japan is the country of origin of the All-In-One Toner Cartridges for purposes of U.S. Government procurement.

DATES: The final determination was issued on June 24th, 2014. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within August 6, 2014.

FOR FURTHER INFORMATION CONTACT: Grace A. Kim, Valuation and Special Programs Branch, Regulations and Rulings, Office of International Trade (202) 325–7941.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on June 24, 2014 pursuant to subpart B of Part 177, U.S. Customs and Border Protection Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of certain toner cartridge products known as All-In-One Toner Cartridges, which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination, HQ H251592, was issued under procedures set forth at 19 CFR Part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–18). In the final determination, CBP concluded that, based upon the facts presented, the assembly processes performed in Japan, substantially transform non-TAA country All-In-One Toner Cartridges. Therefore, the country of origin of the All-In-One Toner Cartridges is Japan for purposes of U.S. Government procurement.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that a notice of final determination shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: June 24, 2014.

Sandra L. Bell,

Executive Director, Regulations and Rulings, Office of International Trade.

Attachment

HQ H251592

June 24, 2014

OT:RR:CTF:VS H251592 GaK

CATEGORY: Origin

Fusae Nara
Pillsbury Winthrop Shaw Pittman LLP
1540 Broadway
New York, NY 10036–4039

RE: U.S. Government Procurement; Country of Origin of All-In-One Toner Cartridges; Substantial Transformation

Dear Ms. Nara:

This is in response to your letter, dated February 21, 2014, requesting a final determination on behalf of Ricoh Company Ltd. (''Ricoh''), pursuant to subpart B of part 177 of the U.S. Customs and Border Protection (''CBP'') Regulations (19 C.F.R. Part 177). Under these regulations, which implement Title III of the Trade Agreements Act of 1979 (''TAA''), as amended (19 U.S.C. § 2511 et seq.), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain ''Buy American'' restrictions in U.S. law or practice for products offered for sale to the U.S. Government. This final determination concerns the country of origin of Ricoh's all-in-one (''AIO'') toner cartridge (''AIO cartridge''). We note that as a foreign manufacturer, Ricoh is a party-at-interest within the meaning of 19 C.F.R. § 177.22(d)(1) and is entitled to request this final determination.

FACTS:

Ricoh designed and developed the AIO cartridge in Japan, which is used with Ricoh's Aficio multifunctional products (''MFP'') as well as printers. The AIO cartridge can be distinguished from conventional toner cartridge in that it does not only contain the toner powder, but also a cleaning unit and a development unit. It serves multiple functions by storing and transporting the toner, then transferring and affixing letters and images onto paper. The AIO cartridge also cleans the surface of the Organic Photo Conductor (''OPC drum''), which converts the light signal to the electric charge, enabling the toner particles to be affixed onto the paper. In contrast, in a conventional cartridge, the cleaning of the OPC drum is done by the MFP or printers.

As stated above, the AIO cartridge has three main components: toner powder, development unit, and cleaning unit. The toner powder is the ink that forms the letters and images on paper and is claimed to be the most critical element of the AIO cartridge. Ricoh developed and produces the toner powder in Japan and the formula for the toner is proprietary and patented. The production process involves pre-mixing the chemical ingredients using a highly sophisticated chemical mixer; mixing and kneading the toner powder by adding air pressure, followed by a cooling process; pulverizing the toner; equalizing the toner particles into the same size; and final mixing and packaging.

The development unit has a container called a ''hopper,'' that holds the toner powder. The development unit is assembled in China and imported to Japan, where the hopper will be filled with toner powder. After the hopper is filled with toner powder, the hopper is sealed and cleaned to avoid any contamination of the MFPs and printers.

The cleaning unit is assembled in Japan and contains the OPC drum, cleaning blade, charge rollers and other miscellaneous parts. With the exception of the OPC drum, all components are made in Japan. The OPC drum is produced in Thailand with parts from various countries. It is stated that the assembly of the cleaning unit requires experienced technicians, as the assembly is of a delicate nature. The assembly process includes assembling the cleaning blade, applying black toner powder on the cleaning blade for a smooth contact with the OPC drum, setting the waste toner case, assembling the cleaning blade to the spent toner case, and assembling the OPC drum and charger roller into the cleaning unit.

The next step in producing the AIO cartridge involves making a frame assembly in Japan, which is the outer structure of the AIO cartridge. The arm shutter is assembled to both the right and left sides of the frame; a spring is attached to each arm shutter; the right frame is assembled by attaching the arm shutter and electrode sheets, which connect the cleaning unit and development units to the toner hopper; a memory chip and radio-frequency identification tag (''RFID chip'') is installed to the side of the right frames. The same processes are repeated for the left frame, except that the left frame does not include a memory chip or RFID chip. After the outer structure is assembled, the toner hopper, developer unit and cleaning unit are assembled together in Japan. The assembly process involves mounting the right and left frames onto the assembled development unit and cleaning unit combination, assembling gears connecting the frame to the development and cleaning units, and installing the OPC drum shutter. The AIO cartridge is inspected and data is input onto the RFID chip, which allows the MFP or printer to recognize the AIO cartridge and informs the user when the AIO cartridge should be replaced.

LAW AND ANALYSIS:

Pursuant to Subpart B of Part 177, 19 C.F.R § 177.21 et seq., which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers or certain ''Buy American'' restrictions in U.S. law or practice for products offered for sale to the U.S. Government. Under the rule of origin set forth in 19 U.S.C. § 2518(4)(B):

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also 19 C.F.R. § 177.22(a).

In order to determine whether a substantial transformation occurs when components of various origins are assembled into completed products, CBP considers the totality of the circumstances and makes such determinations on a case-by-case basis. The country of origin of the item's components, extent of the processing that occurs within a country, and whether such processing renders a product with a new name, character, and use are primary considerations in such cases. Additionally, factors such as the resources expended on product design and development, the extent and nature of post-assembly inspection and testing procedures, and worker skill required during the actual manufacturing process will be considered when determining whether a substantial transformation has occurred. No one factor is determinative.

In determining whether the combining of parts or materials constitutes a substantial transformation, the determinative issue is the extent of the operations performed and whether the parts lose their identity and

become an integral part of the new article. *Belcrest Linens v. United States,* 6 Ct. Int'l Trade 204, 573 F. Supp. 1149 (1983), aff 'd, 741 F.2d 1368 (Fed. Cir. 1984). If the manufacturing or combining process is a minor one that leaves the identity of the imported article intact, a substantial transformation has not occurred. *Uniroyal, Inc. v. United States,* 3 Ct. Int'l Trade 220, 542 F. Supp. 1026 (1982). Assembly operations that are minimal or simple, as opposed to complex or meaningful, generally will not result in a substantial transformation. See C.S.D. 80–111, C.S.D. 85–25, C.S.D. 89–110, C.S.D. 89–118, C.S.D. 90–51, and C.S.D. 90–97.

CBP has held in a number of cases involving similar merchandise that complex and meaningful operations involving a large number of components result in a substantial transformation. Ricoh states that the toner for the cartridge is the most valuable component citing Headquarters Ruling Letter (HQ) W563548 (Nov. 9, 2009). In that case, CBP considered the country of origin of toner cartridges and image drums which were remanufactured in the U.S. The toner cartridges comprised 52 parts plus toner and 20 new parts were used to remanufacture the toner cartridges: 14 from the U.S., 1 from the U.K., and 5 from China. The remaining 32 parts were salvaged from used cartridges, which were cleaned for reassembly. The components with mechanical function such as the shutters, mixing gear, mixing bar, and spiral attachments were simply cleaned and not replaced. The cartridges were filled with new toner of Japanese origin and tested. CBP found that the cartridges were not substantially transformed in the U.S. because the remanufacturing processes were rather simple. Rather, the toner was the only significant component replaced during the remanufacturing operation. CBP concluded that since the toner imparted the essential character of the remanufactured toner cartridge, the country of origin was Japan. HQ W563548 also considered the remanufacture of image drums in the U.S. The image drums were comprised of 110 parts and 56 new parts were used from various countries: 12 in the U.S., 1 in Canada, 5 in Japan, and 38 in Thailand. Several of the newly manufactured parts were significant to the functionality of the image drum, such as the organic photoreceptor drum (claimed to be the most valuable component of the image drum), the developing roller, the charge roller, and the cleaning blade, which were all manufactured in Japan including new lubricating toner powder. Unlike the toner cartridge in W563548, the remanufacturing of the image drums required replacement of most of the components that contributed to the functionality of the image drum. Based on these facts, CBP concluded that the image drum was substantially transformed in the U.S.

We find that substantial manufacturing operations are performed in Japan in producing the AIO cartridge. While the OPC drum is manufactured in Thailand, the other parts of the cleaning unit originate in Japan. As a result of the assembly of the cleaning unit in Japan, the OPC drum becomes an integral part of the cleaning unit such that it may be considered a product of Japan. This is analogous to the remanufactured image drum assembly process described in HQ W563548. The development unit is manufactured in China. The toner powder is manufactured in Japan and as found in W563548, it is the most critical element of the AIO cartridge. These three components (two of Japanese origin and one from China) are brought together by the frame assembly also performed in Japan. Therefore, we find that the country of origin of the Ricoh AIO cartridge is Japan.

HOLDING:

Based on the facts of this case, we find that the processing in Japan substantially transforms the non-Japanese components. Therefore, the country of origin of the AIO cartridge is Japan for purposes of U.S. Government procurement.

Notice of this final determination will be given in the **Federal Register**, as required by 19 C.F.R. § 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 C.F.R. § 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 C.F.R. § 177.30, any party-at-interest may, within 30 days of publication of the Federal Register Notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

Sandra L. Bell,

Executive Director, Regulations and Rulings Office of International Trade.

[FR Doc. 2014–15765 Filed 7–3–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Bureau Of Land Management

[LLORP00000.L10200000.DF0000.14X. HAG14–0153]

Notice of Public Meeting for the John Day—Snake Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, and the U.S. Department of the Interior, Bureau of Land Management (BLM), the John Day—Snake Resource Advisory Council (RAC) will meet as indicated below.

DATES: The John Day—Snake RAC will hold a public meeting Thursday, July 17, and Friday, July 18, 2014. The meeting will run from 12 p.m. to 5:00 p.m. on July 17th, and from 8 a.m. to 12:45 p.m. on July 18th. An agenda will be posted at *http://www.blm.gov/or/rac/jdrac_meetingnotes.php* prior to July 11, 2014.

ADDRESSES: The meeting will be held at the USFS Wallowa Whitman National Forest, La Grande Ranger District Office at 3502 Hwy. 30 in La Grande, Oregon.

FOR FURTHER INFORMATION CONTACT: Lisa Clark, Public Affairs Specialist, BLM Prineville District Office, 3050 NE. 3rd Street, Prineville, Oregon 97754, (541) 416–6864, or email *lmclark@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1(800) 877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 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 John Day-Snake RAC consists of 15 members chartered and appointed by the Secretary of the Interior. Their diverse perspectives are represented in commodity, conservation, and general interests. They provide advice to BLM and Forest Service resource managers regarding management plans and proposed resource actions on public land in central and eastern Oregon. Agenda items for the July 2014 meeting include: presentations on the release of the approved John Day Basin Resource Management Plan and the NEPA 2.0 Planning Strategy, a field tour of the Blue Mountains Cohesive Strategy Pilot Project, committee and member updates and any other matters that may reasonably come before the John Day-Snake RAC. This meeting is open to the public in its entirety; however, transportation during the field tour portion of the meeting will not be provided to members of the public. Information to be distributed to the John Day-Snake RAC is requested prior to the start of each meeting. A public comment period will be available on July 18, 2014, at 10 a.m. Unless otherwise approved by the John Day-Snake RAC Chair, the public comment period will last no longer than 30 minutes. Each speaker may address the John Day-Snake RAC for a maximum of 5 minutes. Meeting times and the duration scheduled for public comment periods may be extended or altered when the authorized representative considers it necessary to accommodate business and all who seek to be heard regarding matters before the John Day-Snake RAC.

Before including your address, phone number, email address, or other personal identifying information in your comments, please 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.

Michael P. Campbell,

Associate Deputy State Director for Communications.

[FR Doc. 2014–15754 Filed 7–3–14; 8:45 am]

BILLING CODE 4310–33–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–Ta–823 (Advisory Opinion Proceeding)]

Certain Kinesiotherapy Devices and Components Thereof; Commission Decision To Adopt a Report Issued by the Office of Unfair Import Investigations as an Advisory Opinion

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has decided to adopt the report prepared by the Office of Unfair Import Investigations (''OUII'') as the Commission's advisory opinion in the above-captioned proceeding.

FOR FURTHER INFORMATION CONTACT: Michael Haldenstein, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2737. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 10, 2012, based on a complaint filed by Standard Innovation Corporation of Ottawa, ON, Canada and Standard Innovation (US) Corp. of Wilmington, Delaware (collectively, ''Standard Innovation''). 77 *FR* 1504–05 (Jan. 10, 2012). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), by reason of infringement of certain claims of United States Patent Nos. 7,931,605 (''the '605 patent'') and D605,779 (''the '779 patent''). The complaint named twenty-one business entities as respondents, including Lelo Inc. and Leloi AB (collectively, ''Lelo''). On July 25, 2012, the Commission determined not to review an ID (Order No. 25) granting complainants' motion to withdraw the '779 patent from the investigation.

On June 17, 2013, the Commission issued its final determination finding that Standard Innovation had proven a violation of section 337 based on the infringement of the asserted claims of the '605 patent. Based on evidence of a pattern of violation and difficulty ascertaining the source of the infringing products, the Commission issued a general exclusion order against certain kinesiotherapy devices and components thereof that infringe the asserted claims of the '605 patent. The Commission also issued cease and desist orders against certain respondents, including Lelo Inc.

On September 30, 2013, Lelo filed a request with the Commission asking for institution of an advisory opinion proceeding to declare that its new kinesiotherapy devices are not covered by the general exclusion order or the cease and desist order issued against Lelo Inc. Standard Innovation filed a response on November 12, 2013, opposing Lelo's request.

On February 7, 2014, the Commission determined that Lelo's request complied with the requirements for institution of an advisory opinion proceeding under Commission Rule 210.79. The Commission therefore determined to institute an advisory opinion proceeding and assigned the proceeding to OUII. 79 *FR* 8731–32 (Feb.13, 2014). The Commission assigned OUII the task of investigating and preparing a report concerning Lelo's new kinesiotherapy devices, and it named Standard Innovation and Lelo as parties to the proceeding.

On May 5, 2014, OUII issued a report concluding that the new kinesiotherapy devices developed by Lelo are not covered by the general exclusion order and cease and desist order against Lelo, Inc. issued in the underlying investigation. In so doing, OUII concluded, *inter alia,* that (1) Lelo met its burden of showing non-infringement with respect to the claim term ''elongate outer arm;'' (2) Lelo failed to meet its burden of showing non-infringement with respect to the claim element ''at least one of the inner and outer arms are generally tear-drop shaped.'' On May 15, 2014, Standard Innovation and Lelo filed comments on the report prepared by OUII. On May 22, 2014, Standard Innovation and Lelo filed replies to the comments.

After reviewing the report and the submissions of Standard Innovation and Lelo, the Commission has decided to adopt the report issued by OUII as its advisory opinion in this proceeding.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: June 30, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–15717 Filed 7–3–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Devices Containing Non-Volatile Memory and Products Containing the Same, DN 3020;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at EDIS,[1] and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E

[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at USITC.[2] The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at EDIS.[3] Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Macronix International Co., Ltd. and Macronix America, Inc. on June 27, 2014. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain devices containing non-volatile memory and products containing the same. The complaint names as respondents Spansion Inc. of Sunnyvale, CA; Spansion LLC of Sunnyvale, CA; Spansion (Thailand) Ltd. of Thailand; Aerohive Networks, Inc. of Sunnvvale, CA; Allied Telesis, Inc. of Bothell, WA; Ciena Corporation of Hanover, MD; Delphi Automotive PLC of United Kingdom; Delphi Automotive Systems, LLC of Troy, MI; Polycom, Inc. of San Jose, CA; Ruckus Wireless, Inc. of Sunnyvale, CA; ShoreTel Inc. of Sunnvvale, CA; Tellabs, Inc. of Naperville, IL; Tellabs North America, Inc. of Naperville, IL and TiVo Inc. of San Jose, CA. The complainant requests that the Commission issue a general exclusion order and cease and desist orders.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No.3020'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures[4]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS[5].

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: June 30, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–15709 Filed 7–3–14; 8:45 am]

BILLING CODE 7020–02–P

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov.*

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.*

[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Rock Burst Control Plan, (Pertains To Underground Metal/Nonmetal Mines)

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, ''Rock Burst Control Plan, (Pertains to Underground Metal/Nonmetal Mines),'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 et seq. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before August 6, 2014.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201403-1219-005* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs,

Attn: OMB Desk Officer for DOL–MSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Rock Burst Control Plan, (Pertains to Underground Metal/Nonmetal Mines) information collection requirements codified in regulations 30 CFR 57.3461, which requires an underground metal or nonmetal mine operator to develop a rock burst plan within ninety (90) days after a rock burst has been experienced. Stress data are normally recorded on gauges and plotted on maps. This information is used for work assignments to ensure miner safety and to schedule correction work. Federal Mine Safety and Health Act of 1977 sections 101(a) and 103(h) authorize this information collection. *See* 30 U.S.C. 811(a), 813(h). Despite having only an estimated two (2) respondents in any given year, the MSHA must maintain this information collection, as it is part of a rule of general applicability. *See* 5 CFR 1320.3(c)(4)(i).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1219–0097.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on July 31, 2014. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 27, 2014 (79 FR 11131).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1219–0097. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–MSHA.

Title of Collection: Rock Burst Control Plan, (Pertains to Underground Metal/Nonmetal Mines).

OMB Control Number: 1219–0097.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 2.

Total Estimated Number of Responses: 2.

Total Estimated Annual Time Burden: 24 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: June 23, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–15735 Filed 7–3–14; 8:45 am]

BILLING CODE 4510–43–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting

Notice

DATE AND TIME: The Legal Services Corporation's Finance Committee will meet telephonically on July 16, 2014. The meeting will commence at 3:00 p.m., EDT, and will continue until the conclusion of the Committee's agenda.

LOCATION: John N. Erlenborn Conference Room, Legal Services Corporation Headquarters, 3333 K Street NW., Washington DC 20007.

PUBLIC OBSERVATION: Members of the public who are unable to attend in person but wish to listen to the public proceedings may do so by following the telephone call-in directions provided below.

CALL-IN DIRECTIONS FOR OPEN SESSIONS:

- Call toll-free number: 1–866–451–4981;
- When prompted, enter the following numeric pass code: 5907707348;
- When connected to the call, please immediately ''MUTE'' your telephone.

Members of the public are asked to keep their telephones muted to eliminate background noises. To avoid disrupting the meeting, please refrain from placing the call on hold if doing so will trigger recorded music or other sound. From time to time, the Chair may solicit comments from the public.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of agenda
2. Approval of minutes of the Committee's telephonic Open Session meeting on June 9, 2014
3. Discussion with Inspector General regarding the OIG's fiscal year 2016 budget request
   - Jeffrey Schanz, Inspector General
   - David Maddox, Assistant Inspector General for Management/Evaluation
4. Discussion with Management regarding recommendation for LSC's fiscal year 2016 budget request
   - Jim Sandman, President
   - Carol Bergman, Director, Government Relations and Public Affairs
5. Consider and act on FY 2016 Budget Request *Resolution 2014–XXX*
6. Public comment
7. Consider and act on other business
8. Consider and act on adjournment of meeting.

CONTACT PERSON FOR INFORMATION: Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295–1500. Questions may be sent

by electronic mail to *FR_NOTICE_QUESTIONS@lsc.gov.*

ACCESSIBILITY: LSC complies with the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act. Upon request, meeting notices and materials will be made available in alternative formats to accommodate individuals with disabilities. Individuals needing other accommodations due to disability in order to attend the meeting in person or telephonically should contact Katherine Ward, at (202) 295–1500 or *FR_NOTICE_QUESTIONS@lsc.gov,* at least 2 business days in advance of the meeting. If a request is made without advance notice, LSC will make every effort to accommodate the request but cannot guarantee that all requests can be fulfilled.

Dated: July 2, 2014.

Katherine Ward,

Executive Assistant to the Vice President for Legal Affairs & General Counsel.

[FR Doc. 2014–15899 Filed 7–2–14; 4:15 pm]

BILLING CODE 7050–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2014–041]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before August 6, 2014. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting Records Management Services (ACNR) using one of the following means:

Mail: NARA (ACNR), 8601 Adelphi Road, College Park, MD 20740–6001.

Email: request.schedule@nara.gov.

FAX: 301–837–3698.

Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Margaret Hawkins, Director, Records Management Services (ACNR), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: 301–837–1799. Email: *request.schedule@nara.gov.*

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media neutral unless specified otherwise. An item in a schedule is media neutral when the disposition instructions may be applied to records regardless of the medium in which the records are created and maintained. Items included in schedules submitted to NARA on or after December 17, 2007, are media neutral unless the item is limited to a specific medium. (See 36 CFR 1225.12(e).)

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of Defense, Office of Inspector General (DAA–0509–2014–0005, 1 item, 1 temporary item). Records relating to the application, implementation, and certification of social media platforms.

2. Department of Health and Human Services, Centers for Medicare & Medicaid Services (DAA–0440–2013–0008, 2 items, 2 temporary items). Records related to the administration of Medicare programs.

3. Department of Justice, United States Marshals Service (DAA–0527–2013–0019, 2 items, 2 temporary items). Agency performance reports and related background files.

4. Department of the Navy, United States Marine Corps (DAA–0127–2013–0025, 1 item, 1 temporary item). Master files of an electronic information system used to manage intelligence data.

5. Department of the Treasury, United States Mint (DAA–0104–2013–0005, 1 item, 1 temporary item). Administrative service request form used to schedule multimedia content for an internal communication network.

6. Library of Congress, Agency-wide (DAA–0297–2014–0006, 3 items, 3

temporary items). Records related to financial awards and employment applications.

7. National Archives and Records Administration, Government-wide (DAA–GRS–2013–0002, 5 items, 5 temporary items). General Records Schedule for tracking and control records, records management program records, copies of vital records, and forms management records.

8. Nuclear Regulatory Commission, Office of the Secretary of the Commission (N1–431–08–22, 4 items, 3 temporary items). Records used to facilitate hearings related to the regulation of nuclear facilities. Proposed for permanent retention are written transcripts of the hearings.

9. Nuclear Regulatory Commission, Office of the Inspector General (N1–431–10–2, 27 items, 18 temporary items). Records include working papers, administrative records, and other records related to audits and investigations. Proposed for permanent retention are audit reports, allegation files, investigation case files, correspondence files, semiannual reports, regulatory commentary, and legal interpretations.

10. Securities and Exchange Commission, Agency-wide (DAA–0266–2013–0002, 9 items, 9 temporary items). Records relating to the creation, maintenance, and content of the agency Web site.

Dated: July 1, 2014.

Paul M. Wester, Jr.,

Chief Records Officer for the U.S. Government.

[FR Doc. 2014–15785 Filed 7–3–14; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL LABOR RELATIONS BOARD

Sunshine Act Meetings: July 2014

TIME AND DATES: All meetings are held at 2:00 p.m. Wednesday, July 2; Thursday, July 3; Tuesday, July 8; Wednesday, July 9; Thursday, July 10; Tuesday, July 15; Wednesday, July 16; Thursday, July 17; Tuesday, July 22; Wednesday, July 23; Thursday, July 24; Tuesday, July 29; Wednesday, July 30; Thursday, July 31.

PLACE: Board Agenda Room, No. 11820, 1099 14th St. NW., Washington, DC 20570

STATUS: Closed.

MATTERS TO BE CONSIDERED: Pursuant to § 102.139(a) of the Board's Rules and Regulations, the Board or a panel thereof will consider ''the issuance of a subpoena, the Board's participation in a civil action or proceeding or an arbitration, or the initiation, conduct, or disposition . . . of particular representation or unfair labor practice proceedings under section 8, 9, or 10 of the [National Labor Relations] Act, or any court proceedings collateral or ancillary thereto.'' See also 5 U.S.C. § 552b(c)(10).

CONTACT PERSON FOR MORE INFORMATION: Henry Breiteneicher, Associate Executive Secretary, (202) 273–2917

Dated: July 2, 2014.

William B. Cowen,

Solicitor.

[FR Doc. 2014–15919 Filed 7–2–14; 4:15 pm]

BILLING CODE 7545–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 671 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by August 6, 2014. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Division of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Li Ling Hamady, ACA Permit Officer, at the above address or *ACApermits@nsf.gov* or (703) 292–7149.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

1. *Applicant*

Dr. Becky Ball, School of Mathematical and Natural Sciences, Arizona State University, 4701 W Thunderbird Road, Glendale, AZ 85306, Permit Application: 2015–004.

Activity for Which Permit Is Requested

ASPA entry, Take, Import to the USA. The applicant plans to take 70 (max) 500 gram soil samples, 5 (5 gram) plant clippings, 5 (15 square cm) moss samples, and 5 (15 square cm) lichen samples per ASPA. This project will identify the soil community at many sites along the Antarctic Peninsula to discover how the community changes with environmental conditions from north to south, and how the soil community at each site differs under different types of plants.

Location

Lagotellerie Island (ASPA 115), Admiralty Bay (ASPA 128), Byers Peninsula (ASPA 126), Biscoe Point (ASPA 139), Green Island (ASPA 108).

Dates

November 1, 2014 to April 30, 2016.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2014–15724 Filed 7–3–14; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0001]

Sunshine Act Meeting

DATES: Weeks of July 7, 14, 21, 28, August 4, 11, 2014.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of July 7, 2014

There are no meetings scheduled for the week of July 7, 2014.

Week of July 14, 2014—Tentative

Tuesday, July 15, 2014

9:00 a.m. Briefing on Nuclear Power Plant Decommissioning (Public Meeting) (Contact: Louise Lund, 301–415–3248)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, July 17, 2014

9:00 a.m. Briefing on Radiation Source Protection and Security (Part 1) (Public Meeting) (Contact: Kim Lukes, 301–415–6701)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

10:35 a.m. Briefing on Radiation Source Protection and Security (Part 2) (Closed—Ex. 9) (Contact: Kim Lukes, 301–415–6701)

Week of July 21, 2014—Tentative

There are no meetings scheduled for the week of July 21, 2014.

Week of July 28, 2014—Tentative

Tuesday, July 29, 2014

9:30 a.m. Briefing on Human Capital and Equal Employment Opportunity (EEO) (Public Meeting) (Contact: Kristin Davis, 301–287–0707)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, July 31, 2014

9:00 a.m. Briefing on the Status of Lessons Learned from the Fukushima Dai-ichi Accident (Public Meeting) (Contact: Kevin Witt, 301–415–2145)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of August 4, 2014—Tentative

There are no meetings scheduled for the week of August 4, 2014.

Week of August 11, 2014—Tentative

There are no meetings scheduled for the week of August 11, 2014.

* * * * *

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call Rochelle Bavol, 301–415–1651.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *Darlene.Wright@nrc.gov.*

Dated: July 2, 2014.

Rochelle C. Bavol,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2014–15920 Filed 7–2–14; 4:15 pm]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. MC2014–29 and CP2014–54; Order No. 2107]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing requesting an addition to Priority Mail Contract 82 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 8, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 82 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2014–29 and CP2014–54 to consider the Request pertaining to the proposed Priority Mail Contract 82 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than July 8, 2014. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Pamela A. Thompson to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2014–29 and CP2014–54 to consider the matters raised in each docket.
2. Pursuant to 39 U.S.C. 505, Pamela A. Thompson is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).
3. Comments are due no later than July 8, 2014.
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2014–15711 Filed 7–3–14; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Addition of "Gift Cards" Price Category to the Competitive Product List

AGENCY: Postal Service™.

ACTION: Notice.

[1] Request of the United States Postal Service to Add Priority Mail Contract 82 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, June 27, 2014 (Request).

SUMMARY: The Postal Service hereby provides notice that it has filed a request with the Postal Regulatory Commission to add ''Gift Cards'' to the competitive product list as a price category under the ''Greeting Cards and Stationery'' product.

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

FOR FURTHER INFORMATION CONTACT: John F. Rosato, 202–268–8597.

SUPPLEMENTARY INFORMATION: On June 9, 2014, the United States Postal Service® filed with the Postal Regulatory Commission a request to add a ''Gift Cards'' price category to the Greeting Cards and Stationary product listed in the Mail Classification Schedule's Competitive Product List. As part of this filing the Postal Service is also requesting that the name of the Greeting Cards and Stationary product be changed to ''Greeting Cards, Gift Cards, and Stationary.'' Documents pertinent to this request are available at *http://www.prc.gov,* Docket No. MC2014—26.

Stanley F. Mires,

Attorney, Legal Policy & Legislative Advice.

[FR Doc. 2014–15730 Filed 7–3–14; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 17Ad–3(b); SEC File No. 270–424, OMB Control No. 3235–0473.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 17Ad–3(b) (17 CFR 240.17Ad–3(b)), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17Ad–3(b) requires registered transfer agents to send a copy of the written notice required under Rule 17Ad–2(c), (d), and (h) to the chief executive officer of each issuer for which the transfer agent acts when it has failed to turnaround at least 75% of all routine items in accordance with the requirements of Rule 17Ad–2(a), or to process at least 75% of all items in accordance with the requirements of Rule 17Ad–2(b), for two consecutive months. The issuer may use the information contained in the notices to: (1) Provide an early warning to the issuer of the transfer agent's non-compliance with the Commission's minimum performance standards regarding registered transfer agents; and (2) assure that the issuer is aware of problems and poor performance with respect to the transfer agents that are servicing the issuer's securities. If the issuer does not receive notice of a registered transfer agent's failure to comply with the Commission's minimum performance standards then the issuer will be unable to take remedial action to correct the problem or to find another registered transfer agent. Pursuant to Rule 17Ad–3(b), a transfer agent that has already filed a Notice of Non-Compliance with the Commission pursuant to Rule 17Ad–2 will only be required to send a copy of that notice to issuers for which it acts when that transfer agent fails to turnaround 75% of all routine items or to process 75% of all items.

The Commission estimates that only two transfer agents will meet the requirements of Rule 17Ad–3(b). If a transfer agent fails to meet those requirements under 17Ad–3(b), it would simply send a copy of the notice that had already been produced for the Commission. The Commission estimates the requirement will take each respondent approximately one hour to complete, for a total annual estimate burden of two hours at an internal labor costs cost of approximately $60.00 an hour. There are no external labor costs associated with sending the notice to issuers.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: June 30, 2014.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–15723 Filed 7–3–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549.

Extension:

Rule 17Ab2–1, Form CA–1; SEC File No. 270–203, OMB Control No. 3235–0195.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 17Ab2–1 (17 CFR 240.17Ab2–1) and Form CA–1: Registration of Clearing Agencies (17 CFR 249b.200) under the Securities Exchange Act of 1934 (''Exchange Act'') (15 U.S.C. 78a *et seq.*).

Rule 17Ab2–1 and Form CA–1 require clearing agencies to register with the Commission and to meet certain requirements with regard to, among other things, the clearing agency's organization, capacities, and rules. The information is collected from the clearing agency upon the initial application for registration on Form CA–1. Thereafter, information is collected by amendment to the initial Form CA–1 when material changes in circumstances necessitate modification of the information previously provided to the Commission.

The Commission uses the information disclosed on Form CA–1 to (i) determine whether an applicant meets the standards for registration set forth in Section 17A of the Exchange Act, (ii) enforce compliance with the Exchange Act's registration requirement, and (iii) provide information about specific registered clearing agencies for compliance and investigatory purposes. Without Rule 17Ab2–1, the Commission could not perform these duties as statutorily required.

The Commission staff estimates that each initial Form CA–1 requires approximately 130 hours to complete

and submit for approval. This burden is composed primarily of a one-time reporting burden that reflects the applicant's staff time (i.e. internal labor costs) to prepare and submit the Form to the Commission. Hours required for amendments to Form CA–1 that must be submitted to the Commission in connection with material changes to the initial CA–1 can vary, depending upon the nature and extent of the amendment. Since the Commission only receives an average of one submission per year, the aggregate annual burden associated with compliance with Rule 17Ab2–1 and Form CA–1 is 130 hours. The main cost to respondents is associated with generating, maintaining, and providing the information sought by Form CA–1. The external costs associated with such activities include fees charged by outside lawyers and accountants to assist the registrant collect and prepare the information sought by the form (though such consultations are not required by the Commission) and are estimated to be approximately $19,029. The rule and form do not involve the collection of confidential information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: June 30, 2014.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–15721 Filed 7–3–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 17Ac3–1(a); SEC File No. 270–96; OMB Control No. 3235–0151.

Form TA–W (1669); SEC File No. 270–96; OMB Control No. 3235–0151.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 17Ac3–1(a) (17 CFR 240.17Ac3–1(a)) and Form TA–W (17 CFR 249b.101), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Section 17A(c)(4)(B) of the Securities Exchange Act of 1934 authorizes transfer agents registered with an appropriate regulatory agency (''ARA'') to withdraw from registration by filing with the ARA a written notice of withdrawal and by agreeing to such terms and conditions as the ARA deems necessary or appropriate in the public interest, for the protection of investors, or in the furtherance of the purposes of Section 17A.

In order to implement Section 17A(c)(4)(B) of the Exchange Act, the Commission promulgated Rule 17Ac3–1(a) and accompanying Form TA–W on September 1, 1977. Rule 17Ac3–1(a) provides that notice of withdrawal of registration as a transfer agent with the Commission shall be filed on Form TA–W. Form TA–W requires the withdrawing transfer agent to provide the Commission with certain information, including: (1) The locations where transfer agent activities are or were performed; (2) the reasons for ceasing the performance of such activities; (3) disclosure of unsatisfied judgments or liens; and (4) information regarding successor transfer agents.

The Commission uses the information disclosed on Form TA–W to determine whether the registered transfer agent applying for withdrawal from registration as a transfer agent should be allowed to deregister and, if so, whether the Commission should attach to the granting of the application any terms or conditions necessary or appropriate in the public interest, for the protection of investors, or in furtherance of the purposes of Section 17A of the Exchange Act. Without Rule 17Ac3–1(a) and Form TA–W, transfer agents registered with the Commission would not have a means to voluntarily deregister it is necessary or appropriate to do so.

On average, respondents have filed approximately 22 TA–Ws with the Commission annually from 2009 to 2013. A Form TA–W filing occurs only once, when a transfer agent is seeking deregistration. Approximately 80 percent of Form TA–Ws are completed by the transfer agent or its employees and approximately 20 percent of Form TA-Ws are completed by an outside filing agent that is hired by the registrant to prepare the form and file it electronically. In view of the readily-available information requested by Form TA–W, its short and simple presentation, and the Commission's experience with the filers, we estimate that approximately 30 minutes is required to complete and file Form TA–W. For transfer agents that complete Form TA–W themselves, we estimate the internal labor cost of compliance per filing is $25 (0.5 hours × $50 average hourly rate for clerical staff time). We estimate that outside filing agents charge $100 to complete and file at TA–W on behalf of a registrant, reflecting an external labor cost to respondents. The total annual time burden to the transfer agent industry is approximately 11 hours (22 filings × 0.5 hours). The total annual external labor cost to respondents is $400 (22 annual forms × $100 × 20%).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: June 30, 2014.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–15722 Filed 7–3–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IA–3866/803–00213]

Gruss & Co. Inc.; Notice of Application

July 1, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an exemptive order under section 202(a)(11)(H) of the Investment Advisers Act of 1940 (''Advisers Act'').

Applicant: Gruss & Co. Inc. (''Applicant'').

Relevant Advisers Act Sections: Exemption requested under section 202(a)(11)(H) of the Advisers Act from section 202(a)(11) of the Advisers Act.

Summary of Application: Applicant requests that the Commission issue an order declaring it to be a person not within the intent of section 202(a)(11) of the Advisers Act, which defines the term ''investment adviser.''

DATES: *Filing Dates:* The application was filed on March 23, 2012, and amended on March 4, 2014, and April 22, 2014.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving Applicant 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 28, 2014 and should be accompanied by proof of service on Applicant, 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 may request notification of a hearing by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549. Applicant, Gruss & Co. Inc., c/o Martin E. Lybecker, Perkins Coie LLP, Suite 600, 700 Thirteenth Street NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Vanessa M. Meeks, Senior Counsel, at (202) 551–6806 or Melissa R. Harke, Branch Chief, at (202) 551–6722 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 100 F Street NE., Washington, DC 20549–0102 (telephone (202) 551–5850).

Applicant's Representations

1. Applicant is a multi-generational single-family office that provides services to the family and descendants of Joseph S. Gruss. Applicant is wholly-owned by Family Clients and is exclusively controlled (directly or indirectly) by one or more Family Members and/or Family Entities in compliance with rule 202(a)(11)(G)-1 (''Family Office Rule''). For purposes of the application, the term ''Gruss Family'' means the lineal descendants of Joseph S. Gruss, their spouses, and all of the persons and entities that qualify as Family Clients as defined in paragraph (d)(4) of the Family Office Rule. Capitalized terms have the same meaning as defined in the Family Office Rule.

2. Applicant provides both advisory and non-advisory services (collectively, the ''Services''). Any Service provided by the Applicant that relates to investment advice about securities or may otherwise be construed as advisory in nature is considered an ''Advisory Service.''

3. Applicant represents that: (i) Other than the exception discussed in representation 4 below, each of the persons served by the Applicant is a Family Client, *i.e.,* Applicant has no clients other than Family Clients as required by paragraph (b)(1) of the Family Office Rule, (ii) Applicant is owned and controlled in a manner that complies in all respects with paragraph (b)(2) of the Family Office Rule, and (iii) Applicant does not hold itself out to the public as an investment adviser as required by paragraph (b)(3) of the Family Office Rule. At the time of the application, Applicant represents that Family Members account for approximately 79 percent of the natural persons to whom the Applicant provides Advisory Services.

4. Applicant provides Services to two sisters of a spouse of a lineal descendant of Joseph S. Gruss and each sister's respective spouse and children (collectively, the ''Additional Family Clients'').

5. The Additional Family Clients do not have an ownership interest in the Applicant. Applicant represents that the assets beneficially owned by Family Members and/or Family Entities (excluding the Additional Family Clients' Family Entities) make up at least 75 percent of the total assets for which the Applicant provides Advisory Services.

6. Applicant represents that each of the Additional Family Clients has important familial ties to and is an integral part of the Gruss Family. Applicant maintains that including the Additional Family Clients in the ''family'' simply recognizes and memorializes the familial ties and intra-familial relationships that already exist, and have existed for at least 14 years while the assets of the Additional Family Clients were managed by the Gruss Family.

Applicant's Legal Analysis

1. Section 202(a)(11) of the Advisers Act defines the term ''investment adviser'' to mean ''any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities . . . . ''

2. Applicant falls within the definition of an investment adviser under section 202(a)(11). The Family Office Rule provides an exclusion from the definition of investment adviser for which the Applicant would be eligible but for the provision of Services to the Additional Family Clients. Section 203(a) of the Advisers Act requires investment advisers to register with the Commission. Because the Applicant has regulatory assets under management of more than $100 million, it is not prohibited from registering with the Commission under section 203A(a) of the Advisers Act. Therefore, absent relief, Applicant would be required to register under section 203(a) of the Advisers Act.

3. Applicant submits that its relationship with the Additional Family Clients does not change the nature of the office into that of a commercial advisory firm. In support of this argument, Applicant notes that if the sisters were sisters of a lineal descendent of Joseph S. Gruss, rather than the sisters of a spouse of a lineal descendent, there would be no question that each of the persons presently being served by the office would be a Family Member. Applicant states that in requesting the order, the office is not attempting to expand its operations or engage in any level of commercial activity to which the Advisers Act is designed to apply. Indeed, although the Additional Family Clients do not fall within the definition of Family Member, they are considered to be, and treated as, members of the Gruss Family, and the number of natural persons who are not Family Members as a percentage of the total natural persons to whom the office would provide Advisory Services if relief were granted would be only

approximately 21 percent. Applicant maintains that, from the perspective of the Gruss Family, Applicant seeks to continue providing Advisory Services exclusively to members of a single family.

4. Applicant also submits that there is no public interest in requiring the Applicant to be registered under the Advisers Act. Applicant states that the office is a private organization that was formed to be the ''family office'' for the Gruss Family, and that the office does not have any public clients. Applicant maintains that the office's Advisory Services are tailored exclusively to the needs of the Gruss Family and the Additional Family Clients. Applicant argues that the presence of the Additional Family Clients, who have been receiving Advisory Services from the office for 14 years, does not create any public interest that would require the office to be registered under the Advisers Act that is different in any manner than the considerations that apply to a ''family office'' that complies in all respects with the Family Office Rule.

5. Applicant argues that, although the Family Office Rule largely codified the exemptive orders that the Commission had previously issued before the enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act, the Commission recognized in proposing the rule that the exact representations, conditions, or terms contained in every exemptive order could not be captured in a rule of general applicability. The Commission noted that family offices would remain free to seek a Commission exemptive order to advise an individual or entity that did not meet the proposed family client definition, and that certain situations may raise unique conflicts and issues that are more appropriately addressed through an exemptive order process where the Commission can consider the specific facts and circumstances, than through a rule of general applicability. Applicant maintains that its unusual circumstances—providing Services to Family Clients and to the Additional Family Clients for the past 14 years—have not changed the nature of the office's operations into that of a commercial advisory business, and that an exemptive order is appropriate based on the Applicant's specific facts and circumstances.

6. For the foregoing reasons, Applicant requests an order declaring it to be a person not within the intent of section 202(a)(11) of the Advisers Act. Applicant submits that the order is necessary and appropriate, in the public interest, consistent with the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the Advisers Act.

Applicant's Conditions

1. The Applicant will offer and provide Advisory Services only to Family Clients and to the Additional Family Clients, who will be deemed to be, and treated as if each were, a Family Client; provided, however, that the Additional Family Clients will be deemed to be, and treated as if they were, Family Members for purposes of paragraph (b)(1) and for purposes of paragraph (d)(4)(vi) of the Family Office Rule.

2. The Applicant will at all times be wholly-owned by Family Clients and exclusively controlled (directly or indirectly) by one or more Family Members and/or Family Entities (excluding the Additional Family Clients' Family Entities) as defined in paragraph (d)(5) of the Family Office Rule.

3. At all times the assets beneficially owned by Family Members and/or Family Entities (excluding the Additional Family Clients' Family Entities) will account for at least 75 percent of the assets for which Applicant provides Advisory Services.

4. Applicant will comply with all the terms for exclusion from the definition of investment adviser under the Advisers Act set forth in the Family Office Rule except for the limited exception requested by this application.

For the Commission, by the Division of Investment Management, under delegated authority.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–15795 Filed 7–3–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IA–3867/803–00212]

Duncan Family Office; Notice of Application

July 1, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an exemptive order under section 202(a)(11)(H) of the Investment Advisers Act of 1940 (''Advisers Act'').

Applicant: Duncan Family Office (''Applicant'').

Relevant Advisers Act Sections: Exemption requested under section 202(a)(11)(H) of the Advisers Act from section 202(a)(11) of the Advisers Act.

Summary of Application: Applicant requests that the Commission issue an order declaring it to be a person not within the intent of section 202(a)(11) of the Advisers Act, which defines the term ''investment adviser.''

DATES: Filing Dates: The application was filed on March 27, 2012, and amended on March 4, 2014, and April 22, 2014.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving Applicant 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 28, 2014 and should be accompanied by proof of service on Applicant, 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 may request notification of a hearing by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549. Applicant, Duncan Family Office, c/o Martin E. Lybecker, Perkins Coie LLP, Suite 600, 700 Thirteenth Street NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Vanessa M. Meeks, Senior Counsel, at (202) 551–6806 or Melissa R. Harke, Branch Chief, at (202) 551–6722 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 100 F Street NE., Washington, DC 20549–0102 (telephone (202) 551–5850).

Applicant's Representations

1. Applicant is a multi-generational single-family office that provides services to the family and descendants of Dan L. Duncan. Applicant is a division of Enterprise Products Company, an energy company located in Houston, Texas (''Company''), and the Company is wholly-owned by Family Clients and is exclusively controlled (directly or indirectly) by one or more Family Members and/or Family Entities in compliance with rule 202(a)(11)(G)-1 (''Family Office Rule''). For purposes of the application, the term ''Duncan Family'' means the lineal

descendants of Dan L. Duncan, their spouses, and all of the persons and entities that qualify as Family Clients as defined in paragraph (d)(4) of the Family Office Rule. Capitalized terms have the same meaning as defined in the Family Office Rule.

2. Applicant provides both advisory and non-advisory services (collectively, the ''Services''). Any Service provided by the Applicant that relates to investment advice about securities or may otherwise be construed as advisory in nature is considered an ''Advisory Service.''

3. Applicant represents that: (i) Other than the exception discussed in representation 4 below, each of the persons served by the Applicant is a Family Client, *i.e.,* Applicant has no clients other than Family Clients as required by paragraph (b)(1) of the Family Office Rule, (ii) Applicant is a division of the Company, which is owned and controlled in a manner that complies in all respects with paragraph (b)(2) of the Family Office Rule, and (iii) Applicant does not hold itself out to the public as an investment adviser as required by paragraph (b)(3) of the Family Office Rule. At the time of the application, Applicant represents that Family Members account for approximately 75 percent of the natural persons to whom the Applicant provides Advisory Services.

4. Applicant provides Services to the mother of a spouse of a lineal descendant of Dan L. Duncan (''Mother-in-Law''), as well as certain related foundations (collectively, the ''Additional Family Client''). Applicant represents that if the Mother-in-Law were a Family Client, the related foundations would meet the requirements of (d)(4)(v) of the Family Office Rule.

5. The Additional Family Client does not have an ownership interest in the Company. Applicant represents that the assets beneficially owned by Family Members and/or Family Entities (excluding the Additional Family Client's Family Entities) make up at least 75 percent of the total assets for which the Applicant provides Advisory Services.

6. Applicant represents that the Additional Family Client has important familial ties to and is an integral part of the Duncan Family. Applicant maintains that including the Additional Family Client in the ''family'' simply recognizes and memorializes the familial ties and intra-familial relationships that already exist, and have existed for at least 16 years while the assets of the Additional Family Client were managed by the Duncan Family.

Applicant's Legal Analysis

1. Section 202(a)(11) of the Advisers Act defines the term ''investment adviser'' to mean ''any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities . . . . ''

2. Applicant falls within the definition of an investment adviser under section 202(a)(11). The Family Office Rule provides an exclusion from the definition of investment adviser for which the Applicant would be eligible but for the provision of Services to the Additional Family Client. Section 203(a) of the Advisers Act requires investment advisers to register with the Commission. Because the Applicant has regulatory assets under management of more than $100 million, it is not prohibited from registering with the Commission under section 203A(a) of the Advisers Act. Therefore, absent relief, Applicant would be required to register under section 203(a) of the Advisers Act.

3. Applicant submits that its relationship with the Additional Family Client does not change the nature of the office into that of a commercial advisory firm. In support of this argument, Applicant notes that if the Mother-in-Law were the mother of a lineal descendent of Dan L. Duncan, rather than the mother of a spouse of a lineal descendent, there would be no question that each of the persons presently being served by the office would be a Family Member, and that the related foundations would meet the requirements of paragraph (d)(4)(v) of the Family Office Rule pertaining to charitable foundations. Applicant states that in requesting the order, the office is not attempting to expand its operations or engage in any level of commercial activity to which the Advisers Act is designed to apply. Indeed, although the Mother-in-Law does not fall within the definition of Family Member, she is considered to be, and is treated as, a member of the Duncan Family, and the number of natural persons who are not Family Members as a percentage of the total natural persons to whom the office would provide Advisory Services if relief were granted would be only approximately 25 percent. Applicant maintains that, from the perspective of the Duncan Family, Applicant seeks to continue providing Advisory Services exclusively to members of a single family.

4. Applicant also submits that there is no public interest in requiring the Applicant to be registered under the Advisers Act. Applicant states that the office is a private organization that was formed to be the ''family office'' for the Duncan Family, and that the office does not have any public clients. Applicant maintains that the office's Advisory Services are tailored exclusively to the needs of the Duncan Family and the Additional Family Client. Applicant argues that the presence of the Additional Family Client, who has been receiving Advisory Services from the office for 16 years, does not create any public interest that would require the office to be registered under the Advisers Act that is different in any manner than the considerations that apply to a ''family office'' that complies in all respects with the Family Office Rule.

5. Applicant argues that, although the Family Office Rule largely codified the exemptive orders that the Commission had previously issued before the enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act, the Commission recognized in proposing the rule that the exact representations, conditions, or terms contained in every exemptive order could not be captured in a rule of general applicability. The Commission noted that family offices would remain free to seek a Commission exemptive order to advise an individual or entity that did not meet the proposed family client definition, and that certain situations may raise unique conflicts and issues that are more appropriately addressed through an exemptive order process where the Commission can consider the specific facts and circumstances, than through a rule of general applicability. Applicant maintains that its unusual circumstances—providing Services to Family Clients and to an Additional Family Client for the past 16 years—have not changed the nature of the office's operations into that of a commercial advisory business, and that an exemptive order is appropriate based on the Applicant's specific facts and circumstances.

6. For the foregoing reasons, Applicant requests an order declaring it to be a person not within the intent of section 202(a)(11) of the Advisers Act. Applicant submits that the order is necessary and appropriate, in the public interest, consistent with the protection of investors, and consistent with the

purposes fairly intended by the policy and provisions of the Advisers Act.

Applicant's Conditions

1. The Applicant will offer and provide Advisory Services only to Family Clients and to the Additional Family Client, who will generally be deemed to be, and treated as if she and certain related foundations were, a Family Client; provided, however, that the Additional Family Client will be deemed to be, and treated as if she were, a Family Member for purposes of paragraph (b)(1) and for purposes of paragraph (d)(4)(vi) of the Family Office Rule.

2. The Company will at all times be wholly-owned by Family Clients and exclusively controlled (directly or indirectly) by one or more Family Members and/or Family Entities (excluding the Additional Family Client's Family Entities) as defined in paragraph (d)(5) of the Family Office Rule.

3. At all times the assets beneficially owned by Family Members and/or Family Entities (excluding the Additional Family Client's Family Entities) will account for at least 75 percent of the assets for which Applicant provides Advisory Services.

4. Applicant will comply with all the terms for exclusion from the definition of investment adviser under the Advisers Act set forth in the Family Office Rule except for the limited exception requested by this application.

For the Commission, by the Division of Investment Management, under delegated authority.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–15796 Filed 7–3–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–31140; 812–14327]

BNP Paribas S.A., et al.; Notice of Application and Temporary Order

June 30, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Temporary order and notice of application for a permanent order under section 9(c) of the Investment Company Act of 1940 (''Act'').

SUMMARY: Applicants have received a temporary order exempting them from section 9(a) of the Act, with respect to guilty pleas entered on June 30, 2014 or shortly thereafter, by BNP Paribas S.A. (''BNPP'') in the U.S. District Court for the Southern District of New York (''District Court'') in connection with a plea agreement between BNPP and the U.S. Department of Justice and the Office of the U.S. Attorney for the Southern District of New York (together with the Department of Justice, the ''DOJ''), and in the Supreme Court of the State of New York, County of New York (''NY Supreme Court''), in connection with a plea agreement between BNPP and the New York County District Attorney's Office (''DANY''), until the Commission takes final action on an application for a permanent order. Applicants have also applied for a permanent order.

Applicants: Fischer Francis Trees & Watts, Inc. (''FFTW''), Bishop Street Capital Management Corp. (''BSCM''), Impax Asset Management Ltd. (''IAM''), and BNPP (each an ''Applicant'' and collectively, the ''Applicants'').[1]

Filing Date: The application was filed on June 30, 2014. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on July 25, 2014, and should be accompanied by proof of service on Applicants, in the form of an affidavit, or for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090. Applicants: Betty Whelchel, BNP Paribas S.A., 787 Seventh Avenue, New York, NY 10019, with a copy to Donald R. Crawshaw and Wendy M. Goldberg, Sullivan & Cromwell LLP, 125 Broad Street, New York, NY 10004.

FOR FURTHER INFORMATION CONTACT: Kieran G. Brown, Senior Counsel, at (202) 551–6773 or Daniele Marchesani, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a temporary order and 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. BNPP is organized under the laws of France as a credit institution and is a major global bank active in seventy-five countries with key positions in its three main areas of activity: retail banking, investment solutions and corporate and investment banking. FFTW and BSCM are each indirect wholly-owned subsidiaries of BNPP. IAM is a subsidiary of a company listed on the Alternative Investment Market of the London Stock Exchange and BNPP indirectly owns 25.22% of such company's shares. FFTW, a corporation formed under the laws of New York, BSCM, a corporation formed under the laws of Hawaii, and IAM, a limited liability company formed under the laws of the United Kingdom, are each registered as an investment adviser under the Investment Advisers Act of 1940. FFTW, BSCM and IAM serve as investment adviser (as defined in section 2(a)(20) of the Act) to investment companies registered under the Act or series of such companies (''Funds'') (such activities, ''Fund Service Activities'').

2. On June 30, 2014, the DOJ filed a notice of intent to file a one-count criminal information in the District Court and the DANY filed a two-count criminal information in the NY Supreme Court, respectively against BNPP. The DOJ's information, which was filed on July 1, 2014, charged BNPP with conspiracy to commit an offense against the United States in violation of Title 18, United States Code, Section 371, by conspiring to violate the International Emergency Economic Powers Act (''IEEPA''), codified at Title 50, United States Code, Section 1701 et seq., and regulations issued thereunder, and the Trading with the Enemy Act (''TWEA''), codified at Title 50, United States Code Appendix, Section 1 et seq., and regulations issued thereunder. DANY's information charged BNPP with the crime of falsifying business records in the first degree, in violation of Penal Law § 175.10, and conspiracy in the fifth degree, in violation of Penal Law

[1] Applicants request that any relief granted pursuant to the application also apply to any existing or future company of which BNPP is or may become an affiliated person within the meaning of section 2(a)(3) of the Act (together with the Applicants, the ''Covered Persons'') with respect to any activity contemplated by section 9(a) of the Act.

§ 105.05(1). BNPP has agreed to resolve the action brought by DANY through a plea agreement dated June 30, 2014, and the action brought by the DOJ through a plea agreement to be entered in July 2014 (collectively, the ''Plea Agreements''). Under the Plea Agreements, BNPP will plead guilty to the charges set out in the respective informations. Applicants expect that the District Court and the NY Supreme Court will enter judgments against BNPP that will require remedies that are materially the same as set forth in the Plea Agreements. Pursuant to the Plea Agreements, BNPP agreed to comply with the undertakings described in the application and to pay substantial criminal penalties and restitution.

3. BNPP will enter into a Cease and Desist Order Issued Upon Consent with the Board of Governors of the Federal Reserve System (the ''Federal Reserve'') and the French Authorité de Contrôle Prudentiel et de Résolution (the ''ACPR'') to resolve certain findings in connection with the conduct underlying the Plea Agreements (including the conduct described in any of the exhibits to the Plea Agreements) (the ''Conduct'') by the Federal Reserve and the ACPR (the ''Federal Reserve/ACPR Order'').

4. BNPP will enter into an Order to Cease and Desist and Order of Assessment of a Civil Money Penalty Issued Upon Consent with the Federal Reserve to resolve certain findings related to the Conduct by the Federal Reserve (the ''Federal Reserve CMP Order'').

5. BNPP will enter into a Consent Order related to the Conduct with the New York State Department of Financial Services (''DFS'') with respect to falsifying business records and certain clearing activities (the ''DFS Order'').

6. BNPP also will enter into a Consent Order related to the Conduct with the United States Department of the Treasury's Office of Foreign Asset Control (the ''OFAC Order'').

7. Nine individuals who have been identified as having been responsible for the Conduct are current employees of BNPP or a Covered Person due to certain legal requirements imposed by Swiss or French law, as applicable. These individuals are not and will not be active and will not be involved in the operations of any Applicant or Covered Person. All but two of the individuals identified as having been responsible for the Conduct that remain employees of BNPP or a Covered Person will have either resigned, retired, or been terminated no later than December 31, 2014. The remaining two employees are inactive and will be terminated when Swiss law permits. All other employees of BNPP and any Covered Person who were identified as having been responsible for the Conduct have either resigned or been terminated.

8. BNPP has agreed to lawfully undertake the following pursuant to the Plea Agreements: (1) BNPP has agreed to pay a monetary penalty in the amount of $8.8336 billion; (2) BNPP has agreed that any compliance consultant or monitor imposed by the Federal Reserve or DFS will submit every report it produces to each of the Federal Reserve, the DFS, and DANY; (3) BNPP has agreed to enhance its compliance policies and procedures with regard to U.S. sanctions laws and regulations; (4) BNPP has agreed to abide by the Federal Reserve/ACPR Order, the Federal Reserve CMP Order, and the DFS Order; and (5) BNPP has agreed to truthfully and completely disclose any information requested and completely and fully cooperate with DANY, the Federal Bureau of Investigation, the Internal Revenue Service Criminal Investigation and any other governmental agency designated by the DOJ or DANY. Additionally, BNPP is undertaking ongoing remediation efforts to strengthen its internal controls, making structural changes to its Compliance and Group Financial Security (''GFS'') department and reviewing its business to ensure best practices with respect to U.S. dollar clearing and payment flows. These steps include upgrading their transaction filtering tools and streamlining alert management procedures. In addition, BNPP will physically transfer part of its GFS function from Paris to New York, and will operate the U.S. compliance function as a U.S. person. All BNPP majority-owned subsidiaries and branches have been instructed to implement a process for the direction of all U.S. dollar clearing transactions through BNPP's New York branch.

Applicants' Legal Analysis

1. Section 9(a)(1) of the Act provides, in pertinent part, that a person may not serve or act as an investment adviser or depositor of any registered investment company or a principal underwriter for any registered open-end investment company or registered unit investment trust, if such person within ten years has been convicted of any felony or misdemeanor arising out of such person's conduct, as, among other things, an investment adviser, a broker or dealer, or a bank. Section 2(a)(10) of the Act defines the term ''convicted'' to include a plea of guilty. Section 9(a)(3) of the Act extends the prohibitions of section 9(a)(1) to a company any affiliated person of which has been disqualified under the provisions of section 9(a)(1). Section 2(a)(3) of the Act defines ''affiliated person'' to include, among others, any person directly or indirectly controlling, controlled by, or under common control with, the other person. Applicants state that BNPP is an affiliated person of each of the other Applicants within the meaning of section 2(a)(3). Applicants state that the Plea Agreements would result in a disqualification of each Applicant for ten years under section 9(a) of the Act because BNPP would become the subject of a conviction described in 9(a)(1).

2. Section 9(c) of the Act provides that the Commission shall grant an application for exemption from the disqualification provisions of section 9(a) if it is established that these provisions, as applied to Applicants, are unduly or disproportionately severe or that the Applicants' conduct has been such as not to make it against the public interest or the protection of investors to grant the exemption. Applicants have filed an application pursuant to section 9(c) seeking temporary and permanent orders exempting the Applicants and other Covered Persons from the disqualification provisions of section 9(a) of the Act.

3. Applicants believe they meet the standard for exemption specified in section 9(c). Applicants state that the prohibitions of section 9(a) as applied to them would be unduly and disproportionately severe and that the conduct of Applicants has been such as not to make it against the public interest or the protection of investors to grant the exemption from section 9(a).

4. Applicants assert that the Conduct did not involve any of Applicants acting as an investment adviser or depositor of any Fund, employees' securities company, or business development company or as principal underwriter for any open-end management investment company, unit investment trust, or face amount certificate company registered under the Act. The Conduct similarly did not involve any Fund with respect to which Applicants engaged in Fund Service Activities.[2] Applicants further assert that (i) none of the current or former directors, officers or employees of the Applicants (other than certain personnel of BNPP who were not involved in any of the Applicants' Fund Service Activities) had involvement in the Conduct; (ii) except as noted above, no current or former employee of BNPP or any Covered Person who previously has been or who subsequently may be

[2] BNPP does not engage, has not engaged, and will not engage in Fund Service Activities.

identified by BNPP or any U.S. or non-U.S. regulatory or enforcement agencies as having been responsible for the Conduct will be an officer, director, or employee of FFTW, BSCM, or IAM, or of any other Covered Person; (iii) those identified employees have had no, and will not have any future, involvement in the Covered Persons' activities in any capacity described in section 9(a) of the Act; and (iv) because the personnel of the Applicants (other than certain personnel of BNPP who were not involved in any of the Applicants' Fund Service Activities) did not have any involvement in the Conduct, shareholders of the Funds were not affected any differently than if those Funds had received services from any other non-affiliated investment adviser.

5. Except as discussed above, Applicants have agreed that neither they nor any of the other Covered Persons will employ any of the current or former employees of BNPP or any Covered Person who previously have been or who subsequently may be identified by BNPP or any U.S. or non-U.S. regulatory or enforcement agencies as having been responsible for the Conduct in any capacity without first making a further application to the Commission pursuant to section 9(c). Applicants also have agreed that each Applicant (and any Covered Person that acts in any capacity described in section 9(a) of the Act) will adopt and implement policies and procedures reasonably designed to ensure compliance with the terms and conditions of the order granted under section 9(c). In addition, BNPP has agreed to comply in all material respects with the material terms and conditions of the Plea Agreements and the material terms of the Federal Reserve/ACPR Order, the Federal Reserve CMP Order, the DFS Order and the OFAC Order, all of which are described more fully in the application.

6. Applicants further represent that the inability of FFTW, BSCM, and IAM to continue providing Fund Service Activities would result in potential hardships for both the Funds and their shareholders. Applicants state that they will distribute written materials, including an offer to meet in person to discuss the materials, to the board of trustees/directors of the Funds, including the directors who are not ''interested persons,'' as defined in section 2(a)(19) of the Act, of such Funds, and their independent legal counsel as defined in rule 0–1(a)(6) under the Act, if any, regarding the Plea Agreements, any impact on the Funds, and the application. The Applicants will provide the Funds with all information concerning the Plea Agreements and the application that is necessary for the Funds to fulfill their disclosure and other obligations under the federal securities laws.

7. Applicants also state that, if FFTW, BSCM, and IAM were barred from providing Fund Service Activities to the Funds, the effect on their business and employees would be severe.

8. Applicants state that none of the Applicants and none of their affiliates previously have received orders under section 9(c).

Applicants' Conditions

Applicants agree that any order granted by the Commission pursuant to the application will be subject to the following conditions:

1. Any temporary exemption granted pursuant to the application will be without prejudice to, and will not limit the Commission's rights in any manner with respect to, any Commission investigation of, or administrative proceedings involving or against, Covered Persons, including, without limitation, the consideration by the Commission of a permanent exemption from section 9(a) of the Act requested pursuant to the application or the revocation or removal of any temporary exemptions granted under the Act in connection with the application.

2. Except as set out in the second paragraph on Section IV.E. of the application, neither the Applicants nor any of the other Covered Persons will employ any of the current or former employees of BNPP or any Covered Person who previously have been or who subsequently may be identified by BNPP or any U.S. or non-U.S. regulatory or enforcement agencies as having been responsible for the Conduct in any capacity without first making a further application to the Commission pursuant to section 9(c).

3. Each Applicant and Covered Person will adopt and implement policies and procedures reasonably designed to ensure that it will comply with the terms and conditions of the requested orders within 60 days of the date on which any permanent order is granted or, with respect to condition four, such later date as may be contemplated by the Federal Reserve/ACPR Order, the Federal Reserve CMP Order, the DFS Order or the OFAC Order.

4. BNPP will comply in all material respects with the material terms and conditions of the Plea Agreements and with the material terms of the Federal Reserve/ACPR Order, the Federal Reserve CMP Order, the DFS Order and the OFAC Order.

5. Applicants will provide written notification to the Chief Counsel of the Commission's Division of Investment Management, with a copy to the Chief Counsel of the Commission's Division of Enforcement, of a material violation of the terms and conditions of the requested orders within 30 days of discovery of the material violation.

Temporary Order

The Commission has considered the matter and finds that the Applicants have made the necessary showing to justify granting a temporary exemption. Accordingly

It is hereby ordered, pursuant to section 9(c) of the Act, that the Applicants and the other Covered Persons are granted a temporary exemption from the provisions of section 9(a), effective forthwith, solely with respect to guilty pleas entered into pursuant to the Plea Agreements, subject to the representations and conditions in the application, until the date the Commission takes final action on their application for a permanent order.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–15737 Filed 7–3–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72497; File No. SR–OC–2014–03]

Self-Regulatory Organizations; OneChicago, LLC; Notice of Filing of a Proposed Rule Change To Update OCX's Rulebook for a Filing Previously Made With the Commodity Futures Trading Commission

June 30, 2014.

Pursuant to Section 19(b)(7) of the Securities Exchange Act of 1934 (the ''Act''),[1] notice is hereby given that on June 17, 2014, OneChicago, LLC (''OneChicago,'' ''OCX,'' or the ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. OneChicago has previously filed the rule change with the Commodity Futures Trading Commission (''CFTC''). OneChicago filed a written certification with the CFTC under Section 5c(c) of

[1] 15 U.S.C. 78s(b)(7).

the Commodity Exchange Act (''CEA'') [2] on September 12, 2012.

I. Self-Regulatory Organization's Description of the Proposed Rule Change

OneChicago is proposing to file with the SEC a Notice to Members (''NTM'') that the Exchange has previously filed with the CFTC, but did not file with the SEC. OneChicago is filing the NTM with the SEC because it relates to sales practices.

On September 12, 2012, OCX filed NTM 2012–26 with the CFTC (originally filed as NTM 2012–24 on August 31, 2012, but refiled as NTM 2012–26 to make a technical amendment). NTM 2012–26 updates NTM 2010–13 by separating the issues in NTM 2012–26 (Pre-Execution Discussions and Cross Trades) from the general block trade issues discussed in NTM 2010–13. NTM 2012–26 provides guidance on two issues related to trading and sales practices. First, NTM 2012–26 interprets and provides guidance on OCX Rule 614 with regard to pre-execution discussions. Second, NTM 2012–26 interprets and provides guidance on OCX Rules 409 and 610 with regard to cross trades.

Pre-Execution Discussions

OCX Rule 614 prohibits market participants from entering any Order into the OneChicago System which has been pre-arranged, except as expressly permitted by Rules 416 and 417 or in accordance with any policies or procedures for pre-execution discussions from time to time adopted by the Exchange. NTM 2012–26 establishes such a pre-execution discussion policy. Specifically, NTM 2012–26 permits market participants to engage in pre-execution discussions pursuant to which one party may agree in advance to take the opposite side of the other party's Order for a transaction to be executed on the Exchange.

NTM 2012–26 then lays out three conditions which, if applicable, must be met in order for a pre-execution discussion to comply with the NTM. First, customers of each party engaging in a pre-execution discussion must consent to allow pre-execution discussions with other market participants. Second, any market participant who is solicited to participate in an OCX transaction through pre-execution discussions shall not (i) disclose to any other party the details of such discussions, or (ii) enter an order or quote through the Exchange to take advantage of information conveyed during such discussions. Finally, for any non-bilateral trade conducted on the Exchange pursuant to a pre-execution discussion, a period of four seconds must elapse between entering the first order or quote and entering the second order for the opposite side.

Cross Trades

OCX Rule 409 states that the Exchange may from time to time adopt procedures to facilitate the crossing of Orders through the OneChicago System. OCX Rule 610 lays out the requirements for market participants executing customers' orders, and more specifically, explains that customers' orders are treated with higher priority than proprietary orders.

NTM 2012–26 expands upon OCX Rules 409 and 610 and permits the crossing of Orders so long as one side of the trade is entered into the OneChicago System at least four seconds before the opposite side. In addition, if the market participant crossing the Orders is taking the opposite side of a customer Order, that market participant must enter the customer's side of the trade into the OneChicago System first.

The NTM then goes on to add that market participants shall not be in violation of either OCX Rule 409 or OCX Rule 610 if no Person on whose behalf the orders are being crossed has knowledge of the other side's Order and there is no coordination or prearrangement of the cross trade. In such a circumstance, both sides of the trade are responsible for demonstrating to OCX staff that neither side had knowledge of the other's Order.

The NTM is attached as *Exhibit 4* to the filing submitted by the Exchange, but is not attached to the published notice of the filing.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OneChicago included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of OneChicago's filing is to update the OCX Rulebook to account for a filing OneChicago has previously made with the CFTC, but has not made concurrently with the SEC. Specifically, the purpose of the NTM is to clarify the obligations of market participants regarding pre-execution discussions and cross trades, and to require that certain conditions are met in order to engage in pre-execution discussions or cross trades.

The purpose of the pre-execution discussion section in NTM 2012–26 is to explain to market participants how a pre-execution discussion may be effected within the bounds of OCX Rule 614. The NTM lays out three conditions that must be met in order to engage in a pre-execution discussion. These three conditions have been imposed for two purposes: (1) To protect customers, and (2) to preserve the integrity of OCX's markets. Regarding customer protection, market participants engaging in pre-execution discussions on behalf of customers must receive consent from their customers to engage in such discussions. This requirement ensures that customers are aware of the method by which their Orders are being executed. With regard to preserving the integrity of OCX's markets, market participants are prohibited from entering any Order on the basis of information gained through a pre-execution discussion. This prohibition preserves market integrity by ensuring that market participants are not trading on the basis of non-public information that is not freely available.

The purpose of the cross trade section in NTM 2012–26 is to explain to market participants how a cross trade may be effected within the bounds of OCX Rule 409 and 610. The NTM preserves market integrity be requiring cross trades to be exposed to market risk for a period of at least four seconds. This delay ensures that the trade to be crossed has the chance to execute competitively with other market participants. Additionally, the four second delay rule requires market participants to enter the customer side of the trade (if the market participant is taking the opposite side of a customer order) first, allowing the customer to be executed against a third party market participant. This requirement ensures that customers receive fair and reasonable prices for their trades.

[2] 7 U.S.C. 7a–2(c).

2. Statutory Basis

OneChicago believes that the proposed rule change is consistent with Section 6(b) of the Act,[3] in general, and furthers the objectives of Section 6(b)(5) of the Act,[4] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest.

NTM 2012–26 promotes just and equitable principles of trade and fosters cooperation and coordination with persons engaged in facilitating transactions in securities by explaining the method by which these market participants may engage in two distinct trading practices that are permitted by the Exchange. The NTM sets forth requirements for market participants effecting pre-execution discussions and cross trades. The Exchange also believes that the rule change benefits investors and market participants because it enhances customer protection and helps preserve the integrity of OCX's market.

B. Self-Regulatory Organization's Statement on Burden on Competition

OneChicago does not believe that the rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change is equitable and promotes the principles of trade because it is designed to prevent manipulative acts and protect investors. Additionally, all of the conditions to engage in pre-execution discussions and cross trades apply equally to all market participants and are not enforced in a discriminatory manner.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments on the OneChicago proposed rule change have not been solicited and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

OneChicago filed the proposed rule change with the CFTC on September 12, 2012. OneChicago did not file the proposed rule change concurrently with the SEC. Instead, OneChicago filed the proposed rule change on June 17, 2014.[5]

At any time within 60 days of the date of effectiveness[6] of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of Section 19(b)(1) of the Act.[7]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–OC–2014–03 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–OC–2014–03. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–OC–2014–03, and should be submitted on or before July 28, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–15718 Filed 7–3–14; 8:45 am]

BILLING CODE 8011–01–P

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78(f)(b)(5).

[5] Section 19(b)(7)(B) of the Act provides that a proposed rule change filed with the SEC pursuant to section 19(b)(7)(A) of the Act shall be filed concurrently with the CFTC.

[6] Section 19(b)(7)(C) of the Act provides, *inter alia,* that ''[a]ny proposed rule change of a self-regulatory organization that has taken effect pursuant to [Section 19(b)(7)(B) of the Act] may be enforced by such self-regulatory organization to the extent such rule is not inconsistent with the provisions of this title, the rules and regulations thereunder, and applicable Federal law.''

[7] 15 U.S.C. 78s(b)(1).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72499; File No. SR–C2–2014–012]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Exchange's Quote Risk Monitor Mechanism

June 30, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 20, 2014, C2 Options Exchange, Incorporated (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Quote Risk Monitor Mechanism rule. The text of the proposed rule change is provided below.

(additions are *italicized;* deletions are [bracketed])

* * * * *

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

C2 Options Exchange, Incorporated

Rules

* * * * *

Rule 8.12. Quote Risk Monitor Mechanism

Each Market-Maker who is obligated to provide and maintain continuous electronic quotes pursuant to Rule 8.5, *or the Participant organization with which the Market-Maker is associated,* may establish parameters by which the Exchange will activate the Quote Risk Monitor (''QRM'') Mechanism. *The functionality of the QRM Mechanism that is available to* Market-Makers [that use the QRM Mechanism shall specify] *includes,* for each such option class in which the Market-Maker is engaged in trading[,]*: (i)* A maximum number of contracts for such option class (the ''Contract Limit'') and a rolling time period in *milli*seconds within which such Contract Limit is to be measured (the ''Measurement Interval'')[.]*; (ii) a maximum cumulative percentage that the Market-Maker is willing to trade (the ''Cumulative Percentage Limit''), where the cumulative percentage is the sum of the percentages of the original quoted size of each size of each series that traded, and a Measurement Interval; and (iii) the maximum number of series for which either side of the quote is fully traded (the ''Number of Series Fully Traded'') and a Measurement Interval. This functionality is optional and Market-Makers are not required to set parameters for the aforementioned QRM Mechanism functions.*

When the Exchange determines that the Market-Maker has traded [more than] *at least* the Contract Limit *or Cumulative Percentage Limit* for such option class during any rolling Measurement Interval, *or has traded at least the Number of Series Fully Traded on an option class during any rolling Measurement Interval,* the QRM Mechanism shall cancel all electronic quotes [that are] being disseminated with respect to that Market-Maker in that option class *and any other classes with the same underlying security* until the Market-Maker refreshes those electronic quotes. *Such action by the Exchange is referred to herein as a QRM Incident. Once the QRM Mechanism is triggered, all counters that determine whether the QRM Mechanism is triggered and a QRM Incident occurs will be reset for all classes for which quotes were canceled for all parties for whom such quotes were canceled.*

A Market-Maker or a Participant organization may also specify a maximum number of QRM Incidents on an Exchange-wide basis. When the Exchange determines that such Market-Maker or Participant organization has reached its QRM Incident limit during any rolling Measurement Interval, the QRM Mechanism shall cancel all of the Market-Maker's or Participant organization's electronic quotes and Market-Maker orders resting in the Book in all option classes on the Exchange and prevent the Market-Maker or Participant organization from sending additional quotes or orders to the Exchange until the Market-Maker or Participant organization reactivates its ability to send quotes or orders in a manner prescribed by the Exchange. Once the QRM Mechanism is triggered and quotes and orders are cancelled, all counters that determine whether the QRM Mechanism is triggered and a QRM Incident occurs will be reset for all parties for whom the QRM Mechanism was triggered and for all classes for which quotes and orders were canceled. If the Exchange cancels all of the Market-Maker's or Participant organization's electronic quotes and Market-Maker orders resting in the Book, and the Market-Maker or Participant organization does not reactivate its ability to send quotes or orders, the block will be in effect only for the organization does not reactivate its ability to send quotes or orders, the block will be in effect only for the trading day that the Market-Maker or Participant organization reached its QRM Incident limit. Market-Makers and Participant organizations are not required to set parameters for the Exchange-wide QRM.

* * * * *

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The operation of the Exchange's Quote Risk Monitor (''QRM'') Mechanism is codified in Rule 8.12. The purpose of this proposed rule change is to add three new functions to the QRM Mechanism to help Market-Makers and Participant organizations control the risk of multiple, nearly simultaneous executions across related option series. The use of the new functions is voluntary. The proposed rule change also makes clear that the Participant organization with which a Market-Maker is associated (as well as the individual Market-Maker) may establish parameters by which the Exchange will activate the QRM Mechanism for the Market-Maker (the current rule text only explicitly permits Market-Makers to establish such parameters). The Exchange also proposes to make some changes to the Rule 8.12 text to make such rule more readable in conjunction with the other changes proposed herein.[3]

The first new function available to Market-Makers allows each Market-Maker the ability to specify a maximum cumulative percentage that the Market-Maker is willing to trade (the ''Cumulative Percentage Limit''). Under the proposal, the cumulative percentage is the sum of the percentages of the original quoted size of each side of each series within a class that traded, and a rolling time period in milliseconds within which such Cumulative Percentage Limit is to be measured (the ''Measurement Interval''). When the QRM Mechanism determines that the Market-Maker has traded at least the Cumulative Percentage Limit for any option class during any rolling Measurement Interval, the QRM Mechanism will automatically cancel all of the electronic quotes being disseminated with respect to that Market-Maker in that option class and any other classes with the same underlying security until the Market-Maker refreshes those electronic quotes.[4]

[3] Specifically, the Exchange proposes to amend the beginning of the second sentence of Rule 8.12, which reads ''Market-Makers that use the QRM Mechanism shall specify, for each such option class in which the Market-Maker is engaged in trading, a maximum number of contracts for such option class (the ''Contract Limit'') and a rolling time period in seconds within which such Contract Limit is to be measured (the ''Measurement Interval'')'' to read: ''The functionality of the QRM Mechanism that is available to Market-Makers includes, for each such option class in which the Market-Maker is engaged in trading: (i) A maximum number of contracts for such option class (the ''Contract Limit'') and a rolling time period in milliseconds within which such Contract Limit is to be measured (the ''Measurement Interval'').'' The Exchange's systems will allow Market-Makers to set the Measurement Interval in milliseconds (as opposed to seconds), so the Exchange proposes to provide this more precise option to Market-Makers.

[4] The Exchange also proposes to delete the words ''more than'' from the specification that ''When the Exchange determines that the Market-Maker has traded more than the Contract Limit or Cumulative Percentage Limit for such option class during any rolling Measurement Interval, or has traded at least the Number of Series Fully Traded during any rolling Measurement Interval, the QRM Mechanism shall cancel all electronic quotes that are being disseminated with respect to that Market-Maker in that option class and any other classes with the same underlying security until the Market-Maker refreshes those electronic quotes'' and replace ''more than'' with the words ''at least.'' This is because the QRM Mechanism is triggered (and quotes are canceled) at the moment when the Market-Maker trades the Contract Limit or Cumulative Percentage Limit (as opposed to when the Market-Maker has traded more than Contract Limit or Cumulative Percentage Limit). The Exchange also proposes to delete the words ''that

By way of example, assume a Market-Maker is quoting the following series in a class:

- Series A Quote: 1.00 − 1.20 50 × 50
- Series B Quote: 2.00 − 2.20 75 × 75
- Series C Quote: 3.00 − 3.20 100 × 100

If the Cumulative Percentage Limit is set at 150% for the Market-Maker and an order to buy 40 contracts of Series A is received, the series percentage would be 80% (*i.e.,* 40/50). The cumulative percentage would also be 80%. If a second order to sell 25 contracts of Series B is received, the series percentage would be 33% (*i.e.,* 25/75). The cumulative percentage would now be 113% (*i.e.,* 80 + 33 = 113). If a third order to buy 70 contracts of Series C is received, the series percentage would be 70% (*i.e.,* 70/100). The cumulative percentage would now be 183% (*i.e.,* 113 + 70 = 183). Since 183% exceeds the Cumulative Percentage Limit of 150%, the Market-Maker's quotes in the class, and any class with the same underlying security, would be cancelled. This cancellation, however, would not occur until after execution of the third order. Due to firm quote obligations rules, the QRM Mechanism will not cancel quotes (and in the case of an Exchange-wide QRM Incident, orders) until after the execution of the order that caused the triggering of the QRM Mechanism. Note that percentages are added to one another, regardless of the denominator.

Percentages are also calculated based on the original quote size, not the remaining quote size. Using the quotes set forth above as an example, if an order to buy 40 contracts of Series A is received, the series percentage would be 80% (*i.e.,* 40/50). The cumulative percentage would also be 80%. If a second order to sell 25 contracts of Series B is received, the series percentage would be 33% (*i.e.,* 25/75). The cumulative percentage would then be 113% (*i.e.,* 80 + 33 = 113). If a third order to buy 10 contracts of Series A is received, the series percentage would be 20% (*i.e.,* 10/50). The cumulative percentage would then be 133% (*i.e.,* 113 + 20 = 133). If a fourth order to buy 70 contracts of Series C is received, the series percentage would be 70% (*i.e.,* 70/100). The cumulative percentage would then be 203% (*i.e.,* 133 + 70 = 203).

The proposed rule change adds a second new function to the QRM Mechanism that would allow each Market-Maker to specify the maximum number of series for which either side of the quote is fully traded (the ''Number of Series Fully Traded'') and a Measurement Interval. When the QRM Mechanism determines that the Market-Maker has traded at least the Number of Series Fully Traded for any option class during any rolling Measurement Interval, the QRM Mechanism will automatically cancel all of the Market-Maker's electronic quotes being disseminated in that option class and any other classes with the same underlying security until the Market-Maker refreshes those electronic quotes.

To illustrate this functionality, assume that a Market-Maker is quoting the following series in a class:

- Series A Quote: 1.00 − 1.20 50 × 50
- Series B Quote: 2.00 − 2.20 75 × 75
- Series C Quote: 3.00 − 3.20 100 × 100

If the Number of Series Fully Traded is set at two, and an order to buy 50 contracts of Series A is received, the number of series traded in full will be one. If a second order to sell 25 contracts of Series B is received, the number of series traded in full will still be one because Series B did not trade in full. If a third order to buy 100 contracts of Series C is received, the number of series traded in full will then be two. Since two meets the parameter set for Number of Series Fully Traded, the Market-Maker's quotes in that class (and any other classes with the same underlying security) would be cancelled.

Whenever one of the QRM functions (*i.e.,* Contract Limit, Cumulative Percentage Limit or Number of Series Fully Traded) has been triggered and the QRM Mechanism automatically cancels all of the Market-Maker's electronic quotes in all series of that option class (and any other classes with the same underlying security), such action by the Exchange shall be termed a ''QRM Incident''. Both of the new functionalities described above (along with the already-existing Contract Limit QRM functionality) are optional and Market-Makers are not required to set parameters for the aforementioned QRM Mechanism functions.

The Exchange has above proposed that, when the QRM Mechanism automatically cancels all of a Market-Maker's electronic quotes in an option class, the Exchange will also cancel all of the Market-Maker's electronic quotes in any other classes with the same underlying security. The purpose of this is because the risk involved in trading beyond a Market-Maker's risk profile extends to classes that have the same underlying security (since often the only difference between such classes is the multiplier of number of units of the underlying security).

Finally, the proposed amendment adds a third function that allows the Exchange to cancel all quotes and orders of a Market-Maker or Participant Organization once a specified number of QRM Incidents has been reached. Under this proposed functionality, a Market-Maker or a Participant organization may specify a maximum number of QRM Incidents with respect to all QRM Functions (*i.e.,* Contract Limit, Cumulative Percentage Limit and Number of Series Fully Traded) and a Measurement Interval on an Exchange-wide basis. When the Exchange determines that such Market-Maker or Participant organization has reached its QRM Incident limit during any rolling Measurement Interval, the QRM Mechanism shall cancel all of the Market-Maker's or Participant organization's electronic quotes and Market-Maker orders resting in the Book in all option classes on the Exchange and prevent a Market-Maker or Participant organization from sending additional quotes or orders to the Exchange until the Market-Maker or Participant organization reactivates its ability to send quotes or orders in a manner prescribed by the Exchange.[5]

Once the QRM Mechanism is triggered and quotes (and in the case of an Exchange-wide cancellation, orders) are cancelled, all counters that determine whether the QRM Mechanism is triggered and a QRM Incident occurs will be reset for all classes for which quotes (and in the case of an Exchange-wide cancellation, orders) were canceled for all parties for whom such quotes (and in the case of an Exchange-wide cancellation, orders) were canceled. This means that, if the QRM Mechanism is triggered due to a party's reaching the Contract Limit, Cumulative Percentage Limit, or Number of Series Fully Traded for a class, and quotes (and in the case of an Exchange-wide cancellation, orders) are canceled, the number of contracts traded in all classes for which quotes and orders were canceled would be reset to zero, the cumulative percentage for all classes for which quotes and orders were canceled would be reset to zero, and the number of series that are fully traded for all classes for which quotes and orders were canceled would be reset to zero. If the Exchange cancels all of the Market-Maker's or Participant

are'' from the above statement for reasons of grammatical simplicity.

[5] The Exchange will announce such manner to Trading Permit Holders via Regulatory Circular. The current plan for such reactivation is for the Market-Maker or TPH Organization to contact the Exchange's Help Desk to request reactivation, though the Exchange is examining the possibility of creating a systematized manner for Market-Makers or TPH organizations to reactivate.

organization's electronic quotes and Market-Maker orders resting in the Book, and the Market-Maker or Participant organization does not reactivate its ability to send quotes or orders, the block will be in effect only for the trading day that the Market-Maker or Participant organization reached its QRM Incident limit.

As with the Contract Limit, Cumulative Percentage Limit or Number of Series Fully Traded QRM functions, Market-Makers and Participant organizations are not required to set parameters for the Exchange-wide QRM. All QRM Mechanism functionalities are currently optional.

The Exchange represents that it has the systems capacity to permit the operation of these enhanced QRM Mechanism functions. The Exchange does note that, in a situation in which the QRM Mechanism is triggered, and quotes (and in the case of an Exchange-wide cancellation, orders) must be canceled for multiple classes related to the same underlying security or across multiple business clusters,[6] it may take a brief period for such cancellation to occur (during which period orders may execute against such quotes and orders; this functionality will not violate the Exchange's firm quote rules). The Exchange will use best efforts to cancel such quotes and orders as rapidly as possible.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that investors and market participants will benefit from the proposed new functionality of the QRM Mechanism. Market-Makers are vulnerable to the risk that, through an error in pricing or due to market events, they will receive multiple, automatic executions at disadvantageous or erroneous prices before they can adjust their quotes. Without adequate risk management tools such as the QRM, Market-Makers could widen their quotes, quote less aggressively or limit their quote size. Such actions may undermine the quality of the markets available to customers and other market participants.

Accordingly, with the enhancements proposed by the Exchange to QRM, the use of the QRM Mechanism will encourage more aggressive and narrower quoting, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, more effectively protecting investors and the public interest. In addition, providing Market-Makers with more tools for managing risk will facilitate transactions in securities because, as noted above, the quotes of market makers will be more reliable and could help prevent erroneous orders and transactions. As a result, the new functionality for the QRM Mechanism has the potential to promote just and equitable principles of trade. Also, the proposed changes do not change to whom any aspects of the QRM Mechanism applies, as the proposed changes apply to all market participants to whom the QRM Mechanism previously applied.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that the functions of the QRM Mechanism promote fair and orderly markets.

C2 does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the use of the QRM Mechanism including the new enhancements is voluntary. Further, the proposed changes do not change to whom any aspects of the QRM Mechanism applies, as the proposed changes apply to all market participants to whom the QRM Mechanism previously applied. Similarly, the Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, again, the use of the QRM Mechanism including the new enhancements is voluntary. Moreover, the proposed enhancements to the QRM Mechanism apply only to trading on C2. To the extent that the proposed changes may make C2 a more attractive trading venue for market participants on other exchanges, such market participants may elect to become C2 market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6)[11] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[6] The Exchange's systems group various classes into different business clusters for systems purposes.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] *Id.*

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–C2–2014–012 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–C2–2014–012. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–C2–2014–012 and should be submitted on or before July 28, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–15720 Filed 7–3–14; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72498; File No. SR–NFA–2014–04]

Self-Regulatory Organizations; National Futures Association; Notice of Filing of Proposed Rule Change to the Interpretive Notice to NFA Compliance Rules 2–4 and 2–36: Prohibition on the Use of Certain Electronic Funding Mechanisms

June 30, 2014.

Pursuant to Section 19(b)(7) of the Securities Exchange Act of 1934 (''Exchange Act''),[1] and Rule 19b–7 under the Exchange Act,[2] notice is hereby given that on June 18, 2014, National Futures Association (''NFA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change described in Items I and II below, which Items have been substantially prepared by the NFA. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

On June 18, 2014, NFA submitted the proposed rule change to the CFTC for approval. The CFTC has not yet approved the proposed rule change.

I. Self-Regulatory Organization's Description and Text of the Proposed Rule Change

Under the proposed Interpretive Notice to NFA Compliance Rules 2–4 and 2–36: Prohibition on the Use of Certain Electronic Funding Mechanisms (''Interpretive Notice''), NFA Members (''Members'') are prohibited from allowing customers to fund futures or forex accounts with a credit card or other electronic funding methods tied to a credit card. The proposed Interpretive Notice does not prohibit Members from allowing customers to fund futures or forex accounts with electronic funding mechanisms that are tied to a customer's bank account at a financial institution provided the funds deposited are drawn directly from the customer's bank account. The Interpretive Notice requires, however, that the Member be able to distinguish, prior to accepting funds, between an electronic funding method that draws money from the customer's account at a financial institution and a traditional credit card, and be able to reject the credit card transaction before accepting funds. The Interpretive Notice also requires Members offering this type of electronic funding mechanism to provide adequate risk disclosure in light of the customer's financial circumstances.

The text of the Interpretive Notice is available on NFA's Web site at *www.nfa.futures.org,* the Commission's Web site at *www.sec.gov,* NFA's office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, NFA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NFA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

1. Purpose

Section 15A(k) of the Exchange Act[3] makes NFA a national securities association for the limited purpose of regulating the activities of NFA Members who are registered as brokers or dealers under Section 15(b)(11) of the Exchange Act.[4] The proposed Interpretive Notice applies to all NFA Members, including those that are registered as security futures brokers or dealers under Section 15(b)(11) of the Exchange Act.

NFA adopted the Interpretive Notice to NFA Compliance Rules 2–4 and 2–36 prohibiting Members from allowing customers to fund futures or forex accounts with a credit card or other electronic payment methods tied to a credit card after an extensive study and analysis done at the direction of NFA's Compliance and Risk Committee (''CRC''). The CRC's study and analysis found significant customer protection concerns with credit card funding in the retail forex area, and therefore NFA's Board of Directors, upon the recommendation of the CRC, determined the only appropriate action was to adopt this prohibition. The prohibition is entirely consistent with NFA's longstanding position that it is a violation of NFA Compliance Rule 2–4, and inconsistent with just and equitable principles of trade, for Members to

[1] 15 U.S.C. 78s(b)(7).

[2] 17 CFR 240.19b–7.

[3] 15 U.S.C. 78o–3(k).

[4] 15 U.S.C. 78o(b)(11).

encourage customers to borrow money to invest.[5]

Many Forex Dealer Members (''FDMs'') offer their retail forex customers the ability to fund their accounts directly using a credit card or via an online payment facilitator (e.g., PayPal) that is commonly tied to a credit card (Payment Facilitator(s)—Credit). The CRC had several concerns with this practice, including that retail customers may be using credit cards to open accounts with funds that are borrowed and, therefore, not risk capital. The CRC's concern had significant merit since a 2012 review of several FDM Web sites showed that those FDMs promoted credit funding as the ''quickest,'' ''easiest,'' and ''fastest'' method of investing.

Given its concern, the CRC began considering whether it would be appropriate for NFA to prohibit its Members from allowing customers to fund their accounts (both forex and futures) via a credit card or a Payment Facilitator—Credit. As part of its consideration, the CRC directed NFA staff to conduct a detailed analysis of FDM account funding practices, customer income levels, and customer account funding origins. The analysis covered approximately 15,500 accounts held at seven FDMs—all of which were registered as retail foreign exchange dealers (''RFED'')—during 2012. The results of this analysis revealed:

- Credit card funding restrictions varied among the FDMs. Several permitted the use of a credit card up to $10,000 per transaction. One firm based its restriction on a customer's income level and a permitted customer with a net income between $0–$19,000 to fund an account with as much as $1,000 through a credit card;
- The average life of a retail forex trading account at an RFED was 4 months regardless of the amount of the initial deposit;
- For the 4th quarter 2013, 72% of the accounts analyzed were unprofitable;
- 78% of all accounts were initially funded via credit card/debit card/online payment facilitator;
- Almost 50% of all account holders reported a net income of $50,000 or less; and
- Deposits made by credit card/debit card/online payment facilitator were markedly lower than deposits made by wires or checks. For example, for customers with a net income less than $50,000, the average deposit via credit card/debit card/online payment facilitator was approximately $1,050 whereas for checks or wires it was approximately $6,650. This difference was also prevalent at other net income levels, including above $100,000 where the average deposit via credit card/debit card/online payment facilitator was approximately $2,450 whereas for checks or wires it was approximately $28,000.

Given the prevalence of credit card usage by customers to initially fund retail forex accounts and the fact that such a large percentage of those customers had a relatively low income level ($50,000 or less), the CRC reviewed whether the FDMs provide specific risk disclosures regarding the implications of funding via a credit card or a Payment Facilitator—Credit and learned that none of the FDMs warned customers that they should not use a credit card or Payment Facilitator—Credit to borrow money to invest in retail forex.

The CRC found the data very disturbing from a customer protection perspective because it reveals that lower income individuals predominantly use credit cards or Payment Facilitators—Credit to fund their accounts and the vast majority of these individuals lose their funds trading forex. Although the CRC recognized that it is possible that all lower income individuals pay off their credit card balances each month and are not borrowing funds to invest beyond the payment due date, the CRC concluded that this possibility is simply implausible given the low income levels.

NFA Compliance Rule 2–4 requires Members and their Associates to observe high standards of commercial honor and just and equitable principles of trade in the conduct of their commodity futures business. Similarly, NFA Compliance Rule 2–36(c) requires Members and their Associates to observe high standards of commercial honor and just and equitable principles of trade in the conduct of their forex business. The CRC concluded that permitting customers to utilize funding mechanisms that by their very nature allow retail customers to borrow funds to invest in markets where the risk of loss can be substantial and a total loss may occur simply is not consistent with a Member's obligation to observe high standards of commercial honor and just and equitable principles of trade. Given NFA's analysis of the FDMs' customers' usage of credit cards and Payment Facilitators—Credit, and the fact that credit cards and Payment Facilitators—Credit readily allow individuals to borrow funds to purchase goods and services, the CRC concluded that without adequate mechanisms in place to ensure that customers are not borrowing funds to invest in the highly volatile futures and forex markets, Members should not be permitted to allow their customers to invest via electronic funding mechanisms.

The Interpretive Notice does not ban forms of electronic funding mechanisms that are tied to a customer's bank account at a financial institution, such as a debit card or a PayPal account tied to a bank account. The CRC found that these funding mechanism are acceptable and appear consistent with a Member's obligation to observe high standards of commercial honor and just and equitable principles of trade because when a customer uses an electronic funding mechanism directly tied to an account at a financial institution, the customer has funds on hand that are immediately transferred from the customer's bank account to the Member, which significantly reduces the likelihood that funds are being borrowed to invest. However, in order for a Member to allow customers to use electronic funding mechanisms, the Member must be able to distinguish between those electronic funding mechanisms tied to a credit card and those tied to a bank account and reject the ones tied to a credit card.[6]

Under the Interpretive Notice, if a Member offers customers the ability to use an electronic funding mechanism, then the Member must utilize a processing system or some other electronic mechanism that can ensure the funding device is a debit card or some other payment facilitator that is tied directly to the customer's bank account at a financial institution. Moreover, any Member offering this type of funding mechanism, must also ensure that adequate risk disclosure is provided to customers in light of the customers' financial circumstances.

2. Statutory Basis

NFA believes that the proposed rule change is authorized by, and consistent with, Section 15A(k)(2)(B) of the

[5] *See In the Matter of First Investors Group of Pal Beaches, Inc., et.al.,* NFA Case No. 95–BCC–011 (November 12, 1999).

[6] One FDM indicated that it currently uses a third-party provider to process credit and debit card transactions when they are initiated by the customer. Accordingly, the third-party provider uses a programming code, which allows its front-end processer to identify whether a card is a credit or debit card based on the digits listed on the card. This front-end processing system has the ability to identify the card as a debit card even if the customer elected to process the card as a credit transaction. In other words, the system programming can distinguish between a debit card issued by a bank with monies drawn from a checking or savings account, or a traditional credit card. The third party provider is able to automatically reject transactions that are credit card transactions.

Exchange Act.[7] That section sets out requirements for rules of a futures association, registered under Section 17 of the Commodity Exchange Act, that are a registered national securities association for the limited purpose of regulating the activities of members who are registered as brokers or dealers in security futures products pursuant to Section 15(b)(11) of the Exchange Act. Under Section 15A(k)(2)(B), the rules of such a limited purpose national securities association must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest in connection with security futures products in a manner reasonably comparable to the rules of a registered national securities association registered pursuant to Section 15A(a) that are applicable to securities futures products. NFA believes the proposed rule change meets these requirements because NFA determined that permitting customers to use credit cards to fund futures and forex accounts was inconsistent with just and equitable principles of trade and the proposed Interpretive Notice prohibits Members from permitting customers to use credit cards to fund accounts.

B. Self-Regulatory Organization's Statement on Burden on Competition

NFA recognizes that the proposed rule change may impose a minor burden on competition with respect to foreign customers that might be able to use credit cards to fund accounts with foreign intermediaries that are not Members of NFA. NFA concluded, however, that any burden was outweighed by the need to adopt appropriate customer protection measures. NFA also concluded that the burden was minimized by the fact that the Interpretive Notice permits Members to offer customers the ability to use an electronic funding mechanism that draws funds directly from the customer's account at a financial institution, provided the Member is able to distinguish between those electronic funding mechanisms drawing funds directly from the customer's account at a financial institution and those tied to a credit card and reject those transactions tied to a credit card.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The CRC requested feedback on the concept of prohibiting Members from allowing customers to fund their forex or futures accounts with a credit card or Payment Facilitator—Credit from NFA's Futures Commission Merchant (''FCM''), Introducing Broker (''IB''), Commodity Pool Operator (''CPO'') and Commodity Trading Advisor (''CTA'') Advisory Committees. Each of these Committees fully supported a ban of this practice for both futures and forex accounts. Given the importance of this issue, the CRC did not obtain the views of NFA's FDM Advisory Committee—which had recently lost most of its representatives due to FDM withdrawals and consolidations—but rather obtained the FDMs' views by issuing a Notice to *all* FDMs requesting their comments. The CRC also met with affected members of the FDM community to further discuss their comments.

Specifically, NFA received comments from five of NFA's 17 FDMs (one of which was filed by a law firm on behalf of the FDM), the Financial Services Roundtable (''FSR'') and a retail forex customer. All but one FDM strongly opposed a ban against FDMs accepting credit cards from customers to fund forex trading accounts. Despite the fact that credit card funding was not ''an insignificant portion'' of its business, this FDM did not object to the proposed ban but requested a 60-day implementation period in order to make operational changes to reject credit card transactions while permitting debit card transactions and to educate clients about the ban.

The CRC carefully considered all of the comments received. Below is a summary of the material comments and the CRC's response.

- Forex customers must react to market changes during non-banking hours and credit cards are the only funding method to do so, while checks or wire transfers often take too long to be credited to prevent a margin close-out.
- Credit cards are more economical since FDMs do not charge a fee to use them while banks charge fees for wire transfers and use of Automated Clearing House (''ACH'').
- Credit card funding is one of the fastest, most convenient, and lowest cost funding vehicles.
- Many FDMs represented to NFA that customers need to use credit cards in order to quickly add funds in order to avoid forced liquidation of their positions.

The CRC recognized that credit cards may provide an efficient and, in some instances, economical method for depositing funds into a trading account. The CRC believed, however, that this benefit is vastly outweighed by the risk associated with a customer borrowing funds to invest in futures or forex. Moreover, the CRC believed that the efficient and economical benefits of credit card funding can be retained by permitting Members to offer customers the ability to use an electronic funding mechanism that draws funds directly from the customer's account at a financial institution, provided the Member is able to distinguish between those electronic funding mechanisms drawing funds directly from the customer's account at a financial institution and those tied to a credit card and reject those transactions tied to a credit card.

Additionally, NFA's analysis revealed that very few forex positions overall are auto-liquidated, customers generally add funds to their account using the same method as their initial funding method, and positions in accounts funded through a credit card are not less likely to be auto-liquidated. In fact, NFA's analysis showed that those accounts funded through a credit card actually had positions auto-liquidated more frequently than those accounts funded through traditional methods, although the percentage of auto-liquidations remained relatively low.

- Funds deposited by traditional methods may ultimately be drawn from credit sources.

The CRC acknowledged that the prohibition could be circumvented because accounts funded with deposits using traditional methods may ultimately be drawn from credit sources. The CRC, however, concluded that banning the direct use of credit cards would lessen the likelihood of this occurrence because a customer can make an instantaneous decision to use a credit card, whereas other forms of credit generally take longer to obtain and provide the customer with more time to consider the consequences of borrowing funds to invest. Moreover, the CRC felt that credit cards are funding mechanism that lend themselves to borrowing funds and permitting this type of funding mechanism is directly contrary to NFA's longstanding position that it is a violation of NFA Compliance Rule 2–4, and inconsistent with just and equitable principles of trade, for Members and Associates to encourage customers to borrow money to invest.

- The ban is overly broad since alternative payment facilitators (e.g., PayPal, MoneyBookers and Google Checkout) may be funded through a bank account or other debit sources.

The CRC addressed this comment by providing that the ban did not apply to electronic payment methods that are

[7] 15 U.S.C. 78o–3(k)(2)(B).

tied to a bank account at a financial institution provided that the Member is able to distinguish between electronic payment mechanisms that are tied to a bank account and traditional credit card transactions and reject the credit card transactions before accepting funds.

• FDMs have other procedures in place to ensure that customers only use risk capital even if the source is a credit card.

• NFA has other rules that ensure that customers do not invest funds in excess of risk capital (Rule 2–36 ''know your customer,'' risk disclosure requirements, and guidance requiring FCMs to prominently disclose that customers should only fund with risk capital).

The CRC acknowledged that NFA had other rules in place to guard against customers investing in excess of risk capital and that FDMs should have other procedures in place to ensure customers only use risk capital even if the source was a credit card. The CRC concluded, however, that based on the analysis conducted and the fact that credit cards by their nature permit easy access to borrowed funds any disclosure alone is an insufficient customer protection measure to address the issue.

• Banks that issue credit cards consider a customer's credit worthiness in determining the customer's credit limit, which is a built in risk safeguard.

The CRC did not believe this provided a credible rationale to permit credit card funding. Retail customers should not be borrowing funds to invest in futures or forex. Regardless of the credit limit determined by a bank, a customer should not be using borrowed funds to invest in the volatile futures or forex markets where the risk of loss may be substantial.

• Certain foreign jurisdictions permit credit card funding.

• Credit cards are permitted in numerous industries in which ''customer funds are put at risk with far fewer safeguards than retail forex trading,'' including the New York State Lottery, which provides customers the option of signing up for subscriptions to certain lottery games using credit cards, and the Nassau County New York OTB permits individuals to make deposits via credit card to their permanent wagering account.

The CRC was not persuaded by the comment that many foreign jurisdictions permit customers to use credit cards to fund forex accounts. The CRC felt that the customer protection concerns raised by this practice were far too disturbing and the fact that foreign jurisdictions may permit this practice did not outweigh these concerns. The CRC also found entirely unpersuasive the fact that other industries, particularly off-track betting parlors or lottery related agencies, permitted customers to use credit cards.

• The FDMs opposing a ban on funding via a credit card recommended that NFA address this issue short of imposing a prohibition. For example, these FDMs believe that NFA should do one or more of the following—prohibit heavy promotion of credit card funding, require account withdrawals to go back to the original funding credit card, establish a monthly deposit cap for credit card funding, enhance disclosures regarding risk capital usage, issue prominent warnings regarding credit card usage to underscore the risks of using this funding means if a customer does not have sufficient bank funds to cover the deposit, and recommending that customers pay off credit card balances monthly by the due date.

The CRC considered other alternatives and concluded that given the customer protection concerns raised, and the fact that credit cards are any easy source of borrowed funds, the only way to address the issues was to prohibit Members from allowing customers to use credit cards or other electronic methods unless the Member could distinguish between electronic payments that are tied to a bank account and traditional credit card transactions and reject the credit card transactions.

• The FSR's letter claimed banning credit cards and the use of credit cards through payment facilitators (e.g. Paypal) is a significant regulatory action that has far reaching implications. The FSR urged NFA to consider viable alternatives and seek comments from those outside the forex industry.

The CRC determined that one of NFA's primary responsibilities is the protection of customers in the futures and forex industries and that the prohibition was necessary to achieve this objective. The CRC also observed that NFA's mandate is not to promote the business interests of credit card companies.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change is not effective because the CFTC has not approved the proposed rule change.

Section 19(b)(7)(C) of the Act provides, inter alia that ''[a]ny proposed rule change of a self-regulatory organization that has taken effect pursuant to [Section 19(b)(7)(B) of the Act] may be enforced by such self-regulatory organization to the extent such rule is not inconsistent with the provisions of the title, the rules and regulations thereunder, and applicable Federal law. At any time within 60 days of the date of effectiveness of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of Section 19(b)(1) of the Exchange Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Exchange Act. Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–NFA–2014–04 on the subject line.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, Station Place, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NFA–2014–04. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of NFA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File

Number SR–NFA–2014–04 and should be submitted on or before July 28, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–15719 Filed 7–3–14; 8:45 am]

BILLING CODE 8011–01–P

[8] 17 CFR 200.30–3(a)(73).

DEPARTMENT OF STATE

[Public Notice: 8786]

60-Day Notice of Proposed Information Collection: Individual, Corporate or Foundation, and Government Donor Letter Applications

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. 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 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to *September 5, 2014.*

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

- *Web:* Persons with access to the Internet may use the Federal Docket Management System (FDMS) to comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering ''Public Notice 8786'' in the Search bar. If necessary, use the Narrow by Agency filter option on the Results page.
- *Email: HarveyRJ2@state.gov.*
- *Mail:* M/EDCS, U.S. Department of State, 2201 C Street NW., HST, Room 7427B, Washington, DC 20520.
- *Fax:* (202) 647–8194.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

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, to Ronda Harvey, who may be reached on (202) 647–6009 or at *HarveyRJ2@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Individual, Corporate or Foundation and Government Donor Letter Application.
- *OMB Control Number:* None.
- *Type of Request:* Collection in use without an OMB control number.
- *Originating Office:* Office of Emergencies in the Diplomatic and Consular Service (EDCS).
- *Form Numbers:* Donor Form—Individual (DS–4273), Donor Form—Corporate or Foundation (DS–4272), Donor Form—Government (DS–4271).
- *Respondents:* Individuals, Corporations, or Foundations that make donations to the Department.
- *Estimated Number of Respondents:* 3665.
- *Estimated Number of Responses:* 3665.
- *Average Time per Response:* 8 minutes per form.
- *Total Estimated Burden Time:* 489 hours.
- *Frequency:* On occasion.
- *Obligation to Respond:* Mandatory.

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

The Office of Emergencies in the Diplomatic and Consular Service (EDCS) manages the solicitation and acceptance of gifts to the U.S. Department of State. The information requested via donor letters is a necessary first step to accepting donations. The information is sought pursuant to 22 U.S.C. 2697, 5 U.S.C. 7324 and 22 CFR, Part 3) and will be used by EDCS's Gift Fund Coordinator to demonstrate the donor's intention to donate either an in-kind or monetary gift to the Department. This information is mandatory and must be completed before the gift is received by the Department.

Methodology

The information collection forms will be available electronically via the State Department's Internet Web site (*www.state.gov*). Donors can also complete hard-copies of the form and mail them to EDCS if internet access is not available.

Dated: June 30, 2014.

Frances Z. Gidez,

Director, Gift & K Fund, Department of State.

[FR Doc. 2014–15823 Filed 7–3–14; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE

[Public Notice: 8788]

30-Day Notice of Proposed Information Collection: Non-Foreign Service Personnel and Their Family Members

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 August 6, 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, to Susan B. Summers—Chief, Medical Clearances at Department of State, Office of Medical Clearances, SA–15 Room 400, 1800 North Kent St., Rosslyn, VA 22209, who may be

reached on (703) 875–5413 or at *summerssb@state.gov*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Pre-Assignment For Overseas Duty—Non-Foreign Service Personnel and Their Family Members.
- *OMB Control Number:* 1405–0194.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* Office of Medical Services—Medical Clearances.
- *Form Number:* DS 6561.
- *Respondents:* Non-foreign service employees or family members.
- *Estimated Number of Respondents:* 8,000.
- *Estimated Number of Responses:* 8,000.
- *Average Time Per Response:* 1 hour.
- *Total Estimated Burden Time:* 8,000 hours.
- *Frequency:* As needed.
- *Obligation to Respond:* Mandatory to retain medical clearances.

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–6561 provides a concise summary of basic medical history, lab tests and physical examination for employees and family members that are not members of one of the five Foreign Affairs agencies to include State, USAID, Foreign Commercial Service, Foreign Agricultural Service and Board of Broadcasting Governors. It is designed to collect current and adequate information on which medical providers can base decisions on whether an employee and family members will have sufficient medical resources at a diplomatic mission abroad to maintain the health and fitness of the individual and family members.

Methodology

The information collected will be collected through the use of an electronic forms engine or by hand written submission using a pre-printed form.

Dated: June 26, 2014.

Mark J. Cohen,

Director of Clinical Services, Office of Medical Services, Department of State.

[FR Doc. 2014–15811 Filed 7–3–14; 8:45 am]

BILLING CODE 4710–36–P

DEPARTMENT OF TRANSPORTATION

[Docket No. DOT–MARAD 2014–0094]

Agency Requests for Renewal of a Previously Approved Information Collection(s): Application and Reporting Requirements for Participation in the Maritime Security Program

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Department of Transportation (DOT) invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves enrollment of eligible vessels in the Maritime Security Program (MSP). The information to be collected will be used to determine if selected vessels are qualified to participate in the Maritime Security Program. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995, Public Law 104–13.

DATES: Written comments should be submitted by August 6, 2014.

ADDRESSES: You may submit comments [identified by Docket No. DOT–MARAD–2014–0094] through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Bill Kurfehs, 202–366–2318, Office of Sealift Support, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2133–0525.

Title: Application and Reporting Requirements for Participation in the Maritime Security Program.

Form Numbers: MA–172.

Type of Review: Renewal of an information collection.

Background: The Maritime Security Act of 2003 extended under Section 3508 of the National Defense Authorization Act for Fiscal Year 2013, Public Law 112–239 provides for the enrollment of qualified vessels in the Maritime Security Program Fleet. Applications and amendments are used to select vessels for the fleet. Periodic reporting is used to monitor adherence of contractors to program parameters.

The collected information is necessary for MARAD to determine if selected vessels are qualified to participate in the Maritime Security Program.

Respondents: Respondents are vessel operators.

Number of Respondents: 15.

Frequency: Monthly/Annually.

Number of Responses: 195.

Total Annual Burden: 210 hours.

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 the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department 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.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.

Dated: June 30, 2014.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2014–15756 Filed 7–3–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

[Docket No. DOT–MARAD–2014–0095]

Request for Comments of a Previously Approved Information Collection; Generic Cearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Maritime Administration (MARAD), DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection published in the **Federal Register** on April 23, 2014.

DATES: Comments must be submitted on or before August 6, 2014.

FOR FURTHER INFORMATION CONTACT: Barbara Jackson, 202–366–0615, Office of Management and Administrative Services, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 2133–0543.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: The information collection activity was published on April 23, 2014 (**Federal Register** 22757–22758, Vol. 79, No. 78) will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

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

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Estimated Number of Respondents: 8696.

Estimated Number of Responses: 8696.

Annual Estimated Total Annual Burden Hours: 1499.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW., Washington, DC 20503.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.

Dated: June 30, 2014.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2014–15755 Filed 7–3–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

[Docket No. DOT–MARAD 2014–0096]

Agency Requests for Renewal of a Previously Approved Information Collection(s): Determination of Fair and Reasonable Rates for the Carriage of Bulk and Package Preference Cargoes on U.S.-Flag Commercial Vessels

AGENCY: MARAD, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Department of Transportation (DOT) invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995, Public Law 104–13.

DATES: Written comments should be submitted by September 5, 2014.

ADDRESSES: You may submit comments [identified by Docket No. DOT–OST–2014–0096] through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Albert Bratton, Telephone Number: (202) 366–5769, Office of Business Finance, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2133–0514.

Title: Determination of Fair and Reasonable Rates for the Carriage of Bulk and Package Preference Cargoes on U.S.-Flag Commercial Vessels.

Form Numbers: MA–1025, MA–1026, and MA–172.

Type of Review: Renewal of an information collection.

Background: This collection of information requires U.S.-flag operators to submit annual vessel operating costs and capital costs data to Maritime Administration officials. The information is used by the Maritime Administration in determining fair and reasonable guideline rates for the carriage of preference cargoes on U.S.-flag vessels. In addition, U.S.-flag vessel

operators are required to submit Post Voyage Reports to the Maritime Administration after completion of a cargo preference voyage.

Respondents: U.S. citizens who own and operate U.S.-flag vessels.

Number of Respondents: 51.

Frequency: Annually.

Number of Responses: 102.

Total Annual Burden: 306.

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 the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department 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.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.

Dated: June 30, 2014.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2014–15753 Filed 7–3–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

[Docket No. DOT–MARAD 2014–0097]

Agency Requests for Renewal of a Previously Approved Information Collection(s): Procedures for Determining Vessel Services Categories for Purposes of the Cargo Preference Act

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments

SUMMARY: The Maritime Administration (MARAD) invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew a previously approved information collection that is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995, Public Law 104–13.

DATES: Written comments should be submitted by September 5, 2014.

ADDRESSES: You may submit comments [identified by Docket No. DOT–MARAD–2014–0097] through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Dennis Brennan, 202–366–1029, Office of Cargo and Commercial Sealift, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey, Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2133–0540.

Title: Procedures for Determining Vessel Services Categories for Purposes of the Cargo Preference Act.

Form Numbers: None.

Type of Review: Renewal of an information collection.

Background: The purpose is to provide information to be used in the designation of service categories of individual vessels for purposes of compliance with the Cargo Preference Act under a Memorandum of Understanding entered into by the U.S. Department of Agriculture, U.S. Agency for International Development, and the Maritime Administration. MARAD will use the data submitted by vessel operators to create a list of Vessel Self-Designations and determine whether MARAD agrees or disagrees with a vessel owner's designation of a vessel.

Respondents: Owners or operators of U.S.-registered vessels and foreign-registered vessels.

Number of Respondents: 100.

Frequency: Annually.

Number of Responses: 100.

Total Annual Burden: 800 Hours/8 hours per Respondent.

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 the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department 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.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.

Dated: June 30, 2014.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2014–15750 Filed 7–3–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2014–0098]

Inventory of U.S.-Flag Launch Barges

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Inventory of U.S.-Flag Launch Barges.

SUMMARY: The Maritime Administration is updating its inventory of U.S.-flag launch barges. Additions, changes and comments to the list are requested. Launch barge information may be found at *http://www.marad.dot.gov/ships_shipping_landing_page/domestic_shipping/launch_barge_program/Launch_Barge_Program.htm.*

DATES: Any comments on this inventory should be submitted in writing to the contact person by August 6, 2014.

FOR FURTHER INFORMATION CONTACT: Michael Hokana, Office of Cargo Preference and Domestic Trade, Maritime Administration, MAR–730, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone 202–366–0760; email: *Michael.Hokana@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 46 CFR Part 389 (Docket No. MARAD–2008–0045) Determination of Availability of Coastwise-Qualified Vessels for the Transportation of Platform Jackets, the Final Rule requires that the Maritime Administration publish a notice in the **Federal Register** requesting that owners or operators (or potential owners or operators) of coastwise qualified launch barges notify us of:

(1) Their interest in participating in the transportation and, if needed, the launching or installation of offshore platform jackets; (2) the contact information for their company; and, (3) the specifications of any currently owned or operated coastwise qualified launch barges or plans to construct same. In addition, we are also seeking information on non-coastwise qualified (U.S.-flag) launch barges as well.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the

comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: June 30, 2014.

Christine Gurland,

Acting Secretary, Maritime Administration.

REPORTED U.S.-FLAG LAUNCH BARGES

Vessel name	Owner	Built	Length (ft.)	Beam (ft.)	DWT (ft.)	Approx launch capacity (L.T.)	Coastwise qualified
455 4	Crowley Marine Services	2009	400	105	19,226	18,766	X
455 5	Crowley Marine Services	2009	400	105	19,226	18,766	X
455 6	Crowley Marine Services	2009	400	105	19,226	18,766	X
455 7	Crowley Marine Services	2009	400	105	19,226	18,766	X
455 8	Crowley Marine Services	2010	400	105	19,226	18,766	X
455 9	Crowley Marine Services	2010	400	105	19,226	18,766	X
Barge 400L	Crowley Marine Services	1997	400	100	19,646	19,146	X
Barge 410	Crowley Marine Services	1974	400	99.5	12,035	11,535	X
Barge 455–3	Crowley Marine Services	2008	400	105	19,226	18,766	X
Barge 500–1	Crowley Marine Services	1982	400	105	16,397	15,897	X
Julie B	Crowley Marine Services	2008	400	130	23,600	23,100	X
Marty J	Crowley Marine Services	2008	400	105	19,226	18,766	X
MWB 403	HMC Leasing, Inc.	1979	400	105	16,322	6,800	X
INTERMAC 600	J. Ray McDermott, Inc.	1973	500	120	32,290	15,600	
McDermott Tidelands 020	J. Ray McDermott, Inc.	1980	240	72	5,186	5,000	X
McDermott Tidelands 021	J. Ray McDermott, Inc.	1980	240	72	4,700	2,200	X
McDermott Tidelands 021	J. Ray McDermott, Inc.	1981	240	72	5,186	5,000	X
McDermott Tidelands No. 012	J. Ray McDermott, Inc.	1973	240	72.2	4,217	4,000	X
McDermott Tidelands No. 014	J. Ray McDermott, Inc.	1973	240	72.2	4,217	4,000	X
MARMAC 11	McDonough Marine Service	1994	250	72	4,743	4,200	X
MARMAC 12	McDonough Marine Service	1994	250	72	4,743	4,200	X
MARMAC 15	McDonough Marine Service	1995	250	72	4,743	4,200	X
MARMAC 16	McDonough Marine Service	1995	250	72	4,743	4,200	X
MARMAC 17	McDonough Marine Service	1997	250	72	4,743	4,200	X
MARMAC 18	McDonough Marine Service	1998	250	72	4,743	4,200	X
MARMAC 19	McDonough Marine Service	1999	250	72	4,743	4,200	X
MARMAC 20	McDonough Marine Service	1999	250	72	4,743	4,200	X
MARMAC 21	McDonough Marine Service	2002	260	72	5,163	4,500	X
MARMAC 22	McDonough Marine Service	2003	260	72	5,082	4,500	X
MARMAC 23	McDonough Marine Service	2009	260	72	5,082	4,500	X
MARMAC 24	McDonough Marine Service	2010	260	72	5,082	4,500	X
MARMAC 25	McDonough Marine Service	2010	260	72	5,082	4,500	X
MARMAC 300	McDonough Marine Service	1998	300	100	10,105	9,500	X
MARMAC 301	McDonough Marine Service	1996	300	100	9,553	9,000	X
MARMAC 3018	McDonough Marine Service	1996	318	95′-9″	10,046	9,500	
MARMAC 400	McDonough Marine Service	2001	400	99′-9″	11,272	10,500	X
MARMAC 9	McDonough Marine Service	1993	250	72	4,743	4,200	X
COLUMBIA NORFOLK	Moran Towing	1982	329′ 3½″	78	8,036	8,000	X
FAITHFUL SERVANT	Puglia Engineering, Inc.	1979	492	131	23,174	23,000	
ATLANTA BRIDGE	Trailer Bridge, Inc.	1998	402	100	6,017	6,017	X
BROOKLYN BRIDGE	Trailer Bridge, Inc.	1998	402	100	6,017	6,017	X
CHARLOTTE BRIDGE	Trailer Bridge, Inc.	1998	402	100	6,017	6,017	X
CHICAGO BRIDGE	Trailer Bridge, Inc.	1998	402	100	6,017	6,017	X
MEMPHIS BRIDGE	Trailer Bridge, Inc.	1998	402	100	6,017	6,017	X

[FR Doc. 2014–15757 Filed 7–3–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2014 0100]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel TRESOR; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before August 6, 2014.

ADDRESSES: Comments should refer to docket number MARAD–2014–0100.

Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel TRESOR is:

Intended Commercial Use of Vessel: ''Private use and occasional small intimate charters''.

Geographic Region: ''Illinois, Wisconsin, Indiana, Michigan.'' The complete application is given in DOT docket MARAD–2014–0100 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: June 30, 2014.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2014–15758 Filed 7–3–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2014 0099]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel GYPSY; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before August 6, 2014.

ADDRESSES: Comments should refer to docket number MARAD–2014–0099. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel GYPSY is:

Intended Commercial Use of Vessel: ''Half Day and Full Day Sailing Charters. Optional Overnight Charters for guests requesting a longer experience.''

Geographic Region: ''Maine.''

The complete application is given in DOT docket MARAD–2014–0099 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: June 30, 2014.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2014–15752 Filed 7–3–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2014–0081]

Reports, Forms, and Recordkeeping Requirements: Agency Information Collection Activity

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

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the

public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections. This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before September 5, 2014.

ADDRESSES: Refer to the docket notice number cited at the beginning of this notice and send your 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 Ave. 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 Ave. SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and docket number. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act discussion below. We will consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, we will also consider comments filed after the closing date.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* at any time or to 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. Telephone: (202) 366–9826.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.dot.gov/privacy.html.*

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at 1200 New Jersey Ave. SE., Washington, DC 20590. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR part 512).

FOR FURTHER INFORMATION CONTACT: Charlene Doyle., Contracting Officer's Technical Representative, Office of Regulatory Analysis and Evaluation, National Highway Traffic Safety Administration, 1200 New Jersey Ave. SE., NVS–431, Washington, DC 20590. Ms. Doyle's phone number is 202–366–1276 and her email address is *charlene.doyle@dot.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following: (i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) How to enhance the quality, utility, and clarity of the information to be collected; and (iv) How to minimize the burden of the collection of information on those who are 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. In compliance with these requirements, NHTSA asks public comment on the following proposed collection of information:

Title: Tire Pressure Monitoring System—Outage Rates and Repair Costs Study (TPMS–ORRC)

Type of Request: Reinstatement, with change, of a previously approved collection for which approval has expired.

OMB Clearance Number: 2127–0626

Form Number: This collection of information uses no standard forms.

Required Expiration Date of Approval: Three years from the date of approval by OMB (i.e., estimated date of January 2018).

Abstract. Improperly inflated tires pose a safety risk, increasing the chance of skidding, hydroplaning, longer stopping distances, and crashes due to flat tires and blowouts. Section 13 of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, which Congress passed on November 1, 2000, directed NHTSA to conduct rulemaking actions to revise and update the Federal motor vehicle safety standards for tires, to improve labeling on tires, and to require a system in new motor vehicles that warns the operator when a tire is significantly underinflated.

Tire Pressure Monitoring Systems (TPMS) were mandated in Federal Motor Vehicle Safety Standard (FMVSS) No. 138, so that drivers are warned when the pressure in one or more of the vehicle's tires has fallen to 25 percent or more below the placard pressure, or a minimum level of pressure specified in the standard, whichever pressure is higher, and may be informed about which of the four tires is underinflated. As of September 1, 2007, after a phase-in period beginning on October 5, 2005, TPMS was required on all new light vehicles (i.e., passenger cars, trucks, multipurpose passenger vehicles, and buses with a gross vehicle weight rating of 10,000 pounds or less, except those vehicles with dual wheels on an axle).

Executive Order 12866 requires Federal agencies to evaluate their existing regulations and programs and measure their effectiveness in achieving their objectives. Since the phase-in of TPMS, there has been only one evaluation of TPMS. The TPMS–SS (OMB #2127–0626) was conducted in 2011, as a special study through the infrastructure of the National Automotive Sampling System (NASS), to collect nationally representative data on how effective TPMS was in reducing underinflation in the on-road fleet of passenger vehicles. Analysis of the survey results indicated that direct

TPMS is 55.6-percent effective at preventing severe underinflation as defined in FMVSS No. 138. However, effectiveness was substantially lower in vehicles that were 6–7 years old at the time of the survey. One explanation as to why this is true was the possibility that the drivers of these older vehicles were not taking all the maintenance actions (e.g., adding TPMS sensors to new vehicle tires, replacing non-functioning sensors on current tires, having the system properly re-set when needed) that were needed in order to insure that they had functioning TPMS. Relevant data is needed to examine why the effectiveness of TPMSs in older vehicles is reduced and what can be done to increase it.

Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information): This information collection will be completed via three separate surveys:

Field Survey of Drivers and Vehicles. A survey of convenience, conducted in eight sites (two sites in each of 4 states—Colorado, Texas, Washington, Virginia), will collect 7,000 inspections of passenger vehicles of all model years from 2004 through the latest model year, as well as interviews of drivers of these vehicles. Focus will be on assessing the operating status of the TPMS in these vehicles and interviewing driver with and without operating TPMSs, regarding their knowledge about and habits related to the TPMS in their vehicle. Data collection is expected to take place over a six month period in the spring and summer of 2015, mainly at gas stations.

Suppliers Survey. Major suppliers of TPMS sensors and systems will be interviewed. Focus will be on TPMS repair and maintenance issues, as well as cost factors. Data collection is expected to take place early 2015 via a combination of telephone interviews, email, mail, and fax.

Repair Facilities Survey. A sample of 500 repair/maintenance facilities (e.g., automobile dealerships, tire chain stores, small service stations with attached repair shops) will be selected for a Computer-Assisted Telephone Interview (CATI), with the option of responding by mail, based upon the respondent's preference. Focus will be on assessing the lifespan of TPMS, common sources of TPMS malfunction, typical costs to repair/replace malfunctioning systems, and the factors considered by customers when deciding whether to repair or replace TPMSs that are not working. Data collection is expected to take place early 2015 mostly via telephone interviews.

Estimate of the Total Annual Reporting and Recordkeeping Burden Resulting From the Collection of Information: The total annual reporting and recordkeeping burden resulting from this collection of information is estimated to be 1,565 hours, as outlined below.

Field Survey of Drivers and Vehicles. NHTSA estimates that the average time to collect vehicle and driver data will be slightly over 10 minutes for each interview for the 7,000 survey respondents. Some additional time will be needed to conduct a pilot study and to describe the study to drivers who do not end up participating in the study. Consequently, the total respondent burden hours is estimated to be 1,365 hours. The respondents would not incur any reporting or record keeping costs from the information collection. For the drivers survey, respondents will be asked questions regarding their TPMSs, and all responses will be provided spontaneously. For the vehicle inspection, data will be obtained via observation.

Suppliers Survey. NHTSA estimates that the average time to collect data on the cost of TPMS parts and systems will be slightly over 20 minutes for each interview for the 45 respondents. Consequently, the total respondent burden hours is estimated to be 17 hours. The respondents would not incur any reporting or record keeping costs from the information collection. Information is only requested about records that the respondents already are keeping for their own purposes.

Repair Facilities Survey. NHTSA estimates that the average time to collect data on the types and costs of repairing TPMS will be slightly over 20 minutes for each interview for the 500 respondents. Consequently, the total respondent burden hours is estimated to be 183 hours. The respondents would not incur any reporting or record keeping costs from the information collection. Information is only requested about records that the respondents already are keeping for their own purposes.

Authority: The Paperwork Reduction Act, 44 U.S.C. chap. 35, as amended; and 49 CFR 1.95.

Terry T. Shelton,

Associate Administrator, National Center for Statistics and Analysis.

[FR Doc. 2014–15782 Filed 7–3–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2014–0055; Notice 1]

Harley-Davidson Motor Company, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

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

ACTION: Receipt of Petition.

SUMMARY: Harley-Davidson Motor Company, Inc. (Harley-Davidson) has determined that certain model year (MY) 2009–2014 Harley-Davidson FL Touring family motorcycles do not fully comply with paragraph S6.1.3 of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, reflective devices, and associated equipment.* Harley-Davidson has filed an appropriate report dated April 7, 2014, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.*

DATES: The closing date for comments on the petition is August 6, 2014.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to: 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 Deliver:* Deliver comments by hand to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by: Logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/.* Follow the online instructions for submitting comments. Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive

confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

SUPPLEMENTARY INFORMATION:

I. Harley-Davidson's Petition

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Harley-Davidson submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Harley-Davidson's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. Vehicles Involved

Affected are approximately 343,680 MY 2009–2014 Harley-Davidson FL Touring family motorcycles manufactured between June 10, 2008 and March 25, 2014.

III. Noncompliance

Harley-Davidson explains that the noncompliance is that the location of the rear reflex reflectors on the subject vehicles are mounted between an average of 0.3'' and 0.7'' below the required 15'' height-above-road surface as required by paragraph S6.1.3 of FMVSS No. 108.

IV. Rule Text

Paragraph S6.1.3.1 of FMVSS No. 108 requires in pertinent part:

S6.1.3.1 Each lamp, reflective device, and item of associated equipment must be securely mounted on a rigid part of the vehicle, other than glazing, that is not designed to be removed except for repair, within the mounting location and height limits as specified in Table I, and in a location where it complies with all applicable photometric requirements, effective projected luminous lens area requirements, and visibility requirements with all obstructions considered.

V. Summary of Harley-Davidson's Analyses

Harley-Davidson stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

- Harley-Davidson had a third-party conduct testing on the subject motorcycles and reflex reflectors and they exhibited no reduction in conspicuity as compared to compliant vehicles. The independent company tested five test heights, for a test range of 11''-15'' height above-road surface, and all five tests far exceeded the minimum required values at each of the 10 test points specified in Table XVI. Due to the substantial safety margin designed into these reflex reflectors, photometry remained well above the minimums even when mounted a full 4'' inches below the minimum mounting height.
- Harley-Davidson believes that the lower mounting height of these reflectors may actually increase conspicuity and motor vehicle safety compared to fully compliant (higher mounted) reflectors.
- Harley-Davidson notes that the United Nations ECE regulations specify a minimum mounting height of 9.84'' (240mm). And further notes that in one study of daytime side vehicle conspicuity of motorcycles, NHTSA's researchers concluded that the mounting height of the side reflex reflectors (12 inches vs 15 inches) was an ''insignificant'' factor for vehicle identification distance.
- Harley-Davidson further states that under FMVSS No. 108, tail lamps and license plate lamps on motorcycles are required to be illuminated whenever the headlamp is activated. And that since all Harley-Davidson models are equipped with automatic headlights on (AHO) functionality, the headlamps and tail lamps are automatically illuminated when the ignition is in the on position, thus providing conspicuity during daylight and darkness while the motorcycle is operating.

Harley-Davidson also made reference to a withdrawal of rulemaking regarding a lower height for reflex reflectors.

Harley-Davidson has additionally informed NHTSA that it has corrected the noncompliance so that all future production motorcycles will comply with FMVSS No. 108.

In summation, Harley-Davidson believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt Harley-Davidson from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject motorcycles that Harley-Davidson no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Harley-Davidson notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8).

Jeffrey M. Giuseppe,

Acting Director, Office of Vehicle Safety Compliance.

[FR Doc. 2014–15797 Filed 7–3–14; 8:45 am]

BILLING CODE 4910–59–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Meetings to Prepare the 2014 Annual Report to Congress; Advisory Committee: U.S.-China Economic and Security Review Commission

ACTION: Notice of open meetings to be held in Washington, DC as follows: (1) Review and edit drafts of 2014 Annual Report to Congress—July 14–15, August 18–19, September 22–23, and October 06–07, 2014.

SUMMARY: Notice is hereby given of meetings of the U.S.-China Economic and Security Review Commission.

Name: Dennis C. Shea, Chairman of the U.S.-China Economic and Security Review Commission.

The Commission is mandated by Congress to investigate, assess, evaluate and report to Congress annually on the U.S.-China economic and security relationship. The mandate specifically charges the Commission to prepare a report to Congress ''regarding the national security implications and impact of the bilateral trade and economic relationship between the United States and the People's Republic of China [that] shall include a full analysis, along with conclusions and recommendations for legislative and administrative actions . . .''

Purpose of Meetings:

Pursuant to this mandate, members of the Commission will meet in Washington, DC on July 14–15, August 18–19, September 22–23, and October 06–07, 2014 to review and edit drafts of the 2014 Annual Report to Congress.

The Commission is subject to the Federal Advisory Committee Act (FACA) with the enactment of the Science, State, Justice, Commerce and Related Agencies Appropriations Act, 2006 that was signed into law on November 22, 2005 (Pub. L. 109–108). In accordance with FACA, the Commission's meeting to make decisions concerning the substance and recommendations of its 2014 Annual Report to Congress are open to the public.

Topics To Be Discussed:

The Commissioners will be considering draft report sections addressing the following topics:

- U.S.-China Economic and Trade Relations, including: U.S.-China Trade and Economic Developments in 2014; U.S.-China Bilateral Trade and Economic Challenges; China's Health Care and Pharmaceutical Industries; and U.S.-China Clean Energy Cooperation.
- Military and Security Issues Involving China, including: China Security Developments in 2014; China's Military Modernization, and China's Internal Security.
- China and the world, including: The Evolving Security Architecture in Asia; China and the Korean Peninsula; Taiwan, and Hong Kong.

Dates, Times, And Room Locations (Eastern Daylight Time):

- Monday and Tuesday, *July 14–15, 2014* (9:00 a.m. to 5:00 p.m.)—Room 231 and 333
- Monday and Tuesday, *August 18–19, 2014* (9:00 a.m. to 5:00 p.m.)—Room 231
- Monday and Tuesday, *September 22–23, 2014* (9:00 a.m. to 5:00 p.m.)—Room 231
- Monday and Tuesday, *October 06–07, 2014* (9:00 a.m. to 5:00 p.m.)—Room 231

ADDRESSES:

All report review-editing sessions will be held in The Hall of the States (North Bldg., 2nd or 3rd Floor), located at 444 North Capitol Street NW., Washington, DC 20001.

Public seating is limited and will be available on a ''first-come, first-served'' basis. *Advanced reservations are not required. All participants must register at the front desk of the lobby.*

Required Accessibility Statement:

The entirety of these Commission editorial and drafting meetings will be open to the public. The Commission may recess the public editorial/drafting sessions to address administrative issues in closed session.

The open meetings will also be adjourned around noon for a lunch break. At the beginning of the lunch break, the Chairman will announce what time the Annual Report review and editing session will reconvene.

FOR FURTHER INFORMATION CONTACT: Reed Eckhold, Congressional Liaison and Director of Communications, U.S.-China Economic and Security Review Commission, 444 North Capitol Street NW., Suite 602, Washington, DC 20001; Phone: (202) 624–1496; Email: *reckhold@uscc.gov.*

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108 (November 22, 2005).

Dated: June 30, 2014.

Michael Danis,

Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2014–15732 Filed 7–3–14; 8:45 am]

BILLING CODE 1137–00–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0510]

Proposed Information Collection (Application for Exclusion of Children's Income) 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. This notice solicits comments on information needed to determine whether children's incomes can be excluded from consideration in determining a parent's eligibility for non-service-connected pension.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 5, 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. 2900–0510'' in any correspondence. During the comment period, comments may be viewed online through 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 Exclusion of Children's Income, VA Form 21–0571.

OMB Control Number: 2900–0510.

Type of Review: Revision of a currently approved collection.

Abstract: The data collected on VA Form 21–0571 is used to determine whether children's income can be excluded from consideration in determining a parent's eligibility for non-service connected pension. A Veteran's or surviving spouse's rate of improved pension is determined by family income. However, children's income may be excluded if it is unavailable or if including that income would cause a hardship.

Affected Public: Individuals or households.

Estimated Annual Burden: 2,025 hours.

Estimated Average Burden per Respondent: 45 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 2,700.

Dated: July 1, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–15780 Filed 7–3–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Health Services Research and Development Service, Scientific Merit Review Board; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the Health Services Research and Development Service Scientific Merit Review Board will conduct in-person and teleconference meetings of its seven Health Services Research (HSR) subcommittees on the dates from 8:00 a.m. to approximately 5:00 p.m. (unless otherwise listed) and at the VHA National Conference Center in Arlington, Virginia:

- HSR 1—Health Care and Clinical Management on August 26–27, 2014;
- HSR 2—Behavioral, Social, and Cultural Determinants of Health and Care on August 26–27, 2014;
- HSR 4—Mental and Behavioral Health on August 26–27, 2014;
- HSR 5—Health Care System Organization and Delivery; Research Methods and Models on August 26–27, 2014;
- Nursing Research Initiative (NRI) from 8:00 a.m. to 12:00 p.m. on Thursday, August 28, 2014;
- HSR 3—Healthcare Informatics on Thursday, August 28, 2014;
- HSR 6—Post-acute and Long-term Care on Thursday, August 28, 2014; and
- HSR 7—Aging and Diminished Capacity in the Context of Aging on Thursday, August 28, 2014.

The purpose of the Board is to review health services research and development applications involving the measurement and evaluation of health care services, the testing of new methods of health care delivery and management, and nursing research. Applications are reviewed for scientific and technical merit, mission relevance, and the protection of human and animal subjects. Recommendations regarding funding are submitted to the Chief Research and Development Officer.

Each subcommittee meeting of the Board will be open to the public the first day for approximately one half-hour at the start of the meeting on August 26–27 (HSR 1, 2, 4, and 5), and on August 28 (NRI and HSR 3, 6, and 7), to cover administrative matters and to discuss the general status of the program. Members of the public who wish to attend the open portion of the subcommittee meetings may dial 1–800–767–1750, participant code 10443.

The remaining portion of each subcommittee meeting will be closed for the discussion, examination, reference to, and oral review of the intramural research proposals and critiques. During the closed portion of each subcommittee meeting, discussion and recommendations will include qualifications of the personnel conducting the studies (the disclosure of which would constitute a clearly unwarranted invasion of personal privacy), as well as research information (the premature disclosure of which would likely compromise significantly the implementation of proposed agency action regarding such research projects). As provided by subsection 10(d) of Public Law 92–463, as amended by Public Law 94–409, closing the meeting is in accordance with 5 U.S.C. 552b(c)(6) and (9)(B).

No oral or written comments will be accepted from the public for either portion of the meetings. Those who plan to participate during the open portion of a subcommittee meeting should contact John Midolo, Designated Federal Officer, Scientific Merit Review Board, Department of Veterans Affairs, Health Services Research and Development Service (10P9H), 810 Vermont Avenue NW., Washington, DC 20420, or email at *John.Midolo@va.gov.* For further information, please call Mr. Midolo at (202) 443–5752.

Dated: July 1, 2014.

Jelessa Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2014–15734 Filed 7–3–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Rehabilitation Research and Development Service Scientific Merit Review Board; Notice of Meetings

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the subcommittees of the Rehabilitation Research and Development Service Scientific Merit Review Board will meet from 8 a.m. to 5 p.m. on the dates indicated below:

Subcommittee	Date(s)	Location
Research Career Scientists	August 1, 2014	*VA Central Office.
Aging & Neurodegenerative Disease	August 5, 2014	VHA National Conference Center.
Psychological Health & Social Reintegration	August 5, 2014	VHA National Conference Center.
Regenerative Medicine	August 5, 2014	VHA National Conference Center.
Brain Injury: TBI & Stroke	August 5–6, 2014	VHA National Conference Center.
Sensory Systems/Communication Disorders	August 6, 2014	VHA National Conference Center.
VA–ORD Historically Black College and University Research Scientist Training Program.	August 6, 2014	*VA Central Office.
Musculoskeletal/Orthopedic Rehabilitation	August 7, 2014	VHA National Conference Center.
Rehabilitation Engineering & Prosthetics/Orthotics	August 7, 2014	VHA National Conference Center.
Spinal Cord Injury	August 7, 2014	VHA National Conference Center.
Career Development Award Program	August 7–8, 2014	VHA National Conference Center.

Subcommittee	Date(s)	Location
Center of Excellence and Research Enhancement Award Program.	September 23, 2014	VHA National Conference Center.

The addresses of the meeting sites are:
(*Teleconference). VA Central Office, 131 M Street NE., Washington, DC 20002.
VHA National Conference Center, 2011 Crystal Drive, Arlington, VA 22202.

The purpose of the Board is to review rehabilitation research and development applications and advise the Director, Rehabilitation Research and Development Service, and the Chief Research and Development Officer on the scientific and technical merit, the mission relevance, and the protection of human and animal subjects.

The subcommittee meetings will be open to the public for approximately one-half hour at the start of each meeting to cover administrative matters and to discuss the general status of the program. Members of the public who wish to attend the open portion of the teleconference sessions may dial 1–800–767–1750, participant code 69510. The remaining portion of each subcommittee meeting will be closed to the public for the discussion, examination, reference to, and oral review of the research applications and critiques. During the closed portion of each subcommittee meeting, discussion and recommendations will include qualifications of the personnel conducting the studies (the disclosure of which would constitute a clearly unwarranted invasion of personal privacy), as well as research information (the premature disclosure of which would likely compromise significantly the implementation of proposed agency action regarding such research projects). As provided by subsection 10(d) of Public Law 92–463, as amended by Public Law 94–409, closing the meeting is in accordance with 5 U.S.C. 552b(c)(6) and (9)(B).

No oral or written comments will be accepted from the public for either portion of the meetings. Those who plan to attend the open portion of a subcommittee meeting should contact Tiffany Asqueri, Designated Federal Officer, Rehabilitation Research and Development Service, at Department of Veterans Affairs (10P9R), 810 Vermont Avenue NW., Washington, DC 20420, or email *tiffany.asqueri@va.gov* at least 5 days before the meeting. For further information, please call Mrs. Asqueri at (202) 443–5757.

Dated: July 1, 2014.

Jelessa Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2014–15733 Filed 7–3–14; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 79 Monday,

No. 129 July 7, 2014

Part II

Department of Health and Human Services

Centers for Medicare & Medicaid Services

42 CFR Parts 409, 424, 484, et al.

Medicare and Medicaid Programs; CY 2015 Home Health Prospective Payment System Rate Update; Home Health Quality Reporting Requirements; and Survey and Enforcement Requirements for Home Health Agencies; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 409, 424, 484, 488, 498

[CMS–1611–P]

RIN 0938–AS14

Medicare and Medicaid Programs; CY 2015 Home Health Prospective Payment System Rate Update; Home Health Quality Reporting Requirements; and Survey and Enforcement Requirements for Home Health Agencies

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

ACTION: Proposed rule.

SUMMARY: This proposed rule would update the Home Health Prospective Payment System (HH PPS) rates, including the national, standardized 60-day episode payment rates, the national per-visit rates, and the non-routine medical supply (NRS) conversion factor under the Medicare prospective payment system for home health agencies (HHAs), effective January 1, 2015. As required by the Affordable Care Act, this rule implements the second year of the four-year phase-in of the rebasing adjustments to the HH PPS payment rates. This rule provides information on our efforts to monitor the potential impacts of the rebasing adjustments and the Affordable Care Act mandated face-to-face encounter requirement. This rule also proposes: Changes to simplify the face-to-face encounter regulatory requirements; changes to the HH PPS case-mix weights; changes to the home health quality reporting program requirements; changes to simplify the therapy reassessment timeframes; a revision to the Speech-Language Pathology (SLP) personnel qualifications; minor technical regulations text changes; and limitations on the reviewability of the civil monetary penalty provisions. Finally, this proposed rule also discusses Medicare coverage of insulin injections under the HH PPS, the delay in the implementation of ICD–10–CM, and solicits comments on a HH value-based purchasing (HH VBP) model.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on September 2, 2014.

ADDRESSES: In commenting, please refer to file code CMS–1611–P. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the instructions under the ''More Search Options'' tab.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–1611–P, 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–1611–P, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* If you prefer, you may deliver (by hand or courier) your written comments before the close of the comment period to either of 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.)

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, please call (410) 786–7195 in advance to schedule your arrival with one of our staff members.

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Hillary Loeffler, (410) 786–0456, for general information about the HH PPS.

Joan Proctor, (410) 786–0949, for information about the HH PPS Grouper, ICD–9–CM coding, and ICD–10–CM Conversion.

Kristine Chu, (410) 786–8953, for information about rebasing and the HH PPS case-mix weights.

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Caroline Gallaher, (410) 786–8705, for information about the HH quality reporting program.

Lori Teichman, (410) 786–6684, for information about HHCAHPS.

Peggye Wilkerson, (410) 786–4857, for information about survey and enforcement requirements for HHAs.

Robert Flemming, (410) 786–4830, for information about the HH VBP model.

Danielle Shearer, (410) 786–6617, for information about SLP personnel qualifications.

SUPPLEMENTARY INFORMATION:

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. EST. To schedule an appointment to view public comments, phone 1–800–743–3951.

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Acronyms

In addition, because of the many terms to which we refer by abbreviation in this proposed rule, we are listing these abbreviations and their corresponding terms in alphabetical order below:

ACH LOS Acute Care Hospital Length of Stay
ADL Activities of Daily Living
APU Annual Payment Update
BBA Balanced Budget Act of 1997, Pub. L. 105–33
BBRA Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, Pub. L. 106–113
CAD Coronary Artery Disease
CAH Critical Access Hospital
CBSA Core-Based Statistical Area
CASPER Certification and Survey Provider Enhanced Reports
CHF Congestive Heart Failure
CMI Case-Mix Index
CMP Civil Money Penalty
CMS Centers for Medicare & Medicaid Services
CoPs Conditions of Participation
COPD Chronic Obstructive Pulmonary Disease
CVD Cardiovascular Disease
CY Calendar Year
DM Diabetes Mellitus
DRA Deficit Reduction Act of 2005, Pub. L. 109–171, enacted February 8, 2006
FDL Fixed Dollar Loss
FI Fiscal Intermediaries
FR Federal Register
FY Fiscal Year
HAVEN Home Assessment Validation and Entry System
HCC Hierarchical Condition Categories
HCIS Health Care Information System
HH Home Health
HHA Home Health Agency
HHCAHPS Home Health Care Consumer Assessment of Healthcare Providers and Systems Survey
HH PPS Home Health Prospective Payment System
HHRG Home Health Resource Group
HIPPS Health Insurance Prospective Payment System
ICD–9–CM International Classification of Diseases, Ninth Revision, Clinical Modification
ICD–10–CM International Classification of Diseases, Tenth Revision, Clinical Modification
IH Inpatient Hospitalization
IRF Inpatient Rehabilitation Facility
LTCH Long-Term Care Hospital
LUPA Low-Utilization Payment Adjustment
MEPS Medical Expenditures Panel Survey
MMA Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Pub. L. 108–173, enacted December 8, 2003
MSA Metropolitan Statistical Area
MSS Medical Social Services
NQF National Quality Forum
NRS Non-Routine Supplies
OASIS Outcome and Assessment Information Set
OBRA Omnibus Budget Reconciliation Act of 1987, Pub. L. 100–2–3, enacted December 22, 1987
OCESAA Omnibus Consolidated and Emergency Supplemental Appropriations Act, Pub. L. 105–277, enacted October 21, 1998
OES Occupational Employment Statistics
OIG Office of Inspector General
OT Occupational Therapy
OMB Office of Management and Budget
MFP Multifactor productivity
PAMA Protecting Access to Medicare Act of 2014
PAC–PRD Post-Acute Care Payment Reform Demonstration
PEP Partial Episode Payment Adjustment
PT Physical Therapy
QAP Quality Assurance Plan
PRRB Provider Reimbursement Review Board
RAP Request for Anticipated Payment
RF Renal Failure
RFA Regulatory Flexibility Act, Pub. L. 96–354
RHHIs Regional Home Health Intermediaries
RIA Regulatory Impact Analysis
SAF Standard Analytic File
SLP Speech-Language Pathology
SN Skilled Nursing
SNF Skilled Nursing Facility
UMRA Unfunded Mandates Reform Act of 1995.

I. Executive Summary

A. Purpose

This proposed rule would update the payment rates for HHAs for calendar year (CY) 2015, as required under section 1895(b) of the Social Security Act (the Act). This would reflect the second year of the four-year phase-in of the rebasing adjustments to the national, standardized 60-day episode payment rate, the national per-visit rates, and the NRS conversion factor finalized in the CY 2014 HH PPS final rule (78 FR 72256), required under section 3131(a) of the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111–148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) (collectively referred to as the ''Affordable Care Act''). Updates to payment rates under the HH PPS would also include a proposal to change the home health wage index to incorporate the new Office of Management and Budget (OMB) core-based statistical area (CBSA) definitions and updates to the payment rates by the home health payment update percentage, which would reflect the productivity adjustment mandated by 3401(e) of the Affordable Care Act.

This proposed rule also discusses: Our efforts to monitor the potential

impacts of the Affordable Care Act mandated rebasing adjustments and the face-to-face encounter requirement (sections 3131(a) and 6407, respectively, of the Affordable Care Act); coverage of insulin injections under the HH PPS; and the delay in the implementation of the International Classification of Diseases, 10th Edition, Clinical Modification (ICD–10–CM) as a result of recent Congressional action (section 212 of the Protecting Access to Medicare Act, Public Law 113–93 (''PAMA'')). This proposed rule also proposes changes to simplify the regulations at § 424.22(a)(1)(v) that govern the face-to-face encounter requirement mandated by section 6407 of the Affordable Care Act; changes to the HH PPS case-mix weights under section 1895(b)(4)(A)(i) and (b)(4)(B) of the Act; changes to the home health quality reporting program requirements under section 1895(b)(3)(B)(v)(II) of the Act; changes to simplify the therapy reassessment timeframes specified in regulation at § 409.44(c)(2)(C) and (D); a revision to the personnel qualifications for SLP at § 484.4; and minor technical regulations text changes at § 424.22(b)(1) and § 484.250(a)(1). This proposed rule would also place limitations on the reviewability of CMS's decision to impose a civil monetary penalty for noncompliance with federal participation requirements. Finally, the proposed rule discusses and solicits comments on a HH VBP model.

B. Summary of the Major Provisions

As required by section 3131(a) of the Affordable Care Act and finalized in the CY 2014 HH final rule, ''Medicare and Medicaid Programs; Home Health Prospective Payment System Rate Update for CY 2014, Home Health Quality Reporting Requirements, and Cost Allocation of Home Health Survey Expenses'' (78 FR 77256, December 2, 2013), we are implementing the second year of the four-year phase-in of the rebasing adjustments to the national, standardized 60-day episode payment amount, the national per-visit rates and the NRS conversion factor in section III.D.4. The rebasing adjustments for CY 2015 would reduce the national, standardized 60-day episode payment amount by $80.95, increase the national per-visit payment amounts by 3.5 percent of the national per-visit payment amounts in CY 2010 with the increases ranging from $6.34 for medical social services to $1.79 for home health aide services as described in section III.A, and reduce the NRS conversion factor by 2.82 percent.

This proposed rule also discusses our efforts to monitor the potential impacts of the rebasing adjustments and the Affordable Care Act mandated face-to-face encounter requirement in section III.A and, in section III.B. We would propose changes to the face-to-face encounter narrative requirement. In addition, we are proposing that associated physician claims for certification/re-certification of eligibility (patient not present) not be eligible to be paid when a patient does not meet home health eligibility criteria. We would also clarify in sub-regulatory guidance when the face-to-face encounter requirement would be applicable. In section III.C, we are proposing to recalibrate the HH PPS case-mix weights, using the most current cost and utilization data available, in a budget neutral manner. In section III.D.1, we propose to update the payment rates under the HH PPS by the home health payment update percentage of 2.2 percent (using the 2010-based Home Health Agency (HHA) market basket update of 2.6 percent, minus a 0.4 percentage point reduction for productivity as required by 1895(b)(3)(B)(vi)(I) of the Act. In section III.D.3, we propose to update the home health wage index using a 50/50 blend of the existing core-based statistical area (CBSA) designations and the new CBSA designations outlined in a February 28, 2013, Office of Management and Budget (OMB) bulletin, respectively. In section III.E, we propose no changes to the fixed-dollar loss (FDL) and loss-sharing ratios used in calculating high-cost outlier payments under the HH PPS.

This proposed rule also proposes changes to the home health quality reporting program in section III.D.2, including the establishment of a minimum threshold for submission of OASIS assessments for purposes of quality reporting compliance, the establishment of a policy for the adoption of changes to measures that occur in-between rulemaking cycles as a result of the NQF process, and submission dates for the HHCAHPS Survey moving forward through CY 2017. In section III.F, we discuss recent analysis of home health claims identified with skilled nursing visits likely done for the sole purpose of insulin injection assistance, and the lack of any secondary diagnoses on the home health claim to support that the patient was physically or mentally unable to self-inject. We discuss, in section III.G, the delay in the implementation of ICD–10–CM as a result of section 212 of PAMA. In section III.H we seek to simplify the therapy reassessment regulations by proposing that therapy reassessments are to occur every 14 calendar days rather than before the 14th and 20th visits and once every 30 calendar days. Finally, in section III.I, we plan to discuss and solicit comments on an HH VBP model; in section III.J, we propose to revise the personnel qualifications for SLP; in section III.K we are proposing minor technical regulations text changes; and in section III.L we are proposing to place limitations on the reviewability of the civil monetary penalty that is imposed on a HHA for noncompliance with federal participation requirements.

C. Summary of Costs and Transfers

TABLE 1—SUMMARY OF COSTS AND TRANSFERS

Provision Description	Costs	Transfers
CY 2015 HH PPS Payment Rate Update.	A net reduction in burden of $21.55 million associated with certifying patient eligibility for home health services & certification form revisions.	The overall economic impact of this proposed rule is an estimated $58 million in decreased payments to HHAs.

II. Background

A. Statutory Background

The Balanced Budget Act of 1997 (BBA) (Pub. L. 105–33, enacted August 5, 1997), significantly changed the way Medicare pays for Medicare HH services. Section 4603 of the BBA mandated the development of the HH PPS. Until the implementation of the HH PPS on October 1, 2000, HHAs received payment under a retrospective reimbursement system.

Section 4603(a) of the BBA mandated the development of a HH PPS for all Medicare-covered HH services provided under a plan of care (POC) that were paid on a reasonable cost basis by adding section 1895 of the Social Security Act (the Act), entitled ''Prospective Payment For Home Health Services.'' Section 1895(b)(1) of the Act requires the Secretary to establish a HH

PPS for all costs of HH services paid under Medicare.

Section 1895(b)(3)(A) of the Act requires the following: (1) The computation of a standard prospective payment amount include all costs for HH services covered and paid for on a reasonable cost basis and that such amounts be initially based on the most recent audited cost report data available to the Secretary; and (2) the standardized prospective payment amount be adjusted to account for the effects of case-mix and wage levels among HHAs.

Section 1895(b)(3)(B) of the Act addresses the annual update to the standard prospective payment amounts by the HH applicable percentage increase. Section 1895(b)(4) of the Act governs the payment computation. Sections 1895(b)(4)(A)(i) and (b)(4)(A)(ii) of the Act require the standard prospective payment amount to be adjusted for case-mix and geographic differences in wage levels. Section 1895(b)(4)(B) of the Act requires the establishment of an appropriate case-mix change adjustment factor for significant variation in costs among different units of services.

Similarly, section 1895(b)(4)(C) of the Act requires the establishment of wage adjustment factors that reflect the relative level of wages, and wage-related costs applicable to HH services furnished in a geographic area compared to the applicable national average level. Under section 1895(b)(4)(C) of the Act, the wage-adjustment factors used by the Secretary may be the factors used under section 1886(d)(3)(E) of the Act.

Section 1895(b)(5) of the Act gives the Secretary the option to make additions or adjustments to the payment amount otherwise paid in the case of outliers due to unusual variations in the type or amount of medically necessary care. Section 3131(b)(2) of the Patient Protection and Affordable Care Act of 2010 (the Affordable Care Act) (Pub. L. 111–148, enacted March 23, 2010) revised section 1895(b)(5) of the Act so that total outlier payments in a given year would not exceed 2.5 percent of total payments projected or estimated. The provision also made permanent a 10 percent agency-level outlier payment cap.

In accordance with the statute, as amended by the BBA, we published a final rule in the July 3, 2000 **Federal Register** (65 FR 41128) to implement the HH PPS legislation. The July 2000 final rule established requirements for the new HH PPS for HH services as required by section 4603 of the BBA, as subsequently amended by section 5101 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act (OCESAA) for Fiscal Year 1999, (Pub. L. 105–277, enacted October 21, 1998); and by sections 302, 305, and 306 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act (BBRA) of 1999, (Pub. L. 106–113, enacted November 29, 1999). The requirements include the implementation of a HH PPS for HH services, consolidated billing requirements, and a number of other related changes. The HH PPS described in that rule replaced the retrospective reasonable cost-based system that was used by Medicare for the payment of HH services under Part A and Part B. For a complete and full description of the HH PPS as required by the BBA, see the July 2000 HH PPS final rule (65 FR 41128 through 41214).

Section 5201(c) of the Deficit Reduction Act of 2005 (DRA) (Pub. L. 109–171, enacted February 8, 2006) added new section 1895(b)(3)(B)(v) to the Act, requiring HHAs to submit data for purposes of measuring health care quality, and links the quality data submission to the annual applicable percentage increase. This data submission requirement is applicable for CY 2007 and each subsequent year. If an HHA does not submit quality data, the HH market basket percentage increase is reduced by 2 percentage points. In the November 9, 2006 **Federal Register** (71 FR 65884, 65935), we published a final rule to implement the pay-for-reporting requirement of the DRA, which was codified at § 484.225(h) and (i) in accordance with the statute. The pay-for-reporting requirement was implemented on January 1, 2007.

The Affordable Care Act made additional changes to the HH PPS. One of the changes in section 3131 of the Affordable Care Act is the amendment to section 421(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub. L. 108–173, enacted on December 8, 2003) as amended by section 5201(b) of the DRA. The amended section 421(a) of the MMA now requires, for HH services furnished in a rural area (as defined in section 1886(d)(2)(D) of the Act) with respect to episodes and visits ending on or after April 1, 2010, and before January 1, 2016, that the Secretary increase, by 3 percent, the payment amount otherwise made under section 1895 of the Act.

B. System for Payment of Home Health Services

Generally, Medicare makes payment under the HH PPS on the basis of a national standardized 60-day episode payment rate that is adjusted for the applicable case-mix and wage index. The national standardized 60-day episode rate includes the six HH disciplines (skilled nursing, HH aide, physical therapy, speech-language pathology, occupational therapy, and medical social services). Payment for non-routine supplies (NRS) is no longer part of the national standardized 60-day episode rate and is computed by multiplying the relative weight for a particular NRS severity level by the NRS conversion factor (See section II.D.4.e). Payment for durable medical equipment covered under the HH benefit is made outside the HH PPS payment system. To adjust for case-mix, the HH PPS uses a 153-category case-mix classification system to assign patients to a home health resource group (HHRG). The clinical severity level, functional severity level, and service utilization are computed from responses to selected data elements in the OASIS assessment instrument and are used to place the patient in a particular HHRG. Each HHRG has an associated case-mix weight which is used in calculating the payment for an episode.

For episodes with four or fewer visits, Medicare pays national per-visit rates based on the discipline(s) providing the services. An episode consisting of four or fewer visits within a 60-day period receives what is referred to as a low-utilization payment adjustment (LUPA). Medicare also adjusts the national standardized 60-day episode payment rate for certain intervening events that are subject to a partial episode payment adjustment (PEP adjustment). For certain cases that exceed a specific cost threshold, an outlier adjustment may also be available.

C. Updates to the HH PPS

As required by section 1895(b)(3)(B) of the Act, we have historically updated the HH PPS rates annually in the **Federal Register**. The August 29, 2007 final rule with comment period set forth an update to the 60-day national episode rates and the national per-visit rates under the HH PPS for CY 2008. The CY 2008 HH PPS final rule included an analysis performed on CY 2005 HH claims data, which indicated a 12.78 percent increase in the observed case-mix since 2000. Case-mix represents the variations in conditions of the patient population served by the HHAs. Subsequently, a more detailed analysis was performed on the 2005 case-mix data to evaluate if any portion of the 12.78 percent increase was associated with a change in the actual clinical condition of HH patients. We

examined data on demographics, family severity, and non-HH Part A Medicare expenditures to predict the average case-mix weight for 2005. We identified 8.03 percent of the total case-mix change as real, and therefore, decreased the 12.78 percent of total case-mix change by 8.03 percent to get a final nominal case-mix increase measure of 11.75 percent (0.1278 * (1 − 0.0803) = 0.1175).

To account for the changes in case-mix that were not related to an underlying change in patient health status, we implemented a reduction, over 4 years, to the national, standardized 60-day episode payment rates. That reduction was to be 2.75 percent per year for 3 years beginning in CY 2008 and 2.71 percent for the fourth year in CY 2011. In the CY 2011 HH PPS final rule (76 FR 68532), we updated our analyses of case-mix change and finalized a reduction of 3.79 percent, instead of 2.71 percent, for CY 2011 and deferred finalizing a payment reduction for CY 2012 until further study of the case-mix change data and methodology was completed.

In the CY 2012 HH PPS final rule (76 FR 68526), we updated the 60-day national episode rates and the national per-visit rates. In addition, as discussed in the CY 2012 HH PPS final rule (76 FR 68528), our analysis indicated that there was a 22.59 percent increase in overall case-mix from 2000 to 2009 and that only 15.76 percent of that overall observed case-mix percentage increase was due to real case-mix change. As a result of our analysis, we identified a 19.03 percent nominal increase in case-mix. At that time, to fully account for the 19.03 percent nominal case-mix growth identified from 2000 to 2009, we finalized a 3.79 percent payment reduction in CY 2012 and a 1.32 percent payment reduction for CY 2013.

In the CY 2013 HH PPS final rule (77 FR 67078), we implemented a 1.32 percent reduction to the payment rates for CY 2013 to account for nominal case-mix growth from 2000 through 2010. When taking into account the total measure of case-mix change (23.90 percent) and the 15.97 percent of total case-mix change estimated as real from 2000 to 2010, we obtained a final nominal case-mix change measure of 20.08 percent from 2000 to 2010 (0.2390 * (1 − 0.1597) = 0.2008). To fully account for the remainder of the 20.08 percent increase in nominal case-mix beyond that which was accounted for in previous payment reductions, we estimated that the percentage reduction to the national, standardized 60-day episode rates for nominal case-mix change would be 2.18 percent. Although we considered proposing a 2.18 percent reduction to account for the remaining increase in measured nominal case-mix, we finalized the 1.32 percent payment reduction to the national, standardized 60-day episode rates in the CY 2012 HH PPS final rule (76 FR 68532).

Section 3131(a) of the Affordable Care Act requires that, beginning in CY 2014, CMS apply an adjustment to the national, standardized 60-day episode rate and other amounts that reflect factors such as changes in the number of visits in an episode, the mix of services in an episode, the level of intensity of services in an episode, the average cost of providing care per episode, and other relevant factors. Additionally, CMS must phase in any adjustment over a four-year period in equal increments, not to exceed 3.5 percent of the amount (or amounts) as of the date of enactment of the Affordable Care Act, and fully implement the rebasing adjustments by CY 2017. The statute specifies that the maximum rebasing adjustment is to be no more than 3.5 percent per year of the CY 2010 rates. Therefore, in the CY 2014 HH PPS final rule (78 FR 72256) for each year, CY 2014 through CY 2017, we finalized a fixed-dollar reduction to the national, standardized 60-day episode payment rate of $80.95 per year, increases to the national per-visit payment rates per year as reflected in Table 2, and a decrease to the NRS conversion factor of 2.82 percent per year. We also finalized three separate LUPA add-on factors for skilled nursing, physical therapy, and speech-language pathology and removed 170 diagnosis codes from assignment to diagnosis groups in the HH PPS Grouper.

TABLE 2—MAXIMUM ADJUSTMENTS TO THE NATIONAL PER-VISIT PAYMENT RATES

[Not to exceed 3.5 percent of the amount(s) in CY 2010]

	2010 National per-visit payment rates	Maximum adjustments per year (CY 2014 through CY 2017)
Skilled Nursing	$113.01	$3.96
Home Health Aide	51.18	1.79
Physical Therapy	123.57	4.32
Occupational Therapy	124.40	4.35
Speech-Language Pathology	134.27	4.70
Medical Social Services	181.16	6.34

III. Provisions of the Proposed Rule

A. Monitoring for Potential Impacts—Affordable Care Act Rebasing Adjustments and the Face-to-Face Encounter Requirement

1. Affordable Care Act Rebasing Adjustments

As stated in the CY 2014 HH PPS final rule, we plan to monitor potential impacts of rebasing. Although we do not have enough CY 2014 home health claims data to analyze as part of our effort in monitoring the potential impacts of the rebasing adjustments finalized in the CY 2014 HH PPS final rule (78 FR 72293), we have analyzed 2012 home health agency cost report data to determine whether the average cost per episode was higher using 2012 cost report data compared to the 2011 cost report data used in calculating the rebasing adjustments. Specifically, we re-estimated the cost of a 60-day episode using 2012 cost report and 2012 claims data, rather than using 2011 cost report and 2012 claims data. To determine the 2012 average cost per visit per discipline, we applied the same trimming methodology outlined in the CY 2014 HH PPS proposed rule (78 FR 40284) and weighted the costs per visit from the 2012 cost reports by size,

facility type, and urban/rural location so the costs per visit were nationally representative. The 2012 average number of visits was taken from 2012 claims data. We estimate the cost of a 60-day episode to be $2,413.82 using 2012 cost report data (Table 3).

TABLE 3—AVERAGE COSTS PER VISIT AND AVERAGE NUMBER OF VISITS FOR A 60-DAY EPISODE

Discipline	2012 Average costs per visit	2012 Average number of visits	2012 60-day episode costs
Skilled Nursing	$130.49	9.55	$1,246.18
Home Health Aide	61.62	2.60	160.21
Physical Therapy	160.03	4.80	768.14
Occupational Therapy	157.78	1.09	171.98
Speech-Language Pathology	172.08	0.22	37.86
Medical Social Services	210.36	0.14	29.45
Total			2,413.82

Source: FY 2012 Medicare cost report data and 2012 Medicare claims data from the standard analytic file (as of June 2013) for episodes ending on or before December 31, 2012 for which we could link an OASIS assessment.

Using the most current claims data—CY 2013 data (as of December 31, 2013), we re-examined the 2012 visit distribution and re-calculated the 2013 estimated cost per episode using the updated 2013 visit profile. We estimate the 2013 60-day episode cost to be $2,477.01(Table 4).

TABLE 4—2013 ESTIMATED COST PER EPISODE

Discipline	2012 Average costs per visit	2013 Average number of visits	2013 HH market basket	2013 Estimated cost per episode
Skilled Nursing	$130.49	9.30	1.023	$1,241.47
Home Health Aide	61.62	2.42	1.023	152.55
Physical Therapy	160.03	4.99	1.023	816.92
Occupational Therapy	157.78	1.20	1.023	193.69
Speech-Language Pathology	172.08	0.24	1.023	42.25
Medical Social Services	210.36	0.14	1.023	30.13
Total				2,477.01

Source: FY 2012 Medicare cost report data and 2013 Medicare claims data from the standard analytic file (as of December 2013) for episodes ending on or before December 31, 2013 for which we could link an OASIS assessment.

In the CY 2014 HH PPS final rule (78 FR 72277), using 2011 cost report data, we estimated the 2012 60-day episode cost to be about $2,507.83 ($2,453.71 * 0.9981 * 1.024) and the 2013 60-day episode cost to be $2,565.51 ($2,453.71 * 0.9981 * 1.024 * 1.023). Using 2012 cost report data, the 2012 and 2013 estimated cost per episode ($2,413.82 and $2,477.01, respectively) are lower than the episode costs we estimated using 2011 cost report data for the CY 2014 HH PPS final rule. We note that the proposed CY 2015 national, standardized 60-day episode payment rate is $2,922.76 as described in section III.D.4. of this proposed rule.

In the CY 2014 HH PPS final rule, we stated that our analysis of 2011 cost report data and 2012 claims data indicated a need for a −3.45 percent rebasing adjustment to the national, standardized 60-day episode payment rate each year for four years. However, as specified by statute, the rebasing adjustment is limited to 3.5 percent of the CY 2010 national, standardized 60-day episode payment rate of $2,312.94 (74 FR 58106), or $80.95. We stated that given that a −3.45 percent adjustment for CY 2014 through CY 2017 would result in larger dollar amount reductions than the maximum dollar amount allowed under section 3131(a) of the Affordable Care Act of $80.95, we are limited to implementing a reduction of $80.95 (approximately 2.8 percent) to the national, standardized 60-day episode payment amount each year for CY 2014 through CY 2017. Our latest analysis of 2012 cost report data suggests that an even larger reduction (4.29 percent) than the reduction described in the CY 2014 final rule (3.45 percent) would be needed in order to align payments to costs. We will continue to monitor potential impacts of rebasing.

2. Affordable Care Act Face-to-Face Encounter Requirement

Effective January 1, 2011, section 6407 the Affordable Care Act requires that as a condition for payment, prior to certifying a patient's eligibility for the Medicare home health benefit, the physician must document that the physician himself or herself, or an allowed nonphysician practitioner (NPP), as described below, had a face-to-face encounter with the patient. The regulations at 424.22(a)(1)(v) currently require that that the face-to-face encounter be related to the primary reason the patient requires home health services and occur no more than 90 days prior to the home health start of care date or within 30 days of the start of the home health care. In addition, as part of the certification of eligibility, the certifying physician must document the date of the encounter and include an explanation (narrative) of why the clinical findings of such encounter support that the patient is homebound, as defined in subsections 1814(a) and 1835(a) of the Act, and in need of either intermittent skilled nursing services or therapy services, as defined in § 409.42(c). The face-to-face encounter requirement was enacted, in part, to discourage physicians certifying patient eligibility for the Medicare home health benefit from relying solely on

information provided by the HHAs when making eligibility determinations and other decisions about patient care.

In the CY 2011 HH PPS final rule, in which we implemented the face-to-face encounter provision of the Affordable Care Act, some commenters expressed concern that this requirement would diminish access to home health services (75 FR 70427). We examined home health claims data from before implementation of the face-to-face encounter requirement (CY 2010), the year of implementation (CY 2011), and the years following implementation (CY 2012 and CY 2013), to determine whether there were indications of access issues as a result of this requirement. Nationally, utilization held relatively constant between CY 2010 and CY 2011 and decreased slightly in CY 2012 (see Table 5). While Table 5 contains preliminary CY 2013 data, the discussion in this section will focus mostly on CY 2010 through CY 2012 data. We will update our analysis with complete CY 2013 data in the final rule. Between CY 2010 and CY 2011, there was a 0.81 percent decrease in number of episodes, and a 1.37 percent decrease in the number of episodes between CY 2011 and CY 2012. However, there was a 0.51 percent increase in the number of beneficiaries with at least one home health episode between CY 2010 and CY 2011 and between CY 2011 and CY 2012 the number of beneficiaries with at least one episode held relatively constant. Home health users (beneficiaries with at least one home health episode) as a percentage of Part A and/or Part B fee-for-service (FFS) beneficiaries decreased slightly from 9.3 percent in CY 2010 to 9.2 percent in CY 2011to 9.0 percent in CY 2012 and the number of episodes per Part A and/or Part B FFS beneficiaries decreased slightly between CY 2010 and CY 2011, but remained relatively constant 0.18 or 18 episodes per 100 Medicare Part A FFS beneficiaries for CY 2012). We note these observed decreases between CY 2010 and CY 2012, for the most part, are likely the result of increases in FFS enrollment between CY 2010 and CY 2012. Newly eligibly Medicare beneficiaries are typically not of the age where home health services are needed and therefore, without any changes in utilization, we would expect home health users and the number of episodes per Part A and/or B FFS beneficiaries to decrease with an increase in the number of newly enrolled FFS beneficiaries. The number of HHAs providing at least one home health episode increased steadily from CY 2010 through CY 2013 (see Table 5).

TABLE 5—HOME HEALTH STATISTICS, CY 2010 THROUGH CY 2013

	2010	2011	2012	2013 (Preliminary)
Number of episodes	6,833,669	6,821,459	6,727,875	6,600,631
Beneficiaries receiving at least 1 episode (Home Health Users)	3,431,696	3,449,231	3,446,122	3,432,571
Part A and/or B FFS beneficiaries	36,818,078	37,686,526	38,224,640	38,501,512
Episodes per Part A and/or B FFS beneficiaries	0.19	0.18	0.18	0.17
Home health users as a percentage of Part A and/or B FFS beneficiaries	9.3%	9.2%	9.0%	8.9%
HHAs providing at least 1 episode	10,916	11,446	11,746	11,820

Source: National claims history (NCH) data obtained from Chronic Condition Warehouse (CCW)—Accessed on May 14, 2014. Medicare enrollment information obtained from the CCW Master Beneficiary Summary File. Beneficiaries are the total number of beneficiaries in a given year with at least 1 month of Part A or Part B Fee For Service Coverage without having any months of Medicare Advantage Coverage.

Note(s): These results include all episode types (Normal, PEP, Outlier, LUPA) and also include episodes from outlying areas (outside of 50 States and District of Columbia). Only episodes with a through date in the year specified are included. Episodes with a claim frequency code equal to "0" ("Non-payment/zero claims") and "2" ("Interim—first claim") are excluded. If a beneficiary is treated by providers from multiple states within a year the beneficiary is counted within each state's unique number of beneficiaries served.

Although home health utilization at the national level appears to have held relatively constant between CY 2010 and CY 2011 with a slight decrease in utilization in CY 2012, the decrease in utilization in CY 2012 did not occur in all states. For example, the number of episodes increased between CY 2010 and CY 2011 and again, in some instances, between CY 2011 and CY 2012 in Alabama, California, and Virginia, to name a few. The number of episodes per Part A and/or Part B FFS beneficiaries for these states also remained roughly the same between CY 2010 through CY 2012 (see Table 6).

TABLE 6—HOME HEALTH STATISTICS FOR SELECT STATES WITH INCREASING NUMBERS OF HOME HEALTH EPISODES, CY 2010 THROUGH CY 2012

	Year	AL	CA	MA	NJ	VA
Number of Episodes	2010	149,242	428,491	183,271	142,328	142,660
	2011	151,131	451,749	186,849	143,127	149,154
	2012	151,812	477,732	183,625	142,129	154,677
Beneficiaries Receiving at Least 1 Episode (Home Health Users)	2010	68,949	259,013	103,954	95,804	83,933
	2011	70,539	270,259	107,520	97,190	86,796
	2012	71,186	281,023	106,910	96,534	89,879
Part A and/or Part B FFS Beneficiaries	2010	689,302	3,199,845	890,472	1,205,049	1,014,248
	2011	717,413	3,294,574	934,312	1,228,239	1,055,516
	2012	732,952	3,397,936	959,015	1,232,950	1,086,474
Episodes per Part A and/or Part B FFS beneficiaries	2010	0.22	0.13	0.21	0.12	0.14
	2011	0.21	0.14	0.20	0.12	0.14
	2012	0.21	0.14	0.19	0.12	14
Home Health Users as a Percentage of Part A and/or B FFS beneficiaries	2010	10.00%	8.09%	11.67%	7.95%	8.28%

TABLE 6—HOME HEALTH STATISTICS FOR SELECT STATES WITH INCREASING NUMBERS OF HOME HEALTH EPISODES, CY 2010 THROUGH CY 2012—Continued

	Year	AL	CA	MA	NJ	VA
	2011	9.83%	8.20%	11.51%	7.91%	8.22%
	2012	9.71%	8.27%	11.15%	7.83%	8.27%
Providers Providing at Least 1 Episode	2010	148	925	138	49	196
	2011	150	1,013	150	48	209
	2012	148	1,073	160	47	219

Source: National claims history (NCH) data obtained from Chronic Condition Warehouse (CCW)—Accessed on May 14, 2014. Medicare enrollment information obtained from the CCW Master Beneficiary Summary File. Beneficiaries are the total number of beneficiaries in a given year with at least 1 month of Part A or Part B Fee For Service Coverage without having any months of Medicare Advantage Coverage.

Note(s): These results include all episode types (Normal, PEP, Outlier, LUPA) and also include episodes from outlying areas (outside of 50 States and District of Columbia). Only episodes with a through date in the year specified are included. Episodes with a claim frequency code equal to "0" ("Non-payment/zero claims") and "2" ("Interim—first claim") are excluded. If a beneficiary is treated by providers from multiple states within a year the beneficiary is counted within each state's unique number of beneficiaries served.

In general, between CY 2010 and CY 2012 the number of episodes for states with the highest utilization of Medicare home health (as measured by the number of episodes per Part A and/or Part B FFS beneficiary) decreased; however, even with this decrease between CY 2010 and CY 2012, the five states listed in Table 7 continue to be among the states with the highest utilization of Medicare home health nationally (see Figure 1). If we were to exclude the five states listed in Table 7 from the national figures in Table 5, home health users (beneficiaries with at least one home health episode) as a percentage of Part A and/or Part B fee-for-service (FFS) beneficiaries would decrease from to 9.0 percent to 8.1 percent for CY 2012 and the number of episodes per Part A and/or Part B FFS beneficiaries would decrease from 0.18 (or 18 episodes per 100 Medicare Part A and/or Part B FFS beneficiaries) to 0.14 (or 14 episodes per 100 Medicare Part A and/or Part B FFS beneficiaries) for CY 2012. We also note that two of the states with the greatest number of home health episodes per Part A and/or Part B FFS beneficiaries (Table 7 and Figure 1) have areas with suspect billing practices. Moratoria on enrollment of new HHAs, effective January 30, 2014, were put in place for: Miami, FL; Chicago, IL; Fort Lauderdale, FL; Detroit, MI; Dallas, TX; and Houston, TX.

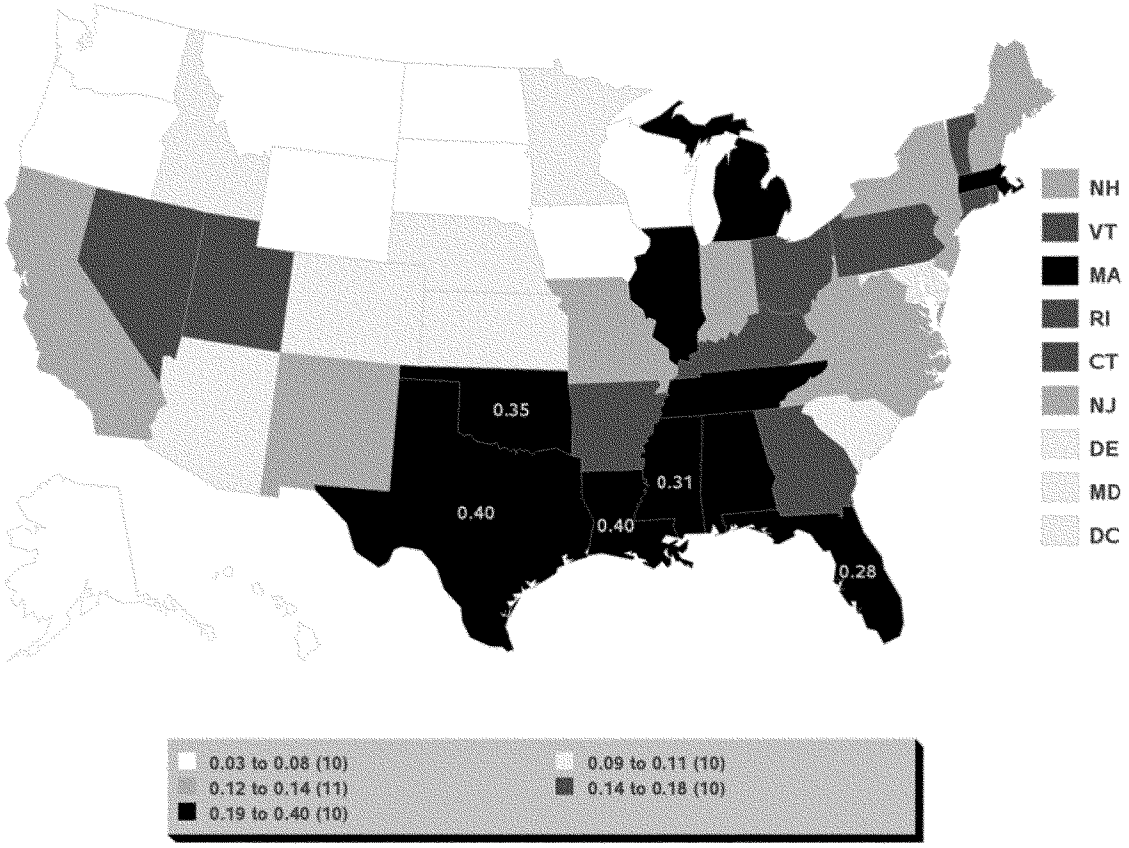
TABLE 7—HOME HEALTH STATISTICS FOR THE STATES WITH THE HIGHEST NUMBER OF HOME HEALTH EPISODES PER PART A AND/OR PART B FFS BENEFICIARIES, CY 2010 THROUGH CY 2012

	Year	TX	FL	OK	MS	LA
Number of Episodes	2010	1,127,852	689,183	208,555	153,169	256,014
	2011	1,107,605	701,426	203,112	153,983	249,479
	2012	1,054,244	691,255	196,887	148,516	230,115
Beneficiaries Receiving at Least 1 Episode (Home Health Users)	2010	366,844	355,181	68,440	55,132	77,976
	2011	363,474	355,900	67,218	55,818	77,677
	2012	350,803	354,838	65,948	55,438	74,755
Part A and/or Part B FFS Beneficiaries	2010	2,500,237	2,422,141	533,792	465,129	544,555
	2011	2,597,406	2,454,124	549,687	476,497	561,531
	2012	2,604,458	2,451,790	558,500	480,218	568,483
Episodes per Part A and/or Part B FFS beneficiaries	2010	0.45	0.28	0.39	0.33	0.47
	2011	0.43	0.29	0.37	0.32	0.44
	2012	0.40	0.28	0.35	0.31	0.40
Home Health Users as a Percentage of Part A and/or Part B FFS Beneficiaries	2010	14.67%	14.66%	12.82%	11.85%	14.32%
	2011	13.99%	14.50%	12.23%	11.71%	13.83%
	2012	13.47%	14.47%	11.81%	11.54%	13.15%
Providers Providing at Least 1 Episode	2010	2,352	1,348	240	53	213
	2011	2,472	1,426	252	51	216
	2012	2,549	1,430	254	48	213

Source: National claims history (NCH) data obtained from Chronic Condition Warehouse (CCW)—Accessed on May 14, 2014. Medicare enrollment information obtained from the CCW Master Beneficiary Summary File. Beneficiaries are the total number of beneficiaries in a given year with at least 1 month of Part A or Part B Fee For Service Coverage without having any months of Medicare Advantage Coverage.

Note(s): These results include all episode types (Normal, PEP, Outlier, LUPA) and also include episodes from outlying areas (outside of 50 States and District of Columbia). Only episodes with a through date in the year specified are included. Episodes with a claim frequency code equal to "0" ("Non-payment/zero claims") and "2" ("Interim—first claim") are excluded. If a beneficiary is treated by providers from multiple states within a year the beneficiary is counted within each state's unique number of beneficiaries served.

Figure 1: Home Health Episodes per Part A and/or Part B FFS Beneficiaries - CY 2012



For CY 2011, in addition to the implementation of the Affordable Care Act face-to-face encounter requirement, HHAs were also subject to new therapy reassessment requirements, payments were reduced to account for increases in nominal case-mix, and the Affordable Care Act mandated that the HH PPS payment rates be reduced by 5 percent to pay up to, but no more than 2.5 percent of total HH PPS payments as outlier payments. The estimated net impact to HHAs for CY 2011 was a decrease in total HH PPS payments of 4.78 percent. Therefore, any changes in utilization between CY 2010 and CY 2011 cannot be solely attributable to the implementation of the face-to-face encounter requirement. For CY 2012 we recalibrated the case-mix weights, including the removal of two hypertension codes from scoring points in the HH PPS Grouper and lowering the case-mix weights for high therapy cases estimated net impact to HHAs, and reduced HH PPS rates in CY 2012 by 3.79 percent to account for additional growth in aggregate case-mix that was unrelated to changes in patients' health status. The estimated net impact to HHAs for CY 2012 was a decrease in total HH PPS payments of 2.31 percent. Again, any changes in utilization between CY 2011 and CY 2012 cannot be solely attributable to the implementation of the face-to-face encounter requirement. Given that a decrease in the number of episodes between CY 2010 and CY 2012 occurred in states that have the highest home health utilization (number of episodes per Part A and/or Part B FFS beneficiaries) and not all states experienced declines in episode volume during that time period, we believe that the implementation of the face-to-face encounter requirement could be considered a contributing factor. We will continue to monitor for potential impacts due to the implementation of the face-to-face encounter requirements and other policy changes in the future. Independent effects of any one policy may be difficult to discern in years where multiple policy changes occur in any given year.

B. Proposed Changes to the Face-to-Face Encounter Requirements

1. Statutory and Regulatory Requirements

As a condition for payment, section 6407 of the Affordable Care Act requires that, prior to certifying a patient's eligibility for the Medicare home health benefit, the physician must document that the physician himself or herself or an allowed nonphysician practitioner (NPP) had a face-to-face encounter with the patient. Specifically, sections 1814(a)(2)(C) and 1835(a)(2)(A) of the Act, as amended by the Affordable Care Act, state that a nurse practitioner or clinical nurse specialist, as those terms are defined in section 1861(aa)(5) of the Act, working in collaboration with the physician in accordance with state law, or a certified nurse-midwife (as defined in section 1861(gg) of the Act) as authorized by state law, or a physician assistant (as defined in section 1861(aa)(5) of the Act) under the supervision of the physician may perform the face-to-face encounter.

The goal of the Affordable Care Act provision was to achieve greater physician accountability in certifying a

patient's eligibility and in establishing a patient's plan of care. We believed this goal could be better achieved if the face-to-face encounter occurred closer to the start of home health care, increasing the likelihood that the clinical conditions exhibited by the patient during the encounter are related to the primary reason the patient comes to need home health care. The certifying physician is responsible for determining whether the patient meets the eligibility criteria (that is, homebound and skilled need) and for understanding the current clinical needs of the patient such that he or she can establish an effective plan of care. As such, CMS regulations at § 424.22(a)(1)(v) require that that the face-to-face encounter be related to the primary reason the patient requires home health services and occur no more than 90 days prior to the home health start of care date or within 30 days of the start of the home health care. In addition, as part of the certification of eligibility, the certifying physician must document the date of the encounter and include an explanation (narrative) of why the clinical findings of such encounter support that the patient is homebound, as defined in sections 1835(a) and 1814(a) of the Act, and in need of either intermittent skilled nursing services or therapy services, as defined in § 409.42(c).

The ''Requirements for Home Health Services'' describes certifying a patient's eligibility for the Medicare home health benefit, and as stated in the ''Content of the Certification'' under § 424.22 (a)(1), a physician must certify that:

- The individual needs or needed intermittent skilled nursing care, physical therapy, and/or speech-language pathology services as defined in § 409.42(c).
- Home health services are or were required because the individual was confined to the home (as defined in sections 1835(a) and 1814(a) of the Act), except when receiving outpatient services.
- A plan for furnishing the services has been established and is or will be periodically reviewed by a physician who is a doctor of medicine, osteopathy, or podiatric medicine (a doctor of podiatric medicine may perform only plan of treatment functions that are consistent with the functions he or she is authorized to perform under state law).[1]
- Home health services will be or were furnished while the individual is or was under the care of a physician who is a doctor of medicine, osteopathy, or podiatric medicine.
- A face-to-face patient encounter occurred no more than 90 days prior to the home health start of care date or within 30 days of the start of the home health care and was related to the primary reason the patient requires home health services. This also includes documenting the date of the encounter and including an explanation of why the clinical findings of such encounter support that the patient is homebound (as defined in § 1835(a) and § 1814(a) of the Act) and in need of either intermittent skilled nursing services or therapy services as defined in § 409.42(c). The documentation must be clearly titled and dated and the documentation must be signed by the certifying physician.

For instances where the physician orders skilled nursing visits for management and evaluation of the patient's care plan,[2] the physician must include a brief narrative that describes the clinical justification of this need and the narrative must be located immediately before the physician's signature. If the narrative exists as an addendum to the certification form, in addition to the physician's signature on the certification form, the physician must sign immediately after the narrative in the addendum.

When there is a continuous need for home health care after an initial 60-day episode of care, a physician is also required to recertify the patient's eligibility for the home health benefit. In accordance with § 424.22 (b), a recertification is required at least every 60 days, preferably at the time the plan is reviewed, and must be signed and dated by the physician who reviews the plan of care. In recertifying the patient's eligibility for the home health benefit, the recertification must indicate the continuing need for skilled services and estimate how much longer the skilled services will be required. The need for occupational therapy may be the basis for continuing services that were initiated because the individual needed skilled nursing care or physical therapy or speech–language pathology services. Again, for instances where the physician ordering skilled nursing visits for management and evaluation of the patient's care plan, the physician must include a brief narrative that describes the clinical justification of this need and the narrative must be located immediately before the physician's signature. If the narrative exists as an addendum to the recertification form, in addition to the physician's signature on the recertification form, the physician must sign immediately after the narrative in the addendum.

In the CY 2012 HH PPS final rule (76 FR 68597), we stated that, in addition to the certifying physician and allowed NPPs (as defined by the Act and outlined above), the physician who cared for the patient in an acute or post-acute care facility from which the patient was directly admitted to home health care, and who had privileges in such facility, could also perform the face-to-face encounter. In the CY 2013 HH PPS final rule (77 FR 67068) we revised our regulations so that an allowed NPP, collaborating with or under the supervision of the physician who cared for the patient in the acute/post-acute care facility, can communicate the clinical findings that support the patient's needs for skilled care and homebound status to the acute/post-acute care physician. In turn, the acute/post-acute care physician would communicate the clinical findings that support the patient's needs for skilled care and homebound status from the encounter performed by the NPP to the certifying physician to document. Policy always permitted allowed NPPs in the acute/post-acute care setting from which the patient is directly admitted to home health care to perform the face-to-face encounter and communicate directly with the certifying physician the clinical findings from the encounter and how such findings support that the patient is homebound and needs skilled services (77 FR 67106).

2. Proposed Changes to the Face-to-Face Encounter Narrative Requirement and Non-Coverage of Associated Physician Certification/Re-Certification Claims

Each year, the CMS' Office of Financial Management (OFM), under the Comprehensive Error Rate Testing (CERT) program, calculates the Medicare Fee-for-Service (FFS) improper payment rate. For the FY 2013

[1] The physician cannot have a financial relationship as defined in § 411.354 of this chapter, with that HHA, unless the physician's relationship meets one of the exceptions in section 1877 of the Act, which sets forth general exceptions to the referral prohibition related to both ownership/investment and compensation; exceptions to the referral prohibition related to ownership or investment interests; and exceptions to the referral prohibition related to compensation arrangements.

[2] Skilled nursing visits for management and evaluation of the patient's care plan are reasonable and necessary where underlying conditions or complications require that only a registered nurse can ensure that essential *unskilled* care is achieving its purpose. For skilled nursing care to be reasonable and necessary for management and evaluation of the patient's plan of care, the complexity of the necessary unskilled services that are a necessary part of the medical treatment must require the involvement of skilled nursing personnel to promote the patient's recovery and medical safety in view of the patient's overall condition (reference § 409.33 and section 40.1.2.2 in Chapter 7 of the Medicare Benefits Policy Manual (Pub. 100–02)).

report period (reflecting claims processed between July 2011 and June 2012), the national Medicare FFS improper payment rate was calculated to be 10.1 percent.[3] For that same report period, the improper payment rate for home health services was 17.3 percent, representing a projected improper payment amount of approximately $3 billion.[4] The improper payments identified by the CERT program represent instances in which a health care provider fails to comply with the Medicare coverage and billing requirements and are not necessarily a result of fraudulent activity.[5]

The majority of home health improper payments were due to ''insufficient documentation'' errors. ''Insufficient documentation'' errors occur when the medical documentation submitted is inadequate to support payment for the services billed or when a specific documentation element that is required (as described above) is missing. Most ''insufficient documentation'' errors for home health occurred when the narrative portion of the face-to-face encounter documentation did not sufficiently describe how the clinical findings from the encounter supported the beneficiary's homebound status and need for skilled services, as required by § 424.22(a)(1)(v).

The home health industry continues to voice concerns regarding the implementation of the Affordable Care Act face-to-face encounter documentation requirement. The home health industry cites challenges that HHAs face in meeting the face-to-face encounter documentation requirements regarding the required narrative, including a perceived lack of established standards for compliance that can be adequately understood and applied by the physicians and HHAs. In addition, the home health industry conveys frustration with having to rely on the physician to satisfy the face-to-face encounter documentation requirements without incentives to encourage physician compliance. Correspondence received to date has expressed concern over the ''extensive and redundant'' narrative required by regulation for face-to-face encounter documentation purposes when detailed evidence to support the physician certification of homebound status and medical necessity is available in clinical records. In addition, correspondence stated that the narrative requirement was not explicit in the Affordable Care Act provision requiring a face-to-face encounter as part of the certification of eligibility and that a narrative requirement goes beyond Congressional intent.

We agree that there should be sufficient evidence in the patient's medical record to demonstrate that the patient meets the Medicare home health eligibility criteria. Therefore, in an effort to simplify the face-to-face encounter regulations, reduce burden for HHAs and physicians, and to mitigate instances where physicians and HHAs unintentionally fail to comply with certification requirements, we propose that:

(1) The narrative requirement in regulation at § 424.22(a)(1)(v) would be eliminated. The certifying physician would still be required to certify that a face-to-face patient encounter, which is related to the primary reason the patient requires home health services, occurred no more than 90 days prior to the home health start of care date or within 30 days of the start of the home health care and was performed by a physician or allowed non-physician practitioner as defined in § 424.22(a)(1)(v)(A), and to document the date of the encounter as part of the certification of eligibility.

For instances where the physician is ordering skilled nursing visits for management and evaluation of the patient's care plan, the physician will still be required to include a brief narrative that describes the clinical justification of this need as part of the certification/re-certification of eligibility as outlined in § 424.22(a)(1)(i) and § 424.22(b)(2). This requirement was implemented in the CY 2010 HH PPS final rule (74 FR 58111) and is not changing.

(2) In determining whether the patient is or was eligible to receive services under the Medicare home health benefit at the start of care, we would review only the medical record for the patient from the certifying physician or the acute/post-acute care facility (if the patient in that setting was directly admitted to home health) used to support the physician's certification of patient eligibility, as described in paragraphs (a)(1) and (b) of this section. If the patient's medical record, used by the physician in certifying eligibility, was not sufficient to demonstrate that the patient was eligible to receive services under the Medicare home health benefit, payment would not be rendered for home health services provided.

(3) Physician claims for certification/re-certification of eligibility for home health services (G0180 and G0179, respectively) would not be covered if the HHA claim itself was non-covered because the certification/re-certification of eligibility was not complete or because there was insufficient documentation to support that the patient was eligible for the Medicare home health benefit. However, rather than specify this in our regulations, this proposal would be implemented through future sub-regulatory guidance.

We believe that these proposals are responsive to home health industry concerns regarding the face-to-face encounter requirements articulated above. We invite comment on these proposals and the associated change in the regulation at § 424.22 in section VI.

3. Proposed Clarification on When Documentation of a Face-to-Face Encounter Is Required

In the CY 2011 HH PPS final rule (75 FR 70372), in response to a commenter who asked whether the face-to-face encounter is required only for the first episode, we stated that the Congress enacted the face-to-face encounter requirement to apply to the physician's certification, not recertifications. In sub-regulatory guidance (face-to-face encounter Q&As on the CMS Web site at: *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/HomeHealthPPS/Downloads/Home-Health-Questions-Answers.pdf*), response to Q&A #11 states that the face-to-face encounter requirement applies to ''initial episodes'' (the first in a series of episodes separated by no more than a 60-day gap). The distinction between what is considered a certification (versus a recertification) and what is considered an initial episode is important in determining whether the face-to-face encounter requirement is applicable.

Recent inquiries question whether the face-to-face encounter requirement applies to situations where the beneficiary was discharged from home health with goals met/no expectation of return to home health care and readmitted to home health less than 60 days later. In this situation, the second episode would be considered a certification, not a recertification, because the HHA would be required to complete a new start of care OASIS to initiate care. However, for payment

[3] U.S. Department of Health and Human Services, ''*FY 2013 Agency Financial Report*'', accessed on April 23, 2014 at: *http://www.hhs.gov/afr/2013-hhs-agency-financial-report.pdf.*

[4] U.S. Department of Health and Human Services, ''*The Supplementary Appendices for the Medicare Fee-for-Service 2013 Improper Payment Rate Report*'', accessed on April 23, 2014 at: *http://www.cms.gov/Research-Statistics-Data-and-Systems/Monitoring-Programs/Medicare-FFS-Compliance-Programs/CERT/Downloads/November2013ReportPeriodAppendixFinal12-13-2013_508Compliance_Approved12-27-13.pdf.*

[5] The CERT improper payment rate is not a ''fraud rate,'' but is a measurement of payments made that did not meet Medicare requirements. The CERT program cannot label a claim fraudulent.

purposes, the second episode would be considered a subsequent episode, because there was no gap of 60 days or more between the first and second episodes of care. Therefore, in order to determine when documentation of a patient's face-to-face encounter is required under sections 1814(a)(2)(C) and 1835 (a)(2)(A) of the Act, we are proposing to clarify that the face-to-face encounter requirement is applicable for certifications (not recertifications), rather than initial episodes. A certification (versus recertification) is considered to be any time that a new start of care OASIS is completed to initiate care. Because we are proposing to clarify that a certification is considered to be any time a that a new start of care OASIS is completed to initiate care, we would also revise Q&A #11 on the CMS Web site (*http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/HomeHealthPPS/Downloads/Home-Health-Questions-Answers.pdf*) to reflect this proposed clarification. If a patient was transferred to the hospital and remained in the hospital after day 61 (or after the first day of the next certification period), once the patient returns home, a new start of care OASIS must be completed. Therefore, this new episode would not be considered continuous and a face-to-face encounter needs to be documented as part of the certification of patient eligibility.[6]

C. Proposed Recalibration of the HH PPS Case-Mix Weights

For CY 2012, we removed two hypertension codes from our case-mix system and recalibrated the case-mix weights in a budget neutral manner. When recalibrating the case-mix weights for the CY 2012 HH PPS final rule, we used CY 2005 data in the four-equation model used to determine the clinical and functional points for a home health episode and CY 2007 data in the payment regression model used to determine the case-mix weights. We estimated the coefficients for the variables in the four-equation model using CY 2005 data to maintain the same variables we used for CY 2008 when we implemented the four-equation model, thus minimizing substantial changes. Due to a noticeable shift in the number of therapy visits provided as a result of the 2008 refinements, at the time, we decided to use CY 2007 data in the payment regression. As part of the CY 2012 recalibration, we lowered the high therapy weights and raised the low or no therapy weights to address MedPAC's concerns that the HH PPS overvalues therapy episodes and undervalues non-therapy episodes (March 2011 MedPAC Report to the Congress: Medicare Payment Policy, p. 176). These adjustments better aligned the case-mix weights with episode costs estimated from cost report data. The CY 2012 recalibration, itself, was implemented in a budget neutral manner. However, we note that in the CY 2012 HH PPS final rule, we also finalized a 3.79 percent reduction to payments in CY 2012 and a 1.32 percent reduction for CY 2013 to account for the nominal case-mix growth identified through CY 2009.

For CY 2014, as part of the Affordable Care Act mandated rebasing effort, we reset the case-mix weights, lowering the average case-mix weight to 1.0000. To lower the case-mix weights to 1.0000, each case-mix weight was decreased by the same factor (1.3464), thereby maintaining the same relative values between the weights. This resetting of the case-mix weights was done in a budget neutral manner, inflating the starting point for rebasing by the same factor that was used to decrease the weights. In the CY 2014 HH PPS final rule, we also finalized a reduction ($80.95) to the national, standardized 60-day episode payment amount each year from CY 2014 through CY 2017 to better align payments with costs (78 FR 72293).

For CY 2015, we propose to recalibrate the case-mix weights, adjusting the weights relative to one another using more current data and aligning payments with current utilization data in a budget neutral manner. We are also proposing to recalibrate the case-mix weights in subsequent payment updates based on the methodology finalized in the CY 2012 HH PPS final rule (76 FR 68526) and the 2008 refinements (72 FR 25359–25392), with the proposed minor changes outlined below. We used preliminary CY 2013 home health claims data (as of December 31, 2013) to generate the proposed CY 2015 case-mix weights using the same methodology finalized in the CY 2012 HH PPS final rule, except where noted below. Similar to the CY 2012 recalibration, some exclusion criteria were applied to the CY 2013 home health claims data used to generate the proposed CY 2015 case-mix weights. Specifically, we excluded Request for Anticipated Payment (RAP) claims, claims without a matched OASIS, claims where total minutes equal 0, claims where the payment amount equals 0, claims where paid days equal 0, claims where covered visits equal 0, and claims without a HIPPS code. In addition, the episodes used in the recalibration were normal episodes. PEP, LUPA, outlier, and capped outlier (that is, episodes that are paid as normal episodes, but would have been outliers had the HHA not reached the outlier cap) episodes were dropped from the data file.[7]

Similar to the CY 2012 recalibration, the first step in the proposed CY 2015 recalibration was to re-estimate the four-equation model used to determine the clinical and functional points for an episode. The dependent variable for the CY 2015 recalibration is the same as the CY 2012 recalibration, wage-weighted minutes of care. The wage-weighted minutes of care are determined using the CY 2012 Bureau of Labor Statistics national hourly wage plus fringe rates for the six home health disciplines and the minutes per visit from the claim.

The CY 2012 four-equation model contained the same variables and restrictions as the four-equation model used in the CY 2008 refinements (*http://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/Reports/Downloads/Coleman_Final_April_2008.pdf*). The model was estimated using CY 2005 data, same data used in the CY 2008 refinements, thereby minimizing changes in the points for the CY 2012 four-equation model. For the CY 2015 four-equation model, we re-examined all of the four-equation or ''leg'' variables for each of the 51 grouper variables in the CY 2008 model. Therefore, a grouper variable that may have dropped out of the model in one of the four equations in CY 2008 may be in the CY 2015 four-equation model and vice versa. Furthermore, the specific therapy indicator variables that were in the CY 2012 four-equation model were dropped in the CY 2015 four-equation model so that the number of therapy visits provided had less of an impact on the process used to create the case-mix weights.

The steps used to estimate the four-equation model are similar to the steps used in the CY 2008 refinements. They are as follows:[8]

(1) We estimated a regression model where the dependent variable is wage-

[6] *http://www.cms.gov/Medicare/Quality-Initiatives-Patient-Assessment-Instruments/OASIS/downloads/OASISConsiderationsforPPS.pdf.*

[7] At a later point, when normalizing the weights, PEP episodes are included in the analysis.

[8] All the regressions mentioned in steps 1–4 are estimated with robust standard errors clustered at the beneficiary ID level. This is to account for beneficiaries appearing in the data multiple times. When that occurs, the standard errors can be correlated causing the p-value to be biased downward. Clustered standard errors account for that bias.

weighted minutes of care. Independent variables were indicators for which equation or ''leg'' the episode is in. The four legs of the model are leg 1: Early episodes 0–13 therapy visits, leg 2: Early episodes 14+ therapy visits, leg 3: Later episodes 0–13 therapy visits, and leg 4: Later episodes 14+ therapy visits.[9] Also, independent variables for each of the 51 grouper variables for each leg of the model are included in the model.

(2) Once the four-equation model is estimated, we drop all grouper variables with a coefficient less than 5 from the model. We re-estimate the model and continue to drop variables and re-estimate until there are no grouper variables with a coefficient of 5 or less.

(3) Taking the final iteration of the model in the previous step, we drop all grouper variables with a p-value greater than 0.10. We then re-estimate the model.

(4) Taking the model in the previous step, we begin to apply restrictions to certain coefficients. Within a grouper variable we first look across the coefficients for leg1 and leg3. We perform an equality test on those coefficients. If the coefficients are not significantly different from one another (using a p-value of 0.05), we set a restriction for that grouper variable such that the coefficients are equal across leg1 and leg3. We run these tests for all grouper variables for leg1 and leg3. We also run these tests for all grouper variables for leg2 and leg4.[10] After all restrictions are set, we re-run the regression again taking those restrictions into account.

(5) Taking in the model from step 4, we drop variables that have a coefficient less than 5 and re-estimate the model a final time. Using preliminary 2013 claims data, there was only 1 grouper variable with a negative coefficient that was dropped from the model.

The results from the final four-equation model are used to determine the clinical and functional points for an episode and place episodes in the different clinical and functional levels used to estimate the payment regression model. We take the coefficients from the four equation model, divide them by 10, and round to the nearest integer to determine the points associated with each variable. The points for each of the grouper variables for each leg of the model are shown in Table 8. The points for the clinical variables are added together to determine an episode's clinical score. The points for the functional variables are added together to determine an episode's functional score.

TABLE 8—CASE-MIX ADJUSTMENT VARIABLES AND SCORES

	Episode number within sequence of adjacent episodes	1 or 2	1 or 2	3+	3+
	Therapy visits	0–13	14+	0–13	14+
	EQUATION:	*1*	*2*	*3*	*4*
	CLINICAL DIMENSION				
1	Primary or Other Diagnosis = Blindness/Low Vision				
2	Primary or Other Diagnosis = Blood disorders		6		3
3	Primary or Other Diagnosis = Cancer, selected benign neoplasms		8		8
4	Primary Diagnosis = Diabetes		8		8
5	Other Diagnosis = Diabetes	1			
6	Primary or Other Diagnosis = Dysphagia *AND* Primary or Other Diagnosis = Neuro 3—Stroke	2	16	1	9
7	Primary or Other Diagnosis = Dysphagia *AND* M1030 (Therapy at home) = 3 (Enteral)	2	7		7
8	Primary or Other Diagnosis = Gastrointestinal disorders				
9	Primary or Other Diagnosis = Gastrointestinal disorders *AND* M1630 (ostomy) = 1 or 2		5		
10	Primary or Other Diagnosis = Gastrointestinal disorders *AND* Primary or Other Diagnosis = Neuro 1—Brain disorders and paralysis, *OR* Neuro 2—Peripheral neurological disorders, *OR* Neuro 3—Stroke, *OR* Neuro 4—Multiple Sclerosis				
11	Primary or Other Diagnosis = Heart Disease OR Hypertension	1			
12	Primary Diagnosis = Neuro 1—Brain disorders and paralysis	3	11	6	11
13	Primary or Other Diagnosis = Neuro 1—Brain disorders and paralysis. *AND* M1840 (Toilet transfer) = 2 or more				
14	Primary or Other Diagnosis = Neuro 1—Brain disorders and paralysis *OR* Neuro 2—Peripheral neurological disorders. *AND* M1810 or M1820 (Dressing upper or lower body) = 1, 2, or 3	2	7	1	7
15	Primary or Other Diagnosis = Neuro 3—Stroke	3	10	2	
16	Primary or Other Diagnosis = Neuro 3—Stroke *AND* M1810 or M1820 (Dressing upper or lower body) = 1, 2, or 3		4		9
17	Primary or Other Diagnosis = Neuro 3—Stroke *AND* M1860 (Ambulation) = 4 or more				

[9] Early episodes are defined as the 1st or 2nd episode in a sequence of adjacent covered episodes. Later episodes are defined as the 3rd episode and beyond in a sequence of adjacent covered episodes. Episodes are considered to be adjacent if they are separated by no more than a 60-day period between claims.

[10] In the CY 2008 rule, there was a further step taken to determine if the coefficients of a grouper variable are equal across all 4 legs. This step was not taken at this time.

TABLE 8—CASE-MIX ADJUSTMENT VARIABLES AND SCORES—Continued

18	Primary or Other Diagnosis = Neuro 4—Multiple Sclerosis *AND AT LEAST ONE OF THE FOLLOWING:*. M1830 (Bathing) = 2 or more *OR* M1840 (Toilet transfer) = 2 or more *OR* M1850 (Transferring) = 2 or more *OR* M1860 (Ambulation) = 4 or more	3	8	6	14
19	Primary or Other Diagnosis = Ortho 1—Leg Disorders or Gait Disorders. *AND* M1324 (most problematic pressure ulcer stage) = 1, 2, 3 or 4	8	1	8	4
20	Primary or Other Diagnosis = Ortho 1—Leg OR Ortho 2—Other orthopedic disorders. *AND* M1030 (Therapy at home) = 1 (IV/Infusion) or 2 (Parenteral)	3	4	3	
21	Primary or Other Diagnosis = Psych 1—Affective and other psychoses, depression.				
22	Primary or Other Diagnosis = Psych 2—Degenerative and other organic psychiatric disorders.				
23	Primary or Other Diagnosis = Pulmonary disorders				
24	Primary or Other Diagnosis = Pulmonary disorders *AND* M1860 (Ambulation) = 1 or more				
25	Primary Diagnosis = Skin 1—Traumatic wounds, burns, and post-operative complications.	4	20	8	20
26	Other Diagnosis = Skin 1—Traumatic wounds, burns, post-operative complications.	5	14	7	14
27	Primary or Other Diagnosis = Skin 1—Traumatic wounds, burns, and post-operative complications *OR* Skin 2—Ulcers and other skin conditions. *AND* M1030 (Therapy at home) = 1 (IV/Infusion) or 2 (Parenteral)	4		1	
28	Primary or Other Diagnosis = Skin 2—Ulcers and other skin conditions.	2	17	8	17
29	Primary or Other Diagnosis = Tracheostomy	4	16	4	16
30	Primary or Other Diagnosis = Urostomy/Cystostomy		18		14
31	M1030 (Therapy at home) = 1 (IV/Infusion) or 2 (Parenteral)		17	5	17
32	M1030 (Therapy at home) = 3 (Enteral)		16		7
33	M1200 (Vision) = 1 or more				
34	M1242 (Pain) = 3 or 4	2		1	
35	M1308 = Two or more pressure ulcers at stage 3 or 4	4	7	4	7
36	M1324 (Most problematic pressure ulcer stage) = 1 or 2	3	18	7	15
37	M1324 (Most problematic pressure ulcer stage) = 3 or 4	8	31	11	26
38	M1334 (Stasis ulcer status) = 2	4	12	7	22
39	M1334 (Stasis ulcer status) = 3	7	17	10	17
40	M1342 (Surgical wound status) = 2	1	7	6	14
41	M1342 (Surgical wound status) = 3		6	5	10
42	M1400 (Dyspnea) = 2, 3, or 4		2		3
43	M1620 (Bowel Incontinence) = 2 to 5		3		3
44	M1630 (Ostomy) = 1 or 2	4	11	3	11
45	M2030 (Injectable Drug Use) = 0, 1, 2, or 3				
	FUNCTIONAL DIMENSION				
46	M1810 or M1820 (Dressing upper or lower body) = 1, 2, or 3	2		1	
47	M1830 (Bathing) = 2 or more	6	3	5	
48	M1840 (Toilet transferring) = 2 or more	1	3		3
49	M1850 (Transferring) = 2 or more	3	4	2	
50	M1860 (Ambulation) = 1, 2 or 3	7		3	
51	M1860 (Ambulation) = 4 or more	7	8	6	8

Source: CY 2013 home health claims data as of December 31, 2013 from the home health Standard Analytic File (SAF). We excluded LUPA episodes, outlier episodes, and episodes with PEP adjustments.

Note(s): Points are additive, however points may not be given for the same line item in the table more than once. Please see Medicare Home Health Diagnosis Coding guidance at: *http://www.cms.hhs.gov/HomeHealthPPS/03_coding&billing.asp* for definitions of primary and secondary diagnoses.

In updating the four-equation model with 2013 data (the last update to the four-equation model used 2005 data), there were significant changes to the point values for the variables in the four-equation model. These reflect changes in the relationship between the grouper variables and resource use since 2005. The CY 2015 four-equation model resulted in 121 point-giving variables being used in the model (as compared to the 164 variables for the 2012 recalibration). There were 19 variables that were added to the model and 62 variables that were dropped from the

model due to the lack of additional resources associated with the variable. The points for 56 variables increased in the CY 2015 four-equation model and the points for 28 variables in decreased in the CY 2015 four-equation model.

Since there were a number of significant changes to the point values associated with the four-equation model, we are proposing to redefine the clinical and functional thresholds so that they would be reflective of the new points associated with the CY 2015 four-equation model. Specifically, after estimating the points for each of the variables and summing the clinical and functional points for each episode, we looked at the distribution of the clinical score and functional score, breaking the episodes into different steps. The categorizations for the steps are as follows:

- Step 1: First and second episodes, 0–13 therapy visits.
- Step 2.1: First and second episodes, 14–19 therapy visits.
- Step 2.2: Third episodes and beyond, 14–19 therapy visits.
- Step 3: Third episodes and beyond, 0–13 therapy visits.
- Step 4: Episodes with 20+ therapy visits.

Similar to the methodology used in the CY 2008 refinements, we then divide the distribution of the clinical score for episodes within a step such that a third of episodes are classified as low clinical score, a third of episodes are classified as medium clinical score, and a third of episodes are classified as high clinical score. The same approach is then done looking at the functional score. It was not always possible to evenly divide the episodes within each level, by step, into thirds due to many episodes being clustered around one particular score.[11] Also, we looked at the average resource use associated with each clinical and functional score and used that to guide where we placed our thresholds. We tried to group scores with similar average resource use within the same level (even if it means that more or less than a third of episodes are placed within a level by step). The new thresholds based off of the CY 2015 four-equation model points are shown in Table 9.

TABLE 9—CY 2015 CLINICAL AND FUNCTIONAL THRESHOLDS

		1st and 2nd episodes		3rd+ episodes		All episodes
		0 to 13 therapy visits	14 to 19 therapy visits	0 to 13 therapy visits	14 to 19 therapy visits	20+ therapy visits
Grouping Step:		1	2	3	4	5
Equation(s) used to calculate points: (see Table 8)		1	2	3	4	(2&4)
Dimension	Severity Level.					
Clinical	C1	0 to 1	0	0	0 to 3	0 to 3.
	C2	2 to 3	1 to 7	1	4 to 12	4 to 16.
	C3	4+	8+	2+	13+	17+.
Functional	F1	0 to 14	0 to 3	0 to 8	0	0 to 2.
	F2	15	4 to 12	9	1 to 7	3 to 4.
	F3	16+	13+	10+	8+	5+.

Once the thresholds were determined and each episode was assigned a clinical and functional level, the payment regression was estimated with an episode's wage-weighted minutes of care as the dependent variable. Independent variables in the model were indicators for the step of the episode as well for the clinical and functional levels within each step of the episode. Like the four-equation model, the payment regression model is also estimated with robust standard errors that are clustered at the beneficiary level. Table 10 shows the regression coefficients for the variables in the proposed payment regression model. The R-squared value for the payment regression model is 0.4691 (an increase from 0.3769 for the CY 2012 recalibration).

TABLE 10—PROPOSED PAYMENT REGRESSION MODEL

Variable description	Proposed CY 2015 payment regression coefficients
Step 1, Clinical Score Medium	$24.43
Step 1, Clinical Score High	59.46
Step 1, Functional Score Medium	81.03
Step 1, Functional Score High	120.87
Step 2.1, Clinical Score Medium	56.61
Step 2.1, Clinical Score High	175.83
Step 2.1, Functional Score Medium	25.84
Step 2.1, Functional Score High	90.77
Step 2.2, Clinical Score Medium	90.83
Step 2.2, Clinical Score High	201.06
Step 2.2, Functional Score Medium	18.50

[11] For Step 1, 55% of episodes were in the medium functional level (All with score 15).

For Step 2.1, 60.9% of episodes were in the low functional level (Most with score 3, some with score 0).

For Step 2.2, 70.3% of episodes were in the low functional level (All with score 0).

For Step 3, 52.3% of episodes were in the medium functional level (all with score 9).

For Step 4, 41.6% of episodes were in the medium functional level (almost all with score 3).

TABLE 10—PROPOSED PAYMENT REGRESSION MODEL—Continued

Variable description	Proposed CY 2015 payment regression coefficients
Step 2.2, Functional Score High	91.18
Step 3, Clinical Score Medium	10.42
Step 3, Clinical Score High	85.74
Step 3, Functional Score Medium	49.62
Step 3, Functional Score High	84.57
Step 4, Clinical Score Medium	77.85
Step 4, Clinical Score High	237.87
Step 4, Functional Score Medium	38.26
Step 4, Functional Score High	93.84
Step 2.1, 1st and 2nd Episodes, 14 to 19 Therapy Visits	438.76
Step 2.2, 3rd+ Episodes, 14 to 19 Therapy Visits	448.05
Step 3, 3rd+ Episodes, 0–13 Therapy Visits	−65.84
Step 4, All Episodes, 20+ Therapy Visits	857.63
Intercept	368.93

Source: CY 2013 home health claims data as of December 31, 2013 from the home health standard analytic file (SAF).

The method used to derive the proposed CY 2015 case-mix weights from the payment regression model coefficients is the same as the method used to derive the CY 2012 case-mix weights. This method is described below.

(1) We used the coefficients from the payment regression model to predict each episode's wage-weighted minutes of care (resource use). We then divided these predicted values by the mean of the dependent variable (that is, the average wage-weighted minutes of care across all episodes used in the payment regression). This division constructs the weight for each episode, which is simply the ratio of the episode's predicted wage-weighted minutes of care divided by the average wage-weighted minutes of care in the sample. Each episode was then aggregated into one of the 153 home health resource groups (HHRGs) and the ''raw'' weight for each HHRG was calculated as the average of the episode weights within the HHRG.

(2) In the next step of weight revision, the weights associated with 0 to 5 therapy visits were increased by 3.75 percent. Also, the weights associated with 14–15 therapy visits were decreased by 2.5 percent and the weights associated with 20+ therapy visits were decreased by 5 percent. These adjustments were made to discourage inappropriate use of therapy while addressing concerns that non-therapy services are undervalued. These adjustments to the case-mix weights are the same as the ones used in the CY 2012 recalibration (76 FR 68557).

(3) After the adjustments in step (2) were applied to the raw weights, the weights were further adjusted to create an increase in the payment weights for the therapy visit steps between the therapy thresholds. Weights with the same clinical severity level, functional severity level, and early/later episode status were grouped together. Then within those groups, the weights for each therapy step between thresholds were gradually increased. We did this by interpolating between the main thresholds on the model (from 0–5 to 14–15 therapy visits, and from 14–15 to 20+ therapy visits). We used a linear model to implement the interpolation so the payment weight increase for each step between the thresholds (such as the increase between 0–5 therapy visits and 6 therapy visits and the increase between 6 therapy visits and 7–9 therapy visits) was constant. This interpolation is the identical to the process finalized in the CY 2012 final rule (76 FR 68555).

(4) The interpolated weights were then adjusted so that the average case-mix for the weights was equal to 1.[12] This last step creates the proposed CY 2015 case-mix weights shown in Table 11.

TABLE 11—PROPOSED CY 2015 CASE-MIX PAYMENT WEIGHTS

Payment group	Step (episode and/or therapy visit ranges)	Clinical and functional levels (1 = Low; 2 = Medium; 3= High)	CY 2015 proposed case-mix weights
10111	1st and 2nd Episodes, 0 to 5 Therapy Visits	C1F1S1	0.5984
10112	1st and 2nd Episodes, 6 Therapy Visits	C1F1S2	0.7250
10113	1st and 2nd Episodes, 7 to 9 Therapy Visits	C1F1S3	0.8515
10114	1st and 2nd Episodes, 10 Therapy Visits	C1F1S4	0.9781
10115	1st and 2nd Episodes, 11 to 13 Therapy Visits	C1F1S5	1.1046
10121	1st and 2nd Episodes, 0 to 5 Therapy Visits	C1F2S1	0.7299
10122	1st and 2nd Episodes, 6 Therapy Visits	C1F2S2	0.8380
10123	1st and 2nd Episodes, 7 to 9 Therapy Visits	C1F2S3	0.9461
10124	1st and 2nd Episodes, 10 Therapy Visits	C1F2S4	1.0543
10125	1st and 2nd Episodes, 11 to 13 Therapy Visits	C1F2S5	1.1624
10131	1st and 2nd Episodes, 0 to 5 Therapy Visits	C1F3S1	0.7945
10132	1st and 2nd Episodes, 6 Therapy Visits	C1F3S2	0.9095

[12] When computing the average, we compute a weighted average, assigning a value of one to each normal episode and a value equal to the episode length divided by 60 for PEPs.

TABLE 11—PROPOSED CY 2015 CASE-MIX PAYMENT WEIGHTS—Continued

Payment group	Step (episode and/or therapy visit ranges)	Clinical and functional levels (1 = Low; 2 = Medium; 3= High)	CY 2015 proposed case-mix weights
10133	1st and 2nd Episodes, 7 to 9 Therapy Visits	C1F3S3	1.0245
10134	1st and 2nd Episodes, 10 Therapy Visits	C1F3S4	1.1395
10135	1st and 2nd Episodes, 11 to 13 Therapy Visits	C1F3S5	1.2545
10211	1st and 2nd Episodes, 0 to 5 Therapy Visits	C2F1S1	0.6381
10212	1st and 2nd Episodes, 6 Therapy Visits	C2F1S2	0.7739
10213	1st and 2nd Episodes, 7 to 9 Therapy Visits	C2F1S3	0.9098
10214	1st and 2nd Episodes, 10 Therapy Visits	C2F1S4	1.0457
10215	1st and 2nd Episodes, 11 to 13 Therapy Visits	C2F1S5	1.1816
10221	1st and 2nd Episodes, 0 to 5 Therapy Visits	C2F2S1	0.7695
10222	1st and 2nd Episodes, 6 Therapy Visits	C2F2S2	0.8870
10223	1st and 2nd Episodes, 7 to 9 Therapy Visits	C2F2S3	1.0044
10224	1st and 2nd Episodes, 10 Therapy Visits	C2F2S4	1.1219
10225	1st and 2nd Episodes, 11 to 13 Therapy Visits	C2F2S5	1.2394
10231	1st and 2nd Episodes, 0 to 5 Therapy Visits	C2F3S1	0.8341
10232	1st and 2nd Episodes, 6 Therapy Visits	C2F3S2	0.9585
10233	1st and 2nd Episodes, 7 to 9 Therapy Visits	C2F3S3	1.0828
10234	1st and 2nd Episodes, 10 Therapy Visits	C2F3S4	1.2071
10235	1st and 2nd Episodes, 11 to 13 Therapy Visits	C2F3S5	1.3315
10311	1st and 2nd Episodes, 0 to 5 Therapy Visits	C3F1S1	0.6949
10312	1st and 2nd Episodes, 6 Therapy Visits	C3F1S2	0.8557
10313	1st and 2nd Episodes, 7 to 9 Therapy Visits	C3F1S3	1.0166
10314	1st and 2nd Episodes, 10 Therapy Visits	C3F1S4	1.1775
10315	1st and 2nd Episodes, 11 to 13 Therapy Visits	C3F1S5	1.3383
10321	1st and 2nd Episodes, 0 to 5 Therapy Visits	C3F2S1	0.8263
10322	1st and 2nd Episodes, 6 Therapy Visits	C3F2S2	0.9688
10323	1st and 2nd Episodes, 7 to 9 Therapy Visits	C3F2S3	1.1112
10324	1st and 2nd Episodes, 10 Therapy Visits	C3F2S4	1.2537
10325	1st and 2nd Episodes, 11 to 13 Therapy Visits	C3F2S5	1.3961
10331	1st and 2nd Episodes, 0 to 5 Therapy Visits	C3F3S1	0.8909
10332	1st and 2nd Episodes, 6 Therapy Visits	C3F3S2	1.0403
10333	1st and 2nd Episodes, 7 to 9 Therapy Visits	C3F3S3	1.1896
10334	1st and 2nd Episodes, 10 Therapy Visits	C3F3S4	1.3389
10335	1st and 2nd Episodes, 11 to 13 Therapy Visits	C3F3S5	1.4882
21111	1st and 2nd Episodes, 14 to 15 Therapy Visits	C1F1S1	1.2312
21112	1st and 2nd Episodes, 16 to 17 Therapy Visits	C1F1S2	1.4280
21113	1st and 2nd Episodes, 18 to 19 Therapy Visits	C1F1S3	1.6249
21121	1st and 2nd Episodes, 14 to 15 Therapy Visits	C1F2S1	1.2706
21122	1st and 2nd Episodes, 16 to 17 Therapy Visits	C1F2S2	1.4732
21123	1st and 2nd Episodes, 18 to 19 Therapy Visits	C1F2S3	1.6759
21131	1st and 2nd Episodes, 14 to 15 Therapy Visits	C1F3S1	1.3695
21132	1st and 2nd Episodes, 16 to 17 Therapy Visits	C1F3S2	1.5667
21133	1st and 2nd Episodes, 18 to 19 Therapy Visits	C1F3S3	1.7639
21211	1st and 2nd Episodes, 14 to 15 Therapy Visits	C2F1S1	1.3175
21212	1st and 2nd Episodes, 16 to 17 Therapy Visits	C2F1S2	1.5241
21213	1st and 2nd Episodes, 18 to 19 Therapy Visits	C2F1S3	1.7307
21221	1st and 2nd Episodes, 14 to 15 Therapy Visits	C2F2S1	1.3569
21222	1st and 2nd Episodes, 16 to 17 Therapy Visits	C2F2S2	1.5693
21223	1st and 2nd Episodes, 18 to 19 Therapy Visits	C2F2S3	1.7817
21231	1st and 2nd Episodes, 14 to 15 Therapy Visits	C2F3S1	1.4558
21232	1st and 2nd Episodes, 16 to 17 Therapy Visits	C2F3S2	1.6628
21233	1st and 2nd Episodes, 18 to 19 Therapy Visits	C2F3S3	1.8698
21311	1st and 2nd Episodes, 14 to 15 Therapy Visits	C3F1S1	1.4992
21312	1st and 2nd Episodes, 16 to 17 Therapy Visits	C3F1S2	1.7245
21313	1st and 2nd Episodes, 18 to 19 Therapy Visits	C3F1S3	1.9498
21321	1st and 2nd Episodes, 14 to 15 Therapy Visits	C3F2S1	1.5386
21322	1st and 2nd Episodes, 16 to 17 Therapy Visits	C3F2S2	1.7697
21323	1st and 2nd Episodes, 18 to 19 Therapy Visits	C3F2S3	2.0008
21331	1st and 2nd Episodes, 14 to 15 Therapy Visits	C3F3S1	1.6376
21332	1st and 2nd Episodes, 16 to 17 Therapy Visits	C3F3S2	1.8632
21333	1st and 2nd Episodes, 18 to 19 Therapy Visits	C3F3S3	2.0888
22111	3rd+ Episodes, 14 to 15 Therapy Visits	C1F1S1	1.2454
22112	3rd+ Episodes, 16 to 17 Therapy Visits	C1F1S2	1.4375
22113	3rd+ Episodes, 18 to 19 Therapy Visits	C1F1S3	1.6296
22121	3rd+ Episodes, 14 to 15 Therapy Visits	C1F2S1	1.2736
22122	3rd+ Episodes, 16 to 17 Therapy Visits	C1F2S2	1.4752
22123	3rd+ Episodes, 18 to 19 Therapy Visits	C1F2S3	1.6769
22131	3rd+ Episodes, 14 to 15 Therapy Visits	C1F3S1	1.3843
22132	3rd+ Episodes, 16 to 17 Therapy Visits	C1F3S2	1.5766

TABLE 11—PROPOSED CY 2015 CASE-MIX PAYMENT WEIGHTS—Continued

Payment group	Step (episode and/or therapy visit ranges)	Clinical and functional levels (1 = Low; 2 = Medium; 3= High)	CY 2015 proposed case-mix weights
22133	3rd+ Episodes, 18 to 19 Therapy Visits	C1F3S3	1.7689
22211	3rd+ Episodes, 14 to 15 Therapy Visits	C2F1S1	1.3838
22212	3rd+ Episodes, 16 to 17 Therapy Visits	C2F1S2	1.5683
22213	3rd+ Episodes, 18 to 19 Therapy Visits	C2F1S3	1.7529
22221	3rd+ Episodes, 14 to 15 Therapy Visits	C2F2S1	1.4120
22222	3rd+ Episodes, 16 to 17 Therapy Visits	C2F2S2	1.6061
22223	3rd+ Episodes, 18 to 19 Therapy Visits	C2F2S3	1.8001
22231	3rd+ Episodes, 14 to 15 Therapy Visits	C2F3S1	1.5228
22232	3rd+ Episodes, 16 to 17 Therapy Visits	C2F3S2	1.7074
22233	3rd+ Episodes, 18 to 19 Therapy Visits	C2F3S3	1.8921
22311	3rd+ Episodes, 14 to 15 Therapy Visits	C3F1S1	1.5518
22312	3rd+ Episodes, 16 to 17 Therapy Visits	C3F1S2	1.7596
22313	3rd+ Episodes, 18 to 19 Therapy Visits	C3F1S3	1.9673
22321	3rd+ Episodes, 14 to 15 Therapy Visits	C3F2S1	1.5800
22322	3rd+ Episodes, 16 to 17 Therapy Visits	C3F2S2	1.7973
22323	3rd+ Episodes, 18 to 19 Therapy Visits	C3F2S3	2.0146
22331	3rd+ Episodes, 14 to 15 Therapy Visits	C3F3S1	1.6908
22332	3rd+ Episodes, 16 to 17 Therapy Visits	C3F3S2	1.8987
22333	3rd+ Episodes, 18 to 19 Therapy Visits	C3F3S3	2.1065
30111	3rd+ Episodes, 0 to 5 Therapy Visits	C1F1S1	0.4916
30112	3rd+ Episodes, 6 Therapy Visits	C1F1S2	0.6424
30113	3rd+ Episodes, 7 to 9 Therapy Visits	C1F1S3	0.7931
30114	3rd+ Episodes, 10 Therapy Visits	C1F1S4	0.9439
30115	3rd+ Episodes, 11 to 13 Therapy Visits	C1F1S5	1.0946
30121	3rd+ Episodes, 0 to 5 Therapy Visits	C1F2S1	0.5721
30122	3rd+ Episodes, 6 Therapy Visits	C1F2S2	0.7124
30123	3rd+ Episodes, 7 to 9 Therapy Visits	C1F2S3	0.8527
30124	3rd+ Episodes, 10 Therapy Visits	C1F2S4	0.9930
30125	3rd+ Episodes, 11 to 13 Therapy Visits	C1F2S5	1.1333
30131	3rd+ Episodes, 0 to 5 Therapy Visits	C1F3S1	0.6288
30132	3rd+ Episodes, 6 Therapy Visits	C1F3S2	0.7799
30133	3rd+ Episodes, 7 to 9 Therapy Visits	C1F3S3	0.9310
30134	3rd+ Episodes, 10 Therapy Visits	C1F3S4	1.0821
30135	3rd+ Episodes, 11 to 13 Therapy Visits	C1F3S5	1.2332
30211	3rd+ Episodes, 0 to 5 Therapy Visits	C2F1S1	0.5085
30212	3rd+ Episodes, 6 Therapy Visits	C2F1S2	0.6836
30213	3rd+ Episodes, 7 to 9 Therapy Visits	C2F1S3	0.8586
30214	3rd+ Episodes, 10 Therapy Visits	C2F1S4	1.0337
30215	3rd+ Episodes, 11 to 13 Therapy Visits	C2F1S5	1.2088
30221	3rd+ Episodes, 0 to 5 Therapy Visits	C2F2S1	0.5890
30222	3rd+ Episodes, 6 Therapy Visits	C2F2S2	0.7536
30223	3rd+ Episodes, 7 to 9 Therapy Visits	C2F2S3	0.9182
30224	3rd+ Episodes, 10 Therapy Visits	C2F2S4	1.0828
30225	3rd+ Episodes, 11 to 13 Therapy Visits	C2F2S5	1.2474
30231	3rd+ Episodes, 0 to 5 Therapy Visits	C2F3S1	0.6457
30232	3rd+ Episodes, 6 Therapy Visits	C2F3S2	0.8211
30233	3rd+ Episodes, 7 to 9 Therapy Visits	C2F3S3	0.9965
30234	3rd+ Episodes, 10 Therapy Visits	C2F3S4	1.1720
30235	3rd+ Episodes, 11 to 13 Therapy Visits	C2F3S5	1.3474
30311	3rd+ Episodes, 0 to 5 Therapy Visits	C3F1S1	0.6307
30312	3rd+ Episodes, 6 Therapy Visits	C3F1S2	0.8149
30313	3rd+ Episodes, 7 to 9 Therapy Visits	C3F1S3	0.9992
30314	3rd+ Episodes, 10 Therapy Visits	C3F1S4	1.1834
30315	3rd+ Episodes, 11 to 13 Therapy Visits	C3F1S5	1.3676
30321	3rd+ Episodes, 0 to 5 Therapy Visits	C3F2S1	0.7112
30322	3rd+ Episodes, 6 Therapy Visits	C3F2S2	0.8850
30323	3rd+ Episodes, 7 to 9 Therapy Visits	C3F2S3	1.0587
30324	3rd+ Episodes, 10 Therapy Visits	C3F2S4	1.2325
30325	3rd+ Episodes, 11 to 13 Therapy Visits	C3F2S5	1.4063
30331	3rd+ Episodes, 0 to 5 Therapy Visits	C3F3S1	0.7679
30332	3rd+ Episodes, 6 Therapy Visits	C3F3S2	0.9525
30333	3rd+ Episodes, 7 to 9 Therapy Visits	C3F3S3	1.1370
30334	3rd+ Episodes, 10 Therapy Visits	C3F3S4	1.3216
30335	3rd+ Episodes, 11 to 13 Therapy Visits	C3F3S5	1.5062
40111	All Episodes, 20+ Therapy Visits	C1F1S1	1.8217
40121	All Episodes, 20+ Therapy Visits	C1F2S1	1.8786
40131	All Episodes, 20+ Therapy Visits	C1F3S1	1.9611
40211	All Episodes, 20+ Therapy Visits	C2F1S1	1.9374

TABLE 11—PROPOSED CY 2015 CASE-MIX PAYMENT WEIGHTS—Continued

Payment group	Step (episode and/or therapy visit ranges)	Clinical and functional levels (1 = Low; 2 = Medium; 3= High)	CY 2015 proposed case-mix weights
40221	All Episodes, 20+ Therapy Visits	C2F2S1	1.9942
40231	All Episodes, 20+ Therapy Visits	C2F3S1	2.0767
40311	All Episodes, 20+ Therapy Visits	C3F1S1	2.1750
40321	All Episodes, 20+ Therapy Visits	C3F2S1	2.2319
40331	All Episodes, 20+ Therapy Visits	C3F3S1	2.3144

To ensure the changes to the case-mix weights are implemented in a budget neutral manner, we propose to apply a case-mix budget neutrality factor to the CY 2015 national, standardized 60-day episode payment rate (see section III.D.4. of this proposed rule). The case-mix budget neutrality factor is calculated as the ratio of total payments when CY 2015 case-mix weights are applied to CY 2013 utilization (claims) data to total payments when CY 2014 case-mix weights are applied to CY 2013 utilization data. This produces the proposed case-mix budget neutrality factor for CY 2015 of 1.0237. We note that the CY 2013 data used to develop the proposed case-mix weights is preliminary (CY 2013 claims data as of December 31, 2013) and we propose to update the case-mix weights with more complete CY 2013 data (as of June 30, 2014) in the final rule. Therefore, the points associated with each of the grouper variables, the new clinical and functional thresholds, and the CY 2015 case-mix weights may change between the CY 2015 HH PPS proposed and final rules.

Section 1895(b)(3)(B)(iv) of the Act gives CMS the authority to implement payment reductions for nominal case-mix growth (that is, changes in case-mix that are not related to actual changes in patient characteristics over time). Previously, we accounted for nominal case-mix growth from 2000 to 2009 through case-mix reductions implemented from 2008 through 2013 (76 FR 68528–68543). In the CY 2013 HH PPS proposed rule, we stated that we found that 15.97 percent of the total case-mix change was real from 2000 to 2010 (77 FR 41553). In the CY 2014 HH PPS final rule, we used 2012 claims data to rebase payments (78 FR 72277). Since we were resetting the payment amounts with 2012 data, we did not take into account nominal case-mix growth from 2009 through 2012.

For this proposed rule, we examined case-mix growth from CY 2012 to CY 2013 using CY 2012 and preliminary CY 2013 claims data. In applying the 15.97 percent estimate of real case-mix growth to the total estimated case-mix growth from CY 2012 to CY 2013 (2.37 percent), we estimate that a case-mix reduction of 2.00 percent, to account for nominal case-mix growth, would be warranted. We considered adjusting the case-mix budget neutrality factor to take into account the 2.00 percent growth in nominal case-mix, which would result in a case-mix budget neutrality adjustment of 1.0037 rather than 1.0237. However, we are proposing to apply the full 1.0237 case-mix budget neutrality factor to the national, standardized 60-day episode payment rate. We will continue to monitor case-mix growth and may consider whether to propose nominal case-mix reductions in future rulemaking.

D. Proposed CY 2015 Rate Update

1. Proposed CY 2015 Home Health Market Basket Update

Section 1895(b)(3)(B) of the Act, as amended by section 3401(e) of the Affordable Care Act, adds new clause (vi) which states, ''After determining the home health market basket percentage increase . . . the Secretary shall reduce such percentage . . . for each of 2011, 2012, and 2013, by 1 percentage point. The application of this clause may result in the home health market basket percentage increase under clause (iii) being less than 0.0 for a year, and may result in payment rates under the system under this subsection for a year being less than such payment rates for the preceding year.'' Therefore, as mandated by the Affordable Care Act, for CYs 2011, 2012, and 2013, the HH market basket update was reduced by 1 percentage point.

Section 1895(b)(3)(B) of the Act requires that the standard prospective payment amounts for CY 2015 be increased by a factor equal to the applicable HH market basket update for those HHAs that submit quality data as required by the Secretary. The proposed HH PPS market basket update for CY 2015 is 2.6 percent. This is based on Global Insight Inc.'s first quarter 2014 forecast of the 2010-based HH market basket, with historical data through the fourth quarter of 2013. A detailed description of how we derive the HHA market basket is available in the CY 2013 HH PPS final rule (77 FR 67080–67090).

For CY 2015, section 3401(e) of the Affordable Care Act, requires that, in CY 2015 (and in subsequent calendar years), the market basket percentage under the HHA prospective payment system as described in section 1895(b)(3)(B) of the Act be annually adjusted by changes in economy-wide productivity. The statute defines the productivity adjustment, described in section 1886(b)(3)(B)(xi)(II) of the Act, to be equal to the 10-year moving average of change in annual economy-wide private nonfarm business multifactor productivity (MFP) (as projected by the Secretary for the 10-year period ending with the applicable fiscal year, calendar year, cost reporting period, or other annual period) (the ''MFP adjustment''). The Bureau of Labor Statistics (BLS) is the agency that publishes the official measure of private nonfarm business MFP. Please see *http://www.bls.gov/mfp* to obtain the BLS historical published MFP data. We note that the proposed methodology for calculating and applying the MFP adjustment to the HHA payment update is similar to the methodology used in other Medicare provider payment systems as required by section 3401 of the Affordable Care Act.

The projection of MFP is currently produced by IHS Global Insight, Inc.'s (IGI), an economic forecasting firm. To generate a forecast of MFP, IGI replicated the MFP measure calculated by the BLS using a series of proxy variables derived from IGI's U.S. macroeconomic models. These models take into account a very broad range of factors that influence the total U.S. economy. IGI forecasts the underlying proxy components such as gross domestic product (GDP), capital, and labor inputs required to estimate MFP and then combines those projections according to the BLS methodology. In Table 12, we identify each of the major

MFP component series employed by the BLS to measure MFP. We also provide the corresponding concepts forecasted by IGI and determined to be the best available proxies for the BLS series.

TABLE 12—MULTIFACTOR PRODUCTIVITY COMPONENT SERIES EMPLOYED BY THE BUREAU OF LABOR STATISTICS AND IHS GLOBAL INSIGHT

BLS series	IGI series
Real value-added output.	Non-housing non-government non-farm real GDP.
Private non-farm business sector labor input.	Hours of all persons in private non-farm establishments adjusted for labor composition.
Aggregate capital inputs.	Real effective capital stock used for full employment GDP.

IGI found that the historical growth rates of the BLS components used to calculate MFP and the IGI components identified are consistent across all series and therefore suitable proxies for calculating MFP. For more information regarding the BLS method for estimating productivity, please see the following link: *http://www.bls.gov/mfp/mprtech.pdf.*

During the development of this proposed rule, the BLS published a historical time series of private nonfarm business MFP for 1987 through 2012. Using this historical MFP series and the IGI forecasted series, IGI has developed a forecast of MFP for 2013 through 2024, as described below.

To create a forecast of the BLS' MFP index, the forecasted annual growth rates of the ''non-housing, nongovernment, non-farm, real GDP,'' ''hours of all persons in private nonfarm establishments adjusted for labor composition,'' and ''real effective capital stock'' series (ranging from 2013 to 2024) are used to ''grow'' the levels of the ''real value-added output,'' ''private non-farm business sector labor input,'' and ''aggregate capital input'' series published by the BLS. Projections of the ''hours of all persons'' measure are calculated using the difference between the projected growth rates of real output per hour and real GDP. This difference is then adjusted to account for changes in labor composition in the forecast interval. Using these three key concepts, MFP is derived by subtracting the contribution of labor and capital inputs from output growth. However, to estimate MFP, we need to understand the relative contributions of labor and capital to total output growth. Therefore, two additional measures are needed to operationalize the estimation of the IGI MFP projection: Labor compensation and capital income. The sum of labor compensation and capital income represents total income. The BLS calculates labor compensation and capital income (in current dollar terms) to derive the nominal values of labor and capital inputs. IGI uses the ''nongovernment total compensation'' and ''flow of capital services from the total private non-residential capital stock'' series as proxies for the BLS' income measures. These two proxy measures for income are divided by total income to obtain the shares of labor compensation and capital income to total income. To estimate labor's contribution and capital's contribution to the growth in total output, the growth rates of the proxy variables for labor and capital inputs are multiplied by their respective shares of total income. These contributions of labor and capital to output growth is subtracted from total output growth to calculate the ''change in the growth rates of multifactor productivity:''

MFP = Total output growth − ((labor input growth * labor compensation share) + (capital input growth * capital income share))

The change in the growth rates (also referred to as the compound growth rates) of the IGI MFP are multiplied by 100 to calculate the percent change in growth rates (the percent change in growth rates are published by the BLS for its historical MFP measure). Finally, the growth rates of the IGI MFP are converted to index levels to be consistent with the BLS' methodology. For benchmarking purposes, the historical growth rates of IGI's proxy variables were used to estimate a historical measure of MFP, which was compared to the historical MFP estimate published by the BLS. The comparison revealed that the growth rates of the components were consistent across all series, and therefore validated the use of the proxy variables in generating the IGI MFP projections. The resulting MFP index was then interpolated to a quarterly frequency using the Bassie method for temporal disaggregation. The Bassie technique utilizes an indicator (pattern) series for its calculations. IGI uses the index of output per hour (published by the BLS) as an indicator when interpolating the MFP index.

As described previously, the proposed CY 2015 HHA market basket percentage update would be 2.6 percent. Section 3401(e) of the Affordable Care Act amends section 1895(b)(3)(B) of the Act by adding a new clause, which requires that after establishing the percentage update for calendar year 2015 (and each subsequent year), ''the Secretary shall reduce such percentage by the productivity adjustment described in section 1886(b)(3)(B)(xi)(II)'' (which we refer to as the multifactor productivity adjustment or MFP adjustment).

To calculate the MFP-adjusted update for the HHA market basket, we propose that the MFP percentage adjustment be subtracted from the CY 2015 market basket update calculated using the CY 2010-based HHA market basket. We propose that the end of the 10-year moving average of changes in the MFP should coincide with the end of the appropriate CY update period. Since the market basket update is reduced by the MFP adjustment to determine the annual update for the HH PPS, we believe it is appropriate for the data and time period associated with both components of the calculation (the market basket and the productivity adjustment) to end on December 15, 2015, so that changes in market conditions are aligned.

Therefore, for the CY 2015 update, we propose that the MFP adjustment be calculated as the 10-year moving average of changes in MFP for the period ending December 31, 2015. We propose to round the final annual adjustment to the one-tenth of one percentage point level up or down as applicable according to conventional rounding rules (that is, if the number we are rounding is followed by 5, 6, 7, 8, or 9, we will round the number up; if the number we are rounding is followed by 1, 2, 3, or 4, we will round the number down).

The market basket percentage we are proposing for CY 2015 for the HHA market basket is based on the 1st quarter 2014 forecast of the CY 2010-based HHA market basket update, which is estimated to be 2.6 percent. This market basket percentage would then be reduced by the MFP adjustment (the 10-year moving average of MFP for the period ending December 31, 2015) of 0.4 percent, which is calculated as described above and based on IGI's 1st quarter 2014 forecast. The resulting MFP-adjusted HHA market basket update is equal to 2.2 percent, or 2.6 percent less 0.4 percent. We propose that if more recent data are subsequently available (for example, a more recent estimate of the market basket and MFP adjustment), we would use such data, if appropriate, to determine the CY 2015 market basket update and MFP adjustment in the CY 2015 HHA PPS final rule.

Section 1895(b)(3)(B) of the Act requires that the home health market basket percentage increase be decreased by 2 percentage points for those HHAs that do not submit quality data as required by the Secretary. For HHAs that do not submit the required quality data for CY 2015, the home health market basket update will be 0.2 percent (2.2 percent minus 2 percent). As noted previously, the home health market basket was rebased and revised in CY 2013. A detailed description of how we derive the HHA market basket is available in the CY 2013 HH PPS final rule (77 FR 67080, 67090).

2. Home Health Care Quality Reporting Program (HH QRP)

a. General Considerations Used for Selection of Quality Measures for the HH QRP

The successful development of the Home Health Quality Reporting Program (HH QRP) that promotes the delivery of high quality healthcare services is our paramount concern. We seek to adopt measures for the HH QRP that promote more efficient and safer care. Our measure selection activities for the HH QRP takes into consideration input we receive from the Measure Applications Partnership (MAP), convened by the National Quality Forum (NQF) as part of a pre-rulemaking process that we have established and are required to follow under section 1890A of the Act. The MAP is a public-private partnership comprised of multi-stakeholder groups convened for the primary purpose of providing input to CMS on the selection of certain categories of quality and efficiency measures, as required by section 1890A(a)(3) of the Act. By February 1st of each year, the NQF must provide that input to CMS.

More details about the pre-rulemaking process can be found at *http://www.qualityforum.org/map.*

MAP reports to view and download are available at *http://www.qualityforum.org/Setting_Priorities/Partnership/MAP_Final_Reports.aspx.*

Our measure development and selection activities for the HH QRP take into account national priorities, such as those established by the National Priorities Partnership (*http://www.qualityforum.org/Setting_Priorities/NPP/National_Priorities_Partnership.aspx*), the Department of Health & Human Services (HHS) Strategic Plan (*http://www.hhs.gov/secretary/about/priorities/priorities.html,* the National Quality Strategy (NQS) (*http://www.ahrq.gov/workingforquality/reports.htm*), and the CMS Quality Strategy (*http://www.cms.gov/Medicare/Quality-Initiatives-Patient-Assessment-Instruments/QualityInitiativesGenInfo/CMS-Quality-Strategy.html*).

To the extent practicable, we have sought to adopt measures that have been endorsed by the national consensus organization under contract to endorse standardized healthcare quality measures pursuant to section 1890 of the Act, recommended by multi-stakeholder organizations, and developed with the input of patients, providers, purchasers/payers, and other stakeholders. At this time, the National Quality Forum (NQF) is the national consensus organization that is under contract with HHS to provide review and endorsement of quality measures.

b. Background and Quality Reporting Requirements

Section 1895(b)(3)(B)(v)(II) of the Act states that ''each home health agency shall submit to the Secretary such data that the Secretary determines are appropriate for the measurement of health care quality. Such data shall be submitted in a form and manner, and at a time, specified by the Secretary for purposes of this clause.''

In addition, section 1895(b)(3)(B)(v)(I) of the Act states that ''for 2007 and each subsequent year, in the case of a home health agency that does not submit data to the Secretary in accordance with subclause (II) with respect to such a year, the home health market basket percentage increase applicable under such clause for such year shall be reduced by 2 percentage points.'' This requirement has been codified in regulations at § 484.225(i). HHAs that meet the quality data reporting requirements are eligible for the full home health (HH) market basket percentage increase. HHAs that do not meet the reporting requirements are subject to a 2 percentage point reduction to the HH market basket increase.

Section 1895(b)(3)(B)(v)(III) of the Act further states that ''[t]he Secretary shall establish procedures for making data submitted under subclause (II) available to the public. Such procedures shall ensure that a home health agency has the opportunity to review the data that is to be made public with respect to the agency prior to such data being made public.''

Medicare home health regulations, as codified at § 484.250(a), require HHAs to submit OASIS assessments and Home Health Care Consumer Assessment of Healthcare Providers and Systems Survey (HH CAHPS®) data to meet the quality reporting requirements of section 1895(b)(3)(B)(v) of the Act. We provide quality measure data to HHAs via the Certification and Survey Provider Enhanced Reports (CASPER reports) which are available on the CMS Health Care Quality Improvement System (QIES). A subset of the HH quality measures has been publicly reported on the Home Health Compare (HH Compare) Web site since 2003. The CY 2012 HH PPS final rule (76 FR 68576), identifies the current HH QRP measures. The selected measures that are made available to the public can be viewed on the HH Compare Web site located at *http://www.medicare.gov/HHCompare/Home.asp.* As stated in the CY 2012 and CY2013 HH PPS final rules (76 FR 68575 and 77 FR 67093, respectively), we finalized that we will also use measures derived from Medicare claims data to measure HH quality.

In the CY 2014 HH PPS final rule, we finalized a proposal to add two claims-based measures to the HH QRP, and also stated that we would begin reporting the data from these measures to HHAs beginning in CY 2014. These claims based measures are: (1) Rehospitalization during the first 30 days of HH; and (2) Emergency Department Use without Hospital Readmission during the first 30 days of HH. Also, in this rule, we finalized our proposal to reduce the number of process measures reported on the CASPER reports by eliminating the stratification by episode length for 9 process measures. While no timeframe was given for the removal of these measures, we have scheduled them for removal from the CASPER folders in October 2014. In addition, five short stay measures which had previously been reported on Home Health Compare were recently removed from public reporting and replaced with non-stratified ''all episodes of care'' versions of these measures.

c. OASIS Data Submission and OASIS Data for Annual Payment Update

(1) Statutory Authority

The Home Health conditions of participation (CoPs) at § 484.55(d) require that the comprehensive assessment must be updated and revised (including the administration of the OASIS) no less frequently than: (1) The last 5 days of every 60 days beginning with the start of care date, unless there is a beneficiary elected transfer, significant change in condition, or discharge and return to the same HHA during the 60-day episode; (2) within 48 hours of the patient's return to the home from a hospital admission of 24 hours

or more for any reason other than diagnostic tests; and (3) at discharge.

It is important to note that to calculate quality measures from OASIS data, there must be a complete quality episode, which requires both a Start of Care (initial assessment) or Resumption of Care OASIS assessment and a Transfer or Discharge OASIS assessment. Failure to submit sufficient OASIS assessments to allow calculation of quality measures, including transfer and discharge assessments, is failure to comply with the CoPs.

HHAs do not need to submit OASIS data for those patients who are excluded from the OASIS submission requirements. As described in the December 23, 2005 Medicare and Medicaid Programs: Reporting Outcome and Assessment Information Set Data as Part of the Conditions of Participation for Home Health Agencies final rule (70 FR 76202), we define the exclusion as those patients:

- Receiving only non-skilled services;
- For whom neither Medicare nor Medicaid is paying for HH care (patients receiving care under a Medicare or Medicaid Managed Care Plan are not excluded from the OASIS reporting requirement);
- Receiving pre- or post-partum services; or
- Under the age of 18 years.

As set forth in the CY 2008 HH PPS final rule (72 FR 49863), HHAs that become Medicare-certified on or after May 31 of the preceding year are not subject to the OASIS quality reporting requirement nor any payment penalty for quality reporting purposes for the following year. For example, HHAs certified on or after May 31, 2013 are not subject to the 2 percentage point reduction to their market basket update for CY 2014. These exclusions only affect quality reporting requirements and do not affect the HHA's reporting responsibilities as announced in the December 23, 2005 final rule, ''Medicare and Medicaid Programs; Reporting Outcome and Assessment Information Set Data as Part of the Conditions of Participation for Home Health Agencies'' (70 FR 76202).

(2) Home Health Quality Reporting Program Requirements for CY 2015 Payment and Subsequent Years

In the CY 2014 Home Health Final rule (78 FR 72297), we finalized a proposal to consider OASIS assessments submitted by HHAs to CMS in compliance with HH CoPs and Conditions for Payment for episodes beginning on or after July 1, 2012, and before July 1, 2013 as fulfilling one portion of the quality reporting requirement for CY 2014. In addition, we finalized a proposal to continue this pattern for each subsequent year beyond CY 2014, considering OASIS assessments submitted for episodes beginning on July 1st of the calendar year 2 years prior to the calendar year of the Annual Payment Update (APU) effective date and ending June 30th of the calendar year 1 year prior to the calendar year of the APU effective date as fulfilling the OASIS portion of the HH quality reporting requirement.

(3) Establishing a ''Pay-for-Reporting'' Performance Requirement for Submission of OASIS Quality Data

Section 1895(b)(3)(B)(v)(I) of the Act states that ''for 2007 and each subsequent year, in the case of a home health agency that does not submit data to the Secretary in accordance with subclause (II) with respect to such a year, the home health market basket percentage increase applicable under such clause for such year shall be reduced by 2 percentage points.'' This ''pay-for-reporting'' requirement was implemented on January 1, 2007. However, to date, the quantity of OASIS assessments each HHA must submit to meet this requirement has never been proposed and finalized through rulemaking or through the sub-regulatory process. We believe that this matter should be addressed for several reasons.

We believe that defining a more explicit performance requirement for the submission of OASIS data by HHAs would better meet section 5201(c)(2) of the Deficit Reduction Act of 2005 (DRA), which requires that ''each home health agency shall submit to the Secretary such data that the Secretary determines are appropriate for the measurement of health care quality. Such data shall be submitted in a form and manner, and at a time, specified by the Secretary for purposes of this clause.''

In February 2012, the Department of Health & Human Services Office of the Inspector General (OIG) performed a study to: (1) Determine the extent to which home health agencies (HHAs) meet Federal reporting requirements for the Outcome and Assessment Information Set (OASIS) data; (2) to determine the extent to which states meet federal reporting requirements for OASIS data; and (3) to determine the extent to which the Centers for Medicare & Medicaid Services (CMS) oversees the accuracy and completeness of OASIS data submitted by HHAs. In a report entitled, ''Limited Oversight of Home Health Agency OASIS Data,'' [13] the OIG stated their finding that ''CMS did not ensure the accuracy or completeness of OASIS data.'' The OIG recommended that we ''identify all HHAs that failed to submit OASIS data and apply the 2-percent payment reduction to them''. We believe that establishing a performance requirement for submission of OASIS quality data would be responsive to the recommendations of the OIG.

In response to these requirements and the OIG report, we directed one of our contractors (the University of Colorado, Anschutz Medical Campus) to design a pay-for-reporting performance system model that could accurately measure the level of an HHA's submission of OASIS quality data. After review and analysis of several years of OASIS data, the researchers at the University of Colorado were able to develop a performance system which is driven by the principle that each HHA would be expected to submit a minimum set of two ''matching'' assessments for each patient admitted to their agency. These matching assessments together create what is considered a ''quality episode of care'', which would ideally consist of a Start of Care (SOC) or Resumption of Care (ROC) assessment and a matching End of Care (EOC) assessment. However, the researchers at the University of Colorado determined that there are several scenarios that could meet this ''matching assessment requirement'' of the new pay-for-reporting performance requirement. These scenarios have been defined as ''quality assessments'', which are defined as assessments that create a quality episode of care during the reporting period or could create a quality episode if the reporting period were expanded to an earlier reporting period or into the next reporting period.

Seven types of assessments submitted by an HHA fit this definition of a quality assessment. These are:

- A Start of Care (SOC) or Resumption of Care (ROC) assessment that has a matching End of Care (EOC) assessment. EOC assessments are assessments that are conducted at transfer to an inpatient facility (with or without discharge), death, or discharge from home health care. These two assessments (the SOC or ROC assessment and the EOC assessment) create a regular quality episode of care and both count as quality assessments.
- An SOC/ROC assessment that could begin an episode of care, but occurs in the last 60 days of the performance

[13] *http://oig.hhs.gov/oei/reports/oei-01-10-00460.asp.*

period. This is labeled as a ''Late SOC/ROC'' quality assessment.

An EOC assessment that could end an episode of care that began in the previous reporting period, (that is, an EOC that occurs in the first 60 days of the performance period.) This is labeled as an ''Early EOC'' quality assessment.

- An SOC/ROC assessment that is followed by one or more follow-up assessments, the last of which occurs in the last 60 days of the performance period. This is labeled as an ''SOC/ROC Pseudo Episode'' quality assessment.
- An EOC assessment is preceded by one or more Follow-up assessments, the last of which occurs in the first 60 days of the performance period. This is labeled an ''EOC Pseudo Episode'' quality assessment.
- An SOC/ROC assessment that is part of a known one-visit episode. This is labeled as a ''One-visit episode'' quality assessment.
- SOC, ROC, and EOC assessments that do not meet any of these definitions are labeled as ''Non-Quality'' assessments.
- Follow-up assessments (that is, where the M0100 Reason for Assessment = '04' or '05') are considered ''Neutral'' assessments and do not count toward or against the pay for reporting performance requirement.

Compliance with this performance requirement can be measured through the use of an uncomplicated mathematical formula. This Pay for Reporting performance requirement metric has been titled as the ''Quality Assessments Only'' (QAO) formula because only those OASIS assessments that contribute, or could contribute, to creating a quality episode of care are included in the computation. The formula based on this definition is as follows:

$$\text{QAO} = \frac{(\text{\# of Quality Assessments})}{(\text{\# of Quality Assessments} + \text{\# of NonQuality Assessments})} * 100$$

Our ultimate goal is to require all HHAs to achieve a Pay-for-Reporting performance requirement compliance rate of 90 percent or more, as calculated using the QAO metric illustrated above. However, we propose to implement this performance requirement in an incremental fashion over a 3 year period. We propose to require each HHA to reach a compliance rate of 70 percent or better during the first reporting period [14] that the new Pay-for-Reporting performance requirement is implemented. We further propose to increase the Pay-for-Reporting performance requirement by 10 percent in the second reporting period, and then by an additional 10 percent in the third reporting period until a pay-for-reporting performance requirement of 90 percent is reached.

To summarize, we propose to implement the pay-for- reporting performance requirement beginning with all episodes of care that occur on or after July 1, 2015, in accordance with the following schedule:

- For episodes beginning on or after July 1st, 2015 and before June 30th, 2016, HHAs must score at least 70 percent on the QAO metric of pay-for-reporting performance or be subject to a 2 percentage point reduction to their market basket update for CY 2017.
- For episodes beginning on or after July 1st, 2016 and before June 30th, 2017, HHAs must score at least 80 percent on the QAO metric of pay-for-reporting performance or be subject to a 2 percentage point reduction to their market basket update for CY 2018.
- For episodes beginning on or after July 1st, 2017, and thereafter, and before June 30th, 2018 and thereafter, HHAs must score at least 90 percent on the QAO metric of pay-for-reporting performance or be subject to a 2 percentage point reduction to their market basket update for CY 2019, and each subsequent year thereafter.

We solicit public comment on our proposal to implement the Pay-for-Reporting performance requirement, as described previously, for the Home Health Quality Reporting Program.

d. Updates to HH QRP Measures Which Are Made as a Result of Review by the NQF Process

Section 1895(b)(3)(B)(v)(II) of the Act generally requires the Secretary to adopt measures that have been endorsed by the entity with a contract under section 1890(a) of the Act. This contract is currently held by the NQF. The NQF is a voluntary consensus standard-setting organization with a diverse representation of consumer, purchaser, provider, academic, clinical, and other health care stakeholder organizations. The NQF was established to standardize health care quality measurement and reporting through its consensus development process.[15]

The NQF undertakes to: (1) Review new quality measures and national consensus standards for measuring and publicly reporting on performance; (2) provide for annual measure maintenance updates to be submitted by the measure steward for endorsed quality measures; (3) provide for measure maintenance endorsement on a 3-year cycle; (4) conduct a required follow-up review of measures with time limited endorsement for consideration of full endorsement; and (5) conduct ad hoc reviews of endorsed quality measures, practices, consensus standards, or events when there is adequate justification for a review. In the normal course of measure maintenance, the NQF solicits information from measure stewards for annual reviews to review measures for continued endorsement in a specific 3-year cycle. In this measure maintenance process, the measure steward is responsible for updating and maintaining the currency and relevance of the measure and for confirming existing specifications to the NQF on an annual basis. As part of the ad hoc review process, the ad hoc review requester and the measure steward are responsible for submitting evidence for review by a NQF Technical Expert panel which, in turn, provides input to the Consensus Standards Approval Committee which then makes a decision on endorsement status and/or specification changes for the measure, practice, or event.

Through the NQF's measure maintenance process, the NQF endorsed measures are sometimes updated to incorporate changes that we believe do not substantially change the nature of the measure. With respect to what constitutes a substantive versus a non-substantive change, we expect to make this determination on a measure-by-measure basis. Examples of such non-substantive changes might include updated diagnosis or procedure codes, medication updates for categories of

[14] The term ''reporting period'' is defined as the submission of OASIS assessments for episodes between July 1 (of the calendar year two years prior to the calendar year of the APU effective date) through the following June 30th (of the calendar year one year prior to the calendar year of the APU effective date) each year.

[15] For more information about the NQF Consensus Development Process, please visit the NQF Web site using the following link: *http://www.qualityforum.org/Measuring_Performance/Consensus_Development_Process.aspx*.

medications, broadening of age ranges, and changes to exclusions for a measure. We believe that non-substantive changes may include updates to measures based upon changes to guidelines upon which the measures are based. These types of maintenance changes are distinct from more substantive changes to measures that result in what can be considered new or different measures, and that they do not trigger the same agency obligations under the Administrative Procedure Act.

We are proposing that, if the NQF updates an endorsed measure that we have adopted for the HH QRP in a manner that we consider to not substantially change the nature of the measure, we would use a sub-regulatory process to incorporate those updates to the measure specifications that apply to the program. Specifically, we would revise the information that is posted on the CMS Home Health Quality Initiatives Web site at *http://www.cms.gov/Medicare/Quality-Initiatives-Patient-Assessment-Instruments/HomeHealthQualityInits/HHQIQualityMeasures.html* so that it clearly identifies the updates and provides links to where additional information on the updates can be found. In addition, we would refer HHAs to the NQF Web site for the most up-to date information about the quality measures (*http://www.qualityforum.org/*). We would provide sufficient lead time for HHAs to implement the changes where changes to the data collection systems would be necessary.

We would continue to use the rulemaking process to adopt changes to measures that we consider to substantially change the nature of the measure. Examples of changes that we might consider to be substantive would be those in which the changes are so significant that the measure is no longer the same measure, or when a standard of performance assessed by a measure becomes more stringent, such as changes in acceptable timing of medication, procedure/process, test administration, or expansion of the measure to a new setting. We believe that our proposal adequately balances our need to incorporate NQF updates to NQF endorsed measures used in the HH QRP in the most expeditious manner possible, while preserving the public's ability to comment on updates to measures that so fundamentally change an endorsed measure that it is no longer the same measure that we originally adopted.

We note that a similar policy was adopted for the Hospital IQR Program, the PPS-Exempt Cancer Hospital (PCH) Quality Reporting Program, the Long-Term Care Hospital Quality Reporting (LTCHQR) Program, the Inpatient Rehabilitation Facility Quality Reporting Program (IRF QRP) and the Inpatient Psychiatric Facility (IPF) Quality Reporting Program.

We invite public comment on our proposal to adopt a policy in which NQF changes to a measure that are non-substantive in nature will be adopted using a sub-regulatory process and NQF changes that are substantive in nature will be adopted through the rulemaking process.

e. Home Health Care CAHPS® Survey (HHCAHPS)

In the CY 2014 HH PPS final rule (78 FR 72294), we stated that the HH quality measures reporting requirements for Medicare-certified agencies includes the Home Health Care CAHPS® (HHCAHPS) Survey for the CY 2014 APU. We maintained the stated HHCAHPS data requirements for CY 2014 set out in previous rules, for the continuous monthly data collection and quarterly data submission of HHCAHPS data.

(1) Background and Description of HHCAHPS

As part of the HHS Transparency Initiative, we implemented a process to measure and publicly report patient experiences with home health care, using a survey developed by the Agency for Healthcare Research and Quality's (AHRQ's) Consumer Assessment of Healthcare Providers and Systems (CAHPS®) program and endorsed by the NQF in March 2009 (NQF Number 0517). The HHCAHPS survey is part of a family of CAHPS® surveys that asks patients to report on and rate their experiences with health care. The Home Health Care CAHPS® (HHCAHPS) survey presents home health patients with a set of standardized questions about their home health care providers and about the quality of their home health care.

Prior to this survey, there was no national standard for collecting information about patient experiences that will enable valid comparisons across all HHAs. The history and development process for HHCAHPS has been described in previous rules and is also available on the official HHCAHPS Web site at *https://homehealthcahps.org* and in the annually-updated *HHCAHPS Protocols and Guidelines Manual,* which is downloadable from *https://homehealthcahps.org.*

For public reporting purposes, we report five measures from the HHCAHPS Survey—three composite measures and two global ratings of care that are derived from the questions on the HHCAHPS survey. The publicly reported data are adjusted for differences in patient mix across HHAs. We update the HHCAHPS data on Home Health Compare on *www.medicare.gov* quarterly. Each HHCAHPS composite measure consists of four or more individual survey items regarding one of the following related topics:

- Patient care (Q9, Q16, Q19, and Q24);
- Communications between providers and patients (Q2, Q15, Q17, Q18, Q22, and Q23); and
- Specific care issues on medications, home safety, and pain (Q3, Q4, Q5, Q10, Q12, Q13, and Q14).

The two global ratings are the overall rating of care given by the HHA's care providers (Q20), and the patient's willingness to recommend the HHA to family and friends (Q25).

The HHCAHPS survey is currently available in English, Spanish, Chinese, Russian, and Vietnamese. The OMB number on these surveys is the same (0938–1066). All of these surveys are on the Home Health Care CAHPS® Web site, *https://homehealthcahps.org.* We will continue to consider additional language translations of the HHCAHPS in response to the needs of the home health patient population.

All of the requirements about home health patient eligibility for the HHCAHPS survey and conversely, which home health patients are ineligible for the HHCAHPS survey are delineated and detailed in the *HHCAHPS Protocols and Guidelines Manual,* which is downloadable at *https://homehealthcahps.org.* Home health patients are eligible for HHCAHPS if they received at least two skilled home health visits in the past 2 months, which are paid for by Medicare or Medicaid.

Home health patients are *ineligible* for inclusion in HHCAHPS surveys if one of these conditions pertains to them:

- Are under the age of 18;
- Are deceased prior to the date the sample is pulled;
- Receive hospice care;
- Receive routine maternity care only;
- Are not considered survey eligible because the state in which the patient lives restricts release of patient information for a specific condition or illness that the patient has; or
- No Publicity patients, defined as patients who on their own initiative at their first encounter with the HHAs make it very clear that no one outside of the agencies can be advised of their patient status, and no one outside of the HHAs can contact them for any reason.

We stated in previous rules that Medicare-certified HHAs are required to contract with an approved HHCAHPS survey vendor. This requirement continues, and Medicare-certified agencies also must provide on a monthly basis a list of their patients served to their respective HHCAHPS survey vendors. Agencies are not allowed to influence at all how their patients respond to the HHCAHPS survey.

As previously required, HHCAHPS survey vendors are required to attend introductory and all update trainings conducted by CMS and the HHCAHPS Survey Coordination Team, as well as to pass a post-training certification test. We have approximately 30 approved HHCAHPS survey vendors. The list of approved HHCAHPS survey vendors is available at *https://homehealthcahps.org.*

(2) HHCAHPS Oversight Activities

We stated in prior final rules that all approved HHCAHPS survey vendors are required to participate in HHCAHPS oversight activities to ensure compliance with HHCAHPS protocols, guidelines, and survey requirements. The purpose of the oversight activities is to ensure that approved HHCAHPS survey vendors follow the *HHCAHPS Protocols and Guidelines Manual.* As stated previously in the five prior final rules to this proposed rule, all HHCAHPS approved survey vendors must develop a Quality Assurance Plan (QAP) for survey administration in accordance with the *HHCAHPS Protocols and Guidelines Manual.* An HHCAHPS survey vendor's first QAP must be submitted within 6 weeks of the data submission deadline date after the vendor's first quarterly data submission. The QAP must be updated and submitted annually thereafter and at any time that changes occur in staff or vendor capabilities or systems. A model QAP is included in the *HHCAHPS Protocols and Guidelines Manual.* The QAP must include the following:

- Organizational Background and Staff Experience;
- Work Plan;
- Sampling Plan;
- Survey Implementation Plan;
- Data Security, Confidentiality and Privacy Plan; and
- Questionnaire Attachments

As part of the oversight activities, the HHCAHPS Survey Coordination Team conducts on-site visits to all approved HHCAHPS survey vendors. The purpose of the site visits is to allow the HHCAHPS Coordination Team to observe the entire HHCAHPS Survey implementation process, from the sampling stage through file preparation and submission, as well as to assess data security and storage. The HHCAHPS Survey Coordination Team reviews the HHCAHPS survey vendor's survey systems, and assesses administration protocols based on the *HHCAHPS Protocols and Guidelines Manual* posted at *https://homehealthcahps.org.* The systems and program site visit review includes, but is not limited to the following:

- Survey management and data systems;
- Printing and mailing materials and facilities;
- Telephone call center facilities;
- Data receipt, entry and storage facilities; and
- Written documentation of survey processes.

After the site visits, HHCAHPS survey vendors are given a defined time period in which to correct any identified issues and provide follow-up documentation of corrections for review. HHCAHPS survey vendors are subject to follow-up site visits on an as-needed basis.

In the CY 2013 HH PPS final rule (77 FR 67094, 67164), we codified the current guideline that all approved HHCAHPS survey vendors fully comply with all HHCAHPS oversight activities. We included this survey requirement at § 484.250(c)(3).

(3) HHCAHPS Requirements for the CY 2015 APU

In the CY 2014 HH PPS final rule (78 FR 72294), we stated that for the CY 2015 APU, we will require continued monthly HHCAHPS data collection and reporting for 4 quarters. The data collection period for CY 2015 APU includes the second quarter 2013 through the first quarter 2014 (the months of April 2013 through March 2014). Although these dates are past, we wished to state them in this proposed rule so that HHAs are again reminded of what months constituted the requirements for the CY 2015 APU. HHAs are required to submit their HHCAHPS data files to the HHCAHPS Data Center for the HHCAHPS data from the first quarter of 2014 data by 11:59 p.m., e.d.t. on July 17, 2014. This deadline is firm; no exceptions are permitted.

(4) HHCAHPS Requirements for the CY 2016 APU

For the CY 2016 APU, we require continued monthly HHCAHPS data collection and reporting for 4 quarters. The data collection period for the CY 2016 APU includes the second quarter 2014 through the first quarter 2015 (the months of April 2014 through March 2015). HHAs will be required to submit their HHCAHPS data files to the HHCAHPS Data Center for the second quarter 2014 by 11:59 p.m., e.d.t. on October 16, 2014; for the third quarter 2014 by 11:59 p.m., e.s.t. on January 15, 2015; for the fourth quarter 2014 by 11:59 p.m., e.d.t. on April 16, 2015; and for the first quarter 2015 by 11:59 p.m., e.d.t. on July 16, 2015. These deadlines will be firm; no exceptions will be permitted.

We will exempt HHAs receiving Medicare certification after the period in which HHAs do their patient count (April 1, 2013 through March 31, 2014) on or after April 1, 2014, from the full HHCAHPS reporting requirement for the CY 2016 APU, because these HHAs will not have been Medicare-certified throughout the period of April 1, 2013, through March 31, 2014. These HHAs will not need to complete a HHCAHPS Participation Exemption Request form for the CY 2016 APU.

We require that all HHAs that had fewer than 60 HHCAHPS-eligible unduplicated or unique patients in the period of April 1, 2013 through March 31, 2014 are exempt from the HHCAHPS data collection and submission requirements for the CY 2016 APU, upon completion of the CY 2016 HHCAHPS Participation Exemption Request form. Agencies with fewer than 60 HHCAHPS-eligible, unduplicated or unique patients in the period of April 1, 2013, through March 31, 2014, will be required to submit their patient counts on the HHCAHPS Participation Exemption Request form for the CY 2016 APU posted on *https://homehealthcahps.org* on April 1, 2014, by 11:59 p.m., e.s.t. by March 31, 2015. This deadline will be firm, as will be all of the quarterly data submission deadlines.

(5) HHCAHPS Requirements for the CY 2017 APU

For the CY 2017 APU, we require continued monthly HHCAHPS data collection and reporting for 4 quarters. The data collection period for the CY 2017 APU includes the second quarter 2015 through the first quarter 2016 (the months of April 2015 through March 2016). HHAs will be required to submit their HHCAHPS data files to the HHCAHPS Data Center for the second quarter 2015 by 11:59 p.m., e.d.t. on October 15, 2015; for the third quarter 2015 by 11:59 p.m., e.s.t. on January 12, 2016; for the fourth quarter 2015 by 11:59 p.m., e.d.t. on April 21, 2016; and for the first quarter 2016 by 11:59 p.m., e.d.t. on July 21, 2016. These deadlines will be firm; no exceptions will be permitted.

We will exempt HHAs receiving Medicare certification after the period in which HHAs do their patient count (April 1, 2014 through March 31, 2015) on or after April 1, 2015, from the full HHCAHPS reporting requirement for the CY 2016 APU, because these HHAs will not have been Medicare-certified throughout the period of April 1, 2014, through March 31, 2015. These HHAs will not need to complete a HHCAHPS Participation Exemption Request form for the CY 2017 APU.

We require that all HHAs that had fewer than 60 HHCAHPS-eligible unduplicated or unique patients in the period of April 1, 2014, through March 31, 2015 are exempt from the HHCAHPS data collection and submission requirements for the CY 2017 APU, upon completion of the CY 2017 HHCAHPS Participation Exemption Request form. Agencies with fewer than 60 HHCAHPS-eligible, unduplicated or unique patients in the period of April 1, 2014, through March 31, 2015, will be required to submit their patient counts on the HHCAHPS Participation Exemption Request form for the CY 2017 APU posted on *https://homehealthcahps.org* on April 1, 2015, by 11:59 p.m., e.s.t. by March 31, 2016. This deadline will be firm, as will be all of the quarterly data submission deadlines.

(6) HHCAHPS Reconsiderations and Appeals Process

HHAs should monitor their respective HHCAHPS survey vendors to ensure that vendors submit their HHCAHPS data on time, by accessing their HHCAHPS Data Submission Reports on *https://homehealthcahps.org.* This will help HHAs ensure that their data are submitted in the proper format for data processing to the HHCAHPS Data Center.

We will continue HHCAHPS oversight activities as finalized in the CY 2014 rule. In the CY 2013 HH PPS final rule (77 FR 6704, 67164), we codified the current guideline that all approved HHCAHPS survey vendors must fully comply with all HHCAHPS oversight activities. We included this survey requirement at § 484.250(c)(3).

We will continue the HHCAHPS reconsiderations and appeals process that we have finalized and that we have used for prior periods for the CY 2012, CY 2013, and CY 2014 APU determinations. We have described the HHCAHPS reconsiderations process requirements in the Technical Direction Letter that we send to the affected HHAs, on or about the first Friday in September. HHAs have 30 days from their receipt of the Technical Direction Letter informing them that they did not meet the HHCAHPS requirements for the CY period, to send all documentation that supports their requests for reconsideration to CMS. It is important that the affected HHAs send in comprehensive information in their reconsideration letter/package because we will not contact the affected HHAs to request additional information or to clarify incomplete or inconclusive information. If clear evidence to support a finding of compliance is not present, the 2 percent reduction in the APU will be upheld. If clear evidence of compliance is present, the 2 percent reduction for the APU will be reversed. We will notify affected HHAs by about mid-December. If we determine to uphold the 2 percent reduction, the HHA may further appeal the 2 percent reduction via the Provider Reimbursement Review Board (PRRB) appeals process.

(7) Summary

We are not proposing any changes to the participation requirements, or to the requirements pertaining to the implementation of the Home Health CAHPS® Survey (HHCAHPS). We again strongly encourage HHAs to learn about the survey and view the HHCAHPS Survey Web site at the official Web site for the HHCAHPS at *https://homehealthcahps.org.* HHAs can also send an email to the HHCAHPS Survey Coordination Team at *HHCAHPS@rti.org,* or telephone toll-free (1–866–354–0985) for more information about HHCAHPS.

4. Home Health Wage Index

a. Background

Sections 1895(b)(4)(A)(ii) and (b)(4)(C) of the Act require the Secretary to provide appropriate adjustments to the proportion of the payment amount under the HH PPS that account for area wage differences, using adjustment factors that reflect the relative level of wages and wage-related costs applicable to the furnishing of HH services. Since the inception of the HH PPS, we have used inpatient hospital wage data in developing a wage index to be applied to HH payments. We propose to continue this practice for CY 2015, as we continue to believe that, in the absence of HH-specific wage data, using inpatient hospital wage data is appropriate and reasonable for the HH PPS. Specifically, we propose to continue to use the pre-floor, pre-reclassified hospital wage index as the wage adjustment to the labor portion of the HH PPS rates. For CY 2015, the updated wage data are for hospital cost reporting periods beginning on or after October 1, 2010 and before October 1, 2011 (FY 2011 cost report data).

We would apply the appropriate wage index value to the labor portion of the HH PPS rates based on the site of service for the beneficiary (defined by section 1861(m) of the Act as the beneficiary's place of residence). Previously, we determined each HHA's labor market area based on definitions of metropolitan statistical areas (MSAs) issued by the OMB. In the CY 2006 HH PPS final rule (70 FR 68132), we began adopting revised labor market area definitions as discussed in the OMB Bulletin No. 03–04 (June 6, 2003). This bulletin announced revised definitions for MSAs and the creation of micropolitan statistical areas and core-based statistical areas (CBSAs). The bulletin is available online at *www.whitehouse.gov/omb/bulletins/b03-04.html.* In adopting the CBSA geographic designations, we provided a one-year transition in CY 2006 with a blended wage index for all sites of service. For CY 2006, the wage index for each geographic area consisted of a blend of 50 percent of the CY 2006 MSA-based wage index and 50 percent of the CY 2006 CBSA-based wage index. We referred to the blended wage index as the CY 2006 HH PPS transition wage index. As discussed in the CY 2006 HH PPS final rule (70 FR 68132), since the expiration of this one-year transition on December 31, 2006, we have used the full CBSA-based wage index values.

We propose to continue to use the same methodology discussed in the CY 2007 HH PPS final rule (71 FR 65884) to address those geographic areas in which there are no inpatient hospitals, and thus, no hospital wage data on which to base the calculation of the CY 2015 HH PPS wage index. For rural areas that do not have inpatient hospitals, we will use the average wage index from all contiguous CBSAs as a reasonable proxy. For CY 2015, there are no rural areas that do not have inpatient hospitals, and thus, this methodology would not be applied. For rural Puerto Rico, we do not apply this methodology due to the distinct economic circumstances that exist there (for example, due to the close proximity to one another of almost all of Puerto Rico's various urban and non-urban areas, this methodology would produce a wage index for rural Puerto Rico that is higher than that in half of its urban areas). Instead, we would continue to use the most recent wage index previously available for that area. For urban areas without inpatient hospitals, we use the average wage index of all urban areas within the state as a

reasonable proxy for the wage index for that CBSA. For CY 2015, the only urban area without inpatient hospital wage data is Hinesville, Georgia (CBSA 25980).

b. Update

On February 28, 2013, OMB issued Bulletin No. 13–01, announcing revisions to the delineations of MSAs, Micropolitan Statistical Areas, and CBSAs, and guidance on uses of the delineation of these areas. This bulletin is available online at *http://www.whitehouse.gov/sites/default/files/omb/bulletins/2013/b-13-01.pdf.* This bulletin states that it ''provides the delineations of all Metropolitan Statistical Areas, Metropolitan Divisions, Micropolitan Statistical Areas, Combined Statistical Areas, and New England City and Town Areas in the United States and Puerto Rico based on the standards published on June 28, 2010, in the **Federal Register** (75 FR 37246–37252) and Census Bureau data.''

While the revisions OMB published on February 28, 2013 are not as sweeping as the changes made when we adopted the CBSA geographic designations for CY 2006, the February 28, 2013 bulletin does contain a number of significant changes. For example, there are new CBSAs, urban counties that have become rural, rural counties that have become urban, and existing CBSAs that have been split apart.

As discussed in the CY 2014 HH PPS final rule (78 FR 72302), the changes made by the bulletin and their ramifications required extensive review by CMS before using them for the HH PPS wage index. We have completed our assessment and in the FY 2015 IPPS proposed rule (79 FR 27978), we proposed to use the most recent labor market area delineations issued by OMB for payments for inpatient stays at general acute care and long-term care hospitals (LTCHs). In addition, in the FY 2015 Skilled Nursing Facility (SNF) PPS proposed rule (79 FR 25767), we proposed to use the new labor market delineations issued by OMB for payments for SNFs. We are proposing changes to the HH PPS wage index based on the newest OMB delineations, as described in OMB Bulletin No. 13–01.

c. Proposed Implementation of New Labor Market Delineations

We believe it is important for the HH PPS to use the latest OMB delineations available to maintain a more accurate and up-to-date payment system that reflects the reality of population shifts and labor market conditions. While CMS and other stakeholders have explored potential alternatives to the current CBSA-based labor market system (we refer readers to the CMS Web site at *www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/AcuteInpatientPPS/Wage-Index-Reform.html*), no consensus has been achieved regarding how best to implement a replacement system. As discussed in the FY 2005 IPPS final rule (69 FR 49027), ''While we recognize that MSAs are not designed specifically to define labor market areas, we believe they do represent a useful proxy for this purpose.'' We further believe that using the most current OMB delineations would increase the integrity of the HH PPS wage index by creating a more accurate representation of geographic variation in wage levels. We have reviewed our findings and impacts relating to the new OMB delineations, and have concluded that there is no compelling reason to further delay implementation.

We propose incorporating the new CBSA delineations into the CY 2015 HH PPS wage index in the same manner in which the CBSAs were first incorporated into the HH PPS wage index in CY 2006 (70 FR 68138). We propose to use a one-year blended wage index for CY 2015. We refer to this blended wage index as the CY 2015 HH PPS transition wage index. The transition wage index would consist of a 50/50 blend of the wage index values using OMB's old area delineations and the wage index values using OMB's new area delineations. That is, for each county, a blended wage index would be calculated equal to fifty percent of the CY 2015 wage index using the old labor market area delineation and fifty percent of the CY 2015 wage index using the new labor market area delineation (both using FY 2011 hospital wage data). This ultimately results in an average of the two values.

If we adopt the new OMB delineations, a total of 37 counties (and county equivalents) that are currently considered part of an urban CBSA would be considered rural beginning in CY 2015. Table 13 below lists the 37 urban counties that would change to rural status.

TABLE 13—COUNTIES THAT WOULD CHANGE TO RURAL STATUS

County	State	CBSA No. under CY 2014 HH PPS	CBSA Name
Greene County	IN	14020	Bloomington, IN.
Anson County	NC	16740	Charlotte-Gastonia-Rock Hill, NC-SC.
Franklin County	IN	17140	Cincinnati-Middletown, OH-KY-IN.
Stewart County	TN	17300	Clarksville, TN-KY.
Howard County	MO	17860	Columbia, MO.
Delta County	TX	19124	Dallas-Fort Worth-Arlington, TX.
Pittsylvania County	VA	19260	Danville, VA.
Danville City	VA	19260	Danville, VA.
Preble County	OH	19380	Dayton, OH.
Gibson County	IN	21780	Evansville, IN-KY.
Webster County	KY	21780	Evansville, IN-KY.
Franklin County	AR	22900	Fort Smith, AR-OK.
Ionia County	MI	24340	Grand Rapids-Wyoming, MI.
Newaygo County	MI	24340	Grand Rapids-Wyoming, MI.
Greene County	NC	24780	Greenville, NC.
Stone County	MS	25060	Gulfport-Biloxi, MS.
Morgan County	WV	25180	Hagerstown-Martinsburg, MD-WV.
San Jacinto County	TX	26420	Houston-Sugar Land-Baytown, TX.
Franklin County	KS	28140	Kansas City, MO-KS.
Tipton County	IN	29020	Kokomo, IN.
Nelson County	KY	31140	Louisville/Jefferson County, KY-IN.
Geary County	KS	31740	Manhattan, KS.

TABLE 13—COUNTIES THAT WOULD CHANGE TO RURAL STATUS—Continued

County	State	CBSA No. under CY 2014 HH PPS	CBSA Name
Washington County	OH	37620	Parkersburg-Marietta-Vienna, WV-OH.
Pleasants County	WV	37620	Parkersburg-Marietta-Vienna, WV-OH.
George County	MS	37700	Pascagoula, MS.
Power County	ID	38540	Pocatello, ID.
Cumberland County	VA	40060	Richmond, VA.
King and Queen County	VA	40060	Richmond, VA.
Louisa County	VA	40060	Richmond, VA.
Washington County	MO	41180	St. Louis, MO-IL.
Summit County	UT	41620	Salt Lake City, UT.
Erie County	OH	41780	Sandusky, OH.
Franklin County	MA	44140	Springfield, MA.
Ottawa County	OH	45780	Toledo, OH.
Greene County	AL	46220	Tuscaloosa, AL.
Calhoun County	TX	47020	Victoria, TX.
Surry County	VA	47260	Virginia Beach-Norfolk-Newport News, VA-NC.

If we finalize our proposal to implement the new OMB delineations, a total of 105 counties (and county equivalents) that are currently located in rural areas would be considered part of an urban CBSA beginning in CY 2015. Table 14 lists the 105 rural counties that would change to urban status.

TABLE 14—COUNTIES THAT WOULD CHANGE TO URBAN STATUS

County	State	CBSA No.	CBSA Name
Utuado Municipio	PR	10380	Aguadilla-Isabela, PR.
Linn County	OR	10540	Albany, OR.
Oldham County	TX	11100	Amarillo, TX.
Morgan County	GA	12060	Atlanta-Sandy Springs-Roswell, GA.
Lincoln County	GA	12260	Augusta-Richmond County, GA-SC.
Newton County	TX	13140	Beaumont-Port Arthur, TX.
Fayette County	WV	13220	Beckley, WV.
Raleigh County	WV	13220	Beckley, WV.
Golden Valley County	MT	13740	Billings, MT.
Oliver County	ND	13900	Bismarck, ND.
Sioux County	ND	13900	Bismarck, ND.
Floyd County	VI	13980	Blacksburg-Christiansburg-Radford, VA.
De Witt County	IL	14010	Bloomington, IL.
Columbia County	PA	14100	Bloomsburg-Berwick, PA.
Montour County	PA	14100	Bloomsburg-Berwick, PA.
Allen County	KY	14540	Bowling Green, KY.
Butler County	KY	14540	Bowling Green, KY.
St. Mary's County	MD	15680	California-Lexington Park, MD.
Jackson County	IL	16060	Carbondale-Marion, IL.
Williamson County	IL	16060	Carbondale-Marion, IL.
Franklin County	PA	16540	Chambersburg-Waynesboro, PA.
Iredell County	NC	16740	Charlotte-Concord-Gastonia, NC-SC.
Lincoln County	NC	16740	Charlotte-Concord-Gastonia, NC-SC.
Rowan County	NC	16740	Charlotte-Concord-Gastonia, NC-SC.
Chester County	SC	16740	Charlotte-Concord-Gastonia, NC-SC.
Lancaster County	SC	16740	Charlotte-Concord-Gastonia, NC-SC.
Buckingham County	VA	16820	Charlottesville, VA.
Union County	IN	17140	Cincinnati, OH-KY-IN.
Hocking County	OH	18140	Columbus, OH.
Perry County	OH	18140	Columbus, OH.
Walton County	FL	18880	Crestview-Fort Walton Beach-Destin, FL.
Hood County	TX	23104	Dallas-Fort Worth-Arlington, TX.
Somervell County	TX	23104	Dallas-Fort Worth-Arlington, TX.
Baldwin County	AL	19300	Daphne-Fairhope-Foley, AL.
Monroe County	PA	20700	East Stroudsburg, PA.
Hudspeth County	TX	21340	El Paso, TX.
Adams County	PA	23900	Gettysburg, PA.
Hall County	NE	24260	Grand Island, NE.
Hamilton County	NE	24260	Grand Island, NE.
Howard County	NE	24260	Grand Island, NE.
Merrick County	NE	24260	Grand Island, NE.
Montcalm County	MI	24340	Grand Rapids-Wyoming, MI.
Josephine County	OR	24420	Grants Pass, OR.
Tangipahoa Parish	LA	25220	Hammond, LA.

TABLE 14—COUNTIES THAT WOULD CHANGE TO URBAN STATUS—Continued

County	State	CBSA No.	CBSA Name
Beaufort County	SC	25940	Hilton Head Island-Bluffton-Beaufort, SC.
Jasper County	SC	25940	Hilton Head Island-Bluffton-Beaufort, SC.
Citrus County	FL	26140	Homosassa Springs, FL.
Butte County	ID	26820	Idaho Falls, ID.
Yazoo County	MS	27140	Jackson, MS.
Crockett County	TN	27180	Jackson, TN.
Kalawao County	HI	27980	Kahului-Wailuku-Lahaina, HI.
Maui County	HI	27980	Kahului-Wailuku-Lahaina, HI.
Campbell County	TN	28940	Knoxville, TN.
Morgan County	TN	28940	Knoxville, TN.
Roane County	TN	28940	Knoxville, TN.
Acadia Parish	LA	29180	Lafayette, LA.
Iberia Parish	LA	29180	Lafayette, LA.
Vermilion Parish	LA	29180	Lafayette, LA.
Cotton County	OK	30020	Lawton, OK.
Scott County	IN	31140	Louisville/Jefferson County, KY-IN.
Lynn County	TX	31180	Lubbock, TX.
Green County	WI	31540	Madison, WI.
Benton County	MS	32820	Memphis, TN-MS-AR.
Midland County	MI	33220	Midland, MI.
Martin County	TX	33260	Midland, TX.
Le Sueur County	MN	33460	Minneapolis-St. Paul-Bloomington, MN-WI.
Mille Lacs County	MN	33460	Minneapolis-St. Paul-Bloomington, MN-WI.
Sibley County	MN	33460	Minneapolis-St. Paul-Bloomington, MN-WI.
Maury County	TN	34980	Nashville-Davidson-Murfreesboro-Franklin, TN.
Craven County	NC	35100	New Bern, NC.
Jones County	NC	35100	New Bern, NC.
Pamlico County	NC	35100	New Bern, NC.
St. James Parish	LA	35380	New Orleans-Metairie, LA.
Box Elder County	UT	36260	Ogden-Clearfield, UT.
Gulf County	FL	37460	Panama City, FL.
Custer County	SD	39660	Rapid City, SD.
Fillmore County	MN	40340	Rochester, MN.
Yates County	NY	40380	Rochester, NY.
Sussex County	DE	41540	Salisbury, MD-DE.
Worcester County	MA	41540	Salisbury, MD-DE.
Highlands County	FL	42700	Sebring, FL.
Webster Parish	LA	43340	Shreveport-Bossier City, LA.
Cochise County	AZ	43420	Sierra Vista-Douglas, AZ.
Plymouth County	IA	43580	Sioux City, IA-NE-SD.
Union County	SC	43900	Spartanburg, SC.
Pend Oreille County	WA	44060	Spokane-Spokane Valley, WA.
Stevens County	WA	44060	Spokane-Spokane Valley, WA.
Augusta County	VA	44420	Staunton-Waynesboro, VA.
Staunton City	VA	44420	Staunton-Waynesboro, VA.
Waynesboro City	VA	44420	Staunton-Waynesboro, VA.
Little River County	AR	45500	Texarkana, TX-AR.
Sumter County	FL	45540	The Villages, FL.
Pickens County	AL	46220	Tuscaloosa, AL.
Gates County	NC	47260	Virginia Beach-Norfolk-Newport News, VA-NC.
Falls County	TX	47380	Waco, TX.
Columbia County	WA	47460	Walla Walla, WA.
Walla Walla County	WA	47460	Walla Walla, WA.
Peach County	GA	47580	Warner Robins, GA.
Pulaski County	GA	47580	Warner Robins, GA.
Culpeper County	VA	47894	Washington-Arlington-Alexandria, DC-VA-MD-WV.
Rappahannock County	VA	47894	Washington-Arlington-Alexandria, DC-VA-MD-WV.
Jefferson County	NY	48060	Watertown-Fort Drum, NY.
Kingman County	KS	48620	Wichita, KS.
Davidson County	NC	49180	Winston-Salem, NC.
Windham County	CT	49340	Worcester, MA-CT.

In addition to rural counties becoming urban and urban counties becoming rural, several urban counties would shift from one urban CBSA to another urban CBSA under our proposal to adopt the new OMB delineations. In other cases, applying the new OMB delineations would involve a change only in CBSA name or number, while the CBSA continues to encompass the same constituent counties. For example, CBSA 29140 (Lafayette, IN), would experience both a change to its number and its name, and would become CBSA 29200 (Lafayette-West Lafayette, IN), while all of its three constituent counties would remain the same. We are not discussing these proposed changes in this section because they are inconsequential changes with respect to the HH PPS wage index. However, in

other cases, if we adopt the new OMB delineations, counties would shift between existing and new CBSAs, changing the constituent makeup of the CBSAs.

In one type of change, an entire CBSA would be subsumed by another CBSA. For example, CBSA 37380 (Palm Coast, FL) currently is a single county (Flagler, FL) CBSA. Flagler County would be a part of CBSA 19660 (Deltona-Daytona Beach-Ormond Beach, FL) under the new OMB delineations.

In another type of change, some CBSAs have counties that would split off to become part of or to form entirely new labor market areas. For example, CBSA 37964 (Philadelphia Metropolitan Division of MSA 37980) currently is comprised of five Pennsylvania counties (Bucks, Chester, Delaware, Montgomery, and Philadelphia). If we adopt the new OMB delineations, Montgomery, Bucks, and Chester counties would split off and form the new CBSA 33874 (Montgomery County-Bucks County-Chester County, PA Metropolitan Division of MSA 37980), while Delaware and Philadelphia counties would remain in CBSA 37964.

Finally, in some cases, a CBSA would lose counties to another existing CBSA if we adopt the new OMB delineations. For example, Lincoln County and Putnam County, WV would move from CBSA 16620 (Charleston, WV) to CBSA 26580 (Huntington-Ashland, WV KY OH). CBSA 16620 would still exist in the new labor market delineations with fewer constituent counties. Table 15 lists the urban counties that would move from one urban CBSA to another urban CBSA if we adopt the new OMB delineations.

TABLE 15—COUNTIES THAT WOULD CHANGE TO A DIFFERENT CBSA

Previous CBSA	New CBSA	County	State
11300	26900	Madison County	IN
11340	24860	Anderson County	SC
14060	14010	McLean County	IL
37764	15764	Essex County	MA
16620	26580	Lincoln County	WV
16620	26580	Putnam County	WV
16974	20994	DeKalb County	IL
16974	20994	Kane County	IL
21940	41980	Ceiba Municipio	PR
21940	41980	Fajardo Municipio	PR
21940	41980	Luquillo Municipio	PR
26100	24340	Ottawa County	MI
31140	21060	Meade County	KY
34100	28940	Grainger County	TN
35644	35614	Bergen County	NJ
35644	35614	Hudson County	NJ
20764	35614	Middlesex County	NJ
20764	35614	Monmouth County	NJ
20764	35614	Ocean County	NJ
35644	35614	Passaic County	NJ
20764	35084	Somerset County	NJ
35644	35614	Bronx County	NY
35644	35614	Kings County	NY
35644	35614	New York County	NY
35644	20524	Putnam County	NY
35644	35614	Queens County	NY
35644	35614	Richmond County	NY
35644	35614	Rockland County	NY
35644	35614	Westchester County	NY
37380	19660	Flagler County	FL
37700	25060	Jackson County	MS
37964	33874	Bucks County	PA
37964	33874	Chester County	PA
37964	33874	Montgomery County	PA
39100	20524	Dutchess County	NY
39100	35614	Orange County	NY
41884	42034	Marin County	CA
41980	11640	Arecibo Municipio	PR
41980	11640	Camuy Municipio	PR
41980	11640	Hatillo Municipio	PR
41980	11640	Quebradillas Municipio	PR
48900	34820	Brunswick County	NC
49500	38660	Guánica Municipio	PR
49500	38660	Guayanilla Municipio	PR
49500	38660	Peñuelas Municipio	PR
49500	38660	Yauco Municipio	PR

As discussed in the FY 2015 SNF PPS proposed rule (79 FR 25767), we proposed to adopt OMB's new delineations in the SNF PPS in the same manner that we are proposing to adopt the new delineations in the HH PPS. The FY 2015 SNF PPS proposed rule includes extensive analysis of the application of OMB's new delineations as well as other alternatives considered.

For the reasons discussed above, and based on provider reaction during the CY 2006 rulemaking cycle to the proposed adoption of the new CBSA definitions, we are proposing to apply a

one-year blended wage index in CY 2015 for all geographic areas to assist providers in adapting to these proposed changes. This transition policy would be for a one-year period, going into effect January 1, 2015, and continuing through December 31, 2015. Thus, beginning January 1, 2016, the wage index for all HH PPS payments would be fully based on the new OMB delineations. We invite comments on our proposed transition methodology, as well as on the other transition options discussed above.

The wage index Addendum provides a crosswalk between the CY 2015 wage index using the current OMB delineations in effect in CY 2014 and the CY 2015 wage index using the revised OMB delineations. Addendum A shows each state and county and its corresponding proposed transition wage index along with the previous CBSA number, the new CBSA number and the new CBSA name. Due to the calculation of the blended transition wage index, some CBSAs may have more than one transition wage index value associated with that CBSA. However, each county will have only one transition wage index. Therefore, for counties located in CBSAs that correspond to more than one transition wage index, a number other than the CBSA number would be used for claims submission for CY 2015 only. These numbers are shown in the last column of Addendum A. The proposed CY 2015 transition wage index as set forth in Addendum A is available on the CMS Web site at *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/HomeHealthPPS/Home-Health-Prospective-Payment-System-Regulations-and-Notices.html.*

5. Proposed CY 2015 Annual Payment Update

a. Background

The Medicare HH PPS has been in effect since October 1, 2000. As set forth in the July 3, 2000 final rule (65 FR 41128), the base unit of payment under the Medicare HH PPS is a national, standardized 60-day episode payment rate. As set forth in 42 CFR 484.220, we adjust the national, standardized 60-day episode payment rate by a case-mix relative weight and a wage index value based on the site of service for the beneficiary.

To provide appropriate adjustments to the proportion of the payment amount under the HH PPS to account for area wage differences, we apply the appropriate wage index value to the labor portion of the HH PPS rates. The labor-related share of the case-mix adjusted 60-day episode rate will continue to be 78.535 percent and the non-labor-related share will continue to be 21.465 percent as set out in the CY 2013 HH PPS final rule (77 FR 67068). The CY 2015 HH PPS rates would use the same case-mix methodology as set forth in the CY 2008 HH PPS final rule with comment period (72 FR 49762) and adjusted as described in section III.C. of this rule. The following are the steps we take to compute the case-mix and wage-adjusted 60-day episode rate:

(1) Multiply the national 60-day episode rate by the patient's applicable case-mix weight.

(2) Divide the case-mix adjusted amount into a labor (78.535 percent) and a non-labor portion (21.465 percent).

(3) Multiply the labor portion by the applicable wage index based on the site of service of the beneficiary.

(4) Add the wage-adjusted portion to the non-labor portion, yielding the case-mix and wage adjusted 60-day episode rate, subject to any additional applicable adjustments.

In accordance with section 1895(b)(3)(B) of the Act, this document constitutes the annual update of the HH PPS rates. Section 484.225 sets forth the specific annual percentage update methodology. In accordance with § 484.225(i), for a HHA that does not submit HH quality data, as specified by the Secretary, the unadjusted national prospective 60-day episode rate is equal to the rate for the previous calendar year increased by the applicable HH market basket index amount minus two percentage points. Any reduction of the percentage change will apply only to the calendar year involved and will not be considered in computing the prospective payment amount for a subsequent calendar year.

Medicare pays the national, standardized 60-day case-mix and wage-adjusted episode payment on a split percentage payment approach. The split percentage payment approach includes an initial percentage payment and a final percentage payment as set forth in § 484.205(b)(1) and § 484.205(b)(2). We may base the initial percentage payment on the submission of a request for anticipated payment (RAP) and the final percentage payment on the submission of the claim for the episode, as discussed in § 409.43. The claim for the episode that the HHA submits for the final percentage payment determines the total payment amount for the episode and whether we make an applicable adjustment to the 60-day case-mix and wage-adjusted episode payment. The end date of the 60-day episode as reported on the claim determines which calendar year rates Medicare will use to pay the claim.

We may also adjust the 60-day case-mix and wage-adjusted episode payment based on the information submitted on the claim to reflect the following:

- A low-utilization payment adjustment (LUPA) is provided on a per-visit basis as set forth in § 484.205(c) and § 484.230.
- A partial episode payment (PEP) adjustment as set forth in § 484.205(d) and § 484.235.
- An outlier payment as set forth in § 484.205(e) and § 484.240.

b. Proposed CY 2015 National, Standardized 60-Day Episode Payment Rate

Section 1895(3)(A)(i) of the Act required that the 60-day episode base rate and other applicable amounts be standardized in a manner that eliminates the effects of variations in relative case mix and area wage adjustments among different home health agencies in a budget neutral manner. To determine the proposed CY 2015 national, standardized 60-day episode payment rate, we would apply a wage index standardization factor, a case-mix budget neutrality factor described in section III.C, the rebasing adjustment described in section II.C, and the MFP-adjusted home health market basket update discussed in section III.D.1 of this proposed rule.

To calculate the wage index standardization factor, henceforth referred to as the wage index budget neutrality factor, we simulated total payments for non-LUPA episodes using the 2015 wage index and compared it to our simulation of total payments for non-LUPA episodes using the 2014 wage index. By dividing the total payments for non-LUPA episodes using the 2015 wage index by the total payments for non-LUPA episodes using the 2014 wage index, we obtain a wage index budget neutrality factor of 1.0012. We would apply the wage index budget neutrality factor of 1.0012 to the CY 2015 national, standardized 60-day episode rate.

As discussed in section III.C of this proposed rule, to ensure the changes to the case-mix weights are implemented in a budget neutral manner, we would apply a case-mix weights budget neutrality factor to the CY 2015 national, standardized 60-day episode payment rate. The case-mix weights budget neutrality factor is calculated as the ratio of total payments when CY 2015 case-mix weights are applied to CY 2013 utilization (claims) data to total payments when CY 2014 case-mix

weights are applied to CY 2013 utilization data. The case-mix budget neutrality factor for CY 2015 would be 1.0237 as proposed in section III.C of this proposed rule.

Then, we would apply the −$80.95 rebasing adjustment finalized in the CY 2014 HH PPS final rule (78 FR 72256) and discussed in section II.C. Lastly, we would update the payment rates by the CY 2015 HH payment update percentage of 2.2 percent (MFP-adjusted home health market basket update) as described in section III.D.1 of this proposed rule. The proposed CY 2015 national, standardized 60-day episode payment rate would be $2,922.76 as calculated in Table 16.

TABLE 16—CY 2015 60-DAY NATIONAL, STANDARDIZED 60-DAY EPISODE PAYMENT AMOUNT

CY 2014 national, standardized 60-day episode payment	Wage index budget neutrality factor	Case-mix weights budget neutrality factor	CY 2015 Rebasing adjustment	CY 2015 HH payment update percentage	Proposed CY 2015 national, standardized 60-day episode payment
$2,869.27	× 1.0012	× 1.0237	− $80.95	× 1.022	= $2,922.76

The proposed CY 2015 national, standardized 60-day episode payment rate for an HHA that does not submit the required quality data is updated by the CY 2015 HH payment update percentage (2.2 percent) minus 2 percentage points and is shown in Table 17.

TABLE 17—FOR HHAS THAT DO NOT SUBMIT THE QUALITY DATA—PROPOSED CY 2015 NATIONAL, STANDARDIZED 60-DAY EPISODE PAYMENT AMOUNT

CY 2014 National, standardized 60-day episode payment	Wage index budget neutrality factor	Case-mix weights budget neutrality factor	CY 2015 Rebasing adjustment	CY 2015 HH Payment update percentage minus 2 percentage points	Proposed CY 2015 national, standardized 60-day episode payment
$2,869.27	× 1.0012	× 1.0237	− $80.95	× 1.002	= $2,865.57

c. Proposed National Per-Visit Rates

The national per-visit rates are used to pay LUPAs (episodes with four or fewer visits) and are also used to compute imputed costs in outlier calculations. The per-visit rates are paid by type of visit or HH discipline. The six HH disciplines are as follows:

- Home health aide (HH aide);
- Medical Social Services (MSS);
- Occupational therapy (OT);
- Physical therapy (PT);
- Skilled nursing (SN); and
- Speech-language pathology (SLP).

To calculate the CY 2015 national per-visit rates, we start with the CY 2014 national per-visit rates. We then apply a wage index budget neutrality factor to ensure budget neutrality for LUPA per-visit payments and increase each of the six per-visit rates by the maximum rebasing adjustments described in section II.C. of this rule. We calculate the wage index budget neutrality factor by simulating total payments for LUPA episodes using the 2015 wage index and comparing it to simulated total payments for LUPA episodes using the 2014 wage index. By dividing the total payments for LUPA episodes using the 2015 wage index by the total payments for LUPA episodes using the 2014 wage index, we obtain a wage index budget neutrality factor of 1.0000. We would apply the wage index budget neutrality factor of 1.0000 to the CY 2015 national per-visit rates.

The LUPA per-visit rates are not calculated using case-mix weights. Therefore, there is no case-mix weights budget neutrality factor is needed to ensure budget neutrality for LUPA payments. Finally, the per-visit rates for each discipline are updated by the CY 2015 HH payment update percentage of 2.2 percent. The national per-visit rates are adjusted by the wage index based on the site of service of the beneficiary. The per-visit payments for LUPAs are separate from the LUPA add-on payment amount, which is paid for episodes that occur as the only episode or initial episode in a sequence of adjacent episodes. The proposed CY 2015 national per-visit rates are shown in Tables 18 and 19.

TABLE 18—PROPOSED CY 2015 NATIONAL PER-VISIT PAYMENT AMOUNTS FOR HHAS THAT DO SUBMIT THE REQUIRED QUALITY DATA

HH Discipline type	CY 2014 Per-visit payment	Wage index budget neutrality factor	CY 2015 Rebasing adjustment	CY 2015 HH Payment update percentage	Proposed CY 2015 per-visit payment
Home Health Aide	$54.84	× 1.0000	+ $1.79	× 1.022	$57.88
Medical Social Services	$194.12	× 1.0000	+ $6.34	× 1.022	$204.87
Occupational Therapy	$133.30	× 1.0000	+ $4.35	× 1.022	$140.68
Physical Therapy	$132.40	× 1.0000	+ $4.32	× 1.022	$139.73
Skilled Nursing	$121.10	× 1.0000	+ $3.96	× 1.022	$127.81
Speech-Language Pathology	$143.88	× 1.0000	+ 4.70	× 1.022	$151.85

The proposed CY 2015 per-visit payment rates for an HHA that does not submit the required quality data are updated by the CY 2015 HH payment update percentage (2.2 percent) minus 2

percentage points and is shown in Table 19.

TABLE 19—PROPOSED CY 2015 NATIONAL PER-VISIT PAYMENT AMOUNTS FOR HHAS THAT DO NOT SUBMIT THE REQUIRED QUALITY DATA

HH Discipline Type	CY 2014 Per-visit rates	Wage index budget neutrality factor	CY 2015 Rebasing adjustment	CY 2015 HH Payment update percentage minus 2 percentage points	Proposed CY 2015 per-visit rates
Home Health Aide	$54.84	× 1.0000	+ $1.79	× 1.002	$56.74
Medical Social Services	$194.12	× 1.0000	+ $6.34	× 1.002	$200.86
Occupational Therapy	$133.30	× 1.0000	+ $4.35	× 1.002	$137.93
Physical Therapy	$132.40	× 1.0000	+ $4.32	× 1.002	$136.99
Skilled Nursing	$121.10	× 1.0000	+ $3.96	× 1.002	$125.31
Speech-Language Pathology	$143.88	× 1.0000	+ 4.70	× 1.002	$148.88

d. Low-Utilization Payment Adjustment (LUPA) Add-On Factors

LUPA episodes that occur as the only episode or as an initial episode in a sequence of adjacent episodes are adjusted by applying an additional amount to the LUPA payment before adjusting for area wage differences. In the CY 2014 HH PPS final rule, we changed the methodology for calculating the LUPA add-on amount by finalizing the use of three LUPA add-on factors: 1.8451 for SN; 1.6700 for PT; and 1.6266 for SLP (78 FR 72306). We multiply the per-visit payment amount for the first SN, PT, or SLP visit in LUPA episodes that occur as the only episode or an initial episode in a sequence of adjacent episodes by the appropriate factor to determine the LUPA add-on payment amount. For example, for LUPA episodes that occur as the only episode or an initial episode in a sequence of adjacent episodes, if the first skilled visit is SN, the payment for that visit will be $235.82 (1.8451 multiplied by $127.81).

e. Proposed Non-Routine Medical Supply (NRS) Conversion Factor Update

Payments for NRS are computed by multiplying the relative weight for a particular severity level by the NRS conversion factor. To determine the CY 2015 NRS conversion factor, we start with the 2014 NRS conversion factor ($53.65) and apply the −2.82 percent rebasing adjustment calculated in section II.C. of this rule (1 − 0.0282 = 0.9718). We then update the conversion factor by the CY 2015 HH payment update percentage (2.2 percent). We do not apply a standardization factor as the NRS payment amount calculated from the conversion factor is not wage or case-mix adjusted when the final claim payment amount is computed. The proposed NRS conversion factor for CY 2015 is shown in Table 20.

TABLE 20—PROPOSED CY 2015 NRS CONVERSION FACTOR FOR HHAS THAT DO SUBMIT THE REQUIRED QUALITY DATA

CY 2014 NRS conversion factor	CY 2015 Rebasing adjustment	CY 2015 HH Payment update percentage	Proposed CY 2015 NRS conversion factor
$53.65	× 0.9718	× 1.022	= $53.28

Using the proposed CY 2015 NRS conversion factor, the proposed payment amounts for the six severity levels are shown in Table 21.

TABLE 21—PROPOSED CY 2015 NRS PAYMENT AMOUNTS FOR HHAS THAT DO SUBMIT THE REQUIRED QUALITY DATA

Severity level	Points (scoring)	Relative weight	Proposed CY 2015 NRS payment amounts
1	0	0.2698	$14.37
2	1 to 14	0.9742	51.91
3	15 to 27	2.6712	142.32
4	28 to 48	3.9686	211.45
5	49 to 98	6.1198	326.06
6	99+	10.5254	560.79

For HHAs that do not submit the required quality data, we again begin with the CY 2014 NRS conversion factor ($53.65) and apply the −2.82 percent rebasing adjustment discussed in section II.C of this proposed rule (1 − 0.0282 = 0.9718). We then update the NRS conversion factor by the CY 2015 HH payment update percentage (2.2 percent) minus 2 percentage points. The proposed CY 2015 NRS conversion factor for HHAs that do not submit quality data is shown in Table 22.

TABLE 22—PROPOSED CY 2015 NRS CONVERSION FACTOR FOR HHAS THAT DO NOT SUBMIT THE REQUIRED QUALITY DATA

CY 2014 NRS conversion factor	CY 2015 Re-basing adjustment	CY 2015 HH Payment update percentage minus 2 percentage points	Proposed CY 2015 NRS conversion factor
$53.65	× 0.9718	× 1.002	$52.24

The proposed payment amounts for the various severity levels based on the updated conversion factor for HHAs that do not submit quality data are calculated in Table 23.

TABLE 23—PROPOSED CY 2015 NRS PAYMENT AMOUNTS FOR HHAS THAT DO NOT SUBMIT THE REQUIRED QUALITY DATA

Severity level	Points (scoring)	Relative weight	Proposed CY 2015 NRS payment amounts
1	0	0.2698	$14.09
2	1 to 14	0.9742	50.89
3	15 to 27	2.6712	139.54
4	28 to 48	3.9686	207.32
5	49 to 98	6.1198	319.70
6	99+	10.5254	549.85

f. Rural Add-On

Section 421(a) of the MMA required, for HH services furnished in a rural areas (as defined in section 1886(d)(2)(D) of the Act), for episodes or visits ending on or after April 1, 2004, and before April 1, 2005, that the Secretary increase the payment amount that otherwise will have been made under section 1895 of the Act for the services by 5 percent.

Section 5201 of the DRA amended section 421(a) of the MMA. The amended section 421(a) of the MMA required, for HH services furnished in a rural area (as defined in section 1886(d)(2)(D) of the Act), on or after January 1, 2006 and before January 1, 2007, that the Secretary increase the payment amount otherwise made under section 1895 of the Act for those services by 5 percent.

Section 3131(c) of the Affordable Care Act amended section 421(a) of the MMA to provide an increase of 3 percent of the payment amount otherwise made under section 1895 of the Act for HH services furnished in a rural area (as defined in section 1886(d)(2)(D) of the Act), for episodes and visits ending on or after April 1, 2010, and before January 1, 2016.

Section 421 of the MMA, as amended, waives budget neutrality related to this provision, as the statute specifically states that the Secretary shall not reduce the standard prospective payment amount (or amounts) under section 1895 of the Act applicable to HH services furnished during a period to offset the increase in payments resulting in the application of this section of the statute.

Refer to Tables 24 through 27 for the proposed payment rates for home health services provided in rural areas.

TABLE 24—PROPOSED CY 2015 PAYMENT AMOUNTS FOR 60-DAY EPISODES FOR SERVICES PROVIDED IN A RURAL AREA

For HHAs that DO submit quality data			For HHAs that DO NOT submit quality data		
CY 2015 national, standardized 60-day episode payment rate	Multiply by the 3 percent rural add-on	Proposed CY 2015 rural national, standard-ized 60-day epi-sode payment rate	CY 2015 national, standardized 60-day episode pay-ment rate	Multiply by the 3 percent rural add-on	Proposed CY 2015 rural national, standard-ized 60-day epi-sode payment rate
$2,922.76	× 1.03	$3,010.44	$2,865.57	× 1.03	$2,951.54

TABLE 25—PROPOSED CY 2015 PER-VISIT AMOUNTS FOR SERVICES PROVIDED IN A RURAL AREA

	For HHAs that DO submit quality data			For HHAs that DO NOT submit quality data		
HH discipline type	CY 2015 per-visit rate	Multiply by the 3 percent rural add-on	Proposed CY 2015 rural per-visit rates	CY 2015 per-visit rate	Multiply by the 3 percent rural add-on	Proposed CY 2015 rural per-visit rates
HH Aide	$57.88	× 1.03	$59.62	$56.74	× 1.03	$58.44
MSS	204.87	× 1.03	211.02	200.86	× 1.03	206.89
OT	140.68	× 1.03	144.90	137.93	× 1.03	142.07
PT	139.73	× 1.03	143.92	136.99	× 1.03	141.10
SN	127.81	× 1.03	131.64	125.31	× 1.03	129.07

TABLE 25—PROPOSED CY 2015 PER-VISIT AMOUNTS FOR SERVICES PROVIDED IN A RURAL AREA—Continued

	For HHAs that DO submit quality data			For HHAs that DO NOT submit quality data		
HH discipline type	CY 2015 per-visit rate	Multiply by the 3 percent rural add-on	Proposed CY 2015 rural per-visit rates	CY 2015 per-visit rate	Multiply by the 3 percent rural add-on	Proposed CY 2015 rural per-visit rates
SLP	151.85	× 1.03	156.41	148.88	× 1.03	153.35

TABLE 26—PROPOSED CY 2015 NRS CONVERSION FACTOR FOR SERVICES PROVIDED IN RURAL AREAS

For HHAs that DO submit quality data			For HHAs that DO NOT submit quality data		
CY 2015 conversion factor	Multiply by the 3 percent rural add-on	Proposed CY 2015 rural NRS conversion factor	CY 2015 conversion factor	Multiply by the 3 percent rural add-on	Proposed CY 2015 rural NRS conversion factor
$53.28	× 1.03	$54.88	$52.24	× 1.03	$53.81

TABLE 27—PROPOSED CY 2015 NRS PAYMENT AMOUNTS FOR SERVICES PROVIDED IN RURAL AREAS

Severity level	Points (scoring)	For HHAs that DO submit quality data (proposed CY 2015 NRS conversion factor = $54.88)		For HHAs that DO NOT submit quality data (proposed CY 2015 NRS conversion factor = $53.81)	
		Relative weight	Proposed CY 2015 NRS payment amounts for rural areas	Relative weight	Proposed CY 2015 NRS payment amounts for rural areas
1	0	0.2698	$14.81	0.2698	$14.52
2	1 to 14	0.9742	53.46	0.9742	52.42
3	15 to 27	2.6712	146.60	2.6712	143.74
4	28 to 48	3.9686	217.80	3.9686	213.55
5	49 to 98	6.1198	335.85	6.1198	329.31
6	99+	10.5254	577.63	10.5254	566.37

E. Payments for High-Cost Outliers Under the HH PPS

1. Background

Section 1895(b)(5) of the Act allows for the provision of an addition or adjustment to the national, standardized 60-day case-mix and wage-adjusted episode payment amounts in the case of episodes that incur unusually high costs due to patient care needs. Prior to the enactment of the Affordable Care Act, section 1895(b)(5) of the Act stipulated that projected total outlier payments could not exceed 5 percent of total projected or estimated HH payments in a given year. In the Medicare Program; Prospective Payment System for Home Health Agencies final rule (65 FR 41188 through 41190), we described the method for determining outlier payments. Under this system, outlier payments are made for episodes whose estimated costs exceed a threshold amount for each HH Resource Group (HHRG). The episode's estimated cost is the sum of the national wage-adjusted per-visit payment amounts for all visits delivered during the episode. The outlier threshold for each case-mix group or PEP adjustment is defined as the 60-day episode payment or PEP adjustment for that group plus a fixed-dollar loss (FDL) amount. The outlier payment is defined to be a proportion of the wage-adjusted estimated cost beyond the wage-adjusted threshold. The threshold amount is the sum of the wage and case-mix adjusted PPS episode amount and wage-adjusted FDL amount. The proportion of additional costs over the outlier threshold amount paid as outlier payments is referred to as the loss-sharing ratio.

In the CY 2010 HH PPS final rule (74 FR 58080 through 58087), we discussed excessive growth in outlier payments, primarily the result of unusually high outlier payments in a few areas of the country. Despite program integrity efforts associated with excessive outlier payments in targeted areas of the country, we discovered that outlier expenditures still exceeded the 5 percent, target and, in the absence of corrective measures, would continue do to so. Consequently, we assessed the appropriateness of taking action to curb outlier abuse. To mitigate possible billing vulnerabilities associated with excessive outlier payments and adhere to our statutory limit on outlier payments, we adopted an outlier policy that included a 10 percent agency-level cap on outlier payments. This cap was implemented in concert with a reduced FDL ratio of 0.67. These policies resulted in a projected target outlier pool of approximately 2.5 percent. (The previous outlier pool was 5 percent of total HH expenditure). For CY 2010, we first returned 5 percent of these dollars back into the national, standardized 60-day episode rates, the national per-visit rates, the LUPA add-on payment amount, and the NRS conversion factor. Then, we reduced the CY 2010 rates by 2.5 percent to account for the new outlier pool of 2.5 percent. This outlier policy was adopted for CY 2010 only.

As we noted in the CY 2011 HH PPS final rule (75 FR 70397 through 70399), section 3131(b)(1) of the Affordable Care Act amended section 1895(b)(3)(C) of the Act. As amended, ''Adjustment for outliers,'' states that ''The Secretary shall reduce the standard prospective payment amount (or amounts) under this paragraph applicable to HH services furnished during a period by such proportion as will result in an aggregate reduction in payments for the period equal to 5 percent of the total payments estimated to be made based on the prospective payment system under this subsection for the period.'' In addition,

section 3131(b)(2) of the Affordable Care Act amended section 1895(b)(5) of the Act by re-designating the existing language as section 1895(b)(5)(A) of the Act, and revising it to state that the Secretary, ''subject to [a 10 percent program-specific outlier cap], may provide for an addition or adjustment to the payment amount otherwise made in the case of outliers because of unusual variations in the type or amount of medically necessary care. The total amount of the additional payments or payment adjustments made under this paragraph for a fiscal year or year may not exceed 2.5 percent of the total payments projected or estimated to be made based on the prospective payment system under this subsection in that year.''

As such, beginning in CY 2011, our HH PPS outlier policy is that we reduce payment rates by 5 percent and target up to 2.5 percent of total estimated HH PPS payments to be paid as outliers. To do so, we first returned the 2.5 percent held for the target CY 2010 outlier pool to the national, standardized 60-day episode rates, the national per visit rates, the LUPA add-on payment amount, and the NRS conversion factor for CY 2010. We then reduced the rates by 5 percent as required by section 1895(b)(3)(C) of the Act, as amended by section 3131(b)(1) of the Affordable Care Act. For CY 2011 and subsequent calendar years we target up to 2.5 percent of estimated total payments to be paid as outlier payments, and apply a 10 percent agency-level outlier cap.

2. Fixed Dollar Loss (FDL) Ratio and Loss-Sharing Ratio

For a given level of outlier payments, there is a trade-off between the values selected for the FDL ratio and the loss-sharing ratio. A high FDL ratio reduces the number of episodes that can receive outlier payments, but makes it possible to select a higher loss-sharing ratio, and therefore, increase outlier payments for outlier episodes. Alternatively, a lower FDL ratio means that more episodes can qualify for outlier payments, but outlier payments per episode must then be lower.

The FDL ratio and the loss-sharing ratio must be selected so that the estimated total outlier payments do not exceed the 2.5 percent aggregate level (as required by section 1895(b)(5)(A) of the Act). Historically, we have used a value of 0.80 for the loss-sharing ratio which, we believe, preserves incentives for agencies to attempt to provide care efficiently for outlier cases. With a loss-sharing ratio of 0.80, Medicare pays 80 percent of the additional estimated costs above the outlier threshold amount. We are not proposing a change to the loss-sharing ratio in this proposed rule.

In the CY 2011 HH PPS final rule (75 FR 70398), in targeting total outlier payments as 2.5 percent of total HH PPS payments, we implemented an FDL ratio of 0.67, and we maintained that ratio in CY 2012. Simulations based on CY 2010 claims data completed for the CY 2013 HH PPS final rule showed that outlier payments were estimated to comprise approximately 2.18 percent of total HH PPS payments in CY 2013, and as such, we lowered the FDL ratio from 0.67 to 0.45. We stated that lowering the FDL ratio to 0.45, while maintaining a loss-sharing ratio of 0.80, struck an effective balance of compensating for high-cost episodes while allowing more episodes to qualify as outlier payments (77 FR 67080). The national, standardized 60-day episode payment amount is multiplied by the FDL ratio. That amount is wage-adjusted to derive the wage-adjusted FDL amount, which is added to the case-mix and wage-adjusted 60-day episode payment amount to determine the outlier threshold amount that costs have to exceed before Medicare will pay 80 percent of the additional estimated costs.

Based on simulations using preliminary CY 2013 claims data, the proposed CY 2015 payments rates in section III.D.4 of this proposed rule, and the FDL ratio of 0.45; we estimate that outlier payments would comprise approximately 2.26 percent of total HH PPS payments in CY 2015. Simulating payments using preliminary CY 2013 claims data and the CY 2014 payment rates (78 FR 72304 through 72308), we estimate that outlier payments would comprise 2.01 percent of total payments. Given the proposed increases to the CY 2015 national per-visit payment rates, our analysis estimates an additional 0.25 percentage point increase in estimated outlier payments as a percent of total HH PPS payments each year that we phase-in the rebasing adjustments described in section II.C. We estimate that for CY 2016, estimated outlier payments as a percent of total HH PPS payments will increase to 2.51 percent. We note that these estimates do not take in to account any changes in utilization that may have occurred in CY 2014, and would continue to occur in CY 2015. Therefore, we are not proposing a change to the FDL ratio for CY 2015. In the final rule, we will update our estimate of outlier payments as a percent of total HH PPS payments using the most current and complete year of HH PPS data. We will continue to monitor the percent of total HH PPS payments paid as outlier payments to determine if future adjustments to either the FDL ratio or loss-sharing ratio are warranted.

F. Medicare Coverage of Insulin Injections Under the HH PPS

Home health policy regarding coverage of home health visits for the sole purpose of insulin injections is limited to patients that are physically or mentally unable to self-inject and there is no other person who is able and willing to inject the patient.[16] However, the Office of Inspector General concluded in August 2013 that some previously covered home health visits for the sole purpose of insulin injections were unnecessary because the patient was physically and mentally able to self-inject.[17] In addition, results from analysis in response to public comments on the CY 2014 HH PPS final rule found that episodes that qualify for outlier payments in excess of $10,000 had, on average, 160 skilled nursing visits in a 60-day episode of care with 95 percent of the episodes listing a primary diagnosis of diabetes or long-term use of insulin (78 FR 72310). Therefore, we conducted a literature review regarding generally accepted clinical management practices for diabetic patients and conducted further analysis of home health claims data to investigate the extent to which episodes with visits likely for the sole purpose of insulin injections are in fact limited to patients that are physically or mentally unable to self-inject.

As generally accepted by the medical community, older patients (age 65 and older) are more likely to have impairments in dexterity, cognition, vision, and hearing.[18] While studies have shown that most elderly patients starting or continuing on insulin can inject themselves, these conditions may affect the elderly individual's ability to self-inject insulin. It is clinically essential that there is careful assessment prior to the initiation of home care, and throughout the course of treatment, regarding the patient's capacity for self-injection. There are multiple reliable, and validated assessment tools that may be used to assess the elderly individual's ability to self-inject. These tools assess the individual's ability to perform activities of daily living (ADLs), as well as, cognitive, functional, and

[16] Medicare Coverage Benefit Policy Manual (Pub. 100–02), Section 40.1.2.4.B.2 ''Insulin Injections''.

[17] Levinson, Daniel R. Management Implication Report 12–0011, Unnecessary Home Health Care for Diabetic Patients.

[18] Strategies for Insulin Injection Therapy in Diabetes Self-Management. (2011). American Association of Diabetes Educators.

behavioral status.[19] These assessment tools have also proved valid for judging patients' ability to inject insulin independently and to recognize and deal with hypoglycemia.[20]

Another important consideration with regards to insulin administration in the elderly population is the possibility of dosing errors.[21] Correct administration and accurate dosing is important in order to prevent serious complications, such as hypoglycemia and hyperglycemia. The traditional vial and syringe method of insulin administration involves several steps, including injecting air into the vial, drawing an amount out of the vial into a syringe with small measuring increments, and verifying the correct dose visually.[22] In some cases, an insulin pen can be used as an alternative to the traditional vial and syringe method.

Insulin pens are designed to facilitate easy self-administration, the possession of which would suggest the ability to self-inject. Additionally, insulin pens often come pre-filled with insulin or must be used with a pre-filled cartridge thus potentially negating the need for skilled nursing for the purpose of calculating and filling appropriate doses. It is recognized that visual impairment, joint immobility and/or pain, peripheral neuropathy, and cognitive issues may affect the ability of elderly patients to determine correct insulin dosing and injection. Our literature review indicates that insulin pen devices may be beneficial in terms of safety for elderly patients due to these visual or physical disabilities.[23] To determine whether to use a traditional vial and syringe method of insulin administration versus an insulin pen, the physician must consider and understand the advantages these devices offer over traditional vials and syringes. These advantages include:

- Convenience, as the insulin pen eliminates the need to draw up a dose;
- Greater dose accuracy and reliability, especially for low doses which are often needed in the elderly;
- Sensory and auditory feedback associated with the dial mechanism on many pens may also benefit those with visual impairments;
- Pen devices are also more compact, portable and easier to grip, which may benefit those with impairments in manual dexterity; and
- Less painful injections and overall ease of use.[24]

Although pen devices are often perceived to be more costly than vialed insulin, study results indicate that elderly diabetic patients are more likely to accept pen devices and adhere to therapy, which leads to better glycemic control that decreases long-term complications and associated healthcare costs.[25] The significantly improved safety profiles of pen devices also avert costly episodes of hypoglycemia.[26] It also should be noted that most insurance plans, including Medicare Part D plans, charge the patient the same amount for a month supply of insulin in the pen device as insulin in the vial.[27] Furthermore, pharmacoeconomic data reveal cost benefits for using pens versus syringes due to improved treatment adherence and reduced health care utilization.[28] Additionally, in some cases the individual with coverage for insulin pens may have one co-pay, resulting in getting more insulin than if purchasing a vial. And, there is less waste with pens because insulin vials should be discarded after 28 days after opening. However, there may be clinical reasons for the use of the traditional vial and insulin syringe as opposed to the insulin pen, including the fact that not all insulin preparations are available via insulin pen. In such circumstances, there are multiple assistive aids and devices to facilitate self-injection of insulin for those with cognitive or functional limitations. These include: nonvisual insulin measurement devices; syringe magnifiers; needle guides; prefilled insulin syringes; and vial stabilizers to help ensure accuracy and aid in insulin delivery.[29] It is expected that providers will assess the needs, abilities, and preference of the patient requiring insulin to facilitate patient autonomy, efficiency, and safety in diabetes self-management, including the administration of insulin.

Further research regarding self-injection of insulin, whether via a vial and syringe method or insulin pen, shows that education for starting insulin and monitoring should be provided by a diabetes nurse specialist, and typically entails 5 to 10 face-to-face contacts either in the patient's home or at the diabetes clinic; these are in addition to telephone contacts to further reinforce teaching and to answer patient questions.[30] This type of assessment and education allows for patient autonomy and self-efficiency and is often a preferred mode for diabetes self-management.

In the CY 2014 HH PPS final rule (78 FR 72256), we noted ''The Office of Inspector General (OIG) released a ''Management Implications Report in August of 2013'' that concluded there is a ''systemic weakness that results in Medicare coverage of unnecessary home health care for diabetic patients''. The OIG report noted that investigations show that the majority of beneficiaries involved in fraudulent schemes have a primary diagnosis of diabetes. The report noted that OIG Special Agents found falsified medical records documenting patients having hand tremors and poor vision preventing them from drawing insulin into a syringe, visually verifying the correct dosage, and injecting the insulin themselves, when the patients did not in fact suffer those symptoms.

In light of the OIG report, we conducted analysis and performed simulations using CY 2012 claims data and described our findings in the CY 2014 Home Health PPS Final Rule (78 FR 72310). We found that nearly 44 percent of the episodes that would qualify for outlier payments had a primary diagnosis of diabetes and 16 percent of episodes that would quality for outlier payments had a primary diagnosis of ''Diabetes mellitus without mention of complication, type II or unspecified type, not stated as uncontrolled.'' Qualifying for outlier

[19] Hendra, T.J. Starting insulin therapy in elderly patients. (2012). Journal of the Royal Society of Medicine. 95(9), 453–455.

[20] Sinclair AJ, Turnbull CJ, Croxson SCM. Document of care for older people with diabetes. Postgrad Med J 1996;72: 334–8.

[21] Coscelli C, Lostia S, Lunetta M, Nosari I, Coronel GA. Safety, efficacy, acceptability of a pre-filled insulin pen in diabetic patients over 60 years old. Diabetes Research and Clinical Practice. 1995;38:173–7. [PubMed]

[22] Flemming DR. Mightier than the syringe. Am J Nurs. 2000;100:44–8. [PubMed]

[23] Wright, B., Bellone, J., McCoy, E. (2010). A review of insulin pen devices and use in elderly, diabetic population. Clinical Medicine Insights: Endocrinology and Diabetes. 3:53–63. Doi: 10.4137/CMED.S5534.

[24] Wright, B., Bellone, J., McCoy, E. (2010). A review of insulin pen devices and use in elderly, diabetic population. Clinical Medicine Insights: Endocrinology and Diabetes. 3:53–63. Doi: 10.4137/CMED.S5534.

[25] Strategies for Insulin Injection Therapy in Diabetes Self-Management. (2011). American Association of Diabetes Educators.

[26] Strategies for Insulin Injection Therapy in Diabetes Self-Management. (2011). American Association of Diabetes Educators.

[27] Wright, B., Bellone, J., McCoy, E. (2010). A review of insulin pen devices and use in elderly, diabetic population. Clinical Medicine Insights: Endocrinology and Diabetes. 3:53–63. Doi: 10.4137/CMED.S5534

[28] Strategies for Insulin Injection Therapy in Diabetes Self-Management. (2011). American Association of Diabetes Educators.

[29] Strategies for Insulin Injection Therapy in Diabetes Self-Management. (2011). American Association of Diabetes Educators.

[30] Hendra, T.J. Starting insulin therapy in elderly patients. (2012). Journal of the Royal Society of Medicine. 95(9), 453–455. *http://www.ncbi.nlm.nih.gov.*

payments should indicate an increased resource and service need. However, uncomplicated and controlled diabetes typically would be viewed as stable without clinical complications and would not warrant increased resource and service needs nor would it appear to warrant outlier payments. Our simulations estimated that approximately 81 percent of outlier payments would be paid to proprietary HHAs and that approximately two-thirds of outlier payments would be paid to HHAs located in Florida (27 percent), Texas (24 percent) and California (15 percent). We also conducted additional analyses on episodes in our simulations that would have resulted in outlier payments of over $10,000. Of note, 95 percent of episodes that would have resulted in outlier payments of over $10,000 were for patients with a primary diagnosis of diabetes or long-term use of insulin, and most were concentrated in Florida, Texas, New York, California, and Oklahoma. On average, these outlier episodes had 160 skilled nursing visits in a 60-day episode of care.[31]

Based upon the initial data analysis described above and the information found in the literature review, we conducted further data analysis with more recent home health claims and OASIS data (CY 2012 and CY 2013) to expand our understanding of the diabetic patient in the home health setting. Specifically, we investigated the extent to which beneficiaries with a diabetes-related principal diagnosis received home health services likely for the primary purpose of insulin injection assistance and whether such services were warranted by other documented medical conditions. We also analyzed the magnitude of Medicare payments associated with home health services provided to this population of interest. The analysis was conducted by Acumen, LLC because of their capacity to provide real-time claims data analysis across all parts of the Medicare program (that is, Part A, Part B, and Part D).

Our analysis began with identifying episodes for the home health diabetic population based on claims and OASIS assessments most likely to be associated with insulin injection assistance. We used the following criteria to identify the home health diabetic population of interest: (1) A diabetic condition listed as the principal/primary diagnosis on the home health claim; (2) Medicare Part A or Part B enrollment for at least three months prior to the episode and during the episode; and (3) episodes with at least 45 skilled visits. This threshold was determined based on the distribution in the average number and length of skilled nursing visits for episodes meeting criteria 1 and 2 above using CY 2013 home health claims data. The average number of skilled nursing visits for beneficiaries who receive at least one skilled nursing visit appeared to increase from 20 visits at the 90th percentile, to 50 visits at the 95th percentile. Additionally, the average length of a skilled nursing visit for episodes between the 90th and 95th percentiles was 37 minutes, less than half the length of visits for episode between the 75th and 90th percentiles.

Approximately 49,100 episodes met the study population criteria described above, accounting for approximately $298 million in Medicare home health payments in CY 2013. Of the 49,100 episodes of interest, 71 percent received outlier payments and, on average, there were 86 skilled nursing visits per episode. In addition, 12 percent of the episodes in the study population were for patients prescribed an insulin pen to self-inject and more than half of the episodes billed (27,439) were for claims that listed ICD–9–CM 2500x, ''Diabetes Mellitus without mention of complication'', as the principal diagnosis code. ICD–9–CM describes the code 250.0x as diabetes mellitus without mention of complications (complications can include hypo- or hyperglycemia, or manifestations classified as renal, ophthalmic, neurological, peripheral circulatory damage or neuropathy). Clinically, this code generally means that the diabetes is being well-controlled and there are no apparent complications or symptoms resulting from the diabetes. Diabetes that is controlled and without complications does not warrant intensive intervention or daily skilled nursing visits; rather, it warrants knowledge of the condition and routine monitoring.

As discussed above in this section, the traditional vial and syringe method of insulin administration is one of two methods of insulin administration (excluding the use of insulin pumps). The alternative to the traditional vial and syringe method is the use of insulin pens. We believe that insulin pens are usually prescribed for those beneficiaries that are able to self-administer the insulin via an insulin pen. Therefore, the possession of a prescribed insulin pen would suggest the ability to self-inject. Since insulin pens often come pre-filled with insulin or must be used with a pre-filled cartridge, we believe there would not be a need for skilled nursing for the purpose of insulin injection assistance. We expect providers to assess the needs, abilities, and preference of the patient requiring insulin to facilitate patient autonomy, efficiency, and safety in diabetes self-management, including the administration of insulin. As noted above, approximately 12 percent of the episodes in the study population with visits likely for the purpose of insulin injection assistance were for patients prescribed an insulin pen to self-inject, which does not conform to our current policy that home health visits for the sole purpose of insulin injection assistance is limited to patients that are physically or mentally unable to self-inject and there is no other person who is able and willing to inject the patient.

Furthermore, we recognize that our current sub-regulatory guidance may not adequately address the method of delivery. We are considering additional guidance that may be necessary surrounding insulin injection assistance provided via a pen based upon our analyses described above. We have found that literature supports that insulin pens may reduce expenses for the patient in the form of co-pays and may increase patient adherence to their treatment plan. Therefore, we encourage physicians to consider the potential benefits derived in prescribing insulin pens, when clinically appropriate, given the patient's condition.

We also investigated whether secondary diagnosis codes listed on home health claims support that the patient, either for physical or mental reasons, cannot self-inject. Our contractor, Abt Associates, with review and clinical input from CMS clinical staff and experts, created a list of ICD–9–CM codes that indicate a patient has impairments in dexterity, cognition, vision, and/or hearing that may cause the patient to be unable to self-inject insulin. We found that 49 percent of home health episodes in our study population did not have a secondary diagnosis from that ICD–9–CM code list on the home health claim that supported that the patient was physically or mentally unable to self-inject. When examining only the initial home health episodes of our study population, we found that 67 percent of initial home health episodes with skilled nursing visits likely for insulin injections did not have a secondary diagnosis on the home health claim that supported that the patient was physically or mentally unable to self-

[31] This analysis simulated payments using CY 2012 claims data and CY 2012 payment rates. The simulations did not take into account the 10-percent outlier cap. Some episodes may have qualified for outlier payments in the simulations, but were not paid accordingly if the HHA was at or over its 10 percent cap on outlier payments as a percent of total payments.

inject. Using the same list of ICD–9–CM diagnosis codes, we examined both the secondary diagnoses on the home health claim and diagnoses on non-home health claims in the three months prior to starting home health care for initial home health episodes. We found that for initial home health episodes in our study population that the percentage of episodes that did not have a secondary diagnosis to support that the patient cannot self-inject would decrease from 67 percent to 47 percent if the home health claim included diagnoses found in other claim types during the three months prior to entering home care. We do recognize that, in spite of all of the education, assistive devices and support, there may still be those who are unable to self-inject insulin and will require ongoing skilled nursing visits for insulin administration assistance. However, there is an expectation that the physician and the HHA would clearly document detailed clinical findings and rationale as to why an individual is unable to self-inject, including the reporting of an appropriate secondary condition that supports the inability of the patient to self-inject.

As described above, a group of CMS clinicians and contractor clinicians developed a list of conditions that would support the need for ongoing home health skilled nursing visits for insulin injection assistance for instances where the patient is physically or mentally unable to self-inject and there is no able or willing caregiver to provide assistance. We expect the conditions included in Table 28 to be listed on the claim and OASIS to support the need for skilled nursing visits for insulin injection assistance.

TABLE 28—ICD–9–CM DIAGNOSIS CODES THAT INDICATE A POTENTIAL INABILITY TO SELF-INJECT INSULIN

ICD–9–CM Code	Description
Amputation:	
V49.61	Thumb Amputation Status.
V49.63	Hand Amputation Status.
V49.64	Wrist Amputation Status.
V49.65	Below elbow amputation status.
V49.66	Above elbow amputation status.
V49.67	Shoulder amputation status.
885.0	Traumatic amputation of thumb w/o mention of complication.
885.1	Traumatic amputation of thumb w/mention of complication.
886.0	Traumatic amputation of other fingers w/o mention of complication.
886.1	Traumatic amputation of other fingers w/mention of complication.
887.0	Traumatic amputation of arm and hand, unilateral, below elbow w/o mention of complication.
887.1	Traumatic amputation of arm and hand, unilateral, below elbow, complicated.
887.2	Traumatic amputation of arm and hand, unilateral, at or above elbow w/o mention of complication.
887.3	Traumatic amputation of arm and hand, unilateral, at or above elbow, complicated.
887.4	Traumatic amputation of arm and hand, unilateral, level not specified, w/o mention of complication.
887.5	Traumatic amputation of arm and hand, unilateral, level not specified, complicated.
887.6	Traumatic amputation of arm and hand, bilateral, any level, w/o mention of complication.
887.7	Traumatic amputation of arm and hand, bilateral, any level, complicated.
Vision:	
362.01	Background diabetic retinopathy.
362.50	Macular degeneration (senile) of retina unspecified.
362.51	Nonexudative senile macular degeneration of retina.
362.52	Exudative senile macular degeneration of retina.
362.53	Cystoid macular degeneration of retina.
362.54	Macular cyst hole or pseudohole of retina.
362.55	Toxic maculopathy of retina.
362.56	Macular puckering of retina.
362.57	Drusen (degenerative) of retina.
366.00	Nonsenile cataract unspecified.
366.01	Anterior subcapsular polar nonsenile cataract.
366.02	Posterior subcapsular polar nonsenile cataract.
366.03	Cortical lamellar or zonular nonsenile cataract.
366.04	Nuclear nonsenile cataract.
366.09	Other and combined forms of nonsenile cataract.
366.10	Senile cataract unspecified.
366.11	Pseudoexfoliation of lens capsule.
366.12	Incipient senile cataract.
366.13	Anterior subcapsular polar senile cataract.
366.14	Posterior subcapsular polar senile cataract.
366.15	Cortical senile cataract.
366.16	Senile nuclear sclerosis.
366.17	Total or mature cataract.
366.18	Hypermature cataract.
366.19	Other and combined forms of senile cataract.
366.20	Traumatic cataract unspecified.
366.21	Localized traumatic opacities.
366.22	Total traumatic cataract.
366.23	Partially resolved traumatic cataract.
366.8	Other cataract.
366.9	Unspecified cataract.
366.41	Diabetic cataract.
366.42	Tetanic cataract.
366.43	Myotonic cataract.

TABLE 28—ICD–9–CM DIAGNOSIS CODES THAT INDICATE A POTENTIAL INABILITY TO SELF-INJECT INSULIN—Continued

ICD–9–CM Code	Description
366.44	Cataract associated with other syndromes.
366.45	Toxic cataract.
366.46	Cataract associated with radiation and other physical influences.
366.50	After-cataract unspecified.
369.00	Impairment level not further specified.
369.01	Better eye: total vision impairment; lesser eye: total vision impairment.
369.10	Moderate or severe impairment, better eye, impairment level not further specified.
369.11	Better eye: severe vision impairment; lesser eye: blind not further specified.
369.13	Better eye: severe vision impairment; lesser eye: near-total vision impairment.
369.14	Better eye: severe vision impairment; lesser eye: profound vision impairment.
369.15	Better eye: moderate vision impairment; lesser eye: blind not further specified.
369.16	Better eye: moderate vision impairment; lesser eye: total vision impairment.
369.17	Better eye: moderate vision impairment; lesser eye: near-total vision impairment.
369.18	Better eye: moderate vision impairment; lesser eye: profound vision impairment.
369.20	Moderate to severe impairment; Low vision both eyes not otherwise specified.
369.21	Better eye: severe vision impairment; lesser eye; impairment not further specified.
369.22	Better eye: severe vision impairment; lesser eye: severe vision impairment.
369.23	Better eye: moderate vision impairment; lesser eye: impairment not further specified.
369.24	Better eye: moderate vision impairment; lesser eye: severe vision impairment.
369.25	Better eye: moderate vision impairment; lesser eye: moderate vision impairment.
369.3	Unqualified visual loss both eyes.
369.4	Legal blindness as defined in U.S.A..
377.75	Cortical blindness.
379.21	Vitreous degeneration.
379.23	Vitreous hemorrhage.
Cognitive/Behavioral:	
290.0	Senile dementia uncomplicated.
290.3	Senile dementia with delirium.
290.40	Vascular dementia, uncomplicated.
290.41	Vascular dementia, with delirium.
290.42	Vascular dementia, with delusions.
290.43	Vascular dementia, with depressed mood.
294.11	Dementia in conditions classified elsewhere with behavioral disturbance.
294.21	Dementia, unspecified, with behavioral disturbance.
300.29	Other isolated or specific phobias.
331.0	Alzheimer's disease.
331.11	Pick's disease.
331.19	Other frontotemporal dementia.
331.2	Senile degeneration of brain.
331.82	Dementia with lewy bodies.
Arthritis:	
715.11	Osteoarthrosis localized primary involving shoulder region.
715.21	Osteoarthrosis localized secondary involving shoulder region.
715.31	Osteoarthrosis localized not specified whether primary or secondary involving shoulder region.
715.91	Osteoarthrosis unspecified whether generalized or localized involving shoulder region.
715.12	Osteoarthrosis localized primary involving upper arm.
715.22	Osteoarthrosis localized secondary involving upper arm.
715.32	Osteoarthrosis localized not specified whether primary or secondary involving upper arm.
715.92	Osteoarthrosis unspecified whether generalized or localized involving upper arm.
715.13	Osteoarthrosis localized primary involving forearm.
715.23	Osteoarthrosis localized secondary involving forearm.
715.33	Osteoarthrosis localized not specified whether primary or secondary involving forearm.
715.93	Osteoarthrosis unspecified whether generalized or localized involving forearm.
715.04	Osteoarthrosis generalized involving hand.
715.14	Osteoarthrosis localized primary involving hand.
715.24	Osteoarthrosis localized secondary involving hand.
715.34	Osteoarthrosis localized not specified whether primary or secondary involving hand.
715.94	Osteoarthrosis unspecified whether generalized or localized involving hand.
716.51	Unspecified polyarthropathy or polyarthritis involving shoulder region.
716.52	Unspecified polyarthropathy or polyarthritis involving upper arm.
716.53	Unspecified polyarthropathy or polyarthritis involving forearm.
716.54	Unspecified polyarthropathy or polyarthritis involving hand.
716.61	Unspecified monoarthritis involving shoulder region.
716.62	Unspecified monoarthritis involving upper arm.
716.63	Unspecified monoarthritis involving forearm.
716.64	Unspecified monoarthritis involving hand.
716.81	Other specified arthropathy involving shoulder region.
716.82	Other specified arthropathy involving upper arm.
716.83	Other specified arthropathy involving forearm.
716.84	Other specified arthropathy involving hand.
716.91	Unspecified arthropathy involving shoulder region.
716.92	Unspecified arthropathy involving upper arm.

TABLE 28—ICD–9–CM DIAGNOSIS CODES THAT INDICATE A POTENTIAL INABILITY TO SELF-INJECT INSULIN—Continued

ICD–9–CM Code	Description
716.93	Unspecified arthropathy involving forearm.
716.94	Unspecified arthropathy involving hand.
716.01	Kaschin-Beck disease shoulder region.
716.02	Kaschin-Beck disease upper arm.
716.04	Kaschin-Beck disease forearm.
716.04	Kaschin-beck disease involving hand.
719.81	Other specified disorders of joint of shoulder region.
719.82	Other specified disorders of upper arm joint.
719.83	Other specified disorders of joint, forearm.
719.84	Other specified disorders of joint, hand.
718.41	Contracture of joint of shoulder region.
718.42	Contracture of joint, upper arm.
718.43	Contracture of joint, forearm.
718.44	Contracture of hand joint.
714.0	Rheumatoid arthritis.
Movement Disorders:	
332.0	Paralysis agitans (Parkinson's).
332.1	Secondary parkinsonism.
333.1	Essential and other specified forms of tremor.
736.05	Wrist drop (acquired).
After Effects from Stroke/Other Disorders of the Central Nervous System/Intellectual Disabilities:	
438.21	Hemiplegia affecting dominant side.
438.22	Hemiplegia affecting nondominant side.
342.01	Flaccid hemiplegia and hemiparesis affecting dominant side.
342.02	Flaccid hemiplegia and hemiparesis affecting nondominant side.
342.11	Spastic hemiplegia and hemiparesis affecting dominant side.
342.12	Spastic hemiplegia and hemiparesis affecting nondominant side.
438.31	Monoplegia of upper limb affecting dominant side.
438.32	Monoplegia of upper limb affecting nondominant side.
343.3	Congenital monoplegia.
344.41	Monoplegia of upper limb affecting dominant side.
344.42	Monoplegia of upper limb affecting nondominant side.
344.81	Locked-in state.
344.00	Quadriplegia unspecified.
344.01	Quadriplegia c1-c4 complete.
344.02	Quadriplegia c1-c4 incomplete.
344.03	Quadriplegia c5-c7 complete.
344.04	Quadriplegia c5-c7 incomplete.
343.0	Congenital diplegia.
343.2	Congenital quadriplegia.
344.2	Diplegia of upper limbs.
318.0	Moderate intellectual disabilities.
318.1	Severe intellectual disabilities.
318.2	Profound intellectual disabilities.

Although we are not proposing any policy changes at this time, we are soliciting public comments on whether the conditions in Table 28 represent a comprehensive list of codes that appropriately indicate that a patient may not be able to self-inject and the use of insulin pens in home health. We plan to continue monitoring claims that are likely for the purpose of insulin injection assistance. Historical evidence in the medical record must support the clinical legitimacy of the secondary condition(s) and resulting disability that limit the beneficiary's ability to self-inject.

G. Implementation of the International Classification of Diseases, 10th Revision, Clinical Modification (ICD–10–CM)

On April 1, 2014, the Protecting Access to Medicare Act of 2014 (PAMA) (Pub. L. 113–93) was enacted. Section 212 of the PAMA, titled ''Delay in Transition from ICD–9 to ICD–10 Code Sets,'' provides that ''[t]he Secretary of Health and Human Services may not, prior to October 1, 2015, adopt ICD–10 code sets as the standard for code sets under section 1173(c) of the Social Security Act (42 U.S.C. 1320d-2(c)) and § 162.1002 of title 45, Code of Federal Regulations.''

On May 1, 2014, the Secretary announced that HHS expects to issue an interim final rule that will require use of ICD–10 beginning October 1, 2015 and continue to require use of ICD–9–CM through September 30, 2015. This announcement, which is available on the CMS Web site at *http://cms.gov/Medicare/Coding/ICD10/index.html,* means that ICD–9–CM diagnosis codes will continue to be used for home health claims reporting until October 1, 2015, when ICD–10–CM is required. Diagnosis reporting on home health claims must adhere to ICD–9–CM coding conventions and guidelines regarding the selection of principal diagnosis and the reporting of additional diagnoses until that time. The current ICD–9–CM Coding Guidelines refer to the use of the International Classification of Diseases,

9th Revision, Clinical Modification (ICD–9–CM) and are available through the CMS Web site at: *http://www.cms.gov/Medicare/Coding/ICD9ProviderDiagnosticCodes/index.html* or on the CDC's Web site at *http://www.cdc.gov/nchs/icd/icd9cm.htm*. We plan to disseminate this information through the HHA Center Web site, the Home Health, Hospice and DME Open Door Forum, and in the CY 2015 HH PPS final rule.

H. Proposed Change to the Therapy Reassessment Timeframes

As discussed in our CY 2011 HH PPS final rule (75 FR 70372), effective January 1, 2011, therapy reassessments must be performed on or ''close to'' the 13th and 19th therapy visits and at least once every 30 days. A qualified therapist, of the corresponding discipline for the type of therapy being provided, must functionally reassess the patient using a method which would include objective measurement. The measurement results and corresponding effectiveness of the therapy, or lack thereof, must be documented in the clinical record. We anticipated that policy regarding therapy coverage and therapy reassessments would address payment vulnerabilities that have led to high use and sometimes overuse of therapy services. We also discussed our expectation that this policy change would ensure more qualified therapist involvement for beneficiaries receiving high amounts of therapy. In our CY 2013 HH PPS final rule (77 FR 67068), effective January 1, 2013, we provided further clarifications regarding therapy coverage and therapy reassessments. Specifically, similar to the existing requirements for therapy reassessments when the patient resides in a rural area, we finalized changes to § 409.44(c)(2)(i)(C)(*2*) and (D)(*2*) specifying that when multiple types of therapy are provided, each therapist must assess the patient after the 10th therapy visit but no later than the 13th therapy visit and after the 16th therapy visit but no later than the 19th therapy visit for the plan of care. In § 409.44(c)(2)(i)(E)(1), we specified that when a therapy reassessment is missed, any visits for that discipline prior to the next reassessment are non-covered.

Our analysis of data from CYs 2010 through 2013 shows that the frequency of episodes with therapy visits reaching 14 and 20 therapy visits did not change substantially as a result of the therapy reassessment policy implemented in CY 2011 (see Table 29). The percentage of episodes with at least 14 covered therapy visits was 17.2 percent in CY 2010 and decreased to 16.0 percent in CY 2011. In CY 2013 the percentage of episodes with at least 14 covered therapy visits increased to 16.3 percent. Likewise, the percentage of episodes with at least 20 covered therapy visits was 6.0 percent in CY 2010 and decreased to 5.4 percent in CY 2011. In CY 2013, the percentage of episodes with at least 20 covered therapy visits was 5.3 percent. We analyzed data for specific types of providers (for example, non-profit, for profit, freestanding, facility-based), and we found the similar trends in the number of episodes with at least 14 and 20 covered therapy visits. For example, for non-profit HHAs, the percentage of episodes with at least 14 covered therapy visits decreased from 11.8 percent in CY 2010 to 11.1 in CY 2011 and episodes with at least 20 covered therapy visits decreased from 4.2 percent in CY 2010 to 3.9 percent in CY 2011. For proprietary HHAs, the percentage of episodes with at least 14 covered therapy visits decreased from 19.7 percent in CY 2010 to 18.2 percent in CY 2011 and episodes with at least 20 covered therapy visits decreased from 6.8 percent in CY 2010 to 6.1 percent in CY 2011.

As we stated in section III.A of this proposed rule, in addition to the implementation of the therapy reassessment requirements in CY 2011, HHAs were also subject to the Affordable Care Act face-to-face encounter requirement, payments were reduced to account for increases nominal case-mix, and the Affordable Care Act mandated that the HH PPS payment rates be reduced by 5 percent to pay up to, but no more than 2.5 percent of total HH PPS payments as outlier payments. The estimated net impact to HHAs for CY 2011 was a decrease in total HH PPS payments of 4.78 percent. The independent effects of any one policy may be difficult to discern in years where multiple policy changes occur in any given year. We note that in our CY 2012 HH PPS final rule (76 FR 68526), we recalibrated and reduced the HH PPS case-mix weights for episodes reaching 14 and 20 therapy visits, thereby greatly diminishing the payment incentive for episodes at those therapy thresholds.

TABLE 29—PERCENTAGE OF EPISODES WITH 14 AND 20 THERAPY VISITS, CY 2010 THROUGH 2013

Calendar year	Episodes with at least 1 covered therapy visit	Episodes with at least 14 covered therapy visits	Episodes with at least 20 covered therapy visits
2010	54.1%	17.2%	6.0%
2011	54.2%	16.0%	5.4%
2012	55.2%	15.6%	5.2%
2013	56.3%	16.3%	5.3%

Source: CY 2010 claims from the Datalink file and CY 2011 through CY 2013 claims from the standard analytic file (SAF).
Note(s): For CY 2010, we included all episodes that began on or after January 1, 2010 and ended on or before December 31, 2010 and we included a 20% sample of episodes that began in CY 2009 but ended in CY 2010. For CY 2011 and CY 2013, we included all episodes that ended on or before December 31 of that CY (including 100% of episodes that began in the previous CY, but ended in the current CY).

Since the therapy reassessment requirements were implemented in CY 2011, providers have expressed frustration regarding the timing of reassessments for multi-discipline therapy episodes. In multiple therapy episodes, therapists must communicate when a planned visit and/or reassessment is missed to accurately track and count visits. Otherwise, therapy reassessments may be in jeopardy of not being performed during the required timeframe increasing the risk of subsequent visits being non-covered. As stated above, our recent analysis of claims data from CY 2010 through CY 2013 shows no significant change in the percentage of cases reaching the 14 therapy visit and 20 therapy visit thresholds between CY 2010 and CY 2011. Moreover, payment increases at the 14 therapy visit and 20 therapy visit thresholds have been mitigated since the recalibration of the case-mix weights in CY 2012. Therefore, we propose to simplify § 409.44(c)(2) to require a qualified therapist (instead of an assistant) from each discipline to provide the needed therapy service and functionally reassess the patient in

accordance with § 409.44(c)(2)(i)(A) at least every 14 calendar days.

The requirement to perform a therapy reassessment at least once every 14 calendar days would apply to all episodes regardless of the number of therapy visits provided. All other requirements related to therapy reassessments would remain unchanged, such as a qualified therapist (instead of an assistant), from each therapy discipline provided, would still be required to provide the ordered therapy service and functionally reassess the patient using a method which would include objective measurements. The measurement results and corresponding effectiveness of the therapy, or lack thereof, would be documented in the clinical record. We believe that revising this requirement would make it easier and less burdensome for HHAs to track and to schedule therapy reassessments every 14 calendar days as opposed to tracking and counting therapy visits, especially for multiple-discipline therapy episodes. We also believe that this proposal would reduce the risk of non-covered visits so that therapists could focus more on providing quality care for their patients, while still promoting therapist involvement and quality treatment for all beneficiaries, regardless of the level of therapy provided.

We invite comment on this proposal and the associated change in the regulation at § 409.44 in section VI. of this proposed rule.

I. HHA Value-Based Purchasing Model

As we discussed previously in the FY 2009 proposed rule for Skilled Nursing Facilities (73 FR 25918, 25932, May 7, 2008), value-based purchasing (VBP) programs, in general, are intended to tie a provider's payment to its performance in such a way as to reduce inappropriate or poorly furnished care and identify and reward those who furnish quality patient care. Section 3006(b)(1) of the Affordable Care Act directed the Secretary to develop a plan to implement a VBP program for home health agencies (HHAs) and to issue an associated Report to Congress (Report). The Secretary issued that Report, which is available online at *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/HomeHealthPPS/downloads/stage-2-NPRM.PDF*.

The Report included a roadmap for HHA VBP implementation. The Report outlined the need to develop a HHA VBP program that aligns with other Medicare programs and coordinates incentives to improve quality. The Report indicated that a HHA VBP program should build on and refine existing quality measurement tools and processes. In addition, the Report indicated that one of the ways that such a program could link payment to quality would be to tie payments to overall quality performance.

Section 402 of Public Law 92–603 provided authority for the CMS to conduct the Home Health Pay-for-Performance (HHPFP) Demonstration that ran from 2008 to 2010. The results of that Demonstration found limited quality improvement in certain measures after comparing the quality of care furnished by Demonstration participants to the quality of care furnished by the control group. One important lesson learned from the HHPFP Demonstration was the need to link the home health agency's quality improvement efforts and the incentives. HHAs in three of the four regions generated enough savings to have incentive payments in the first year of the Demonstration, but the size of payments were unknown until after the conclusion of the Demonstration. This time lag on paying incentive payments did not provide a sufficient incentive to HHAs to make investments necessary to improve quality. The Demonstration suggested that future models could benefit from ensuring that incentives are reliable enough, of sufficient magnitude, and paid in a timely fashion to encourage HHAs to be fully engaged in the quality of care initiative. The evaluation report is available online at *https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/Reports/Downloads/HHP4P_Demo_Eval_Final_Vol1.pdf*.

We have already successfully implemented the Hospital Value-Based Purchasing (HVBP) program where 1.25 percent of hospital payments in FY 2014 are tied to the quality of care that the hospitals provide. This percentage amount will gradually increase to 2.0 percent in FY 2017 and subsequent years. The President's 2015 Budget proposes that value-based purchasing should be extended to additional providers including skilled nursing facilities, home health agencies, ambulatory surgical centers, and hospital outpatient departments. Therefore, we are now considering testing a HHA VBP model that builds on what we have learned from the HVBP program. The model also presents an opportunity to test whether larger incentives than what have been previously tested will lead to even greater improvement in the quality of care furnished to beneficiaries. The HHA VBP model that is being considered would offer both a greater potential reward for high performing HHAs as well as a greater potential downside risk for low performing HHAs. If implemented, the model would begin at the outset of CY 2016, and include an array of measures that can capture the multiple dimensions of care that HHAs furnish. Building upon the successes of other related programs, we are seeking to implement a model with greater upside benefit and downside risk to motivate HHAs to make the substantive investments necessary to improve the quality of care furnished by HHAs.

As currently envisioned, the HHA VBP model would reduce or increase Medicare payments, in a 5–8 percent range, depending on the degree of quality performance in various measures to be selected. The model would apply to all HHAs in each of the projected five to eight states selected to participate in the model. The distribution of payments would be based on quality performance, as measured by both achievement and improvement across multiple quality measures. Some HHAs would receive higher payments than standard fee-for-service payments and some HHAs would receive lower payments, similar to the HVBP program. We believe the payment adjustment at risk would provide an incentive among all HHAs to provide significantly better quality through improved planning, coordination, and management of care. To be eligible for any incentive payments, HHAs would need to achieve a minimal threshold in quality performance with respect to the care that they furnish. The size of the award would be dependent on the level of quality furnished above the minimal threshold with the highest performance awards going to HHAs with the highest overall level of or improvement in quality.

HHAs that meet or exceed the performance standards based on quality and efficiency metrics would be eligible to earn performance payments. The size of the performance payment would be dependent upon the provider's performance relative to other HHAs within its participating state. HHAs that exceed the performance standards and demonstrate the greatest level of overall quality or quality improvement on the selected measures would have the opportunity to receive performance payment adjustments greater than the amount of the payment reduction, and would therefore see a net payment increase as a result of this model. Those HHAs that fail to meet the performance standard would receive lower payments than what would have been reimbursed

under the traditional FFS Medicare payment system, and would therefore see a net payment decrease to Medicare payments as a result of this model. We are proposing to use the waiver authority under section 1115A of the Act to waive the applicable Medicare payment provisions for HHAs in the selected states and apply a reduction or increase to current Medicare payments to these HHAs, which would be dependent on their performance.

We are considering an HHA VBP model in which participation by all HHAs in five to eight selected states is mandatory. We believe requiring all HHAs in selected states to participate in the model will ensure that: (1) There is no selection bias, (2) participating HHAs are representative of HHAs nationally, and (3) there is sufficient participation to generate meaningful results. In our experience, providers are generally reluctant to participate voluntarily in models in which their Medicare payments are subject to reduction. In this proposed rule, we invite comments on the HHA VBP model outlined above, including elements of the model, size of the payment incentives and percentage of payments that would need to be placed at risk in order to spur HHAs to make the necessary investments to improve the quality of care for Medicare beneficiaries, the timing of the incentive payments, and how performance payments should be distributed. We also invite comments on the best approach for selecting states for participation in this model. Approaches could include: (1) Selecting states randomly, (2) selecting states based on quality, utilization, health IT, or efficiency metrics or a combination, or (3) other considerations.

We note that if we decide to move forward with the implementation of this HHA VBP model in CY 2016, we intend to invite additional comments on a more detailed model proposal to be included in future rulemaking.

J. Advancing Health Information Exchange

HHS believes all patients, their families, and their healthcare providers should have consistent and timely access to their health information in a standardized format that can be securely exchanged between the patient, providers, and others involved in the patient's care. (HHS August 2013 Statement, ''Principles and Strategies for Accelerating Health Information Exchange.'') The Department is committed to accelerating health information exchange (HIE) through the use of electronic health records (EHRs) and other types of health information technology (HIT) across the broader care continuum through a number of initiatives including: (1) Alignment of incentives and payment adjustments to encourage provider adoption and optimization of HIT and HIE services through Medicare and Medicaid payment policies, (2) adoption of common standards and certification requirements for interoperable HIT, (3) support for privacy and security of patient information across all HIE-focused initiatives, and (4) governance of health information networks. These initiatives are designed to encourage HIE among all health care providers, including professionals and hospitals eligible for the Medicare and Medicaid EHR Incentive Programs and those who are not eligible for the EHR Incentive programs, and are designed to improve care delivery and coordination across the entire care continuum. To increase flexibility in the Office of the National Coordinator for Health Information Technology's (ONC) regulatory certification structure and expand HIT certification, ONC has proposed a voluntary 2015 Edition EHR Certification rule to more easily accommodate HIT certification for technology used by other types of health care settings where individual or institutional health care providers are not typically eligible for incentive payments under the EHR Incentive Programs, such as long-term and post-acute care and behavioral health settings (79 FR 10880).

We believe that HIE and the use of certified EHRs by HHAs (and other providers ineligible for the Medicare and Medicaid EHR Incentive programs) can effectively and efficiently help providers improve internal care delivery practices, support management of patient care across the continuum, and enable the reporting of electronically specified clinical quality measures (eCQMs). More information on the identification of EHR certification criteria and development of standards applicable to HH can be found at:

- *http://healthit.gov/policy-researchers-implementers/standards-and-certification-regulations*
- *http://www.healthit.gov/facas/FACAS/health-it-policy-committee/hitpc-workgroups/certificationadoption*
- *http://wiki.siframework.org/LCC+LTPAC+Care+Transition+SWG*
- *http://wiki.siframework.org/Longitudinal+Coordination+of+Care*

K. Proposed Revisions to the Speech-Language Pathologist Personnel Qualifications

We propose to revise the personnel qualifications for speech-language pathologists (SLP) to more closely align the regulatory requirements with those set forth in section 1861(ll) of the Act. We propose to require that a qualified SLP be an individual who has a master's or doctoral degree in speech-language pathology, and who is licensed as a speech-language pathologist by the State in which he or she furnishes such services. To the extent of our knowledge, all states license SLPs; therefore, all SLPs would be covered by this option. We believe that deferring to the states to establish specific SLP requirements would allow all appropriate SLPs to provide services to Medicare beneficiaries. Should a state choose to not offer licensure at some point in the future, we propose a second, more specific, option for qualification. In that circumstance, we would require that an SLP successfully complete 350 clock hours of supervised clinical practicum (or is in the process of accumulating such supervised clinical experience); perform not less than 9 months of supervised full-time speech-language pathology services after obtaining a master's or doctoral degree in speech-language pathology or a related field; and successfully complete a national examination in speech-language pathology approved by the Secretary. These specific requirements are set forth in the Act, and we believe that they are appropriate for inclusion in the regulations as well.

We invite comments on this technical correction and associated change in the regulations at § 484.4 in section VI.

L. Proposed Technical Regulations Text Changes

We propose to make technical corrections in § 424.22(b)(1) to better align the recertification requirements with the Medicare Conditions of Participation (CoPs) for home health services. Specifically, we propose that § 424.22(b)(1) would specify that recertification is required at least every 60 days when there is a need for continuous home health care after an initial 60-day episode to coincide with the CoP requirements in § 484.55(d)(1), which require the HHA to update the comprehensive assessment in the last 5 days of every 60-day episode of care. As stated in § 484.55, the comprehensive assessment must identify the patient's continuing need for home care and meet the patient's medical, nursing, rehabilitative, social, and discharge planning needs. We also propose to specify in § 424.22(b)(1) that recertification is required at least every 60 days *unless* there is a beneficiary elected transfer or a discharge with goals met and return to the same HHA

during the 60-day episode. The word ''unless'' was inadvertently left out of the payment regulations text. Inserting ''unless'' into § 424.22(b) (1) realigns the recertification requirements with the CoPs at § 484.55(d)(1).

As outlined in the ''Medicare Program; Prospective Payment System for Home Health Agencies'' final rule published on July 3, 2000 (65 FR 41188 through 41190), a partial episode payment (PEP) adjustment applies to two intervening events: (1) Where the beneficiary elects a transfer to another HHA during a 60-day episode or the patient; or (2) a discharge and return to the same HHA during the 60-day episode when a beneficiary reached the treatment goals in the plan of care. To discharge with goals met, the plan of care must be terminated with no anticipated need for additional home health services for the balance of the 60-day period. A PEP adjustment proportionally adjusts the national, standardized 60-day episode payment amount to reflect the length of time the beneficiary remained under the agency's care before the intervening event.

We propose to revise § 424.22(b)(1)(ii) to clarify that if a beneficiary is discharged with goals met and/or no expectation of a return to home health care and returns to the same HHA during the 60-day episode a new start of care would be initiated (rather than an update to the comprehensive assessment) and thus the second episode would be considered a certification, not a recertification,[32] and would be subject to § 424.22(a)(1).

We also propose to make a technical correction in § 484.250(a)(1) to remove the ''-C'' after ''OASIS'' in § 484.250(a)(1), so that the regulation refers generically to the version of OASIS currently approved by the Secretary, and to align this section with the payment regulations at § 484.210(e). Specifically, an HHA must submit to CMS the OASIS data described at § 484.55(b)(1) and (d)(1) for CMS to administer the payment rate methodologies described in § 484.215, § 484.230, and § 484.235 and to meet the quality reporting requirements of section 1895(b)(3)(B)(v) of the Act.

We invite comments on these technical corrections and associated changes in the regulations at § 424.22 and § 484.250 in section VI.

[32] *http://www.cms.gov/Medicare/Quality-Initiatives-Patient-Assessment-Instruments/OASIS/downloads/OASISConsiderationsforPPS.pdf.*

M. Survey and Enforcement Requirements for Home Health Agencies

1. Statutory Background and Authority

Section 4023 of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87) (Pub. L 100–203, enacted on December 22, 1987) added subsections 1891(e) and (f) to the Act, which expanded the Secretary's options to enforce federal requirements for home health agencies (HHAs or the agency). Sections 1861(e)(1) and (2) of the Act provide that if CMS determines that an HHA is not in compliance with the Medicare home health Conditions of Participation and the deficiencies involved either do or do not immediately jeopardize the health and safety of the individuals to whom the agency furnishes items and services, then we may terminate the provider agreement, impose an alternative sanction(s), or both. Section 1891(f)(1)(B) of the Act authorizes the Secretary to develop and implement appropriate procedures for appealing determinations relating to the imposition of alternative sanctions.

In the November 8, 2012 **Federal Register** (77 FR 67068), we published in the ''Alternative Sanctions for Home Health Agencies With Deficiencies'' final rule (part 488, subpart J), as well as made corresponding revisions to sections § 489.53 and § 498.3. This subpart J added the rules for enforcement actions for HHAs including alternative sanctions. Section 488.810(g) provides that 42 CFR part 498 applies when an HHA requests a hearing on a determination of noncompliance that leads to the imposition of a sanction, including termination. Section 488.845(b) describes the ranges of CMPs that may be imposed for all condition-level findings: upper range ($8,500 to $10,000); middle range ($1,500 to $8,500); lower range ($500 to $4,000), as well as CMPs imposed per instance of noncompliance ($1,000 to $10,000).

Section 488.845(c)(2) addresses the appeals procedures when CMPs are imposed, including the need for any appeal request to meet the requirements of § 498.40 and the option for waiver of a hearing.

2. Reviewability Pursuant to Appeals

We propose to amend § 488.845 by adding a new paragraph (h) which would explain the reviewability of a CMP that is imposed on a HHA for noncompliance with federal participation requirements. The new language will provide that when administrative law judges, state hearing officers (or higher administrative review authorities) find that the basis for imposing a civil money penalty exists, as specified in § 488.485, he or she may not set a penalty of zero or reduce a penalty to zero; review the exercise of discretion by CMS or the state to impose a civil money penalty; or, in reviewing the amount of the penalty, consider any factors other than those specified in § 488.485(b)(1)(i) through (b)(1)(iv). That is, when the administrative law judge or state hearing officer (or higher administrative authority) finds noncompliance supporting the imposition of the CMP, he or she must retain some amount of penalty consistent with the ranges of penalty amounts established in § 488.845(b). The proposed language for HHA reviews is similar to the current § 488.438(e) governing the scope of review for civil money penalties imposed against skilled nursing facilities, and is also consistent with section 1128A(d) of the Act which requires that specific factors be considered in determining the amount of any penalty.

3. Technical Adjustment

We are also proposing to amend § 498.3, Scope and Applicability, by revising paragraph (b)(13) to include specific cross reference to proposed § 488.845(h) and to revise the reference to section § 488.740 which was a typographical error and replace it with section § 488.820 which is the actual section that lists the sanctions available to be imposed against an HHA. We are also amending § 498.3(b)(14)(i) to include cross reference to proposed § 488.845(h) which establishes the scope of CMP review for HHAs. Finally, we are proposing to amend § 498.60 to include specific references to HHAs and proposed § 488.845(h).

IV. Collection of Information Requirements

Under the Paperwork Reduction Act of 1995, we are required to provide 60-day notice in the **Federal Register** and solicit public comment before a collection of information requirement is submitted to the Office of Management and Budget (OMB) for review and approval. To fairly evaluate whether an information collection should be approved by OMB, section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires that we solicit comment on the following issues:

- The need for the information collection and its usefulness in carrying out the proper functions of our agency.
- The accuracy of our estimate of the information collection burden.
- The quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the information collection burden on the

affected public, including automated collection techniques.

We are soliciting public comment the information collection requirement (ICR) related to the proposed changes to the home health face-to-face encounter requirements in section III.B and the proposed change to the therapy reassessment timeframes in section III.H. These proposed changes are associated with ICR approved under OMB control number as 0938–1083.

A. Proposed Changes to the Face-to-Face Encounter Requirements

The following assumptions were used in estimating the burden for the proposed changes to the home health face-to-face requirements:

TABLE 30—HOME HEALTH FACE-TO-FACE ENCOUNTER BURDEN ESTIMATE ASSUMPTIONS

Number of Medicare-billing HHAs, from CY 2013 claims with matched OASIS assessments	11,521
Hourly rate of an office employee (Executive Secretaries and Executive Administrative Assistants, 43–6014)	$20.54 ($15.80 × 1.30)
Hourly rate of an administrator (General and Operations Managers, 11–1021)	$64.65 ($49.73 × 1.30)
Hourly rate of Family and General Practitioners (29–1062)	$112.91 ($86.85 × 1.30)

Note: CY = Calendar Year

All salary information is from the Bureau of Labor Statistics (BLS) Web site at *http://www.bls.gov/oes/current/naics4_621600.htm* and includes a fringe benefits package worth 30 percent of the base salary. The mean hourly wage rates are based on May 2013 BLS data for each discipline, for those providing ''home health care services.''

1. Proposed Changes to the Face-to-Face Encounter Narrative Requirement

Sections 1814(a)(2)(C) and 1835 (a)(2)(A) of the Act, as amended by section 6407 of the Affordable Care Act require that, as a condition for payment, prior to certifying a patient's eligibility for the Medicare home health benefit the physician must document that the physician himself or herself or an allowed nonphysician practitioner (NPP) had a face-to-face encounter with the patient. Section 424.22(a)(1)(v) currently requires that the face-to-face encounter be related to the primary reason the patient requires home health services and occur no more than 90 days prior to the home health start of care date or within 30 days after the start of the home health care. In addition, as part of the certification of eligibility, the certifying physician must document the date of the encounter and include an explanation (narrative) of why the clinical findings of such encounter support that the patient is homebound, as defined in section 1835(a) of the Act, and in need of either intermittent skilled nursing services or therapy services, as defined in § 409.42(c).

To simplify the face-to-face encounter regulations, reduce burden for HHAs and physicians, and to mitigate instances where physicians and HHAs unintentionally fail to comply with certification requirements, we propose to eliminate the narrative requirement at § 424.22(a)(1)(v). The certifying physician will still be required to certify that a face-to-face patient encounter, which is related to the primary reason the patient requires home health services, occurred no more than 90 days prior to the home health start of care date or within 30 days of the start of the home health care and was performed by a physician or allowed non-physician practitioner as defined in § 424.22(a)(1)(v)(A), and to document the date of the encounter as part of the certification of eligibility.

In eliminating the face-to-face encounter narrative requirement, we assume that there will be a one-time burden for the HHA to modify the certification form, which the HHA provides to the certifying physician. The revised certification form must allow the certifying physician to certify that a face-to-face patient encounter, which is related to the primary reason the patient requires home health services, occurred no more than 90 days prior to the home health start of care date or within 30 days of the start of the home health care and was performed by a physician or allowed NPP as defined in § 424.22(a)(1)(v)(A). In addition, the certification form must allow the certifying physician to document the date that the face-to-face encounter occurred.

We estimate that it would take a home health clerical staff person 15 minutes (15/60 = 0.25 hours) to modify the certification form, and the HHA administrator 15 minutes (15/60 = 0.25 hours) to review the revised form. The clerical time plus administrator time equals a one-time burden of 30 minutes or (30/60) = 0.50 hours per HHA. For all 11,521 HHAs, the total time required would be (0.50 × 11,521) = 5,761 hours. At $20.54 per hour for an office employee, the cost per HHA would be (0.25 × $20.54) = $5.14. At $64.65 per hour for the administrator's time, the cost per HHA would be (0.25 × $64.65) = $16.16. Therefore, the total one-time cost per HHA would be $21.30, and the total one-time cost for all HHAs would be ($21.30 × 11,521) = $245,397.

In the CY 2011 HH PPS final rule (75 FR 70455), we estimated that the certifying physician's burden for composing the face-to-face encounter narrative, which includes how the clinical findings of the encounter support eligibility (writing, typing, or dictating the face-to-face encounter narrative) signing, and dating the patient's face-to-face encounter, was 5 minutes for each certification (5/60 = 0.0833 hours). Because it has been our longstanding manual policy that physicians sign and date certifications and recertifications, there is no additional burden to physicians for signing and dating the face-to-face encounter documentation. We estimate that there would be 3,096,680 initial home health episodes in a year based on 2012 claims data from the home health Datalink file. As such, the estimated burden for the certifying physician to write the face-to-face encounter narrative would have been 0.0833 hours per certification (5/60 = 0.0833 hours) or 257,953 hours total (0.0833 hours × 3,096,680 initial home health episodes). The estimated cost for the certifying physician to write the face-to-face encounter narrative would have been $9.41 per certification (0.0833 × $112.91) or $29,139,759 total ($9.41 × 3,096,680) for CY 2015.

Although we are proposing to eliminate the narrative, the certifying physician will still be required to document the date of the face-to-face encounter as part of the certification of eligibility. We estimate that it would take no more than 1 minute for the certifying physician to document the date that the face-to-face encounter occurred (1/60 = 0.0166 hours). The estimated burden for the certifying physician to continue to document the date of the face-to-face encounter would be 0.0166 hours per certification or 51,405 hours total (0.0166 hours × 3,096,680 initial home health episodes). The estimated cost for the certifying physician to continue to document the date of the face-to-face encounter would be $1.87 per certification (0.0166 ×

$112.91) or $5,790,792 total ($1.87 × 3,096,680) for CY 2015. Therefore, in eliminating the face-to-face encounter narrative requirement, as proposed in section III.B. of this proposed rule, we estimate that burden and costs will be reduced for certifying physicians by 206,548 hours (257,953 − 51,405) and $23,348,967 ($29,139,759 − $5,790,792), respectively for CY 2015.

2. Proposed Clarification on When Documentation of a Face-to-Face Encounter is Required

To determine when documentation of a patient's face-to-face encounter is required under sections 1814(a)(2)(C) and 1835 (a)(2)(A) of the Act, we are proposing to clarify that the face-to-face encounter requirement is applicable for certifications (not recertifications), rather than initial episodes. A certification (versus recertification) is generally considered to be any time that a new start of care OASIS is completed to initiate care. We estimate that of the 6,562,856 episodes in the CY 2012 home health Datalink file, 3,096,680 start of care assessments were performed on initial home health episodes. If this proposal is implemented, an additional 830,287 episodes would require documentation of a face-to-face encounter for subsequent episodes that were initiated with a new start of care OASIS assessment. We estimate that it would take no more than 1 minute for the certifying physician to document the date that the face-to-face encounter occurred (1/60 = 0.0166 hours). The estimated burden for the certifying physician to document the date of the face-to-face encounter for each certification (any time a new start of care OASIS is completed to initiate care) would be 0.0166 hours or 13,783 total hours (0.0166 hours × 830,287 additional home health episodes). The estimated cost for the certifying physician to document the date of the face-to-face encounter for each additional home health episode would be $1.87 per certification (0.0166 × $112.91) or $1,552,637 total ($1.87 × 830,287) for CY 2015.

TABLE 31—ESTIMATED ONE-TIME FORM REVISION BURDEN FOR HHAS

OMB No.	Requirement	HHAs	Responses	Hr. burden	Total time	Total dollars
0938–1083	§ 424.22(a)(1)(v)	11,521	1	0.5 hour	5,761 hours	$245,397

TABLE 32—ESTIMATED BURDEN REDUCTION FOR CERTIFYING PHYSICIANS

[No Longer Drafting a Face-to-Face Encounter Narrative]

OMB No.	Requirement	Certifications	Responses	Hr. burden	Total time	Total dollars
0938–1083	§ 424.22(a)(1)(v)	3,096,680	1	(0.0667) hour	(206,548) hours	($23,348,967)

TABLE 33—ESTIMATED BURDEN FOR CERTIFYING PHYSICIANS

[Documenting the Date of the Face-to-Face Encounter for Additional Certifications]

OMB No.	Requirement	Certifications	Responses	Hr. burden	Total time	Total dollars
0938–1083	§ 424.22(a)(1)(v)	830,287	1	0.0166 hour	13,783 hours	$1,552,637

In summary, all of the proposed changes to the face-to-face encounter requirements in section III.B of this proposed rule, including changes to § 424.22(a)(1)(v), will result in an estimated net reduction in burden for certifying physicians of 192,765 hours or $21,796,330 (see Tables 32 and 33). The proposed changes to the face-to-face encounter requirements at § 424.22(a)(1)(v) will result in a one-time burden for HHAs to revise the certification form of 5,761 hours or $245,397 (Table 31).

B. Proposed Change to the Therapy Reassessment Timeframes

Currently, section 409.44(c) requires that patient's function must be initially assessed and periodically reassessed by a qualified therapist, of the corresponding discipline for the type of therapy being provided, using a method which would include objective measurement. If more than one discipline of therapy is being provided, a qualified therapist from each of the disciplines must perform the assessment and periodic reassessments. The measurement results and corresponding effectiveness of the therapy, or lack thereof, must be documented in the clinical record. At least every 30 days a qualified therapist (instead of an assistant) must provide the needed therapy service and functionally reassess the patient. If a patient is expected to require 13 and/or 19 therapy visits, a qualified therapist (instead of an assistant) must provide all of the therapy services on the 13th visit and/or 19th therapy visit and functionally reassess the patient in accordance with § 409.44(c)(2)(i)(A). When the patient resides in a rural area or if the patient is receiving multiple types of therapy, a therapist from each discipline (not an assistant) must assess the patient after the 10th therapy visit but no later than the 13th therapy visit and after the 16th therapy visit but no later than the 19th therapy visit for the plan of care. In instances where the frequency of a particular discipline, as ordered by a physician, does not make it feasible for the reassessment to occur during the specified timeframes without providing an extra unnecessary visit or delaying a visit, then it is acceptable for the qualified therapist from that discipline to provide all of the therapy and functionally reassess the patient during the visit associated with that discipline that is scheduled to occur closest to the 14th and/or 20th Medicare-covered therapy visit, but no later than the 13th and/or 19th Medicare-covered therapy visit. When a therapy reassessment is missed, any visits for that discipline prior to the next reassessment are non-covered.

To lessen the burden on HHAs of counting visits and to reduce the risk of noncovered visits so that therapists can focus more on providing quality care for their patients, we propose to simplify § 409.44(c) to require that therapy reassessments must be performed at least once every 14 calendar days. The requirement to perform a therapy reassessment at least once every 14 calendar days would apply to all episodes regardless of the number of therapy visits provided. All other requirements related to therapy reassessments would remain unchanged. A qualified therapist (instead of an assistant), from each therapy discipline provided, must provide the ordered therapy service and functionally reassess the patient using a method which would include objective measurement. The measurement results and corresponding effectiveness of the therapy, or lack thereof, must be documented in the clinical record.

In the CY 2011 HH PPS final rule we stated that the therapy reassessment requirements in § 409.44(c) are already part of the home health CoPs, as well as from accepted standards of clinical practice, and therefore, we believe that these requirements do not create any additional burden on HHAs (75 FR 70454). As stated in the CY 2011 HH PPS final rule, longstanding CoP policy at § 484.55 requires HHAs to document progress toward goals and the regulations at § 409.44(c)(2)(i) already mandate that for therapy services to be covered in the home health setting, the services must be considered under accepted practice to be a specific, safe, and effective treatment for the beneficiary's condition. The functional assessment does not require a special visit to the patient, but is conducted as part of a regularly scheduled therapy visit. Functional assessments are necessary to demonstrate progress (or the lack thereof) toward therapy goals, and are already part of accepted standards of clinical practice, which include assessing a patient's function on an ongoing basis as part of each visit. The CY 2011 HH PPS final rule goes on to state that both the functional assessment and its accompanying documentation are already part of existing HHA practices and accepted standards of clinical practice. Therefore, we continue to believe that changing the required reassessment timeframes from every 30 days and prior to the 14th and 20th visits to every 14 calendar days does not place any new documentation requirements on HHAs.

We are revising the currently approved PRA package (OMB# 0938–1083) to describe these changes to the regulatory text.

C. Submission of PRA-Related Comments

If you comment on these information collection and recordkeeping requirements, please submit your comments electronically as specified in the **ADDRESSES** section of this proposed rule.

PRA-specific comments must be received on/by August 6, 2014.

V. Response to 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.

VI. Regulatory Impact Analysis

A. Introduction

We have examined the impacts of this rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Act, section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA, March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999), and the Congressional Review Act (5 U.S.C. 804(2)).

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. This proposed rule has been designated as economically significant under section 3(f)(1) of Executive Order 12866, since the aggregate transfer impacts in calendar year 2015 will exceed the $100 million threshold. The net transfer impacts are estimated to be −$58 million. Furthermore, we estimate a net reduction of $21.55 million in calendar year 2015 burden costs related to the certification requirements for home health agencies and associated physicians. Lastly, this proposed rule is a major rule under the Congressional Review Act and as a result, we have prepared a regulatory impact analysis (RIA) that, to the best of our ability, presents the costs and benefits of the rulemaking. In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

B. Statement of Need

Section 1895(b)(1) of the Act requires the Secretary to establish a HH PPS for all costs of HH services paid under Medicare. In addition, section 1895(b)(3)(A) of the Act requires (1) the computation of a standard prospective payment amount include all costs for HH services covered and paid for on a reasonable cost basis and that such amounts be initially based on the most recent audited cost report data available to the Secretary, and (2) the standardized prospective payment amount be adjusted to account for the effects of case-mix and wage levels among HHAs. Section 1895(b)(3)(B) of the Act addresses the annual update to the standard prospective payment amounts by the HH applicable percentage increase. Section 1895(b)(4) of the Act governs the payment computation. Sections 1895(b)(4)(A)(i) and (b)(4)(A)(ii) of the Act require the standard prospective payment amount to be adjusted for case-mix and geographic differences in wage levels. Section 1895(b)(4)(B) of the Act requires the establishment of appropriate case-mix adjustment factors for significant variation in costs among different units of services. Lastly, section 1895(b)(4)(C) of the Act requires the establishment of wage adjustment factors that reflect the relative level of wages, and wage-related costs applicable to HH services furnished in a geographic area compared to the applicable national average level.

Section 1895(b)(5) of the Act gives the Secretary the option to make changes to the payment amount otherwise paid in the case of outliers because of unusual variations in the type or amount of medically necessary care. Section 1895(b)(3)(B)(v) of the Act requires HHAs to submit data for purposes of measuring health care quality, and links the quality data submission to the annual applicable percentage increase. Also, section 1886(d)(2)(D) of the Act requires that HH services furnished in a rural area for episodes and visits ending on or after April 1, 2010, and before January 1, 2016, receive an increase of 3 percent the payment amount

otherwise made under section 1895 of the Act.

Section 3131(a) of the Affordable Care Act mandates that starting in CY 2014, the Secretary must apply an adjustment to the national, standardized 60-day episode payment rate and other amounts applicable under section 1895(b)(3)(A)(i)(III) of the Act to reflect factors such as changes in the number of visits in an episode, the mix of services in an episode, the level of intensity of services in an episode, the average cost of providing care per episode, and other relevant factors. In addition, section 3131(a) of the Affordable Care Act mandates that rebasing must be phased-in over a 4-year period in equal increments, not to exceed 3.5 percent of the amount (or amounts) as of the date of enactment (2010) under section 1895(b)(3)(A)(i)(III) of the Act, and be fully implemented in CY 2017.

C. Overall Impact

The update set forth in this rule applies to Medicare payments under HH PPS in CY 2015. Accordingly, the following analysis describes the impact in CY 2015 only. We estimate that the net impact of the proposals in this rule is approximately $58 million in decreased payments to HHAs in CY 2015. We applied a wage index budget neutrality factor and a case-mix weights budget neutrality factor to the rates as discussed in section III.D.4. of this proposed rule; therefore, the estimated impact of the 2015 wage index proposed in section III.D.3. of this proposed rule and the recalibration of the case-mix weights for 2015 proposed in section III.C. of this proposed rule is zero. The −$58 million impact reflects the distributional effects of the 2.2 percent HH payment update percentage ($427 million increase) and the effects of the second year of the four-year phase-in of the rebasing adjustments to the national, standardized 60-day episode payment amount, the national per-visit payment rates, and the NRS conversion factor for an impact of −2.5 percent ($485 million decrease). The $58 million in decreased payments is reflected in the last column of the first row in Table 34 as a 0.3 percent decrease in expenditures when comparing CY 2014 payments to estimated CY 2015 payments.

The RFA requires agencies to analyze options for regulatory relief of small entities, if a rule has a significant impact on a substantial number of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of less than $7.0 million to $35.5 million in any one year. For the purposes of the RFA, we estimate that almost all HHAs are small entities as that term is used in the RFA. Individuals and states are not included in the definition of a small entity. The economic impact assessment is based on estimated Medicare payments (revenues) and HHS's practice in interpreting the RFA is to consider effects economically ''significant'' only if greater than 5 percent of providers reach a threshold of 3 to 5 percent or more of total revenue or total costs. The majority of HHAs' visits are Medicare-paid visits and therefore the majority of HHAs' revenue consists of Medicare payments. Based on our analysis, we conclude that the policies proposed in this rule will not result in an estimated total impact of 3 to 5 percent or more on Medicare revenue for greater than 5 percent of HHAs. Therefore, the Secretary has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities. Further detail is presented in Table 34, by HHA type and location.

Executive Order 13563 specifies, to the extent practicable, agencies should assess the costs of cumulative regulations. However, given potential utilization pattern changes, wage index changes, changes to the market basket forecasts, and unknowns regarding future policy changes, we believe it is neither practicable nor appropriate to forecast the cumulative impact of the rebasing adjustments on Medicare payments to HHAs for future years at this time. Changes to the Medicare program may continue to be made as a result of the Affordable Care Act, or new statutory provisions. Although these changes may not be specific to the HH PPS, the nature of the Medicare program is such that the changes may interact, and the complexity of the interaction of these changes would make it difficult to predict accurately the full scope of the impact upon HHAs for future years beyond CY 2015. We note that the rebasing adjustments to the national, standardized 60-day episode payment rate and the national per-visit rates are capped at the statutory limit of 3.5 percent of the CY 2010 amounts (as described in the preamble in section II.C. of this proposed rule) for each year, 2014 through 2017. The NRS rebasing adjustment will be −2.82 percent in each year, 2014 through 2017.

In addition, section 1102(b) of the Act requires us to prepare a RIA if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a metropolitan statistical area and has fewer than 100 beds. This proposed rule applies to HHAs. Therefore, the Secretary has determined that this rule will not have a significant economic impact on the operations of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any one year of $100 million in 1995 dollars, updated annually for inflation. In 2014, that threshold is approximately $141 million. This proposed rule is not anticipated to have an effect on state, local, or tribal governments in the aggregate, or by the private sector, of $141 million or more in CY 2015.

D. Detailed Economic Analysis

This proposed rule sets forth updates for CY 2015 to the HH PPS rates contained in the CY 2014 HH PPS final rule (78 FR 72304 through 72308). The impact analysis of this proposed rule presents the estimated expenditure effects of policy changes proposed in this rule. We use the latest data and best analysis available, but we do not make adjustments for future changes in such variables as number of visits or case-mix.

This analysis incorporates the latest estimates of growth in service use and payments under the Medicare HH benefit, primarily on preliminary Medicare claims from 2013. We note that certain events may combine to limit the scope or accuracy of our impact analysis, because such an analysis is future-oriented and, thus, susceptible to errors resulting from other changes in the impact time period assessed. Some examples of such possible events are newly-legislated general Medicare program funding changes made by the Congress, or changes specifically related to HHAs. In addition, changes to the Medicare program may continue to be made as a result of the Affordable Care Act, or new statutory provisions. Although these changes may not be specific to the HH PPS, the nature of the Medicare program is such that the changes may interact, and the complexity of the interaction of these changes could make it difficult to predict accurately the full scope of the impact upon HHAs.

Table 34 represents how HHA revenues are likely to be affected by the policy changes proposed in this rule. For this analysis, we used an analytic file with linked CY 2013 HH claims data (as of December 31, 2013) for dates of service that ended on or before December 31, 2013, and OASIS assessments. The first column of Table 34 classifies HHAs according to a number of characteristics including provider type, geographic region, and urban and rural locations. The third column shows the payment effects of proposed CY 2015 wage index. The fourth column shows the payment effects of the proposed CY 2015 case-mix weights. The fifth column shows the effects of the rebasing adjustments to the national, standardized 60-day episode payment rate, the national per-visit payment rates, and NRS conversion factor. The sixth column shows the effects of the CY 2015 home health payment update percentage (the home health market basket update adjusted for multifactor productivity as discussed in section III.D.1. of this proposed rule). The last column shows the payment effects of all the proposed policies.

Overall, HHAs are anticipated to experience a 0.3 percent decrease in payment in CY 2015, with freestanding HHAs anticipated to experience a 0.3 percent decrease in payments while facility-based HHAs and non-profit HHAs are anticipated to experience a 0.4 percent and a 0.6 percent increase in payments, respectively. Government-owned HHAs are anticipated to experience a 0.3 percent decrease in payments and proprietary HHAs are anticipated to experience a 0.6 percent decrease in payments. Rural HHAs are anticipated to experience a decrease in payments of 0.5 percent with rural freestanding government-owned HHAs and rural facility-based proprietary HHAs both estimated to experience a −1.1 percent decrease in payments. In contrast, rural facility-based non-profit HHAs are estimated to experience a 0.5 percent increase in payments. Urban HHAs are anticipated to experience a decrease in payments of 0.2 percent. Urban freestanding proprietary HHAs estimated to experience a 0.5 percent decrease in payments, whereas urban freestanding and facility-based non-profit HHAs are estimated to experience a 0.6 percent increase in payments for CY 2015. The overall impact in the South is estimated to be a 0.9 percent decrease in payments whereas the overall impact in the North is estimated to be a 1.1 percent increase in payments. The West South Central census region is estimated to receive a 2.4 percent decrease in payments for CY 2015; however, in contrast, the New England census region is estimated to receive a 1.5 percent increase in payments for CY 2015. Finally, HHAs with less than 100 first episodes are anticipated to experience a 0.6 percent decrease in payments compared to a 0.00 percent decrease in payments in CY 2015 for HHAs with 1,000 or more first episodes. A substantial amount of the variation in the estimated impacts of the proposals in this proposed rule in different areas of the country can be attributed to variations in the CY 2015 wage index used to adjust payments under the HH PPS and to the effects of the recalibration of the case-mix weights. Instances where the impact, due to the rebasing adjustments, is less than others can be attributed to differences in the incidence of outlier payments and LUPA episodes, which are paid using the national per-visit payment rates that are subject to payment increases due to the rebasing adjustments. We note that some individual HHAs within the same group may experience different impacts on payments than others due to the distributional impact of the CY 2015 wage index, the extent to which HHAs had episodes in case-mix groups where the case-mix weight decreased for CY 2015 relative to CY 2014, and the degree of Medicare utilization.

For CY 2015, the average impact for all HHAs due to the effects of rebasing is an estimated 2.5 percent decrease in payments. The overall impact for all HHAs as a result of this proposed rule is a decrease of approximately 0.3 percent in estimated total payments from CY 2014 to CY 2015.

TABLE 34—ESTIMATED HOME HEALTH AGENCY IMPACTS BY FACILITY TYPE AND AREA OF THE COUNTRY, CY 2015

	Number of agencies	Proposed CY 2015 wage index [1] (percent)	CY 2015 case-mix weights [2] (percent)	Rebasing [3] (percent)	CY 2015 HH payment update percentage [4] (percent)	Impact of all CY 2015 policies (percent)
All Agencies	11,521	0.0	0.0	−2.5	2.2	−0.3
Facility Type and Control:						
Free-Standing/Other Vol/NP	1,031	0.4	0.3	−2.3	2.2	0.6
Free-Standing/Other Proprietary	8,957	−0.1	−0.1	−2.5	2.2	−0.6
Free-Standing/Other Government	398	0.1	−0.3	−2.4	2.2	−0.4
Facility-Based Vol/NP	788	0.2	0.6	−2.4	2.2	0.6
Facility-Based Proprietary	113	−0.4	0.5	−2.5	2.2	−0.2
Facility-Based Government	234	−0.1	0.2	−2.4	2.2	−0.2
Subtotal: Freestanding	10,386	0.0	−0.1	−2.5	2.2	−0.3
Subtotal: Facility-based	1,135	0.2	0.5	−2.4	2.2	0.4
Subtotal: Vol/NP	1,819	0.3	0.4	−2.4	2.2	0.6
Subtotal: Proprietary	9,070	−0.1	−0.1	−2.5	2.2	−0.6
Subtotal: Government	632	0.0	−0.1	−2.4	2.2	−0.3
Facility Type and Control: Rural:						
Free-Standing/Other Vol/NP	193	−0.3	0.1	−2.4	2.2	−0.4
Free-Standing/Other Proprietary	136	0.4	−0.1	−2.5	2.2	0.0
Free-Standing/Other Government	459	0.0	−0.9	−2.4	2.2	−1.1
Facility-Based Vol/NP	255	0.4	0.4	−2.5	2.2	0.5
Facility-Based Proprietary	31	0.0	−0.8	−2.5	2.2	−1.1
Facility-Based Government	138	0.1	−0.1	−2.4	2.2	−0.1
Facility Type and Control: Urban:						
Free-Standing/Other Vol/NP	891	0.4	0.4	−2.3	2.2	0.6
Free-Standing/Other Proprietary	8,644	−0.1	−0.1	−2.5	2.2	−0.5
Free-Standing/Other Government	158	0.3	−0.3	−2.5	2.2	−0.3
Facility-Based Vol/NP	533	0.2	0.6	−2.4	2.2	0.6

TABLE 34—ESTIMATED HOME HEALTH AGENCY IMPACTS BY FACILITY TYPE AND AREA OF THE COUNTRY, CY 2015—Continued

	Number of agencies	Proposed CY 2015 wage index [1] (percent)	CY 2015 case-mix weights [2] (percent)	Rebasing [3] (percent)	CY 2015 HH payment update percentage [4] (percent)	Impact of all CY 2015 policies (percent)
Facility-Based Proprietary	82	−0.5	0.7	−2.4	2.2	0.0
Facility-Based Government	96	−0.2	0.3	−2.5	2.2	−0.2
Facility Location: Urban or Rural:						0.0
Rural	1,117	0.1	−0.3	−2.4	2.2	−0.5
Urban	10,404	−0.0	0.0	−2.5	2.2	−0.2
Facility Location: Region of the Country:						
North	857	0.7	0.4	−2.2	2.2	1.1
Midwest	3,095	−0.1	0.5	−2.5	2.2	0.1
South	5,613	−0.3	−0.4	−2.5	2.2	−0.9
West	1,916	0.3	0.2	−2.4	2.2	0.3
Other	40	0.2	−0.4	−2.5	2.2	−0.5
Facility Location: Region of the Country (Census Region):						
New England	336	1.1	0.5	−2.3	2.2	1.5
Mid Atlantic	521	0.4	0.4	−2.2	2.2	0.8
East North Central	2,358	−0.1	0.4	−2.5	2.2	−0.1
West North Central	737	0.2	0.9	−2.5	2.2	0.8
South Atlantic	2,028	−0.3	1.1	−2.5	2.2	0.5
East South Central	438	−0.7	−0.3	−2.6	2.2	−1.4
West South Central	3,147	−0.2	−2.0	−2.5	2.2	−2.4
Mountain	679	−0.1	0.9	−2.4	2.2	0.7
Pacific	1,237	0.5	−0.1	−2.4	2.2	0.1
Facility Size (Number of 1st Episodes):						
<100 episodes	3,126	−0.2	−0.2	−2.5	2.2	−0.6
100 to 249	2,879	−0.2	−0.2	−2.5	2.2	−0.7
250 to 499	2,453	−0.2	−0.2	−2.5	2.2	−0.6
500 to 999	1,725	−0.1	0.0	−2.5	2.2	−0.4
1,000 or More	1,338	0.1	0.1	−2.4	2.2	0.0

Source: CY 2013 Medicare claims data for episodes ending on or before December 31, 2013 (as of December 31, 2013) for which we had a linked OASIS assessment.

[1] The impact of the proposed CY 2015 home health wage index reflects the transition to new CBSA designations as outlined in section III.D.3 of this proposed rule offset by the wage index budget neutrality factor described in section III.D.4 of this proposed rule.

[2] The impact of the proposed CY 2015 home health case-mix weights reflects the recalibration of the case-mix weights as outlined in section III.C of this proposed rule offset by the case-mix weights budget neutrality factor described in section III.D.4 of this proposed rule.

[3] The impact of rebasing includes the rebasing adjustments to the national, standardized 60-day episode payment rate (−2.75 percent after the CY 2014 payment rate was adjusted for the wage index and case-mix weight budget neutrality factors), the national per-visit rates (+3.26 percent), and the NRS conversion factor (−2.82%). The estimated impact of the NRS conversion factor rebasing adjustment is an overall −0.01 percent decrease in estimated payments to HHAs. The overall impact of all the rebasing adjustments finalized in the CY 2014 HH PPS proposed rule and implemented for CY 2015 are lower than the overall impact in the CY 2014 due to an increase in estimated outlier payments. As the national per-visit rates increase and the national, standardized 60-day episode rate decreases more episodes qualify for outlier payments. In addition, we decreased the fixed-dollar loss (FDL) ratio from 0.67 to 0.45 effective CY 2013 in order to qualify more episodes as outliers and we use CY 2013 utilization in simulating impacts for the CY 2015 HH PPS proposed rule.

[4] The CY 2015 home health payment update percentage reflects the home health market basket update of 2.6 percent, reduced by a 0.4 percentage point multifactor productivity (MFP) adjustment as required under section 1895(b)(3)(B)(vi)(I) of the Act, as described in section III.D.1 of this proposed rule.

REGION KEY:

New England = Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont; Middle Atlantic = Pennsylvania, New Jersey, New York; South Atlantic = Delaware, District of Columbia, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, West Virginia; East North Central = Illinois, Indiana, Michigan, Ohio, Wisconsin; East South Central = Alabama, Kentucky, Mississippi, Tennessee; West North Central = Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota; West South Central = Arkansas, Louisiana, Oklahoma, Texas; Mountain = Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming; Pacific = Alaska, California, Hawaii, Oregon, Washington; Outlying = Guam, Puerto Rico, Virgin Islands.

E. Alternatives Considered

In recalibrating the HH PPS case-mix weights for CY 2015, as proposed in section III.C. of this proposed rule, we considered adjusting the payment rates in section III.D.4 to make the recalibration budget neutral only with regards to our estimate of real case-mix growth between CY 2012 and the CY 2013. Section 1895(b)(3)(B)(iv) of the Act gives CMS the authority to implement payment reductions for nominal case-mix growth—changes in case-mix that are unrelated to actual changes in patient health status. If we were to implement the recalibration of the case-mix weights outlined in section III.C in a budget neutral manner only with regards to our estimate of real case-mix growth between CY 2012 and CY 2013, we estimate that the aggregate impact would be a net decrease of $410 million in payments to HHAs, resulting from a $485 million decrease due to the second year of the Affordable Care Act mandated rebasing adjustments, a $427 million increase due to the home health payment update percentage, and a $350 million decrease (−1.8 percent) due to only making the case-mix weights recalibration budget neutral with regards to our estimate of real increases in patient severity. However, instead of implementing a case-mix budget neutrality factor that only reflects our estimate of real increases in patient severity; we plan to recalibrate the case-mix weights in a fully budget-neutral manner and continue to monitor case-

mix growth (both real and nominal case-mix growth) as more data become available.

With regard to the proposal discussed in section III.D.3 of this proposed rule related to our adoption of the revised OMB delineations for purposes of calculating the wage index, we believe implementing the new OMB delineations would result in wage index values being more representative of the actual costs of labor in a given area. We considered having no transition period and fully implementing the proposed new OMB delineations beginning in CY 2015. This would mean that we would adopt the revised OMB delineations on January 1, 2015. However, this would not provide any time for HHAs to adapt to the new OMB delineations. We believe that it would be appropriate to provide for a transition period to mitigate the potential for resulting short-term instability and negative impact on certain HHAs, and to provide time for HHAs to adjust to their new labor market area delineations. In determining an appropriate transition methodology, consistent with the objectives set forth in the FY 2006 SNF PPS final rule (70 FR 45041), we first considered transitioning the wage index to the revised OMB delineations over a number of years in order minimize the impact of the proposed wage index changes in a given year. However, we also believe this must be balanced against the need to ensure the most accurate payments possible, which argues for a faster transition to the revised OMB delineations. We believe that using the most current OMB delineations would increase the integrity of the HH PPS wage index by creating a more accurate representation of geographic variation in wage levels. As such, we believe that utilizing a one-year (rather than a multiple year) transition with a blended wage index in CY 2015 would strike the best balance. Second, we considered what type of blend would be appropriate for purposes of the transition wage index. We are proposing that HHAs would receive a one-year blended wage index using 50 percent of their CY 2015 wage index based on the proposed new OMB delineations and 50 percent of their CY 2015 wage index based on the FY 2014 OMB delineations. We believe that a 50/50 blend would best mitigate the negative payment impacts associated with the implementation of the proposed new OMB delineations. While we considered alternatives to the 50/50 blend, we believe this type of split balances the increases and decreases in wage index values associated with this proposal, as well as provides a readily understandable calculation for HHAs.

Next, we considered whether or not the blended wage index should be used for all HHAs or for only a subset of HHAs, such as those HHAs that would experience a decrease in their respective wage index values due to implementation of the revised OMB delineations. As required in section 1895(b)(3) of the Act, the wage index adjustment must be implemented in a budget-neutral manner. As such, if we were to apply the transition policy only to those HHAs that would experience a decrease in their respective wage index values due to implementation of the revised OMB delineations, the wage index budget neutrality factor, discussed in section III.D.4, would result in reduced base rates for all HHAs as compared to the budget neutrality factor that results from applying the blended wage index to all HHAs.

For the reasons discussed above, we believe that our proposal to use a one-year transition with a blended wage index in CY 2015 appropriately balances the interests of all HHAs and would best achieve our objective of providing relief to negatively impacted HHAs.

Section 3131(a) of the Affordable Care Act mandates that starting in CY 2014, the Secretary must apply an adjustment to the national, standardized 60-day episode payment rate and other amounts applicable under section 1895(b)(3)(A)(i)(III) of the Act to reflect factors such as changes in the number of visits in an episode, the mix of services in an episode, the level of intensity of services in an episode, the average cost of providing care per episode, and other relevant factors. In addition, section 3131(a) of the Affordable Care Act mandates that rebasing must be phased-in over a 4-year period in equal increments, not to exceed 3.5 percent of the amount (or amounts) as of the date of enactment (2010) under section 1895(b)(3)(A)(i)(III) of the Act, and be fully implemented in CY 2017. Therefore, in the CY 2014 HH PPS final rule (78 FR 77256), we finalized rebasing adjustments to the national, standardized 60-day episode payment amount, the national per-visit rates and the NRS conversion factor. As we noted in the CY 2014 HH PPS final rule, because section 3131(a) of the Affordable Care Act requires a four year phase-in of rebasing, in equal increments, to start in CY 2014 and be fully implemented in CY 2017, we do not have the discretion to delay, change, or eliminate the rebasing adjustments once we have determined that rebasing is necessary (78 FR 72283).

Section 1895(b)(3)(B) of the Act requires that the standard prospective payment amounts for CY 2015 be increased by a factor equal to the applicable HH market basket update for those HHAs that submit quality data as required by the Secretary. For CY 2015, section 3401(e) of the Affordable Care Act, requires that, in CY 2015 (and in subsequent calendar years), the market basket update under the HHA prospective payment system, as described in section 1895(b)(3)(B) of the Act, be annually adjusted by changes in economy-wide productivity. Beginning in CY 2015, section 1895(b)(3)(B)(vi)(I) of the Act, as amended by section 3401(e) of the Affordable Care Act, requires the application of the productivity adjustment described in section 1886(b)(3)(B)(xi)(II) of the Act to the HHA PPS for CY 2015 and each subsequent CY. The −0.4 percentage point productivity adjustment to the proposed CY 2015 home health market basket update (2.6 percent), is discussed in the preamble of this rule and is not discretionary as it is a requirement in section 1895(b)(3)(B)(vi)(I) of the Act (as amended by the Affordable Care Act).

We invite comments on the alternatives discussed in this analysis.

F. Accounting Statement and Table

As required by OMB Circular A–4 (available at *http://www.whitehouse.gov/omb/circulars_a004_a-4*), in Table 35, we have prepared an accounting statement showing the classification of the transfers and costs associated with the provisions of this proposed rule. Table 35 provides our best estimate of the decrease in Medicare payments under the HH PPS as a result of the changes presented in this proposed rule. Table 35 also reflects the estimated change in costs and burden for certifying physicians and HHAs as a result of the proposed changes to the face-to-face encounter requirements in section III.B. We estimate a net reduction in burden for certifying physicians of 192,765 hours or $21,796,330 (see section IV of this proposed rule). In addition, Table 35 reflects our estimate of a one-time burden for HHAs to revise the certification form of 5,761 hours or $245,397 as described in section IV. of this proposed rule.

TABLE 35—ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED TRANSFERS AND COSTS, FROM THE CYS 2014 TO 2015 *

Category	Transfers
Annualized Monetized Transfers	−$58 million.
From Whom to Whom?	Federal Government to HHAs.
Category	**Costs**
Annualized Monetized Net Reduction in Burden for Physicians Certifying Patient Eligibility for Home Health Services & HHAs for Certification Form Revision.	−$21.55 million.

* The estimates reflect 2014 dollars.

G. Conclusion

In conclusion, we estimate that the net impact of the proposals in this rule is a decrease in Medicare payments to HHAs of $58 million for CY 2015. The $58 million decrease in estimated payments for CY 2015 reflects the distributional effects of the 2.2 percent CY 2015 HH payment update percentage ($427 million increase) and the second year of the 4-year phase-in of the rebasing adjustments required by section 3131(a) of the Affordable Care Act ($485 million decrease). Also, starting in CY 2015, certifying physicians are estimated to incur a net reduction in burden costs of $21,796,330 and HHAs are expected to incur a one-time increase in burden costs to revise the certification form of $245,397 as a result of the proposal to eliminate the face-to-face encounter narrative requirement. This analysis, together with the remainder of this preamble, provides an initial Regulatory Flexibility Analysis.

VII. Federalism Analysis

Executive Order 13132 on Federalism (August 4, 1999) establishes certain requirements that an agency must meet when it promulgates a final rule that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has Federalism implications. We have reviewed this proposed rule under the threshold criteria of Executive Order 13132, Federalism, and have determined that it will not have substantial direct effects on the rights, roles, and responsibilities of states, local or tribal governments.

List of Subjects

42 CFR Part 409

Health facilities, Medicare.

42 CFR Part 424

Emergency medical services, Health facilities, Health professions, Medicare, and Reporting and recordkeeping requirements.

42 CFR Part 484

Health facilities, Health professions, Medicare, and Reporting and recordkeeping requirements.

42 CFR Part 488

Administrative practice and procedure, Health facilities, Medicare, and Reporting and recordkeeping requirements.

42 CFR Part 498

Health facilities, Medicare, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services proposes to amend 42 CFR chapter IV as set forth below:

PART 409—HOSPITAL INSURANCE BENEFITS

■ 1. The authority citation for part 409 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

■ 2. Section 409.44 is amended by—
■ A. Removing ''intermediary's'' from paragraph (a) and adding ''Medicare Administrative Contractor's'' in its place.
■ B. Removing ''30'' from paragraph (c)(2)(i)(B) adding ''14 calendar'' in its place each time it appears.
■ C. Removing paragraphs (c)(2)(i)(C) and (D).
■ D. Redesignating paragraphs (c)(2)(i)(E) through (H) as paragraphs (c)(2)(i)(C) through (F).
■ E. Removing ''(c)(2)(i)(A), (B), (C), and (D) of this section,'' from newly redesignated paragraph (c)(2)(i)(C) introductory text and adding ''(c)(2)(i)(A) and (B) of this section,'' in its place.
■ F. Removing ''(c)(2)(i)(E)(*2*) and (c)(2)(i)(E)(*3*) of this section are met,'' from newly redesignated paragraph (c)(2)(i)(C)(*1*) and adding ''(c)(2)(i)(C)(*2*) and (c)(2)(i)(C)(*3*) of this section are met,'' in its place.
■ G. Removing ''§ 409.44(c)(2)(i)(H) of this section.'' from newly redesignated paragraph (c)(2)(i)(C)(*3*) and adding ''§ 409.44(c)(2)(i)(F) of this section.'' in its place.

PART 424—CONDITIONS FOR MEDICARE PAYMENT

■ 3. The authority citation for part 424 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

■ 4. Section 424.22 is amended by—
■ A. Revising paragraphs (a) and (b) and adding new paragraph (c).
■ B. Removing ''(d)(i)'' from paragraph (d)(2) and adding ''(d)(1)'' in its place.

The revisions read as follows:

§ 424.22 Requirements for home health services.

* * * * *

(a) *Certification*—(1) *Content of certification.* As a condition for payment of home health services under Medicare Part A or Medicare Part B, a physician must certify the patient's eligibility for the home health benefit, as outlined in 1814(a)(2)(C) and 1835(a)(2)(A) of the Act, as follows in paragraphs (a)(1)(i) through (v) of this section. The patient's medical record, as specified in paragraph (c) of this section, must support the certification of eligibility as outlined in paragraph (a)(1)(i) through (v) of this section.

(i) The individual needs or needed intermittent skilled nursing care, or physical therapy or speech-language pathology services as defined in § 409.42(c) of this chapter. If a patient's underlying condition or complication requires a registered nurse to ensure that essential non-skilled care is achieving its purpose, and necessitates a registered nurse be involved in the development, management, and evaluation of a patient's care plan, the physician will include a brief narrative describing the clinical justification of this need. If the narrative is part of the certification form, then the narrative must be located immediately prior to the physician's signature. If the narrative exists as an addendum to the certification form, in

addition to the physician's signature on the certification form, the physician must sign immediately following the narrative in the addendum.

(ii) Home health services are or were required because the individual is or was confined to the home, as defined in sections 1835(a) and 1814(a) of the Act, except when receiving outpatient services.

(iii) A plan for furnishing the services has been established and will be or was periodically reviewed by a physician who is a doctor of medicine, osteopathy, or podiatric medicine, and who is not precluded from performing this function under paragraph (d) of this section. (A doctor of podiatric medicine may perform only plan of treatment functions that are consistent with the functions he or she is authorized to perform under State law.)

(iv) The services will be or were furnished while the individual was under the care of a physician who is a doctor of medicine, osteopathy, or podiatric medicine.

(v) A face-to-face patient encounter, which is related to the primary reason the patient requires home health services, occurred no more than 90 days prior to the home health start of care date or within 30 days of the start of the home health care and was performed by a physician or allowed non-physician practitioner as defined in paragraph (a)(1)(v)(A) of this section. The certifying physician must also document the date of the encounter as part of the certification.

(A) The face-to-face encounter must be performed by one of the following:

(*1*) The certifying physician himself or herself.

(*2*) A physician, with privileges, who cared for the patient in an acute or post-acute care facility from which the patient was directly admitted to home health.

(*3*) A nurse practitioner or a clinical nurse specialist (as those terms are defined in section 1861(aa)(5) of the Act) who is working in accordance with State law and in collaboration with the certifying physician or in collaboration with an acute or post-acute care physician with privileges who cared for the patient in the acute or post-acute care facility from which the patient was directly admitted to home health.

(*4*) A certified nurse midwife (as defined in section 1861(gg) of the Act) as authorized by State law, under the supervision of the certifying physician or under the supervision of an acute or post-acute care physician with privileges who cared for the patient in the acute or post-acute care facility from which the patient was directly admitted to home health.

(*5*) A physician assistant (as defined in section 1861(aa)(5) of the Act) under the supervision of the certifying physician or under the supervision of an acute or post-acute care physician with privileges who cared for the patient in the acute or post-acute care facility from which the patient was directly admitted to home health.

(B) The face-to-face patient encounter may occur through telehealth, in compliance with Section 1834(m) of the Act and subject to the list of payable Medicare telehealth services established by the applicable physician fee schedule regulation.

(*1*) *Timing and signature.* The certification of need for home health services must be obtained at the time the plan of care is established or as soon thereafter as possible and must be signed and dated by the physician who establishes the plan.

(*2*) [Reserved]

(b) *Recertification*—(1) Timing and signature of recertification. Recertification is required at least every 60 days when there is a need for continuous home health care after an initial 60-day episode. Recertification should occur at the time the plan of care is reviewed, and must be signed and dated by the physician who reviews the plan of care. Recertification is required at least every 60 days unless there is a—

(i) Beneficiary elected transfer; or

(ii) Discharge with goals met and/or no expectation of a return to home health care.

(2) *Content and basis of recertification.* The recertification statement must indicate the continuing need for services and estimate how much longer the services will be required. Need for occupational therapy may be the basis for continuing services that were initiated because the individual needed skilled nursing care or physical therapy or speech therapy. If a patient's underlying condition or complication requires a registered nurse to ensure that essential non-skilled care is achieving its purpose, and necessitates a registered nurse be involved in the development, management, and evaluation of a patient's care plan, the physician will include a brief narrative describing the clinical justification of this need. If the narrative is part of the recertification form, then the narrative must be located immediately prior to the physician's signature. If the narrative exists as an addendum to the recertification form, in addition to the physician's signature on the recertification form, the physician must sign immediately following the narrative in the addendum.

(c) *Determining patient eligibility for Medicare home health services.* In determining whether a patient is or was eligible to receive services under the Medicare home health benefit at the start of home health care, only the medical record for the patient from the certifying physician or the acute/post-acute care facility (if the patient in that setting was directly admitted to home health) used to support the physician's certification of patient eligibility, as described in paragraphs (a)(1) and (b) of this section, will be reviewed. If the patient's medical record used in certifying eligibility is not sufficient to demonstrate that the patient is or was eligible to receive services under the Medicare home health benefit, payment will not be rendered for home health services provided.

* * * * *

PART 484—HOME HEALTH SERVICES

■ 5. The authority citation for part 484 continues to read as follows:

Authority: Secs 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395(hh)) unless otherwise indicated.

■ 6. Section 484.4 is amended by revising the definition of ''speech-language pathologist'' to read as follows:

§ 484.4 Personnel qualifications.

* * * * *

Speech-language pathologist. A person who has a master's or doctoral degree in speech-language pathology, and who meets either of the following requirements:

(a) Is licensed as a speech-language pathologist by the State in which the individual furnishes such services; or

(b) In the case of an individual who furnishes services in a State which does not license speech-language pathologists:

(1) Has successfully completed 350 clock hours of supervised clinical practicum (or is in the process of accumulating such supervised clinical experience);

(2) Performed not less than 9 months of supervised full-time speech-language pathology services after obtaining a master's or doctoral degree in speech-language pathology or a related field; and

(3) Successfully completed a national examination in speech-language pathology approved by the Secretary.

■ 7. Section 484.250 is amended by revising paragraph (a)(1) to read as follows:

§ 484.250 Patient assessment data.

(a) * * *

(1) The OASIS data described at § 484.55(b)(1) and (d)(1) of this part for CMS to administer the payment rate methodologies described in §§ 484.215, 484.230, and 484.235 of this subpart, and to meet the quality reporting requirements of section 1895(b)(3)(B)(v) of the Act.

* * * * *

PART 488—SURVEY, CERTIFICATION, AND ENFORCEMENT PROCEDURES

■ 8. The authority citation for part 488 continues to read as follows:

Authority: Secs. 1102, 1128I and 1871 of the Social Security Act, unless otherwise noted (42 U.S.C. 1302, 1320a–7j, and 1395hh); Pub. L. 110–149, 121 Stat. 1819.

■ 9. Section 488.845 is amended by adding paragraph (h) to read as follows:

§ 488.845 Civil money penalties.

* * * * *

(h) *Review of the penalty.* When an administrative law judge or state hearing officer (or higher administrative review authority) finds that the basis for imposing a civil monetary penalty exists, as specified in this part, the administrative law judge, State hearing officer (or higher administrative review authority) may not—

(1) Set a penalty of zero or reduce a penalty to zero;

(2) Review the exercise of discretion by CMS to impose a civil monetary penalty; and

(3) Consider any factors in reviewing the amount of the penalty other than those specified in paragraph (b) of this section.

PART 498—APPEALS PROCEDURES FOR DETERMINATIONS THAT AFFECT PARTICIPATION IN THE MEDICARE PROGRAM AND FOR DETERMINATIONS THAT AFFECT THE PARTCIPATION OF ICFS/IID AND CERTAIN NFS IN THE MEDICAID PROGRAM

■ 10. The authority citation for part 498 continues to read as follows:

Authority: Secs. 1102, 1128I and 1871 of the Social Security Act (42 U.S.C. 1302, 1320a–7j, and 1395hh).

■ 11. Section 498.3 is amended by revising paragraphs (b)(13) and (b)(14)(i) to read as follows:

§ 498.3 Scope and applicability.

* * * * *

(b) * * *

(13) Except as provided at paragraph (d)(12) of this section for SNFs, NFs and HHAs, the finding of noncompliance leading to the imposition of enforcement actions specified in § 488.406 or § 488.820 of this chapter, but not the determination as to which sanction was imposed. The scope of review on the imposition if a civil money penalty is specified in § 488.438(e) and § 488.845(h) of this chapter.

(14) * * *

(i) The range of civil money penalty amounts that CMS could collect (for SNFs or NFs, the scope of review during a hearing on the imposition of a civil money penalty is set forth in § 488.438(e) of this chapter and for HHAs, the scope of review during a hearing on the imposition of a civil money penalty is set forth in § 488.845(h) of this chapter); or

* * * * *

■ 12. Section 498.60 is amended by revising paragraphs (c)(1) and (c)(2) to read as follows:

§ 498.60 Conduct of hearing.

* * * * *

(c) * * *

(1) The scope of review is as specified in § 488.438(e) and § 488.845(h) of this chapter; and

(2) CMS' determination as to the level of noncompliance of a SNF, NF or HHA must be upheld unless it is clearly erroneous.

Dated: June 16, 2014.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

Approved: June 19, 2014.

Sylvia M. Burwell,

Secretary, Department of Health and Human Services.

[FR Doc. 2014–15736 Filed 7–1–14; 4:15 pm]

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Part III

Department of Homeland Security

Coast Guard

33 CFR Parts 1, 3, 8 et al.

Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments; Final Rule

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 1, 3, 8, 13, 19, 23, 25, 26, 27, 51, 52, 67, 80, 81, 84, 89, 96, 104, 105, 110, 114, 116, 117, 118, 120, 126, 127, 128, 135, 140, 141, 144, 148, 151, 153, 154, 155, 156, 157, 158, 159, 160, 161, 164, 165, 167, 169, 174, 179, 181, and 183

[Docket No. USCG–2014–0410]

RIN 1625–AC13

Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: This final rule makes non-substantive changes throughout Title 33 of the Code of Federal Regulations. The purpose of this final rule is to make conforming amendments and technical corrections to Coast Guard navigation and navigable waters regulations. These changes will have no substantive effect on the regulated public.

DATES: This final rule is effective July 7, 2014.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG–2014–0410 and are available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet by going to *http://www.regulations.gov,* inserting USCG–2013–0974 in the ''Search'' box, and then clicking ''Search.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this final rule, call or email Mr. Paul Crissy, Coast Guard; telephone 202–372–1093, email *Paul.H.Crissy@uscg.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

CFR Code of Federal Regulations
DHS Department of Homeland Security
E.O. Executive Order
FR Federal Register
NOAA National Oceanic and Atmospheric Administration
OMB Office of Management and Budget
Pub. L. Public Law
§ Section symbol
U.S.C. United States Code

II. Regulatory History

The Coast Guard did not publish a notice of proposed rulemaking for this final rule. Under 5 U.S.C. 553(b)(A), this final rule is exempt from notice and comment rulemaking requirements because the changes in this final rule involve rules of agency organization, procedure, or practice. Also, notice and comment procedures are unnecessary under 5 U.S.C. 553(b)(B) because this final rule consists only of corrections and editorial, organizational, and conforming amendments; these changes will have no substantive effect on the public. Under 5 U.S.C. 553(d)(3), we find that, for the same reasons, good cause exists for making this final rule effective upon publication in the **Federal Register**.

III. Basis and Purpose

Each year, the printed edition of Title 33 of the Code of Federal Regulations (CFR) is re-codified on July 1st. This final rule, which becomes effective July 7, 2014 makes technical and editorial corrections throughout Title 33. This final rule does not create any substantive requirements. This final rule is issued under the authority of 5 U.S.C. 552, 553, App. 2, 14 U.S.C. 2, 631, 632, and 633; 33 U.S.C. 471, 499; 49 U.S.C. 101, 322; Department of Homeland Security Delegation No. 0170.1.

IV. Discussion of the Rule

This final rule amends various internal Coast Guard office titles and office symbols throughout Title 33. These changes reflect the nomenclature that was implemented by the Deputy Commandant for Operations 3.0 realignment, effective May 6, 2012. Functional requirements, organizations and reporting structures are not affected by this final rule.

This final rule also updates various addresses for Coast Guard offices throughout Title 33 in order to conform to new mailing addresses that came into effect upon the relocation of Coast Guard Headquarters to the Saint Elizabeths campus in 2013. For a list of each address change, see the Table of Changes in the docket for this rulemaking.

This final rule amends 33 CFR 3.05–20 to correct the location of the U.S. Coast Guard's Sector Southeastern New England office to reflect Woods Hole, MA. After the Coast Guard's sector realignment occurred in 2007, the location of Coast Guard Sector Southeastern New England was intended to be Providence, RI. However, this relocation never occurred and Sector Southeastern New England's office location remains in Woods Hole, MA.

This final rule amends 33 CFR 3.40–28 to correct the location of the U.S. Coast Guard's Sector Houston-Galveston's office to reflect Houston, TX.

This final rule amends 33 CFR 27.3, Table 1 to update statutory citations that changed as a result of recodification. 46 U.S.C. App. 1505 was recodified at 46 U.S.C. 80509; 46 U.S.C. App. 1712(a) was recodified at 46 U.S.C. 41107 and 46 U.S.C. 1805 was recodified at 46 U.S.C. 70305. This rule does not change the adjusted maximum penalty amounts contained in Table 1 of 33 CFR 27.3.

This final rule amends 33 CFR 52.21(a) by changing the title of the reviewing authority for the correction of military records to reflect the Coast Guard's transfer from the Department of Transportation to the Department of Homeland Security.

This final rule amends 33 CFR 80.160(c) to redefine a specific COLREGS demarcation line to reflect the updated National Oceanic and Atmospheric Administration (NOAA) survey necessitated by the destruction of the Fire Island Inlet Breakwater Light by Hurricane Sandy.

This final rule amends 33 CFR 80.712 by redesignating paragraph (a) as paragraph (b). A review of the COLREGS demarcation line found that paragraphs (a) and (b) both described the Stono Inlet demarcation line, while there was no existing description of the line across Lighthouse Inlet. A new paragraph (a) is added to describe the line across Lighthouse Inlet using the latitude and longitude coordinates for aids to navigation depicted by NOAA on charts. Additionally, new paragraph (b) now

reflects a change to the aids to navigation in Stono Inlet because the daybeacon previously referenced has been replaced by a buoy.

This final rule amends 33 CFR 80.815(b) by adding the latitude and longitude coordinates for the reference points Mobile Point Light and Dauphin Island Channel Light 1 and by removing ''No.'' from the title of the Dauphin Island Channel Light 1. This change conforms the name to the one published in the Light List.

This final rule amends 33 CFR 80.1420 by adding the latitude and longitude coordinates for the reference points for Barbers Point Light and Diamond Head Light.

This final rule amends 33 CFR 80.1430 by adding the latitude and longitude coordinates for the reference point Pyramid Rock Light.

This final rule amends 33 CFR 80.1440 to update the name of a light listed as a reference point. The light previously referred to as ''Hanapepe Light'' is now referred to as ''Puolo Point Light.'' The name change reflects the updated name in the Light List.

This final rule amends 33 CFR 80.1450 to add the longitude and latitude coordinates for the reference point Kukii Point Light. It also corrects the reference to ''Nawiliwili Harbor Breakwater Light'' because that light has been disestablished. The new text has been updated to read as follows: ''A line drawn from the seaward extremity of Nawiliwili Harbor breakwater to 21°57′23.8″ N., 159°20′52.7″ W. (Kukii Point Light).''

This final rule amends 33 CFR 80.1460 to update the names of the lights listed as reference points. The lights previously listed as ''Kahului Harbor Entrance East Breakwater Light'' and ''Kahului Harbor Entrance West Breakwater Light'' are amended to reflect the names listed in the Light List, which are ''Kahului Entrance Breakwater Light 4'' and ''Kahului Entrance Breakwater Light 3.'' We are also amending 33 CFR 80.1460 by adding the latitude and longitude coordinates for Kahului Entrance Breakwater Light 4 and Kahului Entrance Breakwater Light 3.

This final rule amends 33 CFR 80.1470 to add the longitude and latitude coordinates for the reference point Kawaihae Light.

This final rule makes a spelling correction to 33 CFR 89.25(h). Previously, ''Chattahoochee'' was misspelled. This final rule corrects the spelling of this river.

This final rule corrects the authority citation in 33 CFR 110.1 by deleting the references to 33 U.S.C. 2030 and 2035, which were repealed in 2004 by Section 303(a) of the Coast Guard and Maritime Transportation Act of 2004 (Pub. L. 108–293). The authority to issue Inland Navigation Rules can be found in section 3 of the Inland Navigational Rules Act of 1980, as amended by section 303(b) of the Coast Guard and Maritime Transportation Act of 2004 (33 U.S.C. 2071). We are also amending 33 CFR 110.1(a) by removing the repealed statutes and inserting the correct citation to the Inland Navigation Rules, 33 CFR Chapter I, Subchapter E.

This final rule removes 33 CFR 110.25(f) and its Note, which are duplicative of 33 CFR 110.26.

This final rule amends 33 CFR 110.59(c) to reflect the correct coordinates of the Northport Harbor anchorage in Eastern Long Island, NY. The previous language in this paragraph erroneously identified coordinates that are outside of Northport Harbor. We are also adding a minor clarification to the coordinates by indicating north latitude and west longitude.

This final rule amends 33 CFR 110.72d to represent latitude and longitude coordinates in a format that includes degrees, minutes, and seconds.

This final rule amends 33 CFR 117.35 by replacing the word ''closure'' with the word ''deviation'' because not all changes are closures. Requests for temporary changes to the operating schedule of a drawbridge require the approval of the cognizant District Commander. The word ''deviation'' is replacing the word ''closure'' to reflect the requirement in the regulation that all changes, including closures, must be authorized.

This final rule amends 33 CFR 117.143 by adding the commonly used name ''Eight Mile Road'' to describe the San Joaquin County Highway Bridge.

This final rule amends 33 CFR 117.233 by updating the name of the bridge referenced in this section because of a change in ownership. The bridge formerly known as the ''Conrail Bridge'' in this section is now named the ''Norfolk Southern Railroad Bridge.''

This final rule amends 33 CFR 117.243(a)(3) by updating the telephone number that owners or operators of vessels can call to get train operational information.

This final rule amends 33 CFR 117.531(b) by changing the mile mark location from ''mile 3.5'' to ''mile 1.9.'' Under the standard convention for bridge marking locations on U.S. rivers, mile markers reflect the distance to the mouth of the applicable river. The ''3.5''mile mark previously listed reflected the distance to the ocean. The corrected ''1.9'' mile mark reflects the distance to the mouth of the Piscataqua River.

This final rule amends 33 CFR 117.531(c) by changing the mile mark location from ''mile 4.0'' to ''mile 2.5.'' Under the standard convention for bridge markings locations on U.S. rivers, mile markers reflect the distance to the mouth of the applicable river. The ''4.0'' mile mark previously listed reflected the distance to the ocean. The corrected ''2.5'' mile mark reflects the distance to the mouth of the Piscataqua River.

This final rule amends 33 CFR 117.997(a)(11) by updating the telephone numbers that owners or operators of vessels can call to get bridge operational information.

This final rule amends 33 CFR 118.3(c) by updating the address of the Federal Highway Administration.

This final rule amends 33 CFR 126.21(d) to correct a citation. The reference to 33 CFR 126.15(g) for the use of maintenance stores and supplies is incorrect. 33 CFR 126.15(g) does not exist. We have amended this section by removing the incorrect citation and inserting the correct citation: 33 CFR 126.15(b)(5).

This final rule amends 33 CFR 155.1030(i)(1) by reinserting paragraph (c)(11) and removing paragraph (c)(9). In the 2013 printed edition of Title 33 CFR, paragraph (c)(11) was properly included in this section. On September 30, 2013, however, a final rule was published that amended 33 CFR 155.1030(i)(1) through (3) solely for the purpose of authorizing electronic copies of Vessel Response Plans (78 FR 60100, 60122). Because of an administrative error in that final rule, paragraph (c)(11) was unintentionally removed from 33 CFR 155.1030(i)(1), and we are correcting that error by reinserting (c)(11). We are also removing paragraph(c)(9) from 33 CFR 155.1030(i)(1) because that specific section of the VRP plan is a requirement for unmanned tank barges and is already included under 33 CFR 155.1030(i)(2).

This final rule amends 33 CFR 155.1070(a)(2) by removing the words ''and to document the annual review required by this paragraph (a).'' When this final rule was published on September 30, 2013 (78 FR 60100, 60105), the Coast Guard explained that it was removing the requirement pertaining to the reporting of annual reviews from 33 CFR 155.1070(a), consistent with 33 CFR 151.28(h) and 155.5070(a). Because of an administrative error, however, the regulation was not amended as described. We are correcting that error in this final rule by removing the words ''and to document the annual review required by this paragraph (a).''

This final rule amends 33 CFR 155.5020(5)(i) by removing the word ''and'' and adding the word ''or'' in its place. 33 CFR 155.5020 provides a list of definitions applicable to 33 CFR Subpart J. Changing ''and'' to ''or'' under the definition for ''Contract or other approved means'' provided in 33 CFR 155.5020(5)(i) more accurately reflects the substance of the regulations contained in 33 CFR Subpart J. For example, in 33 CFR 155.5020(5)(ii)–(v), the regulation uses the phrase ''petroleum oils as fuel or cargo.'' And, in 33 CFR 155.5035(i)(7),(9), the regulation uses the phrase ''petroleum oils as fuel or cargo.'' Finally, in 33 CFR 155.5050(e)(1) and (f),(l),(m),(n), the regulation uses the phrase ''petroleum oil as fuel or cargo.'' We are, therefore, correcting 33 CFR 155.5020(5)(i) by removing the word ''and'' and adding the word ''or'' in its place.

This final rule amends the table for 33 CFR 155.5050(p) by removing the word ''and'' and adding the word ''or'' in its place. 33 CFR 155.5050(p) is a table that summarizes the VRP required response resources for nontank vessels carrying groups I through IV petroleum oil. Changing the table's first column header from ''Nontank vessel's fuel and cargo oil capacity'' to ''Nontank vessel's fuel or cargo oil capacity'' more accurately reflects the substance of the regulations contained in 33 CFR Subpart J. For example, in 33 CFR 155.5020(5)(ii)–(v), the regulation uses the phrase ''petroleum oils as fuel or cargo.'' And, in 33 CFR 155.5035(i)(7),(9), the regulation uses the phrase ''petroleum oils as fuel or cargo.'' Finally, in 33 CFR 155.5050(e)(1) and (f),(l),(m),(n), the regulation uses the phrase ''petroleum oil as fuel or cargo.'' The table's first column header is, therefore, incorrect. We are correcting it in this rule by removing the word ''and'' and adding the word ''or'' in its place.

This final rule amends the Table in 33 CFR 161.12(c) to correct a typographical error in the longitude position for the waters east and north of a line drawn from the southern tangent of Sakonnet Point, Rhode Island. The text has been updated with the correct longitude coordinate as follows: ''longitude 71°11.70′ W.''

This final rule amends 33 CFR 161.12(d)(5). Because of a clerical error, this section mistakenly cites to 160.203 for the definition of ''hazardous condition.'' This section, however, does not include a definition for ''hazardous condition.'' Therefore, we are correcting that error to reflect that the citation for the definition of ''hazardous condition'' is found in 33 CFR 160.204.

This final rule revises 33 CFR 161.55(c) by separating the requirements pertaining to ''meeting and overtaking'' and those for ''crossing or operating'' into separate sub-paragraphs. By restructuring the regulation into separate sub-paragraphs, we are making it easier for users of VTS Puget Sound to understand that ''meeting and overtaking within 2,000 yards'' and ''crossing or operating within 2,000 yards'' are to be treated separately. These changes are editorial and do not alter the VTS Special Area Operating Requirements prescribed in 33 CFR 161.55(c).

This final rule amends 33 CFR 165.117(a)(3)(ii) to include the geographic coordinates forming the loci for the regulated navigation areas, safety and security zones for Neptune Deepwater Port. The Coast Guard published an NPRM on April 1, 2010 (75 FR 16370), that proposed establishing regulated navigation areas and safety and security zones around the recently constructed Neptune Deepwater Port Facility. No comments or suggestions were made to the proposed rule, and on August 20, 2010 (75 FR 51374), the Coast Guard published a final rule. Due to an administrative error, however, 33 CFR 165.117(a)(3)(ii) was not incorporated into regulation. We are correcting that error by inserting the geographic coordinates forming the loci for the regulated navigation areas, safety and security zones for Neptune Deepwater Port, at 33 CFR 165.117(a)(3)(ii).

This final rule amends 33 CFR 165.122(b)(6) by removing the citation to the repealed statutes and inserting the correct citation to the Inland Navigation Rules.

This final rule amends the Table to 33 CFR 165.151 to correct the order of coordinates included in the Table.

This final rule amends 33 CFR 165.813(b)(5) by updating the telephone number that vessel operators can call to request permission to enter or operate inside moving security zones around cruise ships in the ports of Houston or Galveston, Texas.

This final rule amends 33 CFR 165.814(b)(3) by updating the telephone number that vessel operators can call to request permission to enter or operate inside certain security zones in the Captain of the Port Houston—Galveston zone of responsibility.

This rule redesignates 33 CFR 165.1201 as 33 CFR 165.1188. In 2013, this regulation was published with an incorrect section number within 33 CFR Subpart F. Because there is no Twelfth Coast Guard District, it is necessary to redesignate the regulation within the Eleventh Coast Guard District's portion of 33 CFR Subpart F.

This final rule amends 33 CFR 165.1319 by updating the name from ''Safety Zone Regulations, Seafair Blue Angels Air Show Performance, Seattle, WA'' to ''Safety Zone Regulations, Seafair Air Show Performance, Seattle, WA.''

This final rule amends 33 CFR 167.1322(b)(8) by formatting the description of the precautionary area ''ND'' so that it matches the International Maritime Organization's (IMO) description of the same precautionary area, as set forth in IMO COLREG .2/Circ. 51 of May 31, 2002. This rule does not change the coordinates themselves; it merely connects the first and last coordinate by using the shoreline as a natural boundary.

This final rule amends 33 CFR 183.5 by updating the address for the American Boat and Yacht Council, Inc. We are also amending this section by replacing the text ''Naval Publications Forms Center, Customer Service—Code 1052, 5801 Tabor Avenue, Philadelphia, PA 19120'' with ''Military Specifications and Standards, Standardization Documents Order Desk, Building 4D, 700 Robbins Avenue, Philadelphia, PA 19111–5094; *https://assist.daps.dla.mil/quicksearch/*.''

V. 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 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. The provisions of this final rule are technical and non-substantive; they will have no substantive effect on the public and will impose no additional costs. This final rule is not a significant regulatory action under section 3(f) of E.O. 12866 as supplemented by E.O. 13563, and does not require an assessment of potential

costs and benefits under section 6(a)(3) of E.O. 12866. The Office of Management and Budget (OMB) has not reviewed it under E.O. 12866.

B. Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), rules exempt from the notice and comment requirements of the Administrative Procedure Act are not required to examine the impact of the rule on small entities. Nevertheless, we have considered whether this rule would have a significant economic impact on a substantial number of small entities. 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.

There is no cost to this final rule, and we do not expect it to have an impact on small entities because the provisions of this rule are technical and non-substantive. It will have no substantive effect on the public and will impose no additional costs. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult Mr. Paul Crissy by phone at 202–372–1093 or via email at *Paul.H.Crissy@uscg.mil.* The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

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

D. Collection of Information

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

E. Federalism

A rule has implications for federalism under E.O. 13132 (''Federalism'') if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in E.O. 13132.

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 1 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 final 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 final 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 final rule under E.O. 13045 (''Protection of Children from Environmental Health Risks and Safety Risks''). This final 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.

J. Indian Tribal Governments

This final rule does not have tribal implications under E.O. 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.

K. Energy Effects

We have analyzed this final 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 OMB's 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 OMB, 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 final rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

M. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded under section 2.B.2, figure 2–1, paragraphs (34)(a) and (b) of the Instruction. This final rule involves regulations that are editorial or procedural, or that concern internal agency functions or organizations. An environmental analysis checklist and a categorical exclusion determination are

available in the docket for this final rule where indicated under **ADDRESSES**.

List of Subjects

33 CFR Part 1

Administrative practice and procedure, Authority delegations (Government agencies), Freedom of information, Penalties.

33 CFR Part 3

Organization and functions (Government agencies).

33 CFR Part 8

Armed forces reserves.

33 CFR Part 13

Decorations, medals, awards.

33 CFR Part 19

Navigation (water), Vessels.

33 CFR Part 23

Aircraft, Signs and symbols, Vessels.

33 CFR Part 25

Authority delegations (Government agencies), Claims.

33 CFR Part 26

Communications equipment, Marine safety, Radio, Telephone, Vessels.

33 CFR Part 27

Administrative practice and procedure, Penalties.

33 CFR Part 51

Administrative practice and procedure, Military personnel.

33 CFR Part 52

Administrative practice and procedure, Archives and records, Military personnel.

33 CFR Part 67

Continental shelf, Navigation (water), Reporting and recordkeeping requirements.

33 CFR Part 80

Navigation (water), Treaties, Waterways.

33 CFR Part 81

Navigation (water), Reporting and recordkeeping requirements, Treaties.

33 CFR Part 84

Navigation (water), Waterways.

33 CFR Part 89

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

33 CFR Part 96

Administrative practice and procedure, Marine safety, Reporting and recordkeeping requirements, Vessels.

33 CFR Part 104

Maritime security, Reporting and recordkeeping requirements, Security measures, Vessels.

33 CFR Part 105

Maritime security, Reporting and recordkeeping requirements, Security measures.

33 CFR Part 110

Anchorage grounds.

33 CFR Parts 114, 116, 117, and 118

Bridges.

33 CFR Part 120

Passenger vessels, Reporting and recordkeeping requirements, Security measures, Terrorism.

33 CFR Part 126

Explosives, Harbors, Hazardous substances, Reporting and recordkeeping requirements.

33 CFR Part 127

Fire prevention, Harbors, Hazardous substances, Natural gas, Reporting and recordkeeping requirements, Security measures.

33 CFR Part 128

Harbors, Reporting and recordkeeping requirements, Security measures, Terrorism.

33 CFR Part 135

Administrative practice and procedure, Continental shelf, Insurance, Oil pollution, Reporting and recordkeeping requirements.

33 CFR Part 140

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

33 CFR Part 141

Citizenship and naturalization, Continental shelf, Employment, Reporting and recordkeeping requirements.

33 CFR Part 144

Continental shelf, Marine safety, Occupational safety and health.

33 CFR Part 148

Administrative practice and procedure, Environmental protection, Harbors, Petroleum.

33 CFR Part 151

Administrative practice and procedure, Oil pollution, Penalties, Reporting and recordkeeping requirements, Water pollution control.

33 CFR Parts 153 and 156

Hazardous substances, Oil pollution, Reporting and recordkeeping requirements, Water pollution control.

33 CFR Part 154

Alaska, Fire prevention, Hazardous substances, Oil pollution, Reporting and recordkeeping requirements.

33 CFR Part 155

Alaska, Hazardous substances, Oil pollution, Reporting and recordkeeping requirements.

33 CFR Part 157

Cargo vessels, Oil pollution, Reporting and recordkeeping requirements.

33 CFR Part 158

Administrative practice and procedure, Harbors, Oil pollution, Penalties, Reporting and recordkeeping requirements, Water pollution control.

33 CFR Part 159

Alaska, Reporting and recordkeeping requirements, Sewage disposal, Vessels.

33 CFR Part 160

Administrative practice and procedure, Harbors, Hazardous materials transportation, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Vessels, Waterways.

33 CFR Part 161

Harbors, Navigation (water), Reporting and recordkeeping requirements, Vessels, Waterways.

33 CFR Part 164

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

33 CFR Part 165

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

33 CFR Part 167

Harbors, Marine safety, Navigation (water), Waterways.

33 CFR Part 169

Endangered and threatened species, Marine mammals, Navigation (water), Radio, Reporting and recordkeeping requirements, Vessels, Water pollution control.

33 CFR Part 174

Intergovernmental relations, Marine safety, Reporting and recordkeeping requirements.

33 CFR Part 179

Marine safety, Reporting and recordkeeping requirements.

33 CFR Part 181

Labeling, Marine safety, Reporting and recordkeeping requirements.

33 CFR Part 183

Marine safety.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR parts 1, 3, 8, 13, 19, 23, 25, 26, 27, 51, 52, 67, 80, 81, 84, 89, 96, 104, 105, 110, 114, 116, 117, 118, 120, 126, 127, 128, 135, 140, 141, 144, 148, 151, 153, 154, 155, 156, 157, 158, 159, 160, 161, 164, 165, 167, 169, 174, 179, 181, and 183 as follows:

Title 33—NAVIGATION AND NAVIGABLE WATERS

PART 1—GENERAL PROVISIONS

Subpart 1.05—Rulemaking

■ 1. The authority citation for subpart 1.05 continues to read as follows:

Authority: 5 U.S.C. 552, 553, App. 2; 14 U.S.C. 2, 631, 632, and 633; 33 U.S.C. 471, 499; 49 U.S.C. 101, 322; Department of Homeland Security Delegation No. 0170.1.

§ 1.05–20 [Amended]

■ 2. In § 1.05–20(a), following the text ''addressed to the'', remove the text ''Executive Secretary, Marine Safety and Security Council (CG–0943), United States Coast Guard Headquarters, 2100 2nd St. SW., Stop 7121, Washington, DC 20593–7121'' and add, in its place, the text ''Commandant (CG–0943), Attn: Executive Secretary, Marine Safety and Security Council, U.S. Coast Guard Stop 7213, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7213''.

Subpart 1.10—Public Availability of Information

■ 3. The authority citation for subpart 1.10 is revised to read as follows:

Authority: 5 U.S.C. 552; 14 U.S.C. 633, sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).

§ 1.10–5 [Amended]

■ 4. In § 1.10–5(a), following the text ''written request to the'', remove the text ''Chief, Office of Information Management (CG–61), U.S. Coast Guard Headquarters, 2100 2nd St. SW., Stop 7101, Washington, DC 20593–7101'' and add, in its place, the text ''Commandant (CG–61), Attn: Office of Information Management, U.S. Coast Guard Stop 7710, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7710''.

Subpart 1.26—Charges for Duplicate Medals, and Sales of Personal Property, Equipment or Services and Rentals

■ 5. The authority citation for subpart 1.26 continues to read as follows:

Authority: 14 U.S.C. 633; 49 CFR 1.46(k).

§ 1.26–5 [Amended]

■ 6. In § 1.26–5(b), following the text ''may be obtained from'', remove the text ''Commandant (CG–1221) 2nd St. SW., Stop 7801, Washington, DC 20593–7801'' and add, in its place, the text ''Commander, Personnel Service Center (PSC–PSD–M&A), U.S. Coast Guard Stop 7200, 4200 Wilson Boulevard Suite 1100, Arlington, VA 20598–7200''.

PART 3—COAST GUARD AREAS, DISTRICTS, SECTORS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT ZONES

■ 7. The authority citation for part 3 continues to read as follows:

Authority: 14 U.S.C. 92 & 93; Pub. L. 107–296, 116 Stat. 2135; Department of Homeland Security Delegation No. 0170.1, para. 2(23).

§ 3.05–20 [Amended]

■ 8. In § 3.05–20, after the words ''Sector Southeastern New England's office is located in'', remove the words ''Providence, RI'' and add, in their place, the words ''Woods Hole, MA''.

§ 3.40–28 [Amended]

■ 9. In § 3.40–28 introductory text, after the words ''Sector Houston-Galveston's office is located in'', remove the words ''Galena Park, TX'' and add, in their place, the words ''Houston, TX''.

PART 8—UNITED STATES COAST GUARD RESERVE

■ 10. The authority citation for part 8 continues to read as follows:

Authority: 14 U.S.C. 633.

§ 8.7 [Amended]

■ 11. In § 8.7(a), remove the text ''Commandant (CG–13), 2100 2nd St. SW., Stop 7801, Washington, DC 20593–7801'' and add, in its place, the text ''Commandant (CG–131), Attn: Office of Reserve Affairs, U.S. Coast Guard Stop 7907, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7907''.

PART 13—DECORATIONS, MEDALS, RIBBONS AND SIMILAR DEVICES

■ 12. The authority citation for part 13 continues to read as follows:

Authority: Secs. 500, 633, 63 Stat. 536, 545, sec. 6(b)(1), 80 Stat. 938; 14 U.S.C. 500, 633; 49 U.S.C. 1655(b); 49 CFR 1.4 (a)(2) and (f).

§ 13.01–15 [Amended]

■ 13. In § 13.01–15(a), following the text ''applications and recommendations should be addressed to the'', remove the text ''Commandant, U.S. Coast Guard, 2nd St. SW., Stop 7000, Washington, DC 20593–7000'' and add, in its place, the text ''Commander, Personnel Service Center (PSC–PSD–M&A), U.S. Coast Guard Stop 7200, 4200 Wilson Boulevard Suite 1100, Arlington, VA 20598–7200''.

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS [1]

■ 14. The authority citation for part 19 continues to read as follows:

Authority: Sec. 1, 64 Stat. 1120, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. note prec. 1, 49 U.S.C. 108; Department of Homeland Security Delegation No. 0170.

§ 19.06 [Amended]

■ 15. Amend § 19.06 as follows:

■ a. In paragraph (b), following the text ''been established, or to the'', remove the text ''Commandant (CG–543), 2100 2nd St. SW., Stop 7000, Washington, DC 20593–7000'' and add, in its place, the text ''Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''; and

■ b. In paragraph (d), following the text ''be transmitted to the'', remove the text ''Commandant (CG–543)'' and add, in its place, the text ''Commandant (CG–CVC)''.

PART 23—DISTINCTIVE MARKINGS FOR COAST GUARD VESSELS AND AIRCRAFT

■ 16. The authority citation for part 23 is revised to read as follows:

Authority: Secs. 638, 639, 63 Stat. 546; 14 U.S.C. 638, 639; E.O. 10707; 3 CFR, 1954–1958 Comp., p. 364.

§ 23.10 [Amended]

■ 17. In § 23.10(d), remove the text ''Commandant, U.S. Coast Guard, 2100 2nd St. SW., Stop 7000, Washington, DC 20593–7000'' and add, in its place, the

[1] Also codified as 46 CFR part 6.

text ''Commandant (CG–092), Attn: Commandant, U.S. Coast Guard Stop 7103, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7103''.

§ 23.12 [Amended]

■ 18. In § 23.12(c), remove the text ''Commandant, U.S. Coast Guard, 2100 2nd St. SW., Stop 7000, Washington, DC 20593–7000'' and add, in its place, the text ''Commandant (CG–092), Attn: Commandant, U.S. Coast Guard Stop 7103, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7103''.

PART 25—CLAIMS

■ 19. The authority citation for part 25 continues to read as follows:

Authority: 14 U.S.C. 633; 49 CFR 1.45(a); 49 CFR 1.45(b); 49 CFR 1.46(b), unless otherwise noted.

§ 25.103 [Amended]

■ 20. In § 25.103, following the text ''23510–9100, or from'', remove the text ''Commandant (CG–0945), 2100 2nd St. SW., Stop 7121, Washington, DC 20593–7121'' and add, in its place, the text ''Commandant (CG–0945), Attn: Office of Claims and Litigation, U.S. Coast Guard Stop 7213, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7213''.

■ 21. Amend § 25.111 to revise paragraph (b)(3) to read as follows:

§ 25.111 Action by claimant.

* * * * *

(b) * * *

(3) Commandant (CG–0945), Attn: Office of Claims and Litigation, U.S. Coast Guard Stop 7213, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7213.

* * * * *

PART 26—VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE REGULATIONS

■ 22. The authority citation for part 26 continues to read as follows:

Authority: 14 U.S.C. 2, 33 U.S.C. 1201–1208; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170. Rule 1, International Regulations for the Prevention of Collisions at Sea.

§ 26.08 [Amended]

■ 23. In § 26.08(c) introductory text, remove the text ''U.S. Coast Guard, Marine Safety, Security and Environmental Protection, (CG–5), 2100 2nd St. SW., Stop 7355, Washington, DC 20593–7355'' and add, in its place, the text ''Commandant (CG–DCO–D), Attn: Deputy for Operations Policy and Capabilities, U.S. Coast Guard Stop 7318, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7318''.

PART 27—ADJUSTMENT OF CIVIL MONETARY PENALTIES FOR INFLATION

■ 24. The authority citation for part 27 continues to read as follows:

Authority: Secs. 1–6, Pub. L. 101–410, 104 Stat. 890, as amended by Sec. 31001(s)(1), Pub. L. 104–134, 110 Stat. 1321 (28 U.S.C. 2461 note); Department of Homeland Security Delegation No. 0170.1, sec. 2 (106).

■ 25. Revise Table 1 in § 27.3 to read as follows:

§ 27.3 Penalty Adjustment Table

* * * * *

TABLE 1—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. Code citation	Civil monetary penalty description	2014 Adjusted maximum penalty amount ($)
14 U.S.C. 88(c)	Saving Life and Property	8,000
14 U.S.C. 645(i)	Confidentiality of Medical Quality Assurance Records (first offense)	4,000
14 U.S.C. 645(i)	Confidentiality of Medical Quality Assurance Records (subsequent offenses)	30,000
16 U.S.C. 4711(g)(1)	Aquatic Nuisance Species in Waters of the United States	35,000
19 U.S.C. 70	Obstruction of Revenue Officers by Masters of Vessels	3,000
19 U.S.C. 70	Obstruction of Revenue Officers by Masters of Vessels—Minimum Penalty	700
19 U.S.C. 1581(d)	Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge [1].	5,000
19 U.S.C. 1581(d)	Failure to Stop Vessel When Directed; Master, Owner, Operator or Person in Charge—Minimum Penalty [1].	1,000
33 U.S.C. 471	Anchorage Ground/Harbor Regulations General	110
33 U.S.C. 474	Anchorage Ground/Harbor Regulations St. Mary's River	300
33 U.S.C. 495(b)	Bridges/Failure to Comply with Regulations [2]	25,000
33 U.S.C. 499(c)	Bridges/Drawbridges [2]	25,000
33 U.S.C. 502(c)	Bridges/Failure to Alter Bridge Obstructing Navigation [2]	25,000
33 U.S.C. 533(b)	Bridges/Maintenance and Operation [2]	25,000
33 U.S.C. 1208(a)	Bridge to Bridge Communication; Master, Person in Charge or Pilot	800
33 U.S.C. 1208(b)	Bridge to Bridge Communication; Vessel	800
33 U.S.C. 1232(a)	PWSA Regulations	40,000
33 U.S.C. 1236(b)	Vessel Navigation: Regattas or Marine Parades; Unlicensed Person in Charge	8,000
33 U.S.C. 1236(c)	Vessel Navigation: Regattas or Marine Parades; Owner Onboard Vessel	8,000
33 U.S.C. 1236(d)	Vessel Navigation: Regattas or Marine Parades; Other Persons	3,000
33 U.S.C. 1321(b)(6)(B)(i)	Oil/Hazardous Substances: Discharges (Class I per violation)	15,000
33 U.S.C. 1321(b)(6)(B)(i)	Oil/Hazardous Substances: Discharges (Class I total under paragraph)	40,000
33 U.S.C. 1321(b)(6)(B)(ii)	Oil/Hazardous Substances: Discharges (Class II per day of violation)	15,000
33 U.S.C. 1321(b)(6)(B)(ii)	Oil/Hazardous Substances: Discharges (Class II total under paragraph)	190,000
33 U.S.C. 1321(b)(7)(A)	Oil/Hazardous Substances: Discharges (per day of violation) Judicial Assessment.	40,000
33 U.S.C. 1321(b)(7)(A)	Oil/Hazardous Substances: Discharges (per barrel of oil or unit discharged) Judicial Assessment.	1,100
33 U.S.C. 1321(b)(7)(B)	Oil/Hazardous Substances: Failure to Carry Out Removal/Comply With Order (Judicial Assessment).	40,000
33 U.S.C. 1321(b)(7)(C)	Oil/Hazardous Substances: Failure to Comply with Regulation Issued Under 1321(j) (Judicial Assessment).	40,000

TABLE 1—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. Code citation	Civil monetary penalty description	2014 Adjusted maximum penalty amount ($)
33 U.S.C. 1321(b)(7)(D)	Oil/Hazardous Substances: Discharges, Gross Negligence (per barrel of oil or unit discharged) Judicial Assessment.	4,000
33 U.S.C. 1321(b)(7)(D)	Oil/Hazardous Substances: Discharges, Gross Negligence—Minimum Penalty (Judicial Assessment).	130,000
33 U.S.C. 1322(j)	Marine Sanitation Devices; Operating	3,000
33 U.S.C. 1322(j)	Marine Sanitation Devices; Sale or Manufacture	8,000
33 U.S.C. 1608(a)	International Navigation Rules; Operator	8,000
33 U.S.C. 1608(b)	International Navigation Rules; Vessel	8,000
33 U.S.C. 1908(b)(1)	Pollution from Ships; General	40,000
33 U.S.C. 1908(b)(2)	Pollution from Ships; False Statement	8,000
33 U.S.C. 2072(a)	Inland Navigation Rules; Operator	8,000
33 U.S.C. 2072(b)	Inland Navigation Rules; Vessel	8,000
33 U.S.C. 2609(a)	Shore Protection; General	40,000
33 U.S.C. 2609(b)	Shore Protection; Operating Without Permit	15,000
33 U.S.C. 2716a(a)	Oil Pollution Liability and Compensation	40,000
33 U.S.C. 3852(a)(1)(A)	Clean Hulls; Civil Enforcement	37,500
33 U.S.C. 3852(a)(1)(B)	Clean Hulls; Civil Enforcement	50,000
42 U.S.C. 9609(a)	Hazardous Substances, Releases, Liability, Compensation (Class I)	35,000
42 U.S.C. 9609(b)	Hazardous Substances, Releases, Liability, Compensation (Class II)	35,000
42 U.S.C. 9609(b)	Hazardous Substances, Releases, Liability, Compensation (Class II subsequent offense).	100,000
42 U.S.C. 9609(c)	Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment)	35,000
42 U.S.C. 9609(c)	Hazardous Substances, Releases, Liability, Compensation (Judicial Assessment subsequent offense).	100,000
46 U.S.C. 80509(a)	Safe Containers for International Cargo	8,000
46 U.S.C. 41107	International Ocean Commerce Transportation—Common Carrier Agreements per violation.	6,000
46 U.S.C. App 1712(a)	International Ocean Commerce Transportation—Common Carrier Agreements per violation—Willful violation.	30,000
46 U.S.C. App 1712(b)	International Ocean Commerce Transportation—Common Carrier Agreements—Fine for tariff violation (per shipment).	60,000
46 U.S.C. 70305(c)	Suspension of Passenger Service	70,000
46 U.S.C. 2110(e)	Vessel Inspection or Examination Fees	8,000
46 U.S.C. 2115	Alcohol and Dangerous Drug Testing	7,000
46 U.S.C. 2302(a)	Negligent Operations: Recreational Vessels	6,000
46 U.S.C. 2302(a)	Negligent Operations: Other Vessels	30,000
46 U.S.C. 2302(c)(1)	Operating a Vessel While Under the Influence of Alcohol or a Dangerous Drug	7,000
46 U.S.C. 2306(a)(4)	Vessel Reporting Requirements: Owner, Charterer, Managing Operator, or Agent.	8,000
46 U.S.C. 2306(b)(2)	Vessel Reporting Requirements: Master	1,100
46 U.S.C. 3102(c)(1)	Immersion Suits	8,000
46 U.S.C. 3302(i)(5)	Inspection Permit	1,100
46 U.S.C. 3318(a)	Vessel Inspection; General	8,000
46 U.S.C. 3318(g)	Vessel Inspection; Nautical School Vessel	8,000
46 U.S.C. 3318(h)	Vessel Inspection; Failure to Give Notice IAW 3304(b)	1,100
46 U.S.C. 3318(i)	Vessel Inspection; Failure to Give Notice IAW 3309(c)	1,100
46 U.S.C. 3318(j)(1)	Vessel Inspection; Vessel ≥1600 Gross Tons	15,000
46 U.S.C. 3318(j)(1)	Vessel Inspection; Vessel <1600 Gross Tons	3,000
46 U.S.C. 3318(k)	Vessel Inspection; Failure to Comply with 3311(b)	15,000
46 U.S.C. 3318(l)	Vessel Inspection; Violation of 3318(b)–3318(f)	8,000
46 U.S.C. 3502(e)	List/count of Passengers	110
46 U.S.C. 3504(c)	Notification to Passengers	15,000
46 U.S.C. 3504(c)	Notification to Passengers; Sale of Tickets	800
46 U.S.C. 3506	Copies of Laws on Passenger Vessels; Master	300
46 U.S.C. 3718(a)(1)	Liquid Bulk/Dangerous Cargo	40,000
46 U.S.C. 4106	Uninspected Vessels	8,000
46 U.S.C. 4311(b)(1)	Recreational Vessels (maximum for related series of violations)	300,000
46 U.S.C. 4311(b)(1)	Recreational Vessels; Violation of 4307(a)	6,000
46 U.S.C. 4311(c)	Recreational Vessels	1,100
46 U.S.C. 4507	Uninspected Commercial Fishing Industry Vessels	8,000
46 U.S.C. 4703	Abandonment of Barges	1,100
46 U.S.C. 5116(a)	Load Lines	8,000
46 U.S.C. 5116(b)	Load Lines; Violation of 5112(a)	15,000
46 U.S.C. 5116(c)	Load Lines; Violation of 5112(b)	8,000
46 U.S.C. 6103(a)	Reporting Marine Casualties	35,000
46 U.S.C. 6103(b)	Reporting Marine Casualties; Violation of 6104	8,000
46 U.S.C. 8101(e)	Manning of Inspected Vessels; Failure to Report Deficiency in Vessel Complement.	1,100
46 U.S.C. 8101(f)	Manning of Inspected Vessels	15,000

TABLE 1—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. Code citation	Civil monetary penalty description	2014 Adjusted maximum penalty amount ($)
46 U.S.C. 8101(g)	Manning of Inspected Vessels; Employing or Serving in Capacity not Licensed by USCG.	15,000
46 U.S.C. 8101(h)	Manning of Inspected Vessels; Freight Vessel <100 GT, Small Passenger Vessel, or Sailing School Vessel.	1,100
46 U.S.C. 8102(a)	Watchmen on Passenger Vessels	1,100
46 U.S.C. 8103(f)	Citizenship Requirements	800
46 U.S.C. 8104(i)	Watches on Vessels; Violation of 8104(a) or (b)	15,000
46 U.S.C. 8104(j)	Watches on Vessels; Violation of 8104(c), (d), (e), or (h)	15,000
46 U.S.C. 8302(e)	Staff Department on Vessels	110
46 U.S.C. 8304(d)	Officer's Competency Certificates	110
46 U.S.C. 8502(e)	Coastwise Pilotage; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge.	15,000
46 U.S.C. 8502(f)	Coastwise Pilotage; Individual	15,000
46 U.S.C. 8503	Federal Pilots	40,000
46 U.S.C. 8701(d)	Merchant Mariners Documents	800
46 U.S.C. 8702(e)	Crew Requirements	15,000
46 U.S.C. 8906	Small Vessel Manning	35,000
46 U.S.C. 9308(a)	Pilotage: Great Lakes; Owner, Charterer, Managing Operator, Agent, Master or Individual in Charge.	15,000
46 U.S.C. 9308(b)	Pilotage: Great Lakes; Individual	15,000
46 U.S.C. 9308(c)	Pilotage: Great Lakes; Violation of 9303	15,000
46 U.S.C. 10104(b)	Failure to Report Sexual Offense	8,000
46 U.S.C. 10314(a)(2)	Pay Advances to Seamen	800
46 U.S.C. 10314(b)	Pay Advances to Seamen; Remuneration for Employment	800
46 U.S.C. 10315(c)	Allotment to Seamen	800
46 U.S.C. 10321	Seamen Protection; General	7,000
46 U.S.C. 10505(a)(2)	Coastwise Voyages: Advances	7,000
46 U.S.C. 10505(b)	Coastwise Voyages: Advances; Remuneration for Employment	7,000
46 U.S.C. 10508(b)	Coastwise Voyages: Seamen Protection; General	7,000
46 U.S.C. 10711	Effects of Deceased Seamen	300
46 U.S.C. 10902(a)(2)	Complaints of Unfitness	800
46 U.S.C. 10903(d)	Proceedings on Examination of Vessel	110
46 U.S.C. 10907(b)	Permission to Make Complaint	800
46 U.S.C. 11101(f)	Accommodations for Seamen	800
46 U.S.C. 11102(b)	Medicine Chests on Vessels	800
46 U.S.C. 11104(b)	Destitute Seamen	110
46 U.S.C. 11105(c)	Wages on Discharge	800
46 U.S.C. 11303(a)	Log Books; Master Failing to Maintain	300
46 U.S.C. 11303(b)	Log Books; Master Failing to Make Entry	300
46 U.S.C. 11303(c)	Log Books; Late Entry	200
46 U.S.C. 11506	Carrying of Sheath Knives	80
46 U.S.C. 12151(a)	Documentation of Vessels (violation per day)	15,000
46 U.S.C. 12151(c)	Engaging in Fishing After Falsifying Eligibility (fine per day)	130,000
46 U.S.C. 12309(a)	Numbering of Undocumented Vessels—Willful violation	6,000
46 U.S.C. 12309(b)	Numbering of Undocumented Vessels	1,100
46 U.S.C. 12507(b)	Vessel Identification System	15,000
46 U.S.C. 14701	Measurement of Vessels	30,000
46 U.S.C. 14702	Measurement; False Statements	30,000
46 U.S.C. 31309	Commercial Instruments and Maritime Liens	15,000
46 U.S.C. 31330(a)(2)	Commercial Instruments and Maritime Liens; Mortgagor	15,000
46 U.S.C. 31330(b)(2)	Commercial Instruments and Maritime Liens; Violation of 31329	35,000
46 U.S.C. 70119	Port Security	30,000
46 U.S.C. 70119(b)	Port Security—Continuing Violations	50,000
46 U.S.C. 70506	Maritime Drug Law Enforcement; Penalties	5,000
49 U.S.C. 5123(a)(1)	Hazardous Materials: Related to Vessels—Maximum Penalty	60,000
49 U.S.C. 5123(a)(1)	Hazardous Materials: Related to Vessels—Minimum Penalty	300
49 U.S.C. 5123(a)(2)	Hazardous Materials: Related to Vessels—Penalty from Fatalities, Serious Injuries/Illness or Substantial Damage to Property.	110,000

Note: The changes in Civil Penalties for calendar year 2014, shown above, are based on the change in CPI–U from June 2009 to June 2010. The recorded change in CPI–U during that period was 1.05%. Because of the small change in CPI–U and the required rules for rounding, there was no change to any of the maximum penalty amounts from the previous adjustment.

[1] Enacted under the Tariff Act of 1930, exempt from inflation adjustments.

[2] These penalties increased in accordance with the statute to $10,000 in 2005, $15,000 in 2006, $20,000 in 2007, and $25,000 in 2008 and thereafter.

PART 51—COAST GUARD DISCHARGE REVIEW BOARD

■ 26. The authority citation for part 51 continues to read as follows:

Authority: 10 U.S.C. 1553; Pub. L. 107–296, 116 Stat. 2135.

§ 51.9 [Amended]

■ 27. In § 51.9(b), following the text ''explanatory matter, from'', remove the text ''Commandant, (CG–12), 2100 2nd St. SW., Stop 7801, Washington, DC 20593–7801'' and add, in its place, the text ''Commandant (CG–12), Attn: Personnel Management Directorate, U.S. Coast Guard Stop 7907, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7907''.

PART 52—BOARD FOR CORRECTION OF MILITARY RECORDS OF THE COAST GUARD

■ 28. The authority citation for part 52 continues to read as follows:

Authority: 10 U.S.C. 1552; 14 U.S.C. 425.

§ 52.21 [Amended]

■ 29. In § 52.21(a), following the text ''be addressed to:'', remove the text ''Chair, Board for Correction of Military Records of the Coast Guard (C–60), United States Department of Transportation, Washington, DC 20590'' and add, in its place, the text ''DHS Office of the General Counsel, Board for Correction of Military Records, Mailstop 485, 245 Murray Lane, Washington, DC 20528''.

PART 67—AIDS TO NAVIGATION ON ARTIFICIAL ISLANDS AND FIXED STRUCTURES

■ 30. The authority citation for part 67 continues to read as follows:

Authority: 14 U.S.C. 85, 633; 43 U.S.C. 1333; Department of Homeland Security Delegation No. 0170.1.

§ 67.10–25 [Amended]

■ 31. In § 67.10–25(a) introductory text, remove the text ''Office of Aids to Navigation, (CG–541), 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Commandant (CG–NAV), Attn: Navigation System Division, U.S. Coast Guard Stop 7418, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7418''.

PART 80—COLREGS DEMARCATION LINES

■ 32. The authority citation for part 80 continues to read as follows:

Authority: 14 U.S.C. 2; 14 U.S.C. 633; 33 U.S.C. 151(a).

§ 80.160 [Amended]

■ 33. In § 80.160(c), after the text ''A line drawn from'', remove the text ''Fire Island Inlet Breakwater Light 348° true'' and add, in its place, the text ''the westernmost point on Fire Island''.

■ 34. Revise § 80.712 to read as follows:

§ 80.712 Morris Island, SC to Hilton Head Island, SC.

(a) A line drawn from the easternmost tip of Folly Island to 32°41′37″ N., 079°53′03″ W. (abandoned lighthouse tower) on the northside of Lighthouse Inlet; thence west to the shoreline of Morris Island.

(b) A line drawn from the seaward tangent of Folly Island across Stono River to the shoreline of Sandy Point.

§ 80.815 [Amended]

■ 35. In § 80.815(b), remove the text ''Mobile Point Light to Dauphin Island Channel Light No. 1'' and add, in its place, the text ''30°14′41.4″ N., 088°01′26.5″ W. (Mobile Point Light) to 30°15′13.3″ N., 088°03′22.6″ W. (Dauphin Island Channel Light 1)''.

■ 36. Revise § 80.1420 to read as follows:

§ 80.1420 Mamala Bay, Oahu, HI.

A line drawn from 21°17′46.9″ N., 158°06′22.2′ W. (Barbers Point Light) to 21°15′20.5″ N., 157°48′34.3″ W. (Diamond Head Light).

■ 37. Revise § 80.1430 to read as follows:

§ 80.1430 Kaneohe Bay, Oahu, HI.

A line drawn from 21°27′44.1″ N., 157°45′48.6″ W. (Pyramid Rock Light), across Kaneohe Bay through the center of Mokolii Island to the shoreline.

■ 38. Revise § 80.1440 to read as follows:

§ 80.1440 Port Allen, Kauai, HI.

A line drawn from 21°53′34.3″ N., 159°36′15.6″ W. (Puolo Point Light) to 21°53′49.0″ N., 159°35′27.2″ W. (Hanapepe Breakwater Light 2).

■ 39. Revise § 80.1450 to read as follows:

§ 80.1450 Nawiliwili Harbor, Kauai, HI.

A line drawn from the seaward extremity of Nawiliwili Harbor Breakwater Light to 21°57′23.8″ N., 159°20′52.7″ W. (Kukii Point Light).

■ 40. Revise § 80.1460 to read as follows:

§ 80.1460 Kahului Harbor, Maui, HI.

A line drawn from 20°54′04.1″ N., 156°28′26.8″ W. (Kahului Entrance Breakwater Light 4), to 20°54′02.3″ N., 156°28′17.4″ W. (Kahului Entrance Breakwater Light 3).

■ 41. Revise § 80.1470 to read as follows:

§ 80.1470 Kawaihae Harbor, Hawaii, HI.

A line drawn from 20°02′29.1″ N., 155°49′58.2″ W. (Kawaihae Light), to the seaward extremity of the Kawaihae South Breakwater.

PART 81—72 COLREGS: IMPLEMENTING RULES

■ 42. The authority citation for part 81 continues to read as follows:

Authority: 33 U.S.C. 1607; E.O. 11964; 49 CFR 1.46.

§ 81.18 [Amended]

■ 43. In § 81.18(b), remove the text ''Marine Safety, Security and Environmental Protection, U.S. Coast Guard Headquarters, (CG–5), 2100 2nd St. SW., Stop 7355, Washington, DC 20593–7355'' and add, in its place, the text ''Marine Transportation Systems Directorate, U.S. Coast Guard Headquarters, (CG–5PW), Stop 7509, 2703 Martin Luther King Avenue SE., Washington, DC 20593–7509''.

PART 84—ANNEX I: POSITIONING AND TECHNICAL DETAILS OF LIGHTS AND SHAPES

■ 44. The authority citation for part 84 continues to read as follows:

Authority: 33 U.S.C. 2071; Department of Homeland Security Delegation No. 0170.1.

■ 45. In § 84.13(a), following the text ''10017 and is available for inspection at the'', remove the text ''Coast Guard, Ocean Engineering Division (CG–432), (CG–432), 2100 2nd St. SW., Stop 7901, Washington, DC 20593–7901'' and add, in its place, the text ''Coast Guard Headquarters. Contact Commandant (CG–43), Attn: Office of Civil Engineering, U.S. Coast Guard Stop 7714, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7714''.

PART 89—INLAND NAVIGATION RULES: IMPLEMENTING RULES

■ 46. The authority citation for part 89 continues to read as follows:

Authority: 33 U.S.C. 2071; 49 CFR 1.46(n)(14).

§ 89.18 [Amended]

■ 47. In § 89.18(a), following the text ''inspection at the offices of'', remove the text ''Assistant Commandant for Marine Safety, Security and Environmental Protection, U.S. Coast

Guard Headquarters, (CG–5), 2100 2nd St. SW., Stop 7355, Washington, DC 20593–7355'' and add, in its place, the text ''the Marine Transportation Systems Directorate, U.S. Coast Guard Headquarters (CG–5PW), Stop 7509, 2703 Martin Luther King Avenue SE., Washington, DC 20593–7509''.

■ 48. Revise § 89.25(h) to read as follows:

§ 89.25 Waters upon which Inland Rules 9(a)(ii), 14(d), and 15(b) apply.

* * * * *

(h) Chattahoochee River.

* * * * *

PART 96—RULES FOR THE SAFE OPERATION OF VESSELS AND SAFETY MANAGEMENT SYSTEMS

■ 49. The authority citation for part 96 is revised to read as follows:

Authority: 46 U.S.C. 3201 et. seq.; 46 U.S.C. 3103; 46 U.S.C. 3316; 33 U.S.C. 1231; 49 CFR 1.45; 49 CFR 1.46.

§ 96.130 [Amended]

■ 50. In § 96.130(a), following the text ''inspect all material at the'', remove the text ''U.S. Coast Guard, Office of Design and Engineering Standards (CG–521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126, or at'' and add, in its place, the text ''Coast Guard Headquarters. Contact Commandant (CG–ENG), Attn: Office of Design and Engineering Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7509. The material is also available at''; and following the text ''Administration (NARA)'', remove the text '', and receive it'' and add, in its place, the text ''and''.

§ 96.400 [Amended]

■ 51. In § 96.400(b), remove the text ''Commandant (CG–521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126'' and add, in its place, the text ''Commandant (CG–ENG), Attn: Office of Design and Engineering Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7509''.

§ 96.430 [Amended]

■ 52. In § 96.430(a), remove the text ''Commandant (CG–521), Office of Design and Engineering Standards, 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126'' and add, in its place, the text ''Commandant (CG–ENG), Attn: Office of Design and Engineering Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7509''.

§ 96.460 [Amended]

■ 53. In § 96.460(a)(3), remove the text ''Commandant (CG–543)'' and add, in its place, the text ''Commandant (CG–CVC)''.

■ 54. Amend § 96.495 as follows:

■ a. In paragraph (a), remove the text ''Commandant (CG–543), 2100 2nd Street SW., Stop 7126, Washington, DC 20593–7126'' and add, in its place, the text ''Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501'';

■ b. Revise paragraph (b) to read as set forth below; and

■ c. In paragraph (c), remove the text ''Commandant (CG–543), 2100 2nd Street SW., Stop 7126, Washington, DC 20593–7126'' and add, in its place, the text ''Commandant (CG–CVC)''.

§ 96.495 How can I appeal a decision made by an authorized organization?

* * * * *

(b) If you are not satisfied with the organization's decision, you may appeal directly to Commandant (CG–CVC). You must make your appeal in writing, including any documentation and evidence you wish to be considered. You may ask Commandant (CG–CVC) to stay the effect of the appealed decision while it is under review.

* * * * *

PART 104—MARITIME SECURITY: VESSELS

■ 55. The authority citation for part 104 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–11, 6.14, 6.16, and 6.19; Department of Homeland Security Delegation No. 0170.1.

§ 104.130 [Amended]

■ 56. In § 104.130, following the text ''with justification to the'', remove the text ''Commandant (CG–5P) at 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Commandant (CG–5P), Attn: Assistant Commandant for Prevention Policy, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

§ 104.400 [Amended]

■ 57. In § 104.400(b), remove the text ''Commanding Officer (MSC), USCG Marine Safety Center, 1900 Half Street SW., Suite 1000, Room 525, Washington, DC 20024 for visitors. Send all mail to Commanding Officer (MSC), United States Coast Guard, 2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102'' and add, in its place, the text ''Commanding Officer, Marine Safety Center, U.S. Coast Guard, 4200 Wilson Boulevard Suite 400, Arlington, VA 22203 for visitors. Send all mail to: Commanding Officer (MSC), Attn: Marine Safety Center, U.S. Coast Guard Stop 7410, 4200 Wilson Boulevard Suite 400, Arlington, VA 20598–7410''.

PART 105—MARITIME SECURITY: FACILITIES

■ 58. The authority citation for part 105 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. 70103; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–11, 6.14, 6.16, and 6.19; Department of Homeland Security Delegation No. 0170.1.

§ 105.130 [Amended]

■ 59. In § 105.130, following the text ''with justification to the'', remove the text ''Commandant (CG–5P) at 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Commandant (CG–5P), Attn: Assistant Commandant for Prevention Policy, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

PART 110—ANCHORAGE REGULATIONS

■ 60. Revise the authority citation for part 110 to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2071; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 61. Revise § 110.1(a) to read as follows:

§ 110.1 General.

(a) The areas described in subpart A of this part are designated as special anchorage areas for the purposes of rule 30 (33 CFR 83.30) and rule 35 (33 CFR 83.35) of the Inland Navigation Rules, 33 CFR Chapter I, Subchapter E. Vessels of less than 20 meters in length; and barges, canal boats, scows, or other nondescript craft, are not required to sound signals required by rule 35 of the Inland Navigation Rules. Vessels of less than 20 meters are not required to exhibit anchor lights or shapes required by rule 30 of the Inland Navigation Rules.

* * * * *

■ 62. In § 110.25, remove paragraph (f).

■ 63. Revise § 110.59(c) to read as follows:

§ 110.59 Eastern Long Island, NY.

* * * * *

(c) *Northport Harbor.* Beginning on the shoreline at 40°54′25″ N., 73°22′05″ W.; thence to 40°54′37.5″ N., 73°21′32.9″

W.; thence along the eastern shoreline to 40°53′33.1″ N., 73°21′28.2″ W.; thence to 40°53′25.8″ N., 73°21′37.7″ W.; thence along the shoreline to the point of beginning.

* * * * *

■ 64. Revise § 110.72d to read as follows:

§ 110.72d Ashley River, SC.

All waters on the southwest portion of the Ashley River encompassed within the following points: beginning at 32°46′42.7″ N., 079°57′19.3″ W.; thence southwest to 32°46′38.0″ N., 079°57′24.0″ W.; thence southeast to 32°46′32.0″ N., 079°57′15.5″ W.; thence southeast to 32°46′29.0″ N., 079°57′00.9″ W.; thence back to origin following the southwest boundary of the Ashley River Channel. All coordinates are North American Datum 1983.

PART 114—GENERAL

■ 65. The authority citation for part 114 continues to read as follows:

Authority: 33 U.S.C. 401, 406, 491, 494, 495, 499, 502, 511, 513, 514, 516, 517, 519, 521, 522, 523, 525, 528, 530, 533, and 535(c), (e), and (h); 14 U.S.C. 633; 49 U.S.C. 1655(g); Pub. L. 107–296, 116 Stat. 2135; 33 CFR 1.05–1 and 1.01–60, Department of Homeland Security Delegation Number 0170.1.

§ 114.50 [Amended]

■ 66. In § 114.50, remove the text ''Administrator, Office of Bridge Programs, (CG–BRG), 2100 2nd St. SW., Stop 7683, Washington, DC 20593–7683'' and add, in its place, the text ''Commandant (CG–BRG), Attn: Office of Bridge Programs, U.S. Coast Guard Stop 7418, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7418''.

PART 116—ALTERATION OF UNREASONABLY OBSTRUCTIVE BRIDGES

■ 67. The authority citation for part 116 continues to read as follows:

Authority: 33 U.S.C. 401, 521.

§ 116.15 [Amended]

■ 68. In § 116.15(a), after the text ''of a Detailed Investigation, to the'', remove the text ''Administrator, Office of Bridge Programs'' and add, in its place, the text ''Chief, Office of Bridge Programs''.

§ 116.45 [Amended]

■ 69. In § 116.45(b), after the text ''required by 33 U.S.C. 515'', remove the text ''the Administrator, Bridge Administration Program'' and add, in its place, the text ''Chief, Office of Bridge Programs''.

§ 116.55 [Amended]

■ 70. In § 116.55(b), remove the text ''Deputy Commandant of Operations, U.S. Coast Guard,(CG–DCO), 2100 2nd St. SW., Stop 7355, Washington, DC 20593–7355'' and add, in its place, the text ''Commandant (CG–DCO–D), Attn: Deputy for Operations Policy and Capabilities, U.S. Coast Guard Stop 7318, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7318''.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 72. Amend § 117.35 by revising paragraphs (c)(2) and (f) to read as follows:

§ 117.35 Temporary change to a drawbridge operating schedule.

* * * * *

(c) * * *

(2) The request must describe the reason for the deviation and the dates and times scheduled for the start and end of the change.

* * * * *

(f) If the authorized deviation period for an event is broken into separate time periods on the same day or on consecutive days, the drawbridge must provide openings for navigation between authorized schedule changes.

* * * * *

§ 117.143 [Amended]

■ 73. In § 117.143, after the words ''The draw of the San Joaquin County'', remove the words ''highway bridge, mile 1.0 between King Island and Bishop Tract'' and add, in their place, the words ''(Eight Mile Road) Highway Bridge, mile 1.0 between King Island and Bishop Tract''; and remove the word ''shall'', and add, in its place, the word ''must''.

■ 74. Revise § 117.233(a) to read as follows:

§ 117.233 Broad Creek.

(a) The draw of the Norfolk Southern Railroad Bridge, mile 8.0 at Laurel, will open on signal if at least 4 hours notice is given.

* * * * *

§ 117.531 [Amended]

■ 75. Amend § 117.531 as follows:

■ a. In paragraph (b), after the text ''The draw of the Memorial (US 1) bridge, mile'', remove the text ''3.5'' and add, in its place, the text ''1.9''; and

■ b. In paragraph (c) introductory text, after the text ''The draw of the Sarah M. Long (Route 1 Bypass) bridge, mile'' remove the text ''4.0'' and add, in its place, the text ''2.5''.

§ 117.997 [Amended]

■ 76. In § 117.997(a)(11), after the text ''via telephone'', remove the text ''(757) 543–1996 or (757) 545–2941'' and add in its place the text ''757–271–1741 or 757–633–2241''.

PART 118—BRIDGE LIGHTING AND OTHER SIGNALS

■ 77. The authority citation for part 118 continues to read as follows:

Authority: 33 U.S.C. 494; 14 U.S.C. 85, 633; Department of Homeland Security Delegation No. 0170.1.

§ 118.3 [Amended]

■ 78. Amend § 118.3 as follows:

■ a. In paragraph (b), following the text ''for inspection at'', remove the text ''U.S. Coast Guard Headquarters, Chief, Office of Bridge Programs, (CG–551), 2100 2nd St. SW., Stop 7580, Washington, DC 20593–7580, or at'' and add, in its place, the text ''Coast Guard Headquarters. Contact Commandant (CG–BRG), Attn: Office of Bridge Programs, U.S. Coast Guard Stop 7418, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7418. You may also contact''; and

■ b. In paragraph (c) after the text, ''Federal Highway Administration (FHWA)'', remove the text ''400 Seventh Street, SW.'' and add, in its place, the text ''1200 New Jersey Avenue SE.''.

* * * * *

PART 120—SECURITY OF PASSENGER VESSELS

■ 79. The authority citation for part 120 continues to read as follows:

Authority: 33 U.S.C. 1231; Department of Homeland Security Delegation No. 0170.

§ 120.120 [Amended]

■ 80. In § 120.120(a), following the text ''may be inspected at the'', remove the text ''U.S. Coast Guard, (CG–521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126'' and add, in its place, the text ''Coast Guard Headquarters. Contact Commandant (CG–ENG), Attn: Office of Design and Engineering Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7509''.

§ 120.220 [Amended]

■ 81. In § 120.220(b), following the text ''as soon as possible to'', remove the text ''Commandant (CG–533), 2100 2nd St.

SW., Stop 7363, Washington, DC 20593–7363. You may initially file the report with Commandant (CG–533)'' and add, in its place, the text ''Commandant (CG–MER), Attn: Office of Environmental Response Policy, U.S. Coast Guard Stop 7516, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7516. You may initially file the report with Commandant (CG–MER)''.

§ 120.305 [Amended]

■ 82. In § 120.305(a), following the text ''of this chapter, to the'', remove the text ''Commanding Officer (MSC), USCG Marine Safety Center, 1900 Half Street SW., Suite 1000, Room 525, Washington, DC 20024 for visitors. Send all mail to Commanding Officer (MSC), United States Coast Guard, 2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102'' and add, in its place the text ''Commanding Officer, Marine Safety Center, U.S. Coast Guard, 4200 Wilson Boulevard Suite 400, Arlington, VA 22203 for visitors. Send all mail to Commanding Officer (MSC), Attn: Marine Safety Center, U.S. Coast Guard Stop 7410, 4200 Wilson Boulevard Suite 400, Arlington, VA 20598–7410''.

§ 120.309 [Amended]

■ 83. In § 120.309, following the text ''Assistant Commandant for'', remove the text ''Marine Safety, Security and Environmental Protection [Commandant (G–M)]'' and add, in its place, the text ''Prevention Policy (CG–5P)''.

PART 126—HANDLING OF DANGEROUS CARGO AT WATERFRONT FACILITIES

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

Authority: 33 U.S.C. 1231; 49 CFR 1.46.

§ 126.5 [Amended]

■ 85. In § 126.5(a), following the text ''for inspection at the'', remove the text ''U.S. Coast Guard, Vessel and Facility Operating Standards Division (CG–522), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126, and at'' and add, in its place, the text ''Coast Guard Headquarters. Contact Commandant (CG–OES), Attn: Office of Operating and Environmental Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7509. You may also contact''.

§ 126.21 [Amended]

■ 86. In § 126.21(d), following the text ''in conformity with'', remove the text ''§ 126.15(g)'' and add, in its place, the text ''§ 126.15(b)(5)''.

PART 127—WATERFRONT FACILITIES HANDLING LIQUEFIED NATURAL GAS AND LIQUEFIED HAZARDOUS GAS

■ 87. The authority citation for part 127 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701; Department of Homeland Security Delegation No. 0170.1.

■ 88. In § 127.003(a), following the text ''for inspection at the'', remove the text ''U.S. Coast Guard, (CG–543), 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581, and at'' and add, in its place, the text ''Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501. You may also contact''.

§ 127.015 [Amended]

■ 89. In § 127.015(c)(1), remove the text ''Assistant Commandant for Marine Safety, Security and Environmental Protection, U.S. Coast Guard, (CG–5), 2100 2nd St. SW., Stop 7355, Washington, DC 20593–7355'' and add, in its place, the text ''Commandant (CG–5P), Attn: Assistant Commandant for Prevention, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

PART 128—SECURITY OF PASSENGER TERMINALS

■ 90. The authority citation for part 128 continues to read as follows:

Authority: 33 U.S.C. 1231; 49 CFR 1.46.

§ 128.120 [Amended]

■ 91. In § 128.120(a), following the text ''be inspected at the'', remove the text ''U.S. Coast Guard, (CG–521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126, and at'' and add, in its place, the text ''Coast Guard Headquarters. Contact Commandant (CG–ENG), Attn: Office of Design and Engineering Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7509. You may also contact''.

PART 135—OFFSHORE OIL POLLUTION COMPENSATION FUND

■ 92. The authority citation for part 135 continues to read as follows:

Authority: 33 U.S.C. 2701–2719; E.O. 12777, 56 FR 54757; Department of Homeland Security Delegation No. 0170.1, para. 2(80).

§ 135.305 [Amended]

■ 93. In § 135.305(a)(1), remove the text ''The Duty Officer, National Response Center, U.S. Coast Guard, (CG–3112), 2100 2nd St. SW., Stop 7238, Washington, DC 20593–7238'' and add, in its place, the text ''Commandant (CG–MER–3), Attn: Industry and Interagency Coordination Division, U.S. Coast Guard Stop 7516, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7516''.

PART 140—GENERAL

■ 94. 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.

§ 140.7 [Amended]

■ 95. In § 140.7(a), following the text ''available for inspection at'', remove the text ''U.S. Coast Guard, Office of Compliance (CG–543), 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581 and at'' and add, in its place, the text ''Coast Guard Headquarters. Contact Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501. You may also contact''.

§ 140.15 [Amended]

■ 96. In § 140.15(b), following the text ''Equipment List, available from'', remove the text ''Commandant (CG–521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593–7126'' and add, in its place, the text ''Coast Guard Headquarters. Contact Commandant (CG–ENG), Attn: Office of Design and Engineering Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7509''.

PART 141—PERSONNEL

■ 97. The authority citation for part 141 continues to read as follows:

Authority: 43 U.S.C. 1356; 46 U.S.C. 70105; 49 CFR 1.46(z).

§ 141.20 [Amended]

■ 98. In § 141.20(c), remove the text ''Commandant (CG–543), 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

PART 144—LIFESAVING APPLIANCES

■ 99. The authority citation for part 144 continues to read as follows:

Authority: 43 U.S.C. 1333d; 46 U.S.C. 3102(a); 46 CFR 1.46.

§ 144.30–5 [Amended]

■ 100. In § 144.30–5(a), following the text ''should be sent to'', remove the text ''Commandant, U.S. Coast Guard, (CG–521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126'' and add, in its place, the text ''Commandant (CG–ENG–4), Attn: Lifesaving and Fire Safety Division, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7509''.

PART 148—DEEPWATER PORTS: GENERAL

■ 101. The authority citation for part 148 continues to read as follows:

Authority: 33 U.S.C. 1504; Department of Homeland Security Delegation No. 0170.1 (75).

§ 148.5 [Amended]

■ 102. In § 148.5, amend the definition of *Commandant (CG–5P)* by removing the text ''Commandant (CG–5P), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001'' and adding, in its place, the text ''Commandant (CG–5P), Attn: Assistant Commandant for Prevention, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

§ 148.115 [Amended]

■ 103. In § 148.115(a), remove the text ''Commandant (CG–5P), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126'' and add, in its place, the text ''Commandant (CG–5P), Attn: Assistant Commandant for Prevention, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

PART 151—VESSELS CARRYING OIL, NOXIOUS LIQUID SUBSTANCES, GARBAGE, MUNICIPAL OR COMMERCIAL WASTE, AND BALLAST WATER

■ 104. The authority citation for part 151 continues to read as follows:

Authority: 33 U.S.C. 1321, 1902, 1903, 1908; 46 U.S.C. 6101; Pub. L. 104–227 (110 Stat. 3034); Pub. L. 108–293 (118 Stat. 1063), § 623; E.O. 12777, 3 CFR, 1991 Comp. p. 351; DHS Delegation No. 0170.1, sec. 2(77).

§ 151.27 [Amended]

■ 105. In § 151.27(b), following the text ''emergency plan to'', remove the text ''Commandant (CG–5431), U.S. Coast Guard, 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Commandant (CG–CVC–1), Attn: Domestic Vessels Division, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

§ 151.66 [Amended]

■ 106. In § 151.66(d)(3)(iv)(C), remove the text ''Stop 7126'' and add, in its place, the text ''Stop 7509''.

§ 151.1012 [Amended]

■ 107. In § 151.1012(a) introductory text, remove the text ''Commandant (CG–5431), U.S. Coast Guard Headquarters, 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581, Attn: Shore Protection Act Desk'' and add, in its place, the text ''Commandant (CG–CVC–1), Attn: Domestic Vessels Division, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

§ 151.1021 [Amended]

■ 108. In § 151.1021(b)(1), remove the text ''Assistant Commandant for Marine Safety, Security, and Stewardship (CG–5), U.S. Coast Guard Headquarters, 2100 2nd St. SW., Stop 7355, Washington, DC 20593–7355'' and add, in its place, the text ''Commandant (CG–5P), Attn: Assistant Commandant for Prevention, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

§ 151.1510 [Amended]

■ 109. In § 151.1510(a)(3)(ii), remove the text ''Commanding Officer (Marine Safety Center), U.S. Coast Guard Marine Safety Center, 2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102'' and add, in its place, the text ''Commanding Officer (MSC), Attn: Marine Safety Center, U.S. Coast Guard Stop 7410, 4200 Wilson Boulevard, Suite 400, Arlington, VA 20598–7410''.

§ 151.1513 [Amended]

■ 110. In § 151.1513, following the text ''submitted in writing to the'', remove the text ''Commandant (CG–522), U.S. Coast Guard Office of Operating and Environmental Standards, 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126'' and add, in its place, the text ''Commandant (CG–OES), Attn: Office of Operating and Environmental Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7509''.

§ 151.2025 [Amended]

■ 111. In § 151.2025(b), remove the text ''Commanding Officer (Marine Safety Center), U.S. Coast Guard Marine Safety Center, 2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102'' and add, in its place, the text ''Commanding Officer (MSC), Attn: Marine Safety Center, U.S. Coast Guard Stop 7410, 4200 Wilson Boulevard, Suite 400, Arlington, VA 20598–7410''.

§ 151.2026 [Amended]

■ 112. In § 151.2026(b), remove the text ''Commanding Officer, U.S. Coast Guard Marine Safety Center, 2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102'' and add, in its place, the text ''Commanding Officer (MSC), Attn: Marine Safety Center, U.S. Coast Guard Stop 7410, 4200 Wilson Boulevard, Suite 400, Arlington, VA 20598–7410''.

§ 151.2036 [Amended]

■ 113. In § 151.2036, following the text ''submitted in writing to the'', remove the text ''Commandant (CG–522), U.S. Coast Guard Office of Operating and Environmental Standards, 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126'' and add, in its place, the text ''Commandant (CG–OES), Attn: Office of Operating and Environmental Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7509''.

PART 153—CONTROL OF POLLUTION BY OIL AND HAZARDOUS SUBSTANCES, DISCHARGE REMOVAL

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

Authority: 14 U.S.C. 633; 33 U.S.C. 1321, 1903, 1908; 42 U.S.C. 9615; 46 U.S.C. 6101; E.O. 12580, 3 CFR, 1987 Comp., p. 193; E.O. 12777, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1.

§ 153.203 [Amended]

■ 115. In § 153.203, following the text ''immediately notify the'', remove the text ''National Response Center (NRC), U.S. Coast Guard, 2100 2nd St. SW., Stop 7238, Washington, DC 20593–7238'' and add, in its place, the text ''Commandant (CG–MER–3), Attn: Industry and Interagency Coordination Division, U.S. Coast Guard Stop 7516, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7516''.

§ 153.411 [Amended]

■ 116. In § 153.411, following the text ''in writing from the'', remove the text ''Commandant (CG–094), 2100 2nd St. SW., Stop 7238, Washington, DC 20593–7238'' and add, in its place, the text ''Commandant (CG–094), Attn: Judge Advocate General and Chief Counsel, U.S. Coast Guard Stop 7213, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7213''.

PART 154—FACILITIES TRANSFERRING OIL OR HAZARDOUS MATERIAL IN BULK

■ 117. The authority citation for part 154 continues to read as follows:

Authority: 33 U.S.C. 1225, 1231, 1321(j)(1)(C), (j)(5), (j)(6), and (m)(2); sec. 2, E.O. 12777, 56 FR 54757; Department of Homeland Security Delegation No. 0170.1. Subpart F is also issued under 33 U.S.C. 2735. Vapor control recovery provisions of Subpart P are also issued under 42 U.S.C. 7511b(f)(2).

§ 154.106 [Amended]

■ 118. In § 154.106(a), following the text ''available for inspection at the,'' remove the text ''Coast Guard, Office of Design and Engineering Standards (CG–ENG), 2100 2nd Street SW., Stop 7126, Washington, DC 20593–7126, telephone 202–372–1418 and at'' and add, in its place, the text ''Coast Guard Headquarters. Contact Commandant (CG–ENG), Attn: Office of Design and Engineering Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7509, telephone 202–372–1418. You may also contact''.

■ 119. In § 154.1045, revise the ''Note to Table 154.1045(i)'' to read as follows:

§ 154.1045 Response plan development and evaluation criteria for facilities that handle, store, or transport Group I through Group IV petroleum oils.

* * * * *

Note to Table 154.1045(i): Gulf Coast Tier 1 is higher due to greater potential spill size and frequency in that area, and it is assumed that dispersant stockpiles would be centralized in the Gulf area. Alternative application ratios of peer-reviewed scientific evidence of improved capability may be considered upon submission to Coast Guard Headquarters. Contact Commandant (CG–RI), Attn: Office of Incident Management and Preparedness, U.S. Coast Guard Stop 7516, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7516; telephone 202–372–2234.

* * * * *

§ 154.2020 [Amended]

■ 120. In § 154.2020(d) introductory text, following the text ''those publications, contact the'', remove the text ''Coast Guard, Office of Design and Engineering Standards (CG–ENG), 2100 2nd Street SW., Stop 7126, Washington, DC 20593–7126'' and add, in its place, the text ''Commandant (CG–ENG), Attn: Office of Design and Engineering Standards, U.S. Coast Guard Stop 7509, Washington, DC 20593–7509''.

Appendix A to Part 154 [Amended]

■ 121. In the introductory text of Appendix A to part 154, remove the text ''Commandant (CG–522)'' and add, in its place, the text ''Commandant (CG–ENG)''.

Appendix C to Part 154 [Amended]

■ 122. In Appendix C to part 154, 6.3.2, remove the text ''Commandant, (CG–535), 2100 2nd St. SW., Stop 7363, Washington, DC 20593–7363'' and add, in its place, the text ''Commandant (CG–CPE), Attn: Office of Crisis and Contingency Preparedness and Exercise Policy, U.S. Coast Guard Stop 7516, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7516''.

PART 155—OIL OR HAZARDOUS MATERIAL POLLUTION PREVENTION REGULATIONS FOR VESSELS

■ 123. The authority citation for part 155 continues to read as follows:

Authority: 3 U.S.C. 301 through 303; 33 U.S.C. 1225, 1231, 1321(j), 1903(b), 2735; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1. Section 155.480 also issued under section 4110(b) of Pub. L. 101.380.

§ 155.140 [Amended]

■ 124. In § 155.140(a), following the text ''Also, it is available for inspection at'', remove the text ''the Coast Guard, Office of Vessel Activities, (CG–543), 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Coast Guard Headquarters. Contact Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

§ 155.230 [Amended]

■ 125. In § 155.230(b)(3), following the text ''approval of the Commandant'', remove the text ''(CG–521)'' and add, in its place, the text ''(CG–ENG)''.

§ 155.1030 [Amended]

■ 126. In § 155.1030(i)(1), after the text ''at a minimum the contents listed in'' remove the text ''paragraph (c)(1), (2), (3), (5), (6), (7), (9), and (10)'' and add, in its place, the text ''paragraphs (c)(1), (c)(2), (c)(3), (c)(5), (c)(6), (c)(7), (c)(10) and (c)(11)''.

§ 155.1035 [Amended]

■ 127. In § 155.1035(b)(5)(i), following the text ''which is available'', remove the text ''through the Office of Operating and Environmental Standards (CG–522), U.S. Coast Guard Headquarters, 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126'' and add, in its place, the text ''at Coast Guard Headquarters. Contact Commandant (CG–OES), Attn: Office of Operating and Environmental Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7509''.

§ 155.1065 [Amended]

■ 128. Amend § 155.1065 as follows:

■ a. In paragraph (a), remove the text ''Commandant (CG–5431), Coast Guard, 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Commandant (CG–CVC–1), Attn: Vessel Response Plans, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''; and

■ b. In paragraph (h), remove the text ''Prevention Policy Directorate for Marine Safety, Security, and Stewardship (CG–54). This appeal must be submitted in writing to Commandant (CG–54), Coast Guard, 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Director of Inspections and Compliance (CG–5PC). This appeal must be submitted in writing to Commandant (CG–5PC), Attn: Director of Inspections and Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

§ 155.1070 [Amended]

■ 129. Amend § 155.1070 as follows:

■ a. In paragraph (a)(2), after the words ''the required resubmission, plan amendment, or revision'' remove the words ''and to document the annual review required by this paragraph (a)'';

■ b. In paragraph (f) introductory text, following the text ''petition for reconsideration to'', remove the text ''Office of Commercial Vessel Compliance (CG–CVC), Coast Guard Headquarters, 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''; and

■ c. In paragraph (g), following the text ''submitted in writing to Commandant (CG–5PC),'' remove the text ''Director of Inspections and Compliance, U.S. Coast Guard, 2100 2nd St. SW Stop 7581, Washington, DC 20593–7581.'' and add, in its place, the text ''Attn: Director of Inspections and Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501.''.

§ 155.4055 [Amended]

■ 130. In § 155.4055(d) and (f), remove the text ''(CG–54)'' wherever it appears, and add, in its place, the text ''(CG–5P)''.

§ 155.5020 [Amended]

■ 131. In § 155.5020, in paragraph (5)(i) of the definition of *Contract or other approved,* after the words ''Nontank vessels with a fuel'', remove the word ''and'' and add, in its place, the word ''or''.

■ 132. In § 155.5050, revise Table 155.5050(p) to read as follows:

§ 155.5050 Response plan development and evaluation criteria for nontank vessels carrying groups I through IV petroleum oil.

* * * * *

(p) * * *

TABLE 155.5050(P)—NONTANK VESSEL RESPONSE PLAN REQUIRED RESPONSE RESOURCES MATRIX

Nontank vessel's fuel or cargo oil capacity	AMPD	MMPD	WCD	Salvage	Emergency lightering	Fire fighting	Dispersant [3]	Aerial tracking [4]	Shoreline protection	Shore line cleanup
2,500 barrels or greater.	NO [1]	YES	YES	YES	YES	YES	YES	YES	YES	YES.
Less than 2,500 barrels, but greater than or equal to 250 barrels.	NO [1]	YES	NO	YES [2]	YES [2]	YES [2]	YES [2]	YES [2]	YES	YES.
Less than 250 barrels	NO [1]	YES [2]	NO	YES [2]	NO	NO	NO	NO	NO	NO.

[1] For nontank vessels carrying oil as fuel only. Nontank vessels carrying oil as cargo must meet AMPD response resources in 33 CFR 155.5050(d)(1) as applicable.

[2] The indicated response resources that must be located within the stipulated response times in the specified geographic areas need only be identified and planned for in the VRP, but not ensured available by contract. Submission of a written consent from the response resource provider must accompany the VRP for approval. This is considered an acceptable ''other approved means.'' See 33 CFR 155.5020, ''Contract or other approved means'', paragraph (5).

* * * * *

§ 155.5065 [Amended]

■ 133. In § 155.5065(a), following the text ''submit one complete English language copy of a vessel response plan (VRP) to'', remove the text ''Commandant (CG–CVC), Office of Commercial Vessel Compliance, U.S. Coast Guard, 2100 2nd St. SW. Stop 7581, Washington, DC 20593–7581, Attn: Vessel Response Plan Review Team.'' and add, in its place, the text ''Commandant (CG–CVC–1), Attn: Vessel Response Plans, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501.''.

§ 155.5075 [Amended]

■ 134. Amend § 155.5075 as follows:

■ a. In paragraph (a), following the text ''may submit a petition for reconsideration to the Commandant (CG–5PC),'', add the text ''Attn:''; and following the text '', Director of Inspections and Compliance,'' remove the text ''U.S. Coast Guard, 2100 2nd St. SW Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''; and

■ b. In paragraph (b), following the text ''may appeal that determination to the'', remove the text ''Director of Inspections and Compliance. This appeal must be submitted in writing to Commandant (CG–5PC), Director of Inspections and Compliance, U.S. Coast Guard, 2100 2nd St. SW. Stop 7581, Washington, DC 20593–7581.'' and add, in its place, the text ''Director of Inspections and Compliance (CG–5PC). This appeal must be submitted in writing to Commandant (CG–5PC), Attn: Director of Inspections and Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501.''.

Appendix B to Part 155 [Amended]

■ 135. In Appendix B to part 155, 6.5, following the text ''will be made by'', remove the text ''Commandant (CG–5431), Coast Guard Headquarters, 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Commandant (CG–CVC–1), Attn: Vessel Response Plans, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

PART 156—OIL AND HAZARDOUS MATERIAL TRANSFER OPERATIONS

■ 136. The authority citation for part 156 continues to read as follows:

Authority: 33 U.S.C. 1225, 1231, 1321(j); 46 U.S.C. 3703, 3703a, 3715; E.O. 11735, 3 CFR 1971–1975 Comp., p. 793; Department of Homeland Security Delegation No. 0170.1.

§ 156.111 [Amended]

■ 137. In § 156.111(a), following the text ''for inspection at the'', remove the text ''U.S. Coast Guard, Office of Compliance (CG–543), 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581 and'' and add, in its place, the text ''Coast Guard Headquarters. Contact Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501. You may also inspect the material''.

PART 157—RULES FOR THE PROTECTION OF THE MARINE ENVIRONMENT RELATING TO TANK VESSELS CARRYING OIL IN BULK

■ 138. The authority citation for part 157 continues to read as follows:

Authority: 33 U.S.C. 1903; 46 U.S.C. 3703, 3703a (note); Department of Homeland Security Delegation No. 0170.1. Subparts G, H, and I are also issued under section 4115(b), Pub. L. 101–380, 104 Stat. 520; Pub. L. 104–55, 109 Stat. 546.

§ 157.02 [Amended]

■ 139. In § 157.02(a), following the text ''Also, it is available for inspection at the'', remove the text ''Coast Guard, Systems Engineering Division (CG–5213), Office of Design and Engineering Standards, U.S. Coast Guard, 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126, telephone 202–372–1379, and is'' and add, in its place, the text ''Coast Guard Headquarters. Contact Commandant (CG–ENG), Attn: Office of Design and Engineering Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7509; telephone 202–372–1375. The material is also''.

§ 157.03 [Amended]

■ 140. In § 157.03, in the definition of ''Major conversion'' paragraph (4),

remove the text ''(CG–543)'' and add, in its place, the text ''(CG–CVC)''.

§ 157.04 [Amended]

■ 141. Amend § 157.04 as follows:
■ a. In paragraph (b), following the text ''it must submit to the'', remove the text ''Commandant (CG–543), U.S. Coast Guard, 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''; and
■ b. In paragraph (d)(5), remove the text ''Commandant (CG–543), U.S. Coast Guard, 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

§ 157.06 [Amended]

■ 142. Amend § 157.06 as follows:
■ a. In paragraph (c), remove the text ''Assistant Commandant for Marine Safety, Security, and Stewardship (CG–5), U.S. Coast Guard, 2100 2nd St. SW., Stop 7355, Washington, DC 20593–7355'', and add, in its place, the text ''Commandant (CG–5P), Attn: Assistant Commandant for Prevention, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''; and following the text ''If requested the,'' remove the text ''Assistant Commandant for Marine Safety, Security and Stewardship (CG–5)'' and add, in its place, the text ''Deputy for Operations Policy and Capabilities (CG–DCO–D)''; and
■ b. In paragraph (d), remove the text ''Assistant Commandant for Marine Safety, Security, and Stewardship (CG–5)'' and add, in its place, the text ''Assistant Commandant for Prevention (CG–5P)''.

§ 157.24a [Amended]

■ 143. Amend § 157.24a as follows:
■ a. In paragraph (b)(1), remove the text ''Commandant (CG–543), U.S. Coast Guard, Washington, DC 20593–0001'' and add, in its place, the text ''Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''; and
■ b. In paragraph (c)(1), remove the text ''Commandant (CG–543), U.S. Coast Guard, Washington, DC 20593–0001'' and add, in its place, the text ''Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

§ 157.100 [Amended]

■ 144. In § 157.100(b), following the text ''system is installed or to the'', remove the text ''Commanding Officer, U.S. Coast Guard Marine Safety Center, 2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102'' and add, in its place, the text ''Commanding Officer (MSC), Attn: Marine Safety Center, U.S. Coast Guard Stop 7410, 4200 Wilson Boulevard Suite 400, Arlington, VA 20598–7410''.

§ 157.102 [Amended]

■ 145. In § 157.102 introductory text, following the text ''or operator must submit to the'', remove the text ''Commandant (CG–543), U.S. Coast Guard, 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

§ 157.110 [Amended]

■ 146. In § 157.110, following the text ''meets § 157.138 to the'', remove the text ''Commandant (CG–543), U.S. Coast Guard, Washington, DC 20593–1000'' and add, in its place, the text ''Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

§ 157.144 [Amended]

■ 147. In § 157.144(a), following the text ''written request to the'', remove the text ''Commandant (CG–543), U.S. Coast Guard, 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

§ 157.147 [Amended]

■ 148. In § 157.147(a), following the text ''written request to the'', remove the text ''Commandant (CG–543), U.S. Coast Guard, 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

§ 157.200 [Amended]

■ 149. In § 157.200(b), following the text ''installed or to the'', remove the text ''Commanding Officer, U.S. Coast Guard Marine Safety Center, 2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102'' and add, in its place, the text ''Commanding Officer (MSC), Attn: Marine Safety Center, U.S. Coast Guard Stop 7410, 4200 Wilson Boulevard, Suite 400, Arlington, VA 20598–7410''.

§ 157.202 [Amended]

■ 150. In § 157.202 introductory text, following the text ''under § 150.10c(c)(2) must submit to the'', remove the text ''Commandant (CG–543), U.S. Coast Guard, Washington, DC 20593–0001'' and add, in its place, the text ''Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

§ 157.208 [Amended]

■ 151. In § 157.208, following the text ''meets § 157.224 to the'', remove the text ''Commandant (CG–543), U.S. Coast Guard, 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

§ 157.302 [Amended]

■ 152. In § 157.302(a), remove the text ''Commandant (CG–543), U.S. Coast Guard, 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

§ 157.306 [Amended]

■ 153. Amend § 157.306 as follows:
■ a. In paragraph (a), remove the words ''The Assistant Commandant for Marine Safety, Security and Environmental Protection'' and add, in their place, the words ''The Assistant Commandant for Prevention''.
■ b. In paragraph (c), remove the text ''Commandant (CG–543), U.S Coast Guard, 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Commandant (CG–CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

§ 157.430 [Amended]

■ 154. In § 157.430(b), remove the text ''Commandant (CG–543)'' wherever it appears, and add, in its place, the text ''Commandant (CG–CVC)''.

PART 158—RECEPTION FACILITIES FOR OIL, NOXIOUS LIQUID SUBSTANCES, AND GARBAGE

■ 155. The authority citation for part 158 continues to read as follows:

Authority: 33 U.S.C. 1903(b), 1905(c); 49 CFR 1.46.

§ 158.190 [Amended]

■ 156. In § 158.190(c)(1), following the text ''after the ruling to the'', remove the text ''Assistant Commandant for Marine Safety, Security and Environmental Protection, U.S. Coast Guard, (CG–5), 2100 2nd St. SW., Stop 7355, Washington, DC 20593–7355'' and add, in its place, the text ''Commandant (CG–5P), Attn: Deputy for Operations Policy and Capabilities, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

PART 159—MARINE SANITATION DEVICES

■ 157. The authority citation for part 159 continues to read as follows:

Authority: 33 U.S.C. 1322(b)(1); 49 CFR 1.45(b). Subpart E also issued under authority of sec. 1(a)(4), Pub. L. 106–554, 114 Stat. 2763; Department of Homeland Security Delegation No. 0170.1.

§ 159.4 [Amended]

■ 158. In § 159.4(a), following the text ''for inspection at the'', remove the text ''Engineering Division, U.S. Coast Guard Marine Safety Center, 2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102, and at'' and add, in its place, the text ''the Marine Safety Center. Contact Commanding Officer (MSC), Attn: Marine Safety Center, U.S. Coast Guard Stop 7410, 4200 Wilson Boulevard, Suite 400, Arlington, VA 20598–7410. You may also contact''.

§ 159.12 [Amended]

■ 159. In § 159.12(c) introductory text, remove the text ''Commanding Officer, USCG Marine Safety Center, 2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102'' and add, in its place, the text ''Commanding Officer (MSC), Attn: Marine Safety Center, U.S. Coast Guard Stop 7410, 4200 Wilson Boulevard, Suite 400, Arlington, VA 20598–7410''.

§ 159.15 [Amended]

■ 160. Amend § 159.15 as follows:

■ a. In paragraph (a), following the text ''§ 159.101 and submit to the'', remove the text ''Commanding Officer, USCG Marine Safety Center, 2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102'' and add, in its place, the text ''Commanding Officer (MSC), Attn: Marine Safety Center, U.S. Coast Guard Stop 7410, 4200 Wilson Boulevard, Suite 400, Arlington, VA 20598–7410''; and

■ b. In paragraph (c) following the text ''appeal a denial to the'', remove the text ''Commanding Officer, USCG Marine Safety Center, 2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102'' and add, in its place, the text ''Commanding Officer (MSC), Attn: Marine Safety Center, U.S. Coast Guard Stop 7410, 4200 Wilson Boulevard, Suite 400, Arlington, VA 20598–7410''.

§ 159.17 [Amended]

■ 161. Amend § 159.17 as follows:

■ a. In paragraph (a), following the text ''notify the'', remove the text ''Commanding Officer, USCG Marine Safety Center, 2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102'' and add, in its place, the text ''Commanding Officer (MSC), Attn: Marine Safety Center, U.S. Coast Guard Stop 7410, 4200 Wilson Boulevard, Suite 400, Arlington, VA 20598–7410''; and

■ b. In paragraph (c), following the text ''this determination to the'', remove the text ''Commandant (CG–52), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126'' and add, in its place, the text ''Commandant (CG–PS), Attn: Director of Commercial Regulations and Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7509''.

§ 159.19 [Amended]

■ 162. In § 159.19(a), following the text ''manufacturer may apply to the'', remove the text ''Commanding Officer, USCG Marine Safety Center, 2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102'' and add, in its place, the text ''Commanding Officer (MSC), Attn: Marine Safety Center, U.S. Coast Guard Stop 7410, 4200 Wilson Boulevard, Suite 400, Arlington, VA 20598–7410''.

PART 160—PORTS AND WATERWAYS SAFETY—GENERAL

■ 163. The authority citation for part 160 continues to read as follows:

Authority: 33 U.S.C. 1223, 1231; 46 U.S.C. Chapter 701; Department of Homeland Security Delegation No. 0170.1. Subpart C is also issued under the authority of 33 U.S.C. 1225 and 46 U.S.C. 3715.

■ 164. In § 160.7, revise paragraph (d) to read as follows:

§ 160.7 Appeals.

* * * * *

(d) Any person who receives an unfavorable ruling on an appeal taken under paragraph (c) of this section, may appeal to the Commandant (CG–5P), Attn: Assistant Commandant for Prevention, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501. The appeal must be in writing, except as allowed under paragraph (e) of this section. The Area Commander forwards the appeal, all the documents and evidence which formed the record upon which the order or direction was issued or the ruling under paragraph (c) of this section was made, and any comments which might be relevant, to the Assistant Commandant for Prevention. A copy of this documentation and evidence is made available to the appellant. The appellant is afforded 5 working days from the date of receipt to submit rebuttal materials to the Assistant Commandant for Prevention. The decision of the Assistant Commandant for Prevention is based upon the materials submitted, without oral argument or presentation. The decision of the Assistant Commandant for Prevention is issued in writing and constitutes final agency action.

* * * * *

PART 161—VESSEL TRAFFIC MANAGEMENT

■ 165. The authority citation for part 161 continues to read as follows:

Authority: 33 U.S.C. 1223, 1231; 46 U.S.C. 70114, 70119; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 166. Amend § 161.12 as follows:

■ a. Revise Table 161.12(c) to read as set forth below; and

■ b. In paragraph (d)(5), following the text ''as defined in'' remove the text ''§ 160.203'' and add, in its place, the text''§ 160.204''.

§ 161.12 Vessel operating requirements.

* * * * *

(c) * * *

TABLE 161.12(c)—VTS AND VMRS CENTERS, CALL SIGNS/MMSI, DESIGNATED FREQUENCIES, AND MONITORING AREAS

Center MMSI [1] call sign	Designated frequency (channel designation)—purpose [2]	Monitoring area [3 4]
Berwick Bay—003669950:		
Berwick Traffic	156.550 MHz (Ch. 11)	The waters south of 29°45.00′ N., west of 91°10.00′ W., north of 29°37.00′ N., and east of 91°18.00′ W.
Buzzards Bay:		
Buzzards Bay Control [5]	156.600 MHz (Ch. 12)	The waters east and north of a line drawn from the southern tangent of Sakonnet Point, Rhode Island, in approximate position latitude 41°27.20′ N., longitude 71°11.70′ W., to the Buzzards Bay Entrance Light in approximate position latitude 41°23.8′ N., longitude 71°02.00′ W., and then to the southwestern tangent of Cuttyhunk Island, Massachusetts, at approximate position latitude 41°24.60′ N., longitude 70°57.00′ W., and including all of the Cape Cod Canal to its eastern entrance, except that the area of New Bedford Harbor within the confines (north of) the hurricane barrier, and the passages through the Elizabeth Islands, is not considered to be "Buzzards Bay".
Houston-Galveston—003669954.		The navigable waters north of 29°00.00′ N., west of 94°20.00′ W., south of 29°49.00′ N., and east of 95°20.00′ W.
Houston Traffic	156.550 MHz (Ch. 11) 156.250 MHz (Ch. 5A).—For Sailing Plans only.	The navigable waters north of a line extending due west from the southernmost end of Exxon Dock #1 (20°43.37′ N., 95°01.27′ W.).
Houston Traffic	156.600 MHz (Ch. 12) 156.250 MHz (Ch. 5A).—For Sailing Plans only.	The navigable waters south of a line extending due west from the southernmost end of Exxon Dock #1 (29°43.37′ N., 95°01.27′ W.).
Los Angeles-Long Beach—03660465:		
San Pedro Traffic	156.700 MHz (Ch. 14)	*Vessel Movement Reporting System Area:* The navigable waters within a 25 nautical mile radius of Point Fermin Light (33°42.30′ N., 118°17.60′ W.).
Louisville—003669732:		
Louisville Traffic	156.650 MHz (Ch. 13)	The waters of the Ohio River between McAlpine Locks (Mile 606) and Twelve Mile Island (Mile 593), only when the McAlpine upper pool gauge is at approximately 13.0 feet or above.
Lower Mississippi River—0036699952:		
New Orleans Traffic	156.550 MHz (Ch. 11)	The navigable waters of the Lower Mississippi River below 29°55.30′ N., 89°55.60′ W. (Saxonholm Light) at 86.0 miles Above Head of Passes (AHP), extending down river to Southwest Pass, and, within a 12 nautical mile radius around 28°54.30′ N., 89°25.70′ W. (Southwest Pass Entrance Light) at 20.1 miles Below Head of Passes (BHP).
New Orleans Traffic	156.600 MHz (Ch. 12)	The navigable waters of the Lower Mississippi River bounded on the north by a line drawn perpendicular on the river at 29°55.50′ N., 90°12.77′ W. (Upper Twelve Mile Point) at 109.0 miles AHP and on the south by a line drawn perpendicularly at 29°55.30′ N., 89°55.60′ W. (Saxonholm Light) at 86.0 miles AHP.
New Orleans Traffic	156.250 MHz (Ch. 05A)	The navigable waters of the Lower Mississippi River below 30°38.70′ N., 91°17.50′ W. (Port Hudson Light) at 254.5 miles AHP bounded on the south by a line drawn perpendicular on the river at 29°55.50′ N., 90°12.77′ W. (Upper Twelve Mile Point) at 109.0 miles AHP.
New York—003669951:		
New York Traffic	156.550 MHz (Ch. 11)—For Sailing Plans only. 156.600 MHz (Ch. 12).—For vessels at anchor.	The area consists of the navigable waters of the Lower New York Bay bounded on the east by a line drawn from Norton Point to Breezy Point; on the south by a line connecting the entrance buoys at the Ambrose Channel, Swash Channel, and Sandy Hook Channel to Sandy Hook Point; and on the southeast including the waters of Sandy Hook Bay south to a line drawn at latitude 40°25.00′ N.; then west in the Raritan Bay to the Raritan River Railroad Bridge, then north into waters of the Arthur Kill and Newark Bay to the Lehigh Valley Draw Bridge at latitude 40°41.90′ N.; and then east including the waters of the Kill Van Kull (KVK) and the Upper New York Bay north to a line drawn east-west from the Holland Tunnel ventilator shaft at latitude 40°43.70′ N., longitude 74°01.60′ W., in the Hudson River; and then continuing east including the waters of the East River to the Throgs Neck Bridge, excluding the Harlem River.
New York Traffic	156.700 MHz (Ch. 14)	The navigable waters of the Lower New York Bay west of a line drawn from Norton Point to Breezy Point; and north of a line connecting the entrance buoys of Ambrose Channel, Swash Channel, and Sandy Hook Channel, to Sandy Hook Point; on the southeast including the waters of the Sandy Hook Bay south to a line drawn at latitude 40°25.00′ N.; then west into the waters of Raritan Bay East Reach to a line drawn from Great Kills Light south through Raritan Bay East Reach LGB #14 to Comfort Point, NJ; then north including the waters of the Upper New York Bay south of 40°42.40′ N. (Brooklyn Bridge) and 40°43.70′ N. (Holland Tunnel Ventilator Shaft); west through the KVK into the Arthur Kill north of 40°38.25′ N. (Arthur Kill Railroad Bridge); then north into the waters of the Newark Bay, south of 40°41.95′ N. (Lehigh Valley Draw Bridge).

TABLE 161.12(c)—VTS AND VMRS CENTERS, CALL SIGNS/MMSI, DESIGNATED FREQUENCIES, AND MONITORING AREAS—Continued

Center MMSI [1] call sign	Designated frequency (channel designation)—purpose [2]	Monitoring area [3 4]
New York Traffic	156.600 MHz (Ch. 12)	The navigable waters of the Raritan Bay south to a line drawn at latitude 40°26.00′ N.; then west of a line drawn from Great Kills Light south through the Raritan Bay East Reach LGB #14 to Point Comfort, NJ; then west to the Raritan River Railroad Bridge; and north including the waters of the Arthur Kill to 40°28.25′ N. (Arthur Kill Railroad Bridge); including the waters of the East River north of 40°42.40′ N. (Brooklyn Bridge) to the Throgs Neck Bridge, excluding the Harlem River.
Port Arthur—003669955:		
Port Arthur Traffic	156.050 MHz (Ch. 01A)	The navigable waters of the Sabine-Neches Canal south of 29°52.70′ N.; Port Arthur Canal; Sabine Pass Channel; Sabine Bank Channel; Sabine Outer Bar Channel; the offshore safety fairway; and the ICW from High Island to its intersection with the Sabine-Neches Canal.
Port Arthur Traffic	156.275 MHz (Ch. 65A)	The navigable waters of the Neches River; Sabine River; and Sabine-Neches Waterway north of 29°52.70′ N.; and the ICW from its intersection with the Sabine River to MM 260.
Port Arthur Traffic	156.675 MHz (Ch. 73) [6]	The navigable waters of the Calcasieu Channel; Calcasieu River Channel; and the ICW from MM 260 to MM 191.
Prince William Sound—003669958:		
Valdez Traffic	156.650 MHz (CH. 13)	The navigable waters south of 61°05.00′ N., east of 147°20.00′ W., north of 60°00.00′ N., and west of 146°30.00′ W.; and, all navigable waters in Port Valdez.
Puget Sound: [7]		
Seattle Traffic—003669957.	156.700 MHz (Ch. 14)	The waters of Puget Sound, Hood Canal and adjacent waters south of a line connecting Nodule Point and Bush Point in Admiralty Inlet and south of a line drawn due east from the southernmost tip of Possession Point on Whidbey Island to the shoreline.
Seattle Traffic—003669957.	156.250 MHz (Ch. 5A)	The waters of the Strait of Juan de Fuca east of 124°40.00′ W. excluding the waters in the central portion of the Strait of Juan de Fuca north and east of Race Rocks; the navigable waters of the Strait of Georgia east of 122°52.00′ W.; the San Juan Island Archipelago, Rosario Strait, Bellingham Bay; Admiralty Inlet north of a line connecting Nodule Point and Bush Point and all waters east of Whidbey Island north of a line drawn due east from the southernmost tip of Possession Point on Whidbey Island to the shoreline.
Tofino Traffic—003160012.	156.725 MHz (Ch. 74)	The waters west of 124°40.00′ W. within 50 nautical miles of the coast of Vancouver Island including the waters north of 48°00.00′ N., and east of 127°00.00′ W.
Victoria Traffic—003160010.	156.550 MHz (Ch. 11)	The waters of the Strait of Georgia west of 122°52.00′ W., the navigable waters of the central Strait of Juan de Fuca north and east of Race Rocks, including the Gulf Island Archipelago, Boundary Pass and Haro Strait.
San Francisco—003669956:		
San Francisco Traffic	156.700 MHz (Ch. 14)	The navigable waters of the San Francisco Offshore Precautionary Area, the navigable waters shoreward of the San Francisco Offshore Precautionary Area east of 122°42.00′ W. and north of 37°40.00′ N. extending eastward through the Golden Gate, and the navigable waters of San Francisco Bay and as far east as the port of Stockton on the San Joaquin River, as far north as the port of Sacramento on the Sacramento River.
San Francisco Traffic	156.600 MHz (Ch. 12)	The navigable waters within a 38 nautical mile radius of Mount Tamalpais (37°55.80′ N., 122°34.60′ W.) west of 122°42.00′ W. and south of 37°40.00′ N. and excluding the San Francisco Offshore Precautionary Area.
St. Mary's River—003669953:		
Soo Traffic	156.600 MHz (Ch. 12)	The waters of the St. Mary's River and lower Whitefish Bay from 45°57.00′ N. (De Tour Reef Light) to the south, to 46°38.70′ N. (Ile Parisienne Light) to the north, except the waters of the St. Mary's Falls Canal and to the east along a line from La Pointe to Sims Point, within Potagannissing Bay and Worsley Bay.

Notes:

[1] Maritime Mobile Service Identifier (MMSI) is a unique nine-digit number assigned that identifies ship stations, ship earth stations, coast stations, coast earth stations, and group calls for use by a digital selective calling (DSC) radio, an INMARSAT ship earth station or AIS. AIS requirements are set forth in §§ 161.21 and 164.46 of this subchapter. The requirements set forth in §§ 161.21 and 164.46 of this subchapter apply in those areas denoted with an MMSI number, except for Louisville and Los Angeles/Long Beach.

[2] In the event of a communication failure, difficulties or other safety factors, the Center may direct or permit a user to monitor and report on any other designated monitoring frequency or the bridge-to-bridge navigational frequency, 156.650 MHz (Channel 13) or 156.375 MHz (Channel 67), to the extent that doing so provides a level of safety beyond that provided by other means. The bridge-to-bridge navigational frequency, 156.650 MHz (Ch. 13) is used in certain monitoring areas where the level of reporting does not warrant a designated frequency.

[3] All geographic coordinates (latitude and longitude) are expressed in North American Datum of 1983 (NAD 83).

[4] Some monitoring areas extend beyond navigable waters. Although not required, users are strongly encouraged to maintain a listening watch on the designated monitoring frequency in these areas. Otherwise, they are required to maintain watch as stated in 47 CFR 80.148.

[5] In addition to the vessels denoted in Section 161.16 of this chapter, requirements set forth in subpart B of 33 CFR part 161 also apply to any vessel transiting VMRS Buzzards Bay required to carry a bridge-to-bridge radiotelephone by part 26 of this chapter.

[6] Until otherwise directed, full VTS services will not be available in the Calcasieu Channel, Calcasieu River Channel, and the ICW from MM 260 to MM 191. Vessels may contact Port Arthur Traffic on the designated VTS frequency to request advisories, but are not required to monitor the VTS frequency in this sector.

[7] A Cooperative Vessel Traffic Service was established by the United States and Canada within adjoining waters. The appropriate Center administers the rules issued by both nations; however, enforces only its own set of rules within its jurisdiction. Note, the bridge-to-bridge navigational frequency, 156.650 MHz (Ch. 13), is not so designated in Canadian waters, therefore users are encouraged and permitted to make passing arrangements on the designated monitoring frequencies.

* * * * *

■ 167. In § 161.55, revise paragraph (c)(3) and add paragraph (c)(4) to read as follows:

§ 161.55 Vessel Traffic Service Puget Sound and the Cooperative Vessel Traffic Service for the Juan de Fuca Region.

* * * * *

(c) * * *

(3) A vessel of 100 meters or more in length is exempt from the provisions set forth in § 161.13(b)(3) of this part.

(4) Approval will not be granted for:

(i) A vessel of 100 meters or more in length to meet or overtake a vessel of 40,000 dead weight tons or more;

(ii) A vessel of 40,000 dead weight tons or more to meet or overtake a vessel of 100 meters or more in length;

(iii) A vessel of 100 meters or more in length to cross or operate within 2,000 yards (except when crossing astern) of a vessel of 40,000 deadweight tons or more; or

(iv) A vessel of 40,000 dead weight tons or more to cross or operate within 2,000 yards (except when crossing astern) of a vessel of 100 meters or more in length.

* * * * *

PART 164—NAVIGATION SAFETY REGULATIONS

■ 168. The authority citation for part 164 continues to read as follows:

Authority: 33 U.S.C. 1222(5), 1223, 1231; 46 U.S.C. 2103, 3703; Department of Homeland Security Delegation No. 0170.1 (75). Sec. 164.13 also issued under 46 U.S.C. 8502. Sec. 164.61 also issued under 46 U.S.C. 6101.

§ 164.03 [Amended]

■ 169. In § 164.03(a), following the text ''available for inspection at the'', remove the text ''Navigation Systems Division (CG–553), Coast Guard Headquarters, 2100 2nd St. SW., Stop 7580, Washington, DC 20593–7580 and'' and add, in its place, the text ''Coast Guard Headquarters. Contact Commandant (CG–NAV), Attn: Office of Navigation Systems, U.S. Coast Guard Stop 7418, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7418. The material is also available''.

§ 164.41 [Amended]

■ 170. In § 164.41(b), following the text ''describing the device to the'', remove the text ''Coast Guard Deputy Commander for Operations (CG–DCO), 2100 2nd St. SW., Stop 7471, Washington, DC 20593–7471'' and add, in its place, the text ''Commandant (CG–DCO–D), Attn: Deputy for Operations Policy and Capabilities, U.S. Coast Guard Stop 7318, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7318''.

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 171. 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.

■ 172. In § 165.117, revise paragraph (a)(3) to read as follows:

§ 165.117 Regulated Navigation Areas, Safety and Security Zones: Deepwater Ports, First Coast Guard District.

(a) * * *

(3) *Coordinates.* (i) The geographic coordinates forming the loci for the regulated navigation areas, safety and security zones for the Northeast Gateway Deepwater Port are: 42°23′38″ N., 070°35′31″ W.; and 42°23′56″ N., 070°37′00″ W. (NAD 83).

(ii) The geographic coordinates forming the loci for the regulated navigation areas, safety, and security zones for Neptune Deepwater Port are: 42°29′12.3″ N., 70°36′29.7″ W.; and 42°27′20.5″ N., 70°36′07.3″ W. (NAD 83).

(iii) [Reserved]

* * * * *

§ 165.122 [Amended]

■ 173. In § 165.122(b)(6), following the text ''the Inland Navigation Rules (set forth in'', remove the text ''U.S.C. 2005 *et seq.*'' and add, in its place, the text ''33 CFR Part 83''.

■ 174. In § 165.151, revise Table 1 to § 165.151 to read as follows:

§ 165.151 Safety Zones; Fireworks Displays, Air Shows and Swim Events in the Captain of the Port Long Island Sound Zone.

* * * * *

(j) * * *

TABLE 1 TO § 165.151

2	February
2.1 Sag Harbor COC Winter Harbor Frost Fireworks	Date: A day during the first or second weekend of February from 6:15 p.m. until 6:45 p.m. Location: Waters of Sag Harbor off Long Wharf St. Pier, Sag Harbor, NY in approximate position 41°00′16.82″ N., 072°17′43.78″ W. (NAD 83).
4	April
4.1 Bridgeport Bluefish April Fireworks	• Location: Waters of the Pequannock River's Lower Reach surrounding Steel Point, Bridgeport, CT in approximate position 41°10′35″ N., 073°10′58″ W. (NAD 83).
5	May

TABLE 1 TO § 165.151—Continued

5.1 Jones Beach Air Show	• Date: The Thursday through Sunday before Memorial Day each May from 9:30 a.m. until 3:30 p.m. each day. • Location: Waters of the Atlantic Ocean off Jones Beach State Park, Wantagh, NY contained within the following described area; beginning in approximate position 40°34′54'' N., 073°33′21'' W., then running east along the shoreline of Jones Beach State Park to approximate position 40°35′53'' N., 073°28′47'' W.; then running south to a position in the Atlantic Ocean off of Jones Beach at approximate position 40°35′05'' N., 073°28′34'' W.; then running West to approximate position 40°33′15'' N., 073°33′09'' W.; then running North to the point of origin.
5.2 Greenport Spring Fireworks	• Date: A day during the last week of May or first week of June. • Location: Waters of Greenport Harbor off Mitchell Park and Marina, Greenport, NY in approximate position 41°05′59.09″ N., 072°21′31.44″ W. (NAD 83).
6	June
6.1 Barnum Festival Fireworks	• Date: Last Saturday in June. • Rain date: Following Saturday. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of Bridgeport Harbor, Bridgeport, CT in approximate position 41°9′04″ N., 073°12′49″ W. (NAD 83).
6.2 Town of Branford Fireworks	• Location: Waters of Branford Harbor, Branford, CT in approximate position, 41°15′30″ N., 072°49′22″ W. (NAD 83).
6.3 Vietnam Veterans/Town of East Haven Fireworks	• Location: Waters off Cosey Beach, East Haven, CT in approximate position, 41°14′19″ N., 072°52′9.8″ W. (NAD 83).
6.4 Salute to Veterans Fireworks	• Date: The third Saturday of June. • Rain date: The fourth Saturday of June. • Location: Waters of Reynolds Channel off Hempstead, NY in approximate position 40°35′36.62″ N., 073°35′20.72″ W. (NAD 83).
6.5 Cherry Grove Arts Project Fireworks	• Date: A single day during the first two weeks of June. • Location: Waters of the Great South Bay off Cherry Grove, NY in approximate position 40°39′49.06″ N., 073°05′27.99″ W. (NAD 83).
6.6 Bridgeport Bluefish June Fireworks	• Location: Waters of the Pequannock River's Lower Reach surrounding Steel Point, Bridgeport, CT in approximate position 41°10′35″ N., 073°10′58″ W. (NAD 83).
7	July
7.1 Point O'Woods Fire Company Summer Fireworks	• Location: Waters of the Great South Bay, Point O'Woods, NY in approximate position 40°39′18.57″ N., 073°08′5.73″ W. (NAD 83).
7.2 Cancer Center for Kids Fireworks	• Location: Waters off of Bayville, NY in approximate position 40°54′38.20″ N., 073°34′56.88″ W. (NAD 83).
7.3 City of Westbrook, CT July Celebration Fireworks	• Location: Waters of Westbrook Harbor, Westbrook, CT in approximate position, 41°16′10.50″ N., 072°26′14″ W. (NAD 83).
7.4 Norwalk Fireworks	• Location: Waters off Calf Pasture Beach, Norwalk, CT in approximate position, 41°04′50″ N., 073°23′22″ W. (NAD 83).
7.5 Lawrence Beach Club Fireworks	• Location: Waters of the Atlantic Ocean off Lawrence Beach Club, Atlantic Beach, NY in approximate position 40°34′42.65″ N., 073°42′56.02″ W. (NAD 83).
7.6 Sag Harbor Fireworks	• Location: Waters of Sag Harbor Bay off Havens Beach, Sag Harbor, NY in approximate position 41°00′26″ N., 072°17′9″ W. (NAD 83).
7.7 South Hampton Fresh Air Home Fireworks	• Location: Waters of Shinnecock Bay, Southampton, NY in approximate position, 40°51′48″ N., 072°26′30″ W. (NAD 83).
7.8 Westport Police Athletic League Fireworks	• Location: Waters off Compo Beach, Westport, CT in approximate position, 41°06′15″ N., 073°20′57″ W. (NAD 83).
7.9 City of Middletown Fireworks	• Date: July 4. • Rain date: July 5. • Time: 8:30 p.m. to 10:30 p.m.

TABLE 1 TO § 165.151—Continued

	• Location: Waters of the Connecticut River, Middletown Harbor, Middletown, CT in approximate position 41°33′44.47″ N., 072°38′37.88″ W. (NAD 83).
7.10 City of New Haven Fireworks	• Date: July 4. • Rain date: July 5. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of New Haven Harbor, off Long Warf Park, New Haven, CT in approximate position 41°17′24″ N., 072°54′55.8″ W. (NAD 83).
7.11 City of Norwich July Fireworks	• Date: July 4. • Rain date: July 5. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of the Thames River, Norwich, CT in approximate position, 41°31′16.835″ N., 072°04′43.327″ W. (NAD 83).
7.12 City of Stamford Fireworks	• Date: July 4. • Rain date: July 5. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of Fisher's Westcott Cove, Stamford, CT in approximate position 41°02′09.56″ N., 073°30′57.76″ W. (NAD 83).
7.13 City of West Haven Fireworks	• Date: July 4. • Rain date: July 5. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of New Haven Harbor, off Bradley Point, West Haven, CT in approximate position 41°15′07″ N., 072°57′26″ W. (NAD 83).
7.14 CDM Chamber of Commerce Annual Music Fest Fireworks	• Date: July 4. • Rain date: July 5. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters off Cedar Beach Town Park, Mount Sinai, NY in approximate position 40°57′59.58″ N., 073°01′57.87″ W. (NAD 83).
7.15 Davis Park Fireworks	• Date: July 4. • Rain date: July 5. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of the Great South Bay, Davis Park, NY in approximate position, 40°41′17″ N., 073°00′20″ W. (NAD 83).
7.16 Fairfield Aerial Fireworks	• Date: July 4. • Rain date: July 5. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of Jennings Beach, Fairfield, CT in approximate position 41°08′22″ N., 073°14′02″ W. (NAD 83).
7.17 Fund in the Sun Fireworks	• Date: July 4. • Rain date: July 5. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of the Great South Bay off The Pines, East Fire Island, NY in approximate position 40°40′07.43″ N., 073°04′13.88″ W. (NAD 83).
7.18 Independence Day Celebration Fireworks	• Date: July 4. • Rain date: July 5. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters off Umbrella Beach, Montauk, NY in approximate position 41°01′44″ N., 071°57′13″ W. (NAD 83).
7.19 Jones Beach State Park Fireworks	• Date: July 4. • Rain date: July 5. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters off Jones Beach State Park, Wantagh, NY in approximate position 40°34′56.676″ N., 073°30′31.186″ W. (NAD 83).
7.20 Madison Cultural Arts Fireworks	• Date: July 4. • Rain date: July 5. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of Long Island Sound off Madison, CT in approximate position 41°16′10″ N., 072°36′30″ W. (NAD 83).
7.21 Mason's Island Yacht Club Fireworks	• Date: July 4. • Rain date: July 5.

TABLE 1 TO § 165.151—Continued

	• Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of Fisher's Island Sound, Noank, CT in approximate position 41°19′30.61″ N., 071°57′48.22″ W. (NAD 83).
7.22 Patchogue Chamber of Commerce Fireworks	• Date: July 4. • Rain date: July 5. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of the Great South Bay, Patchogue, NY in approximate position, 40°44′38″ N., 073°00′33″ W. (NAD 83).
7.23 Riverfest Fireworks	• Date: July 4. • Rain date: July 5. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of the Connecticut River, Hartford, CT in approximate positions, 41°45′39.93″ N., 072°39′49.14″ W. (NAD 83).
7.24 Village of Asharoken Fireworks	• Date: July 4. • Rain date: July 5. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of Northport Bay, Asharoken, NY in approximate position, 41°55′54.04″ N., 073°21′27.97″ W. (NAD 83).
7.25 Village of Port Jefferson Fourth of July Celebration Fireworks	• Date: July 4. • Rain date: July 5. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of Port Jefferson Harbor, Port Jefferson, NY in approximate position 40°57′10.11″ N., 073°04′28.01″ W. (NAD 83).
7.26 Village of Quoque Foundering Anniversary Fireworks	• Date: July 4. • Rain date: July 5. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of Quantuck Bay, Quoque, NY in approximate position 40°48′42.99″ N., 072°37′20.20″ W. (NAD 83).
7.27 City of Long Beach Fireworks	• Location: Waters off Riverside Blvd., City of Long Beach, NY in approximate position 40°34′38.77″ N., 073°39′41.32″ W. (NAD 83).
7.28 Great South Bay Music Festival Fireworks	• Location: Waters of Great South Bay, off Bay Avenue, Patchogue, NY in approximate position 40°44′45″ N., 073°00′25″ W. (NAD 83).
7.29 Mashantucket Pequot Fireworks	• Location: Waters of the Thames River, New London, CT in approximate positions Barge 1, 41°21′03.03″ N., 072°5′24.5″ W. Barge 2, 41°20′51.75″ N., 072°5′18.90″ W. (NAD 83).
7.30 Shelter Island Fireworks	• Location: Waters of Gardiner Bay, Shelter Island, NY in approximate position 41°04′39.11″ N, 072°22′01.07″ W (NAD 83).
7.31 Clam Shell Foundation Fireworks	• Location: Waters of Three Mile Harbor, East Hampton, NY in approximate position 41°1′15.49″ N., 072°11′27.50″ W. (NAD 83).
7.32 Town of North Hempstead Bar Beach Fireworks	• Location: Waters of Hempstead Harbor, North Hempstead, NY in approximate position 40°49′54″ N., 073°39′14″ W. (NAD 83).
7.33 Groton Long Point Yacht Club Fireworks	• Location: Waters of Long Island Sound, Groton, CT in approximate position 41°18′05″ N., 072°02′08″ W. (NAD 83).
7.34 Devon Yacht Club Fireworks	• Date: A day during the first week of July. • Location: Waters of Napeague Bay, in Block Island Sound off Amagansett, NY in approximate position 40°59′41.40″ N., 072°06′08.70″ W. (NAD 83).
7.35 Dolan Family Fourth Fireworks	• Date: July 4. • Rain date: July 5. • Location: Waters of Oyster Bay Harbor in Long Island Sound off Oyster Bay, NY in approximate position 40°53′42.50″ N., 073°30′04.30″ W. (NAD 83).
7.36 Friar's Head Golf Club Fireworks	• Date: A day during the first two weeks of July. • Location: Waters of Long Island Sound off Baiting Hollow, NY in approximate position, 40°58′19.53″ N., 072°43′45.65″ W. (NAD 83).
7.37 Islip Fireworks	• Date: July 4. • Rain date: July 5.

TABLE 1 TO § 165.151—Continued

	• Location: Waters of the Great South Bay off Bay Shore Manor Park, Islip, NY in approximate position 40°42′24″ N., 073°14′24″ W. (NAD 83).
7.38 Madison Fireworks	• Date: July 4. • Rain date: The Saturday following July 4. • Location: Waters of Long Island Sound off Madison Beach, Madison, CT in approximate position 41°16′03.93″ N., 072°36′15.97″ W. (NAD 83).
7.39 Stratford Fireworks	• Date: July 3. • Rain date: July 5. • Location: Waters of Long Island Sound surrounding Short Beach Park, Stratford, CT in approximate position 41°09′50.82″ N., 073°06′47.13″ W. (NAD 83).
7.40 Rowayton Fireworks	• Date: July 4. • Rain date: July 5. • Location: Waters of Long Island Sound south of Bayley Beach Park, Rowayton, CT in approximate position 41°03′11″ N., 073°26′41″ W. (NAD 83).
7.41 Niantic Bay Fireworks	• Date: A day during the first three weeks of July. • Location: Waters of Niantic Bay 1,500 feet west of the Niantic River Railroad Bridge, Niantic, CT in approximate position 41°19′22.59″ N., 072°11′03.47″ W. (NAD 83).
7.42 Connetquot River Summer Fireworks	• Date: A day during the first week of July. • Location: Waters of the Connetquot River off Snapper Inn Restaurant, Oakdale, NY in approximate position 40°43′32.38″ N., 073°9′02.64″ W. (NAD 83).
7.43 North Bay Fourth of July Fireworks	• Date: July 4. • Rain date: July 5. • Location: Waters of the Great South Bay in Patchogue Bay 4,000 feet southeast of Blue Point, NY in approximate position 40°44′6.28″ N., 073°01′02.50″ W. (NAD 83).
7.44 National Golf Links Fireworks	• Date: A day during the first week of July. • Location: Waters of the Great Peconic Bay ¾ of a mile northwest of Bullhead Bay, Shinnecock, NY in approximate position 40°55′11.79″ N., 072°28′04.34″ W. (NAD 83).
7.45 Xirinachs Family Foundation Fireworks	• Date: A day during the first two weekends of July. • Location: Waters of Hunting Bay off Beach Avenue, Huntington Bay, NY in approximate position 40°54′23.27″ N., 73°25′08.04″ W. (NAD 83).
7.46 Irwin Family 4th of July	• Date: A day during the last week of June or first week of July. • Location: Waters of the Great South Bay off The Helm Road, East Islip, NY in approximate position 40°42′12.28″ N., 73°12′00.08″ W. (NAD 83).
7.47 Westbrook July Celebration	• Date: A day during the last week of June or first week of July. • Location: Waters of Long Island Sound Westbrook Harbor, West Brook, CT in approximate position 41°16′10″ N., 72°26′14″ W. (NAD 83).
7.48 Bridgeport Bluefish July Fireworks	• Location: Waters of the Pequannock River's Lower Reach surrounding Steel Point, Bridgeport, CT in approximate position 41°10′35″ N., 073°10′58″ W. (NAD 83).
8	August
8.1 Village of Bellport Fireworks	• Location: Waters of Bellport Bay, off Bellport Dock, Bellport, NY in approximate position 40°45′01.83″ N., 072°55′50.43″ W. (NAD 83).
8.2 Taste of Italy Fireworks	• Location: Waters of Norwich Harbor, off Norwich Marina, Norwich, CT in approximate position 41°31′17.72″ N., 072°04′43.41″ W. (NAD 83).
8.3 Old Black Point Beach Association Fireworks	• Location: Waters off Old Black Point Beach, East Lyme, CT in approximate position, 41°17′34.9″ N., 072°12′55″ W. (NAD 83).

TABLE 1 TO § 165.151—Continued

8.4 Town of Babylon Fireworks	• Location: Waters off of Cedar Beach Town Park, Babylon, NY in approximate position 40°37′53″ N., 073°20′12″ W. (NAD 83).
8.5 Shelter Island Yacht Club Fireworks	• Date: The second Saturday of August. • Rain date: The second Sunday of August. • Location: Waters of Dering Harbor north of Shelter Island Yacht Club, Shelter Island, NY in approximate position 41°05′23.47″ N., 072°21′11.18″ W. (NAD 83).
8.6 Stamford Fireworks	• Date: The last Saturday of August. • Rain date: The last Sunday of August. • Location: Waters of Stamford Harbor, off Kosciuszco Park, Stamford, CT in approximate position 41°01′48.46″ N., 073°32′15.32″ W. (NAD 83).
8.7 Nikon Theater at Jones Beach Fireworks	• Date: A day during the first two weeks of August. • Location: Waters of Zacks Bay off the Nikon Theater, Jones Beach, NY in approximate position 40°36′02.12″ N., 073°30′05.65″ W. (NAD 83).
8.8 Ascension Fireworks	• Date: A day during the third or fourth weekend of August. • Location: Waters of the Great South Bay off The Pines, East Fire Island, NY in approximate position 40°40′07.43″ N., 073°04′13.88″ W. (NAD 83).
8.9 Bridgeport Bluefish August Fireworks	• Location: Waters of the Pequannock River's Lower Reach surrounding Steel Point, Bridgeport, CT in approximate position 41°10′35″ N., 073°10′58″ W. (NAD 83).
9	September
9.1 East Hampton Fire Department Fireworks	• Location: Waters off Main Beach, East Hampton, NY in approximate position 40°56′40.28″ N., 072°11′21.26″ W. (NAD 83).
9.2 Town of Islip Labor Day Fireworks	• Location: Waters of Great South Bay off Bay Shore Marina, Islip, NY in approximate position 40°42′24″ N., 073°14′24″ W. (NAD 83).
9.3 Village of Island Park Labor Day Celebration Fireworks	• Location: Waters off Village of Island Park Fishing Pier, Village Beach, NY in approximate position 40°36′30.95″ N., 073°39′22.23″ W. (NAD 83).
9.4 The Creek Fireworks	• Date: A day during the first week of September. • Location: Waters of Long Island Sound off the Creek Golf Course, Lattingtown, NY in approximate position 40°54′13″ N., 073°35′58″ W. (NAD 83).
9.5 Archangel Michael Greek Orthodox Church Fireworks	• Date: A day during the last week of September or first week of October. • Location: Waters of Hempstead Harbor off Bar Beach Town Park, Port Washington, NY in approximate position 40°49′42″ N., 073°39′07″ W. (NAD 83).
9.6 Port Washington Sons of Italy Fireworks	• Location: Waters of Hempstead Harbor off Bar Beach, North Hempstead, NY in approximate position 40°49′48.04″ N., 073°39′24.32″ W. (NAD 83).
9.7 Bridgeport Bluefish September Fireworks	• Location: Waters of the Pequannock River's Lower Reach surrounding Steel Point, Bridgeport, CT in approximate position 41°10′35″ N., 073°10′58″ W. (NAD 83).
11	November
11.1 Charles W. Morgan Anniversary Fireworks	• Date: A day during the first or second weekend of November. • Location: Waters of the Mystic River, north of the Mystic Seaport Light, Mystic, CT in approximate position 41°21′56.455″ N., 071°57′58.32″ W. (NAD 83).
11.2 Christmas Boat Parade Fireworks	• Location: Waters of Patchogue Bay off Lombardi's on the Bay Restaurant, Patchogue, NY in approximate position 40°44′39.18″ N., 073°00′37.80″ W. (NAD 83).
11.3 Connetquot River Fall Fireworks	• Location: Waters of the Connetquot River off Snapper Inn Restaurant, Oakdale, NY in approximate position 40°43′32.38″ N., 073°09′02.64″ W. (NAD 83).

TABLE 1 TO § 165.151—Continued

12	December
12.1 Greenport Winter Fireworks	• Date: From 11:45 p.m. December 31 until 12:30 a.m. January 1. • Location: Waters of Greenport Harbor off Mitchell Park and Marina, Greenport, NY, in approximate position 41°05′59.09″ N., 072°21′31.44″ W. (NAD 83).

* * * * *

§ 165.813 [Amended]

■ 175. In § 165.813(b)(5), after the text ''or via phone at'' remove the text ''(713) 671–5103'' and add, in its place, the text ''281–464–4837''.

§ 165.814 [Amended]

■ 176. In § 165.814(b)(3), after the text ''or by phone at'', remove the text ''(713) 671–5103'', and add, in its place, the text ''281–464–4837''.

§ 165.1201 [Redesignated as § 165.1188]

■ 177. Redesignate § 165.1201 as § 165.1188.

■ 178. Revise the section heading of § 165.1319 to read as follows:

§ 165.1319 Seafair Air Show Performance, Seattle, WA.

* * * * *

PART 167—OFFSHORE TRAFFIC SEPARATION SCHEMES

■ 179. The authority citation for part 167 continues to read as follows:

Authority: 33 U.S.C. 1223; Department of Homeland Security Delegation No. 0170.0.

■ 180. Revise § 167.1322(b)(8) to read as follows:

§ 167.1322 In Puget Sound and its approaches: Approaches to Puget Sound other than Rosario Strait.

* * * * *

(b) * * *

(8) Precautionary area ''ND,'' which is bounded by a line connecting the following geographical positions:

Latitude	Longitude
48°11.00′ N	123°06.58′ W.
48°17.15′ N	123°06.57′ W.
48°14.27′ N	123°13.41′ W.
48°12.34′ N	123°18.01′ W.
48°12.72′ N	123°25.34′ W.
48°11.24′ N	123°23.82′ W.
48°10.82′ N	123°25.44′ W.
48°09.42′ N	123°24.24′ W.
48°08.39′ N	123°24.24′ W.

Thence along the shoreline to the point of beginning (48°11.00′ N.; 123°06.58′ W.).

* * * * *

PART 169—SHIP REPORTING SYSTEMS

■ 181. The authority citation for part 169 continues to read as follows:

Authority: 33 U.S.C. 1230(d), 1231; 46 U.S.C. 70115, Department of Homeland Security Delegation No. 0170.1.

§ 169.15 [Amended]

■ 182. In § 169.15(a), following the text ''Also, it is available for inspection at'', remove the text ''the Coast Guard, Office of Navigation Systems (CG–5532), 2100 2nd St. SW., Stop 7580, Washington, DC 20593–7580, and is'' and add, in its place, the text ''Coast Guard Headquarters. Contact Commandant (CG–NAV), Attn: Office of Navigation Systems, 2703 Martin Luther King Jr. Avenue SE., Stop 7418, Washington, DC 20593–7418, and is.''.

PART 174—STATE NUMBERING AND CASUALTY REPORTING SYSTEMS

■ 183. The authority citation for part 174 continues to read as follows:

Authority: 46 U.S.C. 6101 and 12302; Department of Homeland Security Delegation No. 0170.1 (92).

§ 174.7 [Amended]

■ 184. In § 174.7, following the text ''numbering system or revision to'', remove the text ''Office of Auxiliary and Boating Safety (CG–542), 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Commandant (CG–BSX), Attn: Office of Auxiliary and Boating Safety, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

§ 174.121 [Amended]

■ 185. In § 174.121, remove the text ''Commandant (CG–5422), U.S. Coast Guard, 2100 Second St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Commandant (CG–BSX–2), Attn: Boating Safety Division, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

§ 174.125 [Amended]

■ 186. In § 174.125, remove the text ''Commandant (CG–5422), U.S. Coast Guard, 2100 Second St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Commandant (CG–BSX–2), Attn: Boating Safety Division, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

PART 179—DEFECT NOTIFICATION

■ 187. The authority citation for part 179 is revised to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 4302, 4307, 4310, and 4311; Pub. L. 103–206, 107 Stat. 2439; 49 CFR 1.46.

§ 179.19 [Amended]

■ 188. Amend § 179.19 as follows:

■ a. In paragraph (a), following the text ''must be submitted to'', remove the text ''Commandant (CG–54223), 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Commandant (CG–BSX–23), Attn: Recreational Boating Product Assurance Branch, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''; and

■ b. In paragraph (b), following the text ''must be submitted to'', remove the text ''Commandant (CG–5214), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126'' and add, in its place, the text ''Commandant (CG–ENG–4), Attn: Lifesaving and Fire Safety Division, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7509''.

PART 181—MANUFACTURER REQUIREMENTS

■ 189. The authority citation for part 181 continues to read as follows:

Authority: 46 U.S.C. 4302; Department of Homeland Security Delegation No. 0170.1 (92).

§ 181.4 [Amended]

■ 190. In § 181.4(a), following the text ''available for inspection at the'', remove the text ''Lifesaving and Fire Safety Standards Division (CG–5214), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126, and'' and add, in its place, the text ''Coast Guard Headquarters. Contact Commandant (CG–ENG–4), Attn: Lifesaving and Fire Safety Division, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE.,

Washington, DC 20593–7509. It is also available''.

§ 181.31 [Amended]

■ 191. Amend § 181.31 as follows:

■ a. In paragraph (a), following the text ''code in writing from the'', remove the text ''Commandant (CG–54223), 2100 Second St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Commandant (CG–BSX–23), Attn: Recreational Boating Product Assurance Branch, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''; and

■ b. In paragraph (b), following the text ''system, write to the'', remove the text ''Commandant (CG–54223), 2100 Second St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Commandant (CG–BSX–23), Attn: Recreational Boating Product Assurance Branch, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

§ 181.33 [Amended]

■ 192. In § 181.33(b), remove the text ''Recreational Boating Product Assurance Branch (CG–54223), 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581'' and add, in its place, the text ''Commandant (CG–BSX–23), Attn: Recreational Boating Product Assurance Branch, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501''.

PART 183—BOATS AND ASSOCIATED EQUIPMENT

■ 193. The authority citation for part 183 continues to read as follows:

Authority: 46 U.S.C. 4302; Pub. L. 103–206, 107 Stat. 2439; 49 CFR 1.46.

§ 183.5 [Amended]

■ 194. Amend § 183.5 as follows:

■ a. In paragraph (a), following the text ''available for inspection at the'', remove the text ''Recreational Boating Product Assurance Branch (CG–54223), 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581, and'' and add, in its place, the text ''Coast Guard Headquarters. Contact Commandant (CG–BSX–23), Attn: Recreational Boating Product Assurance Branch, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501. It is also available''; and

■ b. In paragraph (b), in the table, remove the text ''*American Boat and Yacht Council, Inc.,* 3069 Solomons Island Road, Edgewater, Maryland 21037–1416'' and add, in its place, the text ''*American Boat and Yacht Council, Inc.,* 613 Third Street Suite 10, Annapolis, MD 21403''; and remove the text ''*Naval Publications Forms Center,* Customer Service—Code 1052, 5801 Tabor Avenue, Philadelphia, PA 19120'' and add, in its place, the text ''*Military Specifications and Standards,* Standardization Documents Order Desk, Building 4D, 700 Robbins Avenue, Philadelphia, PA 19111–5094; *https://assist.daps.dla.mil/quicksearch/*''.

§ 183.607 [Amended]

■ 195. In § 183.607(a) introductory text, remove the text ''Coast Guard Headquarters, 2100 2nd St. SW., Stop 7000, Washington, DC 20593–7000 and'' and add, in its place, the text ''Coast Guard Headquarters. Contact Commandant (CG–BSX–23), Attn: Recreational Boating Product Assurance Branch, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501. It is also available''.

Dated: June 18, 2014.

Katia Cervoni,

Chief, Office of Regulations and Administrative Law, U.S. Coast Guard.

[FR Doc. 2014–14897 Filed 7–3–14; 8:45 am]

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