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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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 33

[Doc. No. AMS–FV–14–0022; FV14–33–1 FIR]

Regulations Issued Under the Export Apple Act; Exempting Bulk Shipments to Canada From Minimum Requirements and Inspection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim rule that revised the regulations issued under the Export Apple Act to exempt bulk shipments of apples to Canada from the minimum requirements and inspection provisions of the Export Apple Act and established a definition for bulk containers. The changes were necessary because section 10009 of the Agricultural Act of 2014 amended the Export Apple Act to exempt apples shipped to Canada in bulk containers weighing more than 100 pounds from inspection requirements.

DATES: Effective August 26, 2014.

FOR FURTHER INFORMATION CONTACT: Jennie M. Varela, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 325–8793, or Email: *Jennie.Varela@ams.usda.gov* or *Christian.Nissen@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: Section 10009 of the Agricultural Act of 2014 amended section 4 of the Export Apple Act (7 U.S.C. 584) to add an exemption for apples shipped to Canada in bulk containers and add a definition for bulk container to section 9 of the Export Apple Act (7 U.S.C. 589).

The Export Apple Act (Act) promotes the foreign trade of U.S. grown apples by authorizing the implementation of regulations with minimum quality, container marking, and inspection requirements. These amendments to the Act require amendments to the regulations in 7 CFR part 33.

Sections 33.10 and 33.11 of the regulations require, in part, that apples shipped to any foreign destination must meet minimum requirements and be inspected by the Federal or Federal-State Inspection Service. Section 33.12 specifies apples not subject to regulation.

This rule implements the amendments to the Act by adding a new § 33.8 (Bulk container) under ''Definitions'' to define a bulk container as a container that contains a quantity of apples weighing more than 100 pounds. This action also revises § 33.12 by adding an additional paragraph exempting bulk shipments to Canada from all requirements under this part.

Thus, any bulk container of apples being shipped to Canada is exempt from the minimum requirements and inspection provisions. Inspection would still be required for apples shipped in containers of less than 100 pounds that are not otherwise exempt.

In an interim rule published in the **Federal Register** on April 4, 2014, and effective on April 7, 2014, (79 FR 18765, Doc. No. AMS–FV–14–0022, FV14–33–1 IR), § 33.8 was added to the regulations to define a bulk container and § 33.12 was revised by adding an additional paragraph exempting bulk shipments to Canada from all requirements under part 33.

Executive Order 12866 and Executive Order 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules and promoting flexibility. This action has been designated as a ''non-significant regulatory action'' under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget (OMB) has waived the review process.

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation would not have substantial and direct effects on Tribal governments and would not have significant Tribal implications.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect and shall not abrogate nor nullify any other statute, whether State or Federal, dealing with the same subjects as this Act; but is intended that all such statutes shall remain in full force and effect except insofar as they are inconsistent herewith or repugnant hereto (7 U.S.C. 587).

The Act provides administrative proceedings that must be exhausted before parties may file suit in court. Pursuant to 7 U.S.C. 586 and sections 33.13 and 33.14 of the regulations, any person subject to the Act may file with USDA a request for hearing, along with a written responsive answer to alleged violations of the provisions of the Act and regulations, no later than 10 days after service of notice of alleged violations, and is afforded the opportunity for a hearing on said request. After opportunity for hearing, the Secretary is authorized to refuse the issuance of certificates under this Act for periods not exceeding 90 days.

Final Regulatory Flexibility Analysis

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

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

Small agricultural service firms, including shippers, exporters, and

carriers, are defined by the Small Business Administration (SBA) as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000 (13 CFR 121.201).

The industry estimates there are approximately 7,500 apple producers in the U.S. The National Agricultural Statistics Service reports the 2012 apple crop was valued at nearly $3.1 billion. Assuming a normal distribution, most apple producers can be classified as small entities. According to industry statistics, there are approximately 60 apple exporters subject to regulation under the Act. Foreign Agricultural Service data estimates the value of fresh apple exports to Canada at approximately $190 million. Assuming a normal distribution, the majority of apple exporters are small businesses. Based on the above calculations, it can be concluded that the majority of apple producers and exporters may be classified as small entities.

This rule is issued under the authority of the Export Apple Act, as amended (7 U.S.C. 584). This rule continues in effect a rule that revised ''Regulations Issued Under Authority of the Export Apple Act'' (7 CFR part 33). In accordance with the provisions of section 10009 of the Agricultural Act of 2014, this action exempts apples shipped to Canada in bulk containers from the minimum requirements and inspection provisions issued under the Act. This action also adds the definition of ''bulk container'' as a container that contains a quantity of apples weighing more than 100 pounds.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0143 (Export Fruit Regulations). No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large apple shippers, exporters, or carriers.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

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

Comments on this interim rule were required to be received on or before June 3, 2014. No comments were received. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule, without change.

To view the interim rule, go to: *http://www.regulations.gov/#!documentDetail;D=AMS-FV-14-0022-0001.*

After consideration of all relevant material presented, it is found that finalizing the interim rule, without change, as published in the **Federal Register** (79 FR 18765, April 4, 2014) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 33

Apples, Exports, Reporting and recordkeeping requirements.

PART 33—REGULATIONS ISSUED UNDER AUTHORITY OF THE EXPORT APPLE ACT

Accordingly, the interim rule that amended 7 CFR part 33 and that was published at 79 FR 18765 on April 4, 2014, is adopted as a final rule, without change.

Dated: August 20, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–20116 Filed 8–22–14; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0573; Directorate Identifier 2014–NM–091–AD; Amendment 39–17955; AD 2014–17–02]

RIN 2120–AA64

Airworthiness Directives; Honeywell ASCa Inc. Emergency Locator Transmitters Installed on Various Transport Category Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule; request for comments.

SUMMARY: We are superseding Airworthiness Directive (AD) 2013–18–09 for certain Honeywell ASCa Inc. emergency locator transmitters (ELTs) installed on various transport category airplanes. AD 2013–18–09 required various one-time general visual inspections of the ELT transmitter units (TUs), and corrective actions if necessary. This new AD corrects the manufacturer's name in the AD applicability and adds a source of approval for an installation. AD 2013–18–09 was prompted by a fire on a parked and unoccupied airplane; preliminary information indicated combustion in the area of the ELT TU. This new AD was prompted by the identification of an error in the applicability of AD 2013–18–09. We are issuing this AD to detect and correct discrepancies of the battery wiring installation inside the TU, which could result in an electrical short and possible ignition source.

DATES: This AD becomes effective September 9, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 3, 2013 (78 FR 57253, September 18, 2013).

We must receive comments on this AD by October 9, 2014.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For Honeywell service information identified in this AD, contact Honeywell ASCa Inc., Customer and Product Support, Customer Support Operations, 3333 Unity Drive, Mississauga, ON, Canada L5L 3S6; telephone: 800–601–3099 (toll-free U.S.A./Canada); telephone: 602–365–3099 (international) email: *AeroR&OAvionics@honeywell.com;* Internet: *www.myaerospace.com*. For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0573; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Assata Dessaline, Aerospace Engineer, Avionics and Services Branch, ANE–172, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7301; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

On September 6, 2013, we issued AD 2013–18–09, Amendment 39–17582 (78 FR 57253, September 18, 2013). AD 2013–18–09 applied to certain Honeywell ASCa Inc. ELTs installed on various transport category airplanes. AD 2013–18–09 was prompted by a fire on a parked and unoccupied airplane; preliminary information indicated combustion in the area of the ELT TU. AD 2013–18–09 required various one-time general visual inspections of the ELT TUs), and corrective actions if necessary. We issued AD 2013–18–09 to detect and correct discrepancies of the battery wiring installation inside the TU, which could result in an electrical short and possible ignition source.

Since we issued AD 2013–18–09, Amendment 39–17582 (78 FR 57253, September 18, 2013), we discovered a typographical error in the applicability. Paragraph (c) of AD 2013–18–09 identified ELTs manufactured by ''Honeywell ASCs Inc.'' The correct name for the manufacturer is Honeywell ASCa Inc. In all other locations in AD 2013–18–09, the manufacturer's name was correct. This error has been corrected in this AD. We have revised paragraph (c) of this AD accordingly.

Although we have revised the compliance time for the ELT TU inspections (as specified in paragraph (g) of this AD and AD 2013–18–09, Amendment 39–17582 (78 FR 57253, September 18, 2013)), no further work is required for airplanes in compliance with the requirements of AD 2013–18–09.

We have revised the compliance language in paragraphs (k)(1), (k)(2), and (k)(3) of this AD to start from the effective date of this AD.

FAA's Determination and Requirements of This AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced in AD 2013–18–09, Amendment 39–17582 (78 FR 57253, September 18, 2013). We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

FAA's Determination of the Effective Date

Since this AD merely corrects a typographical error in the applicability of AD 2013–18–09, Amendment 39–17582 (78 FR 57253, September 18, 2013), and includes another source of approval for an installation, notice and opportunity for public comment before issuing this AD are unnecessary.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0573; Directorate Identifier 2014–NM–091–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

Costs of Compliance

We estimate that this AD affects 3,832 ELTs installed on transport category airplanes of U.S. registry. We estimate the following costs to comply with this AD:

The actions that were required by AD 2013–18–09, Amendment 39–17582 (78 FR 57253, September 18, 2013), and are retained in this AD, take about 1 work-hour per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions required by AD 2013–18–09 on U.S. operators is $325,720, or $85 per product.

We have received no definitive data that would enable us to provide cost estimates for additional required actions, as the time required to accomplish those actions is specific to the airplane.

The changes included in this AD add no additional economic burden.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2013–18–09, Amendment 39–17582 (78 FR 57253, September 18, 2013), and adding the following new AD:

2014–17–02 Honeywell ASCa Inc.: Amendment 39–17955. Docket No. FAA–2014–0573; Directorate Identifier 2014–NM–091–AD.

(a) Effective Date

This AD becomes effective September 9, 2014.

(b) Affected ADs

This AD replaces AD 2013–18–09, Amendment 39–17582 (78 FR 57253, September 18, 2013).

(c) Applicability

This AD applies to Honeywell ASCa Inc. emergency locator transmitters (ELTs) Model RESCU 406AF and 406AFN with transmitter unit (TU) part numbers (P/Ns) 1152682–1, –2, and –3, installed on transport category airplanes, certificated in any category, but not limited to the airplanes identified in table 1 to paragraph (c) of this AD.

TABLE 1 TO PARAGRAPH (C) OF THIS AD—AFFECTED AIRPLANE MODELS

Manufacturer	Airplane model
(1) The Boeing Company	(i) 717–200 airplanes. (ii) 727, 727C, 727–100, 727–100C, 727–200, and 727–200F series airplanes. (iii) 737–100, –200, –200C, –300, –400, –500, –600, –700, –700C, –800, –900, and –900ER series airplanes. (iv) 747–100, –100B, –100B SUD, –200B, –200C, –200F, –300, –400, –400D, and –400F series airplanes; and 747SR, 747SP, 747–8F, and 747–8 series airplanes. (v) 757–200, –200PF, –200CB, and –300 series airplanes. (vi) 767–200, –300, –300F, and –400ER series airplanes. (vii) 777–200, –200LR, –300, –300ER, and 777F series airplanes. (viii) 787–8 airplanes. (ix) MD–11 and MD–11F airplanes. (x) DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) airplanes. (xi) MD–88 airplanes. (xii) MD–90–30 airplanes.
(2) Lockheed Martin Corporation/Lockheed Martin Aeronautics Company.	382, 382B, 382E, 382F, 382G, and 382J airplanes.
(3) Airbus	(i) A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes. (ii) A300 B4–601, B4–603, B4–620, and B4–622 airplanes. (iii) A300 B4–605R and B4–622R airplanes. (iv) A300 F4–605R and F4–622R airplanes. (v) A300 C4–605R Variant F airplanes. (vi) A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes. (vii) A320–111, –211, –212, –214, –231, –232, and –233 airplanes. (viii) A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. (ix) A330–223F and –243F airplanes. (x) A330–201, –202, –203, –223, and –243 airplanes. (xi) A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes. (xii) A340–211, –212, and –213 airplanes. (xiii) A340–311, –312, and –313 airplanes. (xiv) A340–541 airplanes. (xv) A340–642 airplanes. (xvi) A380–800 series airplanes.
(4) ATR—GIE Avions de Transport Régional	(i) ATR42–200, –300, –320, and –500 airplanes. (ii) ATR72–101, –201, –102, –202, –211, –212, and –212A airplanes.
(5) Dassault Aviation	FALCON 7X airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 23, Communications.

(e) Reason

This AD was prompted by a fire on a parked and unoccupied airplane; preliminary information indicated combustion in the area of the ELT TU. We are issuing this AD to detect and correct discrepancies of the battery wiring installation inside the TU, which could result in an electrical short and possible ignition source.

(f) Compliance

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

(g) Retained Inspection With New Compliance Time

This paragraph restates the requirements of paragraph (g) of AD 2013–18–09, Amendment 39–17582 (78 FR 57253, September 18, 2013), with a new compliance time. For any ELT TU with any serial number identified in paragraph 1.A., ''Effectivity,'' including the serial numbers identified in the Note in paragraph 1.A., of Honeywell Alert Service Bulletin 1152682–23–A22, Revision 1, dated August 8, 2013: Within 120 days after the effective date of this AD, do the actions specified in paragraphs (g)(1) and (g)(2) of this AD.

(1) Remove the TU from the airplane.

(2) Do one-time general visual inspections of the ELT TU, in accordance with the Accomplishment Instructions of Honeywell Alert Service Bulletin 1152682–23–A22, Revision 1, dated August 8, 2013.

(h) Retained TU/Battery Pack Return Provisions With New Compliance Time

This paragraph restates the requirements of paragraph (h) of AD 2013–18–09, Amendment 39–17582 (78 FR 57253, September 18, 2013), with a new compliance time. During any inspection required by this AD, if any discrepancy is found that is unacceptable or exceeds limits as specified in Honeywell Alert Service Bulletin 1152682–23–A22, Revision 1, dated August 8, 2013: At the applicable time specified in paragraph (h)(1) or (h)(2) of this AD, return the TU or battery pack, as applicable, to Honeywell ASCa Inc., Customer and Product Support, Customer Support Operations, 3333 Unity Drive, Mississauga, ON, Canada L5L 3S6; telephone: 800–601–3099 (toll-free U.S.A./Canada); telephone: 602–365–3099 (international) email: *AeroR&OAvionics@honeywell.com;* Internet: *www.myaerospace.com.*

(1) If the inspection was done on or after the effective date of this AD: Within 10 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Within 10 days after the effective date of this AD.

(i) Retained Post-Inspection Actions With No Changes

This paragraph restates the requirements of paragraph (i) of AD 2013–18–09, Amendment 39–17582 (78 FR 57253, September 18, 2013), with no changes. Before further flight after accomplishing the actions required by paragraph (g) of this AD: Perform all applicable return to service actions, in accordance with the Accomplishment Instructions of Honeywell Alert Service Bulletin 1152682–23–A22, Revision 1, dated August 8, 2013. Install a TU that is identified in paragraph 3.F.(2) or 3.F.(3) of Honeywell Alert Service Bulletin 1152682–23–A22, Revision 1, dated August 8, 2013.

(j) Retained Parts Installation Limitations With Revised Installation Method Approval

This paragraph restates the limitations specified by paragraph (j) of AD 2013–18–09, Amendment 39–17582 (78 FR 57253, September 18, 2013), with a revised installation method approval. After installation or replacement of the TU as required by this AD or as specified in paragraph (k) of this AD, no person may install an ELT TU battery unless it is installed using a method approved by either the Manager, New York ACO, FAA; or TCCA (or its delegated agent).

(k) Retained Acceptable Prior Actions for Certain Airplanes

This paragraph restates the provisions specified by paragraph (k) of AD 2013–18–09, Amendment 39–17582 (78 FR 57253, September 18, 2013), with revised compliance language.

(1) For The Boeing Company Model 787–8 airplanes identified in AD 2013–15–07, Amendment 39–17523 (78 FR 45054, July 26, 2013): Accomplishment of the applicable requirements of AD 2013–15–07 before the effective date of this AD, is acceptable for compliance with the requirements of paragraphs (g), (h), and (i) of this AD.

(2) This paragraph provides credit for the applicable actions required by paragraphs (g), (h), and (i) of this AD, if those actions were performed before the effective date of this AD, using Honeywell Alert Service Bulletin 1152682–23–A22, dated August 1, 2013, which is not incorporated by reference in this AD.

(3) This paragraph provides credit for the actions required by paragraphs (g), (h), and (i) of this AD, if the applicable actions specified in the service information identified in paragraphs (k)(3)(i) through (k)(3)(vi) of this AD were performed before the effective date of this AD, using the applicable service information identified in paragraphs (k)(3)(i) through (k)(3)(vi) of this AD. This service information is not incorporated by reference in this AD.

(i) For The Boeing Company Model 717–200 airplanes: Boeing Multi Operator Message MOM–MOM–13–0597–01B, dated July 28, 2013.

(ii) For The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes: Boeing Multi Operator Message MOM–MOM–13–0593–01B, dated July 28, 2013.

(iii) For The Boeing Company Model 747–400, –400D, and –400F series airplanes: Boeing Multi Operator Message MOM–MOM–13–0594–01B, dated July 28, 2013.

(iv) For The Boeing Company Model 767 airplanes: Boeing Multi Operator Message MOM–MOM–13–0595–01B, dated July 28, 2013.

(v) For The Boeing Company Model 777 airplanes: Boeing Multi Operator Message MOM–MOM–13–0596–01B, dated July 28, 2013.

(vi) For The Boeing Company Model 787–8 airplanes: Boeing Multi Operator Message MOM–MOM–13–0570–01B, dated July 19, 2013; or Boeing Multi Operator Message MOM–MOM–13–0590–01B, dated July 26, 2013.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO, ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD. AMOCs approved previously for AD 2013–18–09, Amendment 39–17582 (78 FR 57253, September 18, 2013), are approved as AMOCs for the corresponding provisions of this AD.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA approved. Corrective actions are considered FAA approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2013–25, dated August 15, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0573.

(2) Boeing service information identified in this AD that is not incorporated by reference may be obtained from Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.*

(3) Honeywell service information identified in this AD that is not incorporated by reference is available at the addresses identified in paragraphs (n)(4) and (n)(5) of this AD.

(n) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(3) The following service information was approved for IBR on October 3, 2013 (78 FR 57253, September 18, 2013).

(i) Honeywell Alert Service Bulletin 1152682–23–A22, Revision 1, dated August 8, 2013.

(ii) Reserved.

(4) For Honeywell service information identified in this AD, contact Honeywell ASCa Inc., Customer and Product Support, Customer Support Operations, 3333 Unity Drive, Mississauga, ON, Canada L5L 3S6; telephone: 800–601–3099 (toll-free U.S.A./Canada); telephone: 602–365–3099 (international) email: *AeroR&OAvionics@honeywell.com;* Internet: *www.myaerospace.com.*

(5) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(6) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on August 13, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–19978 Filed 8–22–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0077; Directorate Identifier 2013–CE–021–AD; Amendment 39–17941; AD 2014–16–17]

RIN 2120–AA64

Airworthiness Directives; Air Tractor, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2010–17–18 R1, which applies to certain Air Tractor, Inc. Models AT–802 and AT–802A airplanes. AD 2010–17–18 R1 required repetitively inspecting (using the eddy current method) the two outboard fastener holes in both of the wing main spar lower caps at the center splice joint for cracks; repairing or replacing any cracked spar; changing the safe life for certain serial number ranges; and sending the inspection results, only if cracks are found, to the FAA. This new AD retains all actions of AD 2010–17–18 R1 and expands the applicability to include all serial numbers regardless of configuration or operational use. This AD was prompted by our determination that the safe life for the wing main spar lower caps should apply to all Models AT–802 and AT–802A airplanes regardless of configuration or operational use. We are issuing this AD to correct the unsafe condition on these products.

DATES: This AD is effective September 29, 2014.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 9, 2010 (75 FR 52255, August 25, 2010).

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of April 21, 2006 (71 FR 19994, April 19, 2006).

ADDRESSES: For service information identified in this AD, contact Air Tractor, Inc., P.O. Box 485, Olney, Texas 76374; telephone: (940) 564–5616; fax: (940) 564–5612; email: *airmail@airtractor.com;* Internet: *www.airtractor.com.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0077; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Andrew McAnaul, Aerospace Engineer, ASW–150 (c/o San Antonio MIDO), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; phone: (210) 308–3365; fax: (210) 308–3370; email: *andrew.mcanaul@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2010–17–18 R1, Amendment 39–16552 (75 FR 82219, December 30, 2010) (''AD 2010–17–18 R1''), for certain Air Tractor, Inc. Models AT–802 and AT–802A airplanes. The NPRM published in the **Federal Register** on February 12, 2014 (79 FR 8350). The NPRM was prompted by our determination that the safe life for the wing main spar lower caps should apply to all Models AT–802 and AT–802A airplanes regardless of configuration or operational use. The NPRM proposed to continue to require repetitively inspecting (using the eddy current method) the two outboard fastener holes in both of the wing main spar lower caps at the center splice joint for cracks; repairing or replacing any cracked spar; changing the safe life for certain serial number ranges; and sending the inspection results, only if cracks are found, to the FAA. The NPRM also proposed to expand the applicability to include all serial numbers regardless of configuration or operational use. We are issuing this AD to correct the unsafe condition on these products.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comment received on the NPRM (79 FR 8350, February 12, 2014) and the FAA's response to that comment.

Request To Withdraw Proposed Rulemaking

David Ligon of Air Tractor, Inc. requested the FAA to withdraw the proposed AD.

David Ligon stated that he (Air Tractor, Inc.) believes the FAA does not have relevant information or objective evidence to establish that an unsafe condition is likely to exist or develop in Models AT–802 and AT–802A air tanker (fire-fighting) airplanes. Air Tractor, Inc. stated that the safe life of the wing on the land-based Models AT–802 and AT–802A air tanker airplanes far exceeds that of their agricultural application counterparts and will continue to work to establish an appropriate wing safe life.

Included with the comment from Air Tractor, Inc. were two graphs showing firebomber and agricultural airplane exceedance curves from a single Model AT–802 air tanker airplane, their validated Model AT–802 agricultural application airplane spectrum, and one set of generic air tanker and agricultural application exceedance curves from Report No. DOT/FAA/AR–05/035, Consolidation and Analysis of Loading Data in Firefighting Operations: Analysis of Existing Data and Definition of Preliminary Air Tanker and Lead Aircraft Spectra, which can be found on the Internet at *http://www.tc.faa.gov/its/worldpac/techrpt/ar05-35.pdf,* and FAA Advisory Circular 23–13A, which can be found on the internet at *http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/CCAE8A15127D66408625708C00710BA4?OpenDocument&Highlight=23-13a,* respectively.

Air Tractor, Inc. does not disagree that there is a need to establish a safe life for the wing main spar lower caps on all airplanes regardless of configuration or operational use. Air Tractor, Inc. also stated that they are concerned that issuing this AD will result in unneeded additional cost to the industry that could possibly hinder the establishment of an appropriate wing safe life in the future.

We do not agree with the commenter. The wing main spar centerline joint is a design detail that has demonstrated in-

service fatigue cracking on Models AT–802 and AT–802A agricultural application airplanes. We have determined that this design detail shows a demonstrated risk that fatigue cracking is expected to also occur on the same type design airplanes used for other purposes such as fire-fighting and patrolling. The guidance for addressing known safety risk through a fatigue management program that includes establishing appropriate inspection, modification, and/or life limits is outlined in the appendices of FAA Advisory Circular 91–82A, which can be found on the Internet at *http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/A07DDCB245AD6B43862578F8006F82E9?OpenDocument&Highlight=91-82a.* These aspects are currently addressed for the agricultural application Models AT–802 and AT–802A airplanes in AD 2010–17–18 R1. We believe it is appropriate to expand the applicability of AD 2010–17–18 R1 to include all Models AT–802 and AT–802A airplanes used in other operational roles since they have the same type design detail and share the same demonstrated risk.

We have not received validated data from Air Tractor, Inc. that provides inspection intervals, modification times, or safe life limits for the Models AT–802 and AT–802A airplanes wing main spar for operational usages other than for agricultural application. The exceedance data provided by Air Tractor, Inc. does not provide those inspection intervals, modification times, or life limit replacement times. Report No. DOT/FAA/AR–05/035, which can be found on the Internet at *http://www.tc.faa.gov/its/worldpac/techrpt/ar05-35.pdf,* includes exceedance data for air tanker (fire-fighting) airplanes of various weights. The data shows a trend of increasing severity in the flight spectrum as airplane size and gross weight decrease. In Report No. DOT/FAA/AR–05/035, the exceedance data does not include airplanes having a gross weight as low as Models AT–802 and AT–802A airplanes; therefore, the exceedance data may not be representative of the lighter gross weight AT–802/802A air tanker airplane fleet. Additionally, limited exceedance curves we received earlier from Air Tractor, Inc. include data for one land-based and two float-equipped Model AT–802 air tanker airplanes. The two float-equipped airplane's exceedance curves closely match the severity of the validated Model AT–802 airplane agricultural application exceedance curves. We question why the two float-equipped airplanes have a more severe spectrum than the single land-based Model AT–802 air tanker airplane. We would expect the float-equipped airplanes to be less maneuverable, and therefore less severely flown than their land-based counterpart.

We agree with the need to establish life limits for the Models AT–802 and AT–802A air tanker fleet, as well as those used in other operations such as patrolling. Further, we evaluated the information presented by Air Tractor and determined it is appropriate to apply the same inspections, modification, and safe life limitations addressed in the current AD to Models AT–802 and AT–802A airplanes engaged in other operational roles. We arrived at this decision based on (1) the time in service those fleets have now accumulated, and (2) because they have the same wing main spar design feature as the agricultural applications airplanes and share the same demonstrated safety risk.. We remain open to working with Air Tractor, Inc. to obtain data that reflects an adequate pilot mix and operational conditions, that appropriately differentiates Models AT–802 and AT–802A airplane wing main spar inspection and modification times, and includes a safe life based on operational usage.

We are not changing the final rule AD action based on this comment.

Conclusion

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 8350, February 12, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 8350, February 12, 2014).

Costs of Compliance

We estimate that this AD affects 154 airplanes of U.S. registry.

We estimate the following costs to comply with this AD. However, the only difference in the costs presented below and the costs associated with AD 2010–17–18 R1 is the addition of 33 airplanes, from 121 to 154, and the corresponding costs associated with those 33 airplanes:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Eddy current inspection	$500 to $800	Not Applicable	$500 to $800	$77,000 to $123,200.
Spar cap replacement (two spars).	495 work-hours × $85 per hour = $42,075.	$39,100 (two spars)	$81,175	$12,500,950.

We estimate the following costs to do any necessary repairs/modifications that will be required based on the results of the inspections. We have no way of determining the number of aircraft that might need these repairs/modifications:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Center splice plate installation	185 work-hours × $85 per hour = $15,725	$4,300	$20,025
Extended splice block installation	70 work-hours × $85 per hour = $5,950	3,200	9,150
Cold-work lower spar cap fastener holes	16 work-hours × $85 per hour = $1,360	Not Applicable	1,360

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW., Washington, DC 20591. ATTN: Information Collection Clearance Officer, AES–200.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2010–17–18 R1, Amendment 39–16552 (75 FR 82219, December 30, 2010), and adding the following new AD:

2014–16–17 Air Tractor, Inc.: Amendment 39–17941; Docket No. FAA–2014–0077; Directorate Identifier 2013–CE–021–AD.

(a) Effective Date

This AD is effective September 29, 2014.

(b) Affected ADs

This AD supersedes AD 2010–17–18 R1, Amendment 39–16552 (75 FR 82219, December 30, 2010, (''*AD 2010–17–18 R1*'')).

(c) Applicability

This AD applies to Air Tractor, Inc. Models AT–802 and AT–802A airplanes, all serial numbers, that are certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 57: Wings.

(e) Unsafe Condition

This AD was prompted by our determination that there is a need to establish a safe life for the wing main spar lower caps on all airplanes regardless of configuration or operational use. We are issuing this AD to detect and correct cracks in the wing main spar lower cap at the center splice joint, which could result in failure of the spar cap and lead to wing separation and loss of control of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified in paragraphs (g) through (l) of this AD, including all subparagraphs, unless already done (compliance with AD 2010–17–18 R1).

(g) Actions for Airplanes Serial Numbers (SNs)–0001 Through–0091

(1) Eddy current inspect the center splice joint outboard two fastener holes in both the left and right wing main spar lower caps for cracks at the compliance times specified in paragraphs (g)(1)(i) or (g)(1)(ii) of this AD. Do the inspections following Snow Engineering Co. Process Specification #197, page 1, revised June 4, 2002; pages 2 through 4, dated February 23, 2001; and page 5, dated May 3, 2002.

(i) *For airplanes previously affected by AD 2010–17–18 R1:* Initially inspect upon reaching 1,700 hours time-in-service (TIS) or within the next 50 hours TIS after April 21, 2006 (the effective date retained from AD 2006–08–09, Amendment 39–14565 (71 FR 19994, April 19, 2006; corrected 71 FR 27794, May 12, 2006)), whichever occurs later. Repetitively thereafter inspect at intervals not to exceed 800 hours TIS unless you installed the center splice plate and extended 8-bolt splice blocks before September 9, 2010 (the effective date retained from AD 2010–17–18, Amendment 39–16412 (75 FR 52255, August 25, 2010), ''AD 2010–17–18''), then repetitively inspect following the compliance times in paragraphs (g)(5)(i) through (g)(5)(iii) of this AD.

(ii) *For airplanes not previously affected by AD 2010–17–18 R1:* Initially inspect upon reaching 1,700 hours TIS or within the next 50 hours TIS after September 29, 2014 (the effective date of this AD), whichever occurs later. Repetitively thereafter inspect at intervals not to exceed 800 hours TIS unless you installed the center splice plate and extended 8-bolt splice blocks before September 29, 2014 (the effective date of this AD), then repetitively inspect following the compliance times in paragraphs (g)(6)(i) through (g)(6)(iii) of this AD.

(2) If any cracks are found as a result of any inspection required in paragraph (g)(1) of this AD, before further flight after the inspection where a crack was found, do the actions specified in paragraphs (g)(2)(i) or (g)(2)(ii) of this AD. If you repair your airplane following paragraph (g)(2)(i) of this AD before the airplane reaches a total of 3,200 hours TIS, you must do the eddy current inspections following the compliance times in paragraphs (g)(5) and (g)(6) of this AD, as applicable. If you repair your airplane following paragraph (g)(2)(i) of this AD at 3,200 hours TIS or after, this repair terminates the repetitive inspections required in this AD.

(i) For cracks that can be removed by repair, install center splice plate, P/N 20997–2, and extended 8-bolt splice blocks, P/N 20985–1/–2, cold-work the lower spar cap fastener holes, and eddy current inspect the center splice joint outboard two fastener holes in both the left and right wing main spar lower caps for cracks. This eddy current inspection is required as part of the modification and is separate from the inspections required in paragraph (g)(1) of this AD. Incorporating this repair modification extends the safe life of the wing main spar lower cap to a total of 8,000 hours TIS. Do the repair following Snow Engineering Co. Service Letter #284, dated October 4, 2009; Snow Engineering Co.

Process Specification #197, page 1, revised June 4, 2002; pages 2 through 4, dated February 23, 2001; and page 5, dated May 3, 2002; Snow Engineering Co. Drawing Number 20995, Sheet 2, Rev. D., dated November 25, 2005; and Snow Engineering Co. Service Letter #240, dated September 30, 2004.

(ii) For cracks that cannot be repaired by incorporating the repair modification specified in paragraph (g)(2)(i) of this AD, replace the lower spar caps and associated parts listed following paragraph (g)(3) of this AD.

(3) Replace the wing main spar lower caps, the web plates, the center joint splice blocks and hardware, and the wing attach angles and hardware, and install the steel web splice plate at whichever of the compliance times specified in paragraphs (g)(3)(i), (g)(3)(ii), or (g)(3)(iii) of this AD that occurs first. If the wing main spar lower cap was replaced with P/N 21118–1/–2, the new spar safe life is 11,700 hours TIS. If the wing main spar lower cap is replaced with P/N 21083–1/–2 before September 9, 2010 (the effective date retained from AD 2010–17–18), the safe life for that P/N spar cap is 8,000 hours TIS until the wing main spar lower cap is replaced with P/N 21118–1/–2. This replacement terminates the inspections required in this AD. Do the replacement following Snow Engineering Co. Service Letter #284, dated October 4, 2009; Snow Engineering Co. Service Letter #80GG, revised December 21, 2005; and Snow Engineering Co. Drawing Number 20975, Sheet 4, Rev. A, dated January 7, 2009.

(i) *For all airplanes:* Before further flight when cracks are found that cannot be repaired by incorporating the repair modification specified in paragraph (g)(2)(i) of this AD.

(ii) *For airplanes previously affected by AD 2010–17–18 R1:* Before or when the airplane reaches the wing main spar lower cap safe life of a total of 4,100 hours TIS or within the next 50 hours TIS after September 9, 2010 (the effective date retained from AD 2010–17–18), whichever occurs later.

(iii) *For airplanes not previously affected by AD 2010–17–18 R1:* Before or when the airplane reaches the wing main spar lower cap safe life of a total of 4,100 hours TIS or within the next 50 hours TIS after September 29, 2014 (the effective date of this AD), whichever occurs later.

(4) To extend the initial 4,100-hour TIS safe life of the wing main spar lower cap to a total of 8,000 hours TIS, you may incorporate the repair modification specified in paragraph (g)(2)(i) of this AD between 3,200 hours TIS and 4,100 hours TIS. This modification terminates the repetitive inspections required in paragraphs (g)(1)(i) and (g)(1)(ii) of this AD, unless you do the modification before the airplane reaches a total of 3,200 hours TIS to repair cracks.

(5) *For airplanes previously affected by AD 2010–17–18 R1:* If you modified your airplane to repair cracks before the airplane reached a total of 3,200 hours TIS, as required in paragraph (g)(2)(i) of this AD, or you previously modified your wing to extend the safe life but did not cold work the lower spar cap fastener holes, you must do the eddy current inspections required in paragraph (g)(1) of this AD following the compliance times specified in paragraphs (g)(5)(i) through (g)(5)(iii) of this AD, as applicable.

(i) If the airplane already had the center splice plate and extended 8-bolt splice blocks installed at or after 3,200 hours TIS but the fastener holes have not been cold worked, you may cold work the fastener holes at any time to terminate the repetitive inspection requirements of this paragraph. Initially inspect when the airplane reaches a total of 2,400 hours TIS after the modification or within the next 100 days after September 9, 2010 (the effective date retained from AD 2010–17–18), whichever occurs later. Repetitively thereafter inspect at intervals not to exceed 1,200 hours TIS until the 8,000 hours TIS spar replacement time.

(ii) If the airplane already had the center splice plate and extended 8-bolt splice blocks already installed before reaching 3,200 hours TIS but the fastener holes have not been cold worked, initially inspect when the airplane reaches a total of 2,400 hours TIS after the modification or within the next 100 days after September 9, 2010 (the effective date retained from AD 2010–17–18), whichever occurs later. Repetitively thereafter inspect at intervals not to exceed 1,200 hours TIS. Upon reaching 4,800 hours TIS after the modification, repetitively thereafter inspect at intervals not to exceed 600 hours TIS until the 8,000 hours TIS spar replacement time.

(iii) If the airplane had the center splice plate and extended 8-bolt splice blocks installed before reaching 3,200 hours TIS and the fastener holes have been cold worked, initially inspect when the airplane reaches a total of 4,800 hours TIS after the modification or within the next 100 days after September 9, 2010 (the effective date retained from AD 2010–17–18), whichever occurs later. Repetitively thereafter inspect at intervals not to exceed 600 hours TIS until the 8,000 hours TIS spar replacement time.

(6) *For airplanes not previously affected by AD 2010–17–18 R1:* If you modified your airplane to repair cracks before the airplane reached a total of 3,200 hours TIS, as required in paragraph (g)(2)(i) of this AD, or you previously modified your wing to extend the safe life but did not cold work the lower spar cap fastener holes, and your, you must do the eddy current inspections required in paragraph (g)(1) of this AD following the compliance times specified in paragraphs (g)(6)(i) through (g)(6)(iii) of this AD, as applicable.

(i) If the airplane already had the center splice plate and extended 8-bolt splice blocks installed at or after 3,200 hours TIS but the fastener holes have not been cold worked, you may cold work the fastener holes at any time to terminate the repetitive inspection requirements of this paragraph. Initially inspect when the airplane reaches a total of 2,400 hours TIS after the modification or within the next 50 hours TIS after September 29, 2014 (the effective date of this AD), whichever occurs later. Repetitively thereafter inspect at intervals not to exceed 1,200 hours TIS until the 8,000 hours TIS spar replacement time.

(ii) If the airplane had the center splice plate and extended 8-bolt splice blocks already installed before reaching 3,200 hours TIS but the fastener holes have not been cold worked, initially inspect when the airplane reaches a total of 2,400 hours TIS after the modification or within the next 50 hours TIS after September 29, 2014 (the effective date of this AD), whichever occurs later. Repetitively thereafter inspect at intervals not to exceed 1,200 hours TIS. Upon reaching 4,800 hours TIS after the modification, repetitively thereafter inspect at intervals not to exceed 600 hours TIS until the 8,000 hours TIS spar replacement time.

(iii) If the airplane had the center splice plate and extended 8-bolt splice blocks installed before reaching 3,200 hours TIS and the fastener holes have been cold worked, initially inspect when the airplane reaches a total of 4,800 hours TIS after the modification or within the next 50 hours TIS after September 29, 2014 (the effective date of this AD), whichever occurs later. Repetitively thereafter inspect at intervals not to exceed 600 hours TIS until the 8,000 hours TIS spar replacement time.

(7) If you find any cracks during any inspection required by paragraphs (g)(5) and (g)(6) of this AD, before further flight, replace the lower spar caps and the associated parts following the procedures identified in paragraph (g)(3) of this AD.

(h) Actions for Airplanes SNs–0092 Through –0101

(1) Eddy current inspect the center splice joint outboard two fastener holes in both the left and right wing main spar lower caps for cracks at the compliance times specified in paragraphs (h)(1)(i) or (h)(1)(ii) of this AD. Do the inspections following Snow Engineering Co. Service Letter #284, dated October 4, 2009; and Snow Engineering Co. Process Specification #197, page 1, revised June 4, 2002; pages 2 through 4, dated February 23, 2001; and page 5, dated May 3, 2002.

(i) *For airplanes previously affected by AD 2010–17–18 R1:* Initially inspect upon reaching 1,700 hours TIS or within the next 50 hours TIS after September 9, 2010 (the effective date retained from AD 2010–17–18), whichever occurs later. Repetitively thereafter inspect at intervals not to exceed 800 hours TIS unless the center splice plate, P/N 20994–2, is installed, then repetitively inspect at intervals not to exceed 2,000 hours TIS.

(ii) *For airplanes not previously affected by AD 2010–17–18 R1:* Initially inspect upon reaching 1,700 hours TIS or within the next 50 hours TIS after September 29, 2014 (the effective date of this AD), whichever occurs later. Repetitively thereafter inspect at intervals not to exceed 800 hours TIS unless the center splice plate, P/N 20994–2, is installed, then repetitively inspect at intervals not to exceed 2,000 hours TIS.

(2) If any cracks are found as a result of any inspection required by paragraph (h)(1) of this AD, before further flight after the inspection where a crack was found, do the actions specified in paragraphs (h)(2)(i) or (h)(2)(ii) of this AD.

(i) For cracks that can be removed by repair, install the 9-bolt splice blocks, cold-work the lower spar cap fastener holes, install the center splice plate, P/N 20994–2,

if not already installed, and eddy current inspect the center splice joint outboard two fastener holes in both the left and right wing main spar lower caps for cracks. This eddy current inspection is required as part of the repair and is separate from the inspections required in paragraph (h)(1) of this AD. Incorporating this repair modification extends the safe life of the wing main spar lower cap to a total of 8,000 hours TIS and terminates the repetitive inspections required in this AD. Do the repair following Snow Engineering Co. Service Letter #284, dated October 4, 2009; Snow Engineering Co. Process Specification #197, page 1, revised June 4, 2002; pages 2 through 4, dated February 23, 2001; and page 5, dated May 3, 2002; Snow Engineering Co. Service Letter #281, dated August 1, 2009; and Snow Engineering Co. Drawing Number 20995, Sheet 3, dated November 25, 2005.

(ii) For cracks that cannot be repaired by incorporating the repair modification specified in paragraph (h)(2)(i) of this AD, replace the lower spar caps and associated parts listed following paragraph (h)(3) of this AD.

(3) Replace the wing main spar lower caps, the web plates, the center joint splice blocks and hardware, and the wing attach angles and hardware, and install the steel web splice plate at whichever of the compliance times specified in paragraphs (h)(3)(i), (h)(3)(ii), or (h)(3)(iii) of this AD that occurs first. If the wing main spar lower cap is replaced with P/N 21118–1/–2, the new spar safe life is 11,700 hours TIS. If the wing main spar lower cap was replaced with P/N 21083–1/–2 before September 9, 2010 (the effective date retained from AD 2010–17–18), the safe life for that P/N spar cap is 8,000 hours TIS until the wing main spar lower cap is replaced with P/N 21118–1/–2. This replacement terminates the inspections required in this AD. Do the replacement following Snow Engineering Co. Service Letter #284, dated October 4, 2009; Snow Engineering Co. Service Letter #80GG, revised December 21, 2005; and Snow Engineering Co. Drawing Number 20975, Sheet 4, Rev. A, dated January 7, 2009.

(i) *For all airplanes:* Before further flight when cracks are found that cannot be repaired by incorporating the modification specified in paragraph (h)(2)(i) of this AD.

(ii) *For airplanes previously affected by AD 2010–17–18 R1:* Before or when the airplane reaches the wing main spar lower cap safe life of a total of 4,100 hours TIS or within the next 50 hours TIS after September 9, 2010 (the effective date retained from AD 2010–17–18), whichever occurs later.

(iii) *For airplanes not previously affected by AD 2010–17–18 R1:* Before or when the airplane reaches the wing main spar lower cap safe life of a total of 4,100 hours TIS or within the next 50 hours TIS after September 29, 2014 (the effective date of this AD), whichever occurs later.

(4) To extend the initial 4,100-hour TIS safe life of the wing main spar lower cap to a total of 8,000 hours TIS, before the airplane reaches a total of 4,100 hours TIS, as long as no cracks are found during any inspection required in paragraph (h)(1) of this AD, install center splice plate, P/N 20994–2, if not already installed as part of a repair, cold-work the lower spar cap fastener holes, and eddy current inspect the center splice joint outboard two fastener holes in both the left and right wing main spar lower caps for cracks. This eddy current inspection is required as part of the modification and is separate from the inspections required in paragraph (h)(1) of this AD. After installing P/N 20994–2, eddy current inspect the center splice joint outboard two fastener holes in both the left and right wing main spar lower caps for cracks repetitively at intervals not to exceed 2,000 hours TIS following the procedures specified in paragraph (h)(1) of this AD. Do the modification following Snow Engineering Co. Service Letter #284, dated October 4, 2009; Snow Engineering Co. Process Specification #197, page 1, revised June 4, 2002; pages 2 through 4, dated February 23, 2001; and page 5, dated May 3, 2002; Snow Engineering Co. Drawing Number 20975, Sheet 4, Rev. A., dated January 7, 2009; and Snow Engineering Co. Service Letter #245, dated April 25, 2005.

(i) *For airplanes previously affected by AD 2010–17–18 R1:* As of September 9, 2010 (the effective date retained from AD 2010–17–18), if you have already exceeded the 4,100-hour TIS threshold for extending the safe life to 8,000 hours TIS, you may be eligible for an alternative method of compliance following paragraph (o) in this AD.

(ii) *For airplanes not previously affected by AD 2010–17–18 R1:* As of September 29, 2014 (the effective date of this AD), if you have already exceeded the 4,100-hour TIS threshold for extending the safe life to 8,000 hours TIS, you may be eligible for an alternative method of compliance following paragraph (o) in this AD.

(5) If any cracks are found as a result of the eddy current inspection required by paragraph (h)(4) of this AD, do the actions specified in paragraphs (h)(5)(i) or (h)(5)(ii) of this AD.

(i) For cracks that can be removed by repair, install the 9-bolt splice blocks, cold-work the lower spar cap fastener holes, and eddy current inspect the center splice joint outboard two fastener holes in both the left and right wing main spar lower caps for cracks. This eddy current inspection is required as part of the modification and is separate from the inspections required in paragraph (h)(1) of this AD. Incorporating this repair modification terminates the repetitive inspections required in paragraph (h)(4) of this AD. Do the repair following Snow Engineering Co. Service Letter #284, dated October 4, 2009; and Snow Engineering Co. Process Specification #197, page 1, revised June 4, 2002; pages 2 through 4, dated February 23, 2001; and page 5, dated May 3, 2002; Snow Engineering Co. Service Letter #281, dated August 1, 2009; and Snow Engineering Co. Drawing Number 20995, Sheet 3, dated November 25, 2005.

(ii) For cracks that cannot be repaired by incorporating the repair modification specified in paragraph (h)(5)(i) of this AD, replace the lower spar caps and associated parts listed following paragraph (h)(3) of this AD.

(i) Actions for Airplanes SNs–0102 through –0178

(1) *For airplanes previously affected by AD 2010–17–18 R1:* Eddy current inspect the center splice joint outboard two fastener holes in both the left and right wing main spar lower caps for cracks at the compliance times specified in paragraphs (i)(1)(i) and (i)(1)(ii) of this AD, as applicable. Do the inspections following Snow Engineering Co. Process Specification #197, page 1, revised June 4, 2002; pages 2 through 4, dated February 23, 2001; and page 5, dated May 3, 2002; Snow Engineering Co. Service Letter #245 dated April 25, 2005; Snow Engineering Co. Service Letter #284, dated October 4, 2009.

(i) If the center splice joint outboard two fastener holes in both the left and right wing main spar lower caps have not been cold worked, initially inspect when the airplane reaches a total of 5,500 hours TIS or within the next 50 hours TIS after September 9, 2010 (the effective date retained from AD 2010–17–18), whichever occurs later. Repetitively thereafter inspect at intervals not to exceed 1,100 hours TIS until the 8,000 hours TIS spar replacement time.

(ii) If the center splice joint outboard two fastener holes in both the left and right wing main spar lower caps have been cold worked, initially inspect when the airplane reaches a total of 5,500 hours TIS or within the next 50 hours TIS after September 9, 2010 (the effective date retained from AD 2010–17–18), whichever occurs later. Repetitively thereafter inspect at intervals not to exceed 2,200 hours TIS until the 8,000 hours TIS spar replacement time.

(2) *For airplanes not previously affected by AD 2010–17–18 R1:* Eddy current inspect the center splice joint outboard two fastener holes in both the left and right wing main spar lower caps for cracks at the compliance times specified in paragraphs (i)(2)(i) and (i)(2)(ii) of this AD, as applicable. Do the inspections following Snow Engineering Co. Process Specification #197, page 1, revised June 4, 2002; pages 2 through 4, dated February 23, 2001; and page 5, dated May 3, 2002; Snow Engineering Co. Service Letter #245 dated April 25, 2005; Snow Engineering Co. Service Letter #284, dated October 4, 2009.

(i) If the center splice joint outboard two fastener holes in both the left and right wing main spar lower caps have not been cold worked, initially inspect when the airplane reaches a total of 5,500 hours TIS or within the next 50 hours TIS after September 29, 2014 (the effective date of this AD), whichever occurs later. Repetitively thereafter inspect at intervals not to exceed 1,100 hours TIS until the 8,000 hours TIS spar replacement time.

(ii) If the center splice joint outboard two fastener holes in both the left and right wing main spar lower caps have been cold worked initially inspect when the airplane reaches a total of 5,500 hours TIS or within the next 50 hours TIS after September 29, 2014 (the effective date of this AD), whichever occurs later. Repetitively thereafter inspect at intervals not to exceed 2,200 hours TIS until the 8,000 hours TIS spar replacement time.

(3) If no cracks are found during the initial inspections required in paragraphs (i)(1)(i)

and (i)(2)(i) of this AD, to use the longer repetitive inspection intervals specified in paragraphs (i)(1)(ii) and (i)(2)(ii) of this AD, as applicable, you may do the optional cold-working of the lower spar cap fastener holes following Snow Engineering Co. Service Letter #245, dated April 25, 2005.

(4) If any cracks are found during any inspection required in paragraphs (i)(1) and (i)(2) of this AD, before further flight after the inspection where a crack is found, do the actions specified in paragraphs (i)(4)(i) or (i)(4)(ii) of this AD.

(i) For cracks that can be removed by repair, install the 9-bolt splice blocks, cold-work the lower spar cap fastener holes, and eddy current inspect the center splice joint outboard two fastener holes in both the left and right wing main spar lower caps for cracks. This eddy current inspection is required as part of the repair modification and is separate from the inspections required in paragraphs (i)(1) and (i)(2) of this AD. This modification terminates the repetitive inspections required in this AD. Do the repair following Snow Engineering Co. Service Letter #281, dated August 1, 2009; and Snow Engineering Co. Drawing Number 20995, Sheet 3, dated November 25, 2005.

(ii) For cracks that cannot be repaired by doing the actions specified in paragraph (i)(4)(i) of this AD, replace the lower spar caps and associated parts listed following paragraph (i)(5) of this AD, including all subparagraphs.

(5) Replace the wing main spar lower caps, the web plates, the center joint splice blocks and hardware, and the wing attach angles and hardware, and install the steel web splice plate at whichever of the compliance times specified in paragraphs (i)(5)(i), (i)(5)(ii), or (i)(5)(iii) of this AD that occurs first. This replacement terminates the inspections required in this AD, including all subparagraphs. After this replacement the new spar safe life is 11,700 hours TIS. Do the replacement following Snow Engineering Co. Service Letter #284, dated October 4, 2009; Snow Engineering Co. Service Letter #80GG, revised December 21, 2005; Snow Engineering Co. Drawing Number 20975, Sheet 4, Rev. A, dated January 7, 2009.

(i) *For all airplanes:* Before further flight when cracks are found that cannot be repaired by doing the actions specified in paragraph (i)(4)(i) of this AD.

(ii) *For airplanes previously affected by AD 2010–17–18 R1:* Before or when the airplane reaches the wing main spar lower cap safe life of a total of 8,000 hours TIS or within the next 50 hours TIS after September 9, 2010 (the effective date retained from AD 2010–17–18), whichever occurs later.

(iii) *For airplanes not previously affected by AD 2010–17–18 R1:* Before or when the airplane reaches the wing main spar lower cap safe life of a total of 8,000 hours TIS or within the next 50 hours TIS after September 29, 2014 (the effective date of this AD), whichever occurs later.

(j) Actions for Airplanes SNs–0179 Through –0269

Replace the wing main spar lower caps, the web plates, the center joint splice blocks and hardware, and the wing attach angles and hardware, and install the steel web splice plate at the compliance times specified in paragraphs (j)(1) or (j)(2) of this AD. Do the replacement following Snow Engineering Co. Service Letter #284, dated October 4, 2009; Snow Engineering Co. Service Letter #80GG, revised December 21, 2005; and Snow Engineering Co. Drawing Number 20975, Sheet 4, Rev. A, dated January 7, 2009. After this replacement the new spar safe life is 11,700 hours TIS.

(1) *For airplanes previously affected by AD 2010–17–18 R1:* Unless already done (compliance with AD 2010–17–18 R1), by the 8,000-hour TIS safe life, or within the next 50 hours TIS after September 9, 2010 (the effective date retained from AD 2010–17–18), whichever occurs later.

(2) *For airplanes not previously affected by AD 2010–17–18 R1:* Unless already done, by the 8,000-hour TIS safe life, or within the next 50 hours TIS after September 29, 2014 (the effective date of this AD), whichever occurs later.

(k) Actions for Airplanes S/Ns–0270 and Subsequent Not Affected by AD 2010–17–18 R1

(1) As of September 29, 2014 (the effective date of this AD), this action establishes the safe life for the wing main spar to be 11,700 hours TIS.

(2) Upon reaching the 11,700-hour TIS safe life or within the next 50 hours TIS after September 29, 2014 (the effective date of this AD), whichever occurs later, replace the wing main spar lower caps, the web plates, the center joint splice blocks and hardware, and the wing attach angles and hardware, and install the steel web splice plate. After this replacement the subsequent new spar safe life is 11,700 hours TIS. Do the replacement following Snow Engineering Co. Service Letter #284, dated October 4, 2009; Snow Engineering Co. Service Letter #80GG, revised December 21, 2005; and Snow Engineering Co. Drawing Number 20975, Sheet 4, Rev. A, dated January 7, 2009.

(l) Reporting Requirement for All Airplanes

Report any crack from any inspection required in paragraphs (g) through (i) of this AD within 30 days after any crack is found using the form in Figure 1 of this AD. Send your report to Andrew McAnaul, Aerospace Engineer, ASW–150 (c/o San Antonio MIDO), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; phone: (210) 308–3365; fax: (210) 308–3370.

BILLING CODE 4910–13–P

AD 2014-16-17 INSPECTION REPORT *(REPORT ONLY IF CRACKS ARE FOUND)*	
General Information	
1. Inspection Performed By:	2. Phone:
3. Aircraft Model:	4. Aircraft Serial Number:
5. Engine Model Number:	6. Aircraft Total Hours TIS:
7. Wing Total Hours TIS:	8. Lower Spar Cap Hours TIS:
Previous Inspection/Repair History	
9. Has the lower spar cap been inspected (eddy-current, dye penetrant, magnetic particle, or ultrasound) before? ☐ Yes ☐ No	If yes, an inspection has occurred: Date: _____ Inspection Method: _____ Lower Spar Cap TIS: _____ Cracks found? ☐ Yes ☐ No
10. Has there been any major repair or alteration performed to the spar cap? ☐ Yes ☐ No	If yes, specify (Description and hours TIS):
Inspection for AD 2014-16-17	
11. Date of AD inspection: Inspection Results:	11a. Cracks found: ☐ Left Hand ☐ Right Hand
11b. Crack Length:_____ Location: _____	11c. Does drilling hole to next larger size remove all traces of the crack(s)? ☐ Yes ☐ No
12d. Corrective Action Taken:	

Send report (only if a cracks is found as a result any inspection required by AD 2014-16-17) to: Andrew McAnaul, Aerospace Engineer, ASW-150 (c/o San Antonio MIDO), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; phone: (210) 308-3365; fax: (210) 308-3370

Figure 1 to Paragraph (l) of This AD

BILLING CODE 4910–13–C

(m) Special Flight Permit

Special flight permits are permitted in accordance with 14 CFR 39.23 provided the following limitations are adhered to:

(1) Only operate in day visual flight rules (VFR).

(2) Ensure that the hopper is empty.

(3) Limit airspeed to 135 miles per hour (mph) indicated airspeed (IAS).

(4) Avoid any unnecessary g-forces.

(5) Avoid areas of turbulence.

(6) Plan the flight to follow the most direct route.

(n) Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the

requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(o) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Fort Worth Airplane Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (p) of this AD.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/ certificate holding district office.

(3) AMOCs approved for AD 2010–17–18 R1 are approved as AMOCs for this AD.

(p) Related Information

For more information about this AD, contact Andrew McAnaul, Aerospace Engineer, ASW–150 (c/o San Antonio MIDO), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; phone: (210) 308–3365; fax: (210) 308–3370; email: *andrew.mcanaul@faa.gov.*

(q) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(3) The following service information was approved for IBR on September 9, 2010 (75 FR 52255, August 25, 2010).

(i) Snow Engineering Co. Service Letter #80GG, dated December 21, 2005.

(ii) Snow Engineering Co. Service Letter #284, dated October 4, 2009.

(iii) Snow Engineering Co. Service Letter #281, dated August 1, 2009.

(iv) Snow Engineering Co. Service Letter #245, dated April 25, 2005.

(v) Snow Engineering Co. Drawing Number 20995, Sheet 2, Rev. D., dated November 25, 2005.

(vi) Snow Engineering Co. Drawing Number 20995, Sheet 3, dated November 25, 2005.

(vii) Snow Engineering Co. Drawing Number 20975, Sheet 4, Rev. A., dated January 7, 2009

(4) The following service information was approved for IBR on April 21, 2006 (71 FR 19994, April 19, 2006).

(i) Snow Engineering Co. Process Specification #197, page 1, revised June 4, 2002; pages 2 through 4, dated February 23, 2001; and page 5, dated May 3, 2002.

(ii) Snow Engineering Co. Service Letter #240, dated September 30, 2004.

(5) For Air Tractor, Inc. service information identified in this AD, contact Air Tractor, Inc., P.O. Box 485, Olney, Texas 76374; telephone: (940) 564–5616; fax: (940) 564–5612; email: *airmail@airtractor.com;* Internet: *www.airtractor.com.*

(6) You may view this service information at FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816–329–4148.

(7) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Kansas City, Missouri, on August 7, 2014.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–20098 Filed 8–22–14; 8:45 am]

BILLING CODE 4910–13–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 862

[Docket No. FDA–2014–N–1112]

Medical Devices; Clinical Chemistry and Clinical Toxicology Devices; Classification of Hemoglobin A1c Test System

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying hemoglobin A1c test system into class II (special controls). The special controls that will apply to this device are identified in this order and will be part of the codified language for the hemoglobin A1c test system classification. The Agency is classifying the device into class II (special controls) in order to provide a reasonable assurance of safety and effectiveness of the device.

DATES: This order is effective September 24, 2014. The classification was applicable May 23, 2013.

FOR FURTHER INFORMATION CONTACT: Meshaun Payne, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5650, Silver Spring, MD 20993–0002, 301–796–6668.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with section 513(f)(1) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360c(f)(1)), devices that were not in commercial distribution before May 28, 1976 (the date of enactment of the Medical Device Amendments of 1976), generally referred to as postamendments devices, are classified automatically by statute into class III without any FDA rulemaking process. These devices remain in class III and require premarket approval, unless and until the device is classified or reclassified into class I or II, or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the FD&C Act, to a predicate device that does not require premarket approval. The Agency determines whether new devices are substantially equivalent to predicate devices by means of premarket notification procedures in section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807) of the regulations.

Section 513(f)(2) of the FD&C Act, as amended by section 607 of the Food and Drug Administration Safety and Innovation Act (Public Law 112–144), provides two procedures by which a person may request FDA to classify a device under the criteria set forth in section 513(a)(1). Under the first procedure, the person submits a premarket notification under section 510(k) of the FD&C Act for a device that has not previously been classified and, within 30 days of receiving an order classifying the device into class III under section 513(f)(1) of the FD&C Act, the person requests a classification under section 513(f)(2). Under the second procedure, rather than first submitting a premarket notification under section 510(k) of the FD&C Act and then a request for classification under the first procedure, the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence and requests a classification under section 513(f)(2) of the FD&C Act. If the person submits a request to classify the device under this second procedure, FDA may decline to undertake the classification request if FDA identifies a legally marketed device that could provide a reasonable basis for

review of substantial equivalence with the device or if FDA determines that the device submitted is not of ''low-moderate risk'' or that general controls would be inadequate to control the risks and special controls to mitigate the risks cannot be developed.

In response to a request to classify a device under either procedure provided by section 513(f)(2) of the FD&C Act, FDA will classify the device by written order within 120 days. This classification will be the initial classification of the device.

In accordance with section 513(f)(1) of the FD&C Act, FDA issued an order on March 14, 2013, classifying the COBAS INTEGRA 800 Tina-quant HbA1cDx Gen.2 assay into class III, because it was not substantially equivalent to a device that was introduced or delivered for introduction into interstate commerce for commercial distribution before May 28, 1976, or a device which was subsequently reclassified into class I or class II. On March 29, 2013, Roche Diagnostics Corporation submitted a request for classification of the COBAS INTEGRA 800 Tina-quant HbA1cDx Gen.2 assay under section 513(f)(2) of the FD&C Act. The manufacturer recommended that the device be classified into class II.

In accordance with section 513(f)(2) of the FD&C Act, FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1). FDA classifies devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use. After review of the information submitted in the de novo request, FDA determined that the device can be classified into class II with the establishment of special controls. FDA believes these special controls, in addition to general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on May 23, 2013, FDA issued an order to the requestor classifying the device into class II. FDA is codifying the classification of the device by adding § 862.1373.

Following the effective date of this final classification administrative order, any firm submitting a premarket notification (510(k)) for a hemoglobin A1c test system will need to comply with the special controls named in the final administrative order.

The device is assigned the generic name hemoglobin A1c test system, and it is identified as a device used to measure the percentage concentration of hemoglobin A1c in blood. Measurement of hemoglobin A1c is used as an aid in the diagnosis of diabetes mellitus and as an aid in the identification of patients at risk for developing diabetes mellitus.

FDA has identified the following risks to health associated with this type of device and the measures required to mitigate these risks in table 1:

TABLE 1—IDENTIFIED RISKS AND REQUIRED MITIGATIONS

Identified risks	Required mitigations
False negative result due to inadequate device performance	Special controls (1) and (2).
False positive result due to inadequate device performance	Special controls (1) and (2).
Use of the test for patients with hemoglobin variants that may interfere with the test system, and lead to incorrect results.	Special control (3).

FDA believes that the following special controls, in addition to the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness:

1. The device must have initial and annual standardization verification by a certifying glycohemoglobin standardization organization deemed acceptable by FDA.

2. The premarket notification submission must include performance testing to evaluate precision, accuracy, linearity and interference, including the following:

- Performance testing of device precision must, at a minimum, use blood samples with concentrations near 5.0 percent, 6.5 percent, 8.0 percent and 12 percent hemoglobin A1c. This testing must evaluate precision over a minimum of 20 days using at least three lots of the device and three instruments, as applicable.
- Performance testing of device accuracy must include a minimum of 120 blood samples that span the measuring interval of the device and compare results of the new device to results of a standardized test method. Results must demonstrate little or no bias versus the standardized method.
- Total error of the new device must be evaluated using single measurements by the new device compared to results of the standardized test method, and this evaluation must demonstrate a total error less than or equal to 6 percent.
- Performance testing must demonstrate that there is little to no interference from common hemoglobin variants, including Hemoglobin C, Hemoglobin D, Hemoglobin E, Hemoglobin A2, and Hemoglobin S.

3. When assay interference from Hemoglobin F or interference with other hemoglobin variants with low frequency in the population is observed, a warning statement must be placed in a black box and must appear in all labeling material for these devices describing the interference and any affected populations.

Hemoglobin A1c test system devices are prescription devices restricted to patient use only upon the authorization of a practitioner licensed by law to administer or use the device. (See section 520(e) of the FD&C Act (21 U.S.C. 360j(e)) and 21 CFR 801.109 (*Prescription devices*).). Prescription-use restrictions are a type of general control as defined in section 513(a)(1)(A)(i) of the FD&C Act.

Section 510(m) of the FD&C Act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k) if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device. For this type of device, FDA has determined that premarket notification is necessary to provide reasonable assurance of the safety and effectiveness of the device. Therefore, this device type is not exempt from premarket notification requirements. Persons who intend to market this type of device must submit to FDA a premarket notification, prior to marketing the device, which contains information about the hemoglobin A1c test system they intend to market.

II. Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment

nor an environmental impact statement is required.

III. Paperwork Reduction Act of 1995

This final administrative order establishes special controls that refer to previously approved collections of information found in other FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR parts 801 and 809 regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 862

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 862 is amended as follows:

PART 862—CLINICAL CHEMISTRY AND CLINICAL TOXICOLOGY DEVICES

■ 1. The authority citation for 21 CFR part 862 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

■ 2. Add § 862.1373 to subpart B to read as follows:

§ 862.1373 Hemoglobin A1c test system.

(a) *Identification.* A hemoglobin A1c test system is a device used to measure the percentage concentration of hemoglobin A1c in blood. Measurement of hemoglobin A1c is used as an aid in the diagnosis of diabetes mellitus and as an aid in the identification of patients at risk for developing diabetes mellitus.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) The device must have initial and annual standardization verification by a certifying glycohemoglobin standardization organization deemed acceptable by FDA.

(2) The premarket notification submission must include performance testing to evaluate precision, accuracy, linearity, and interference, including the following:

(i) Performance testing of device precision must, at a minimum, use blood samples with concentrations near 5.0 percent, 6.5 percent, 8.0 percent, and 12 percent hemoglobin A1c. This testing must evaluate precision over a minimum of 20 days using at least three lots of the device and three instruments, as applicable.

(ii) Performance testing of device accuracy must include a minimum of 120 blood samples that span the measuring interval of the device and compare results of the new device to results of a standardized test method. Results must demonstrate little or no bias versus the standardized method.

(iii) Total error of the new device must be evaluated using single measurements by the new device compared to results of the standardized test method, and this evaluation must demonstrate a total error less than or equal to 6 percent.

(iv) Performance testing must demonstrate that there is little to no interference from common hemoglobin variants, including Hemoglobin C, Hemoglobin D, Hemoglobin E, Hemoglobin A2, and Hemoglobin S.

(3) When assay interference from Hemoglobin F or interference with other hemoglobin variants with low frequency in the population is observed, a warning statement must be placed in a black box and must appear in all labeling material for these devices describing the interference and any affected populations.

Dated: August 19, 2014.

Peter Lurie,

Associate Commissioner for Policy and Planning.

[FR Doc. 2014–20022 Filed 8–22–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 862, 864, 866, and 872

[Docket No. FDA–2014–N–0011]

Medical Devices; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending certain medical device regulations to correct minor errors in the Code of Federal Regulations (CFR). This action is editorial in nature and is intended to correct outdated Web site addresses.

DATES: This rule is effective August 25, 2014.

FOR FURTHER INFORMATION CONTACT: Aaron Josephson, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5449, Silver Spring, MD 20993–0002, 301–796–5178.

SUPPLEMENTARY INFORMATION: FDA is amending certain regulations in parts 862, 864, 866, and 872 (21 CFR parts 862, 864, 866, and 872). This action updates certain Web site addresses that have been changed due to recent FDA Web site changes.

Publication of this document constitutes final action of these changes under the Administrative Procedure Act (5 U.S.C. 553). These amendments are merely correcting nonsubstantive errors. FDA therefore, for good cause, finds under 5 U.S.C. 553(b)(3)(B) and (d)(3) that notice and public comment are unnecessary.

FDA has determined under 21 CFR 25.30(i) that this final rule is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required. In addition, FDA has determined that this final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

List of Subjects

21 CFR Part 862

Medical devices.

21 CFR Part 864

Blood, Medical devices, Packaging and containers.

21 CFR Part 866

Biologics, Laboratories, Medical devices.

21 CFR Part 872

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner of Food and Drugs, 21 CFR Chapter I is amended as follows:

PARTS 862, 864, 866, AND 872 [AMENDED]

■ 1. The authority citation for parts 862, 864, 866, and 872 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

§§ 862.1, 864.1, 866.1, and 872.1 [Amended]

■ 2. In the following table, for each section indicated in the left column, remove the Web site address indicated in the middle column from wherever the Web site address appears in the section, and add the Web site address indicated in the right column:

Section	Remove	Add
862.1	*http://www.fda.gov/AboutFDA/CentersOffices/OfficeofMedicalProductsandTobacco/CDRH/CDRHOmbudsman/default.htm.*	*http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.*
864.1	*http://www.fda.gov/AboutFDA/CentersOffices/OfficeofMedicalProductsandTobacco/CDRH/CDRHOmbudsman/default.htm.*	*http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.*
866.1	*http://www.fda.gov/cdrh.guidance.html*	*http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.*
872.1	*http://www.fda.gov/cdrh.guidance.html*	*http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.*

Dated: August 19, 2014.

Peter Lurie,

Associate Commissioner for Policy and Planning.

[FR Doc. 2014–20107 Filed 8–22–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0755]

Drawbridge Operation Regulation; Tennessee River, Decatur, AL

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Southern Railroad Drawbridge across the Tennessee River, mile 304.4, at Decatur, Alabama. The deviation is necessary to allow the bridge owner time to replace and adjust the down haul operating ropes that are essential to the continued safe operation of the drawbridge. This deviation allows the bridge to remain in the closed-to-navigation position and not open to vessel traffic.

DATES: This deviation is effective from 8 a.m. to 10 p.m., September 17, 2014 and September 24, 2014.

ADDRESSES: The docket for this deviation, (USCG–2014–0755) is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation, West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Eric A. Washburn, Bridge Administrator, Western Rivers, Coast Guard; telephone 314–269–2378, email *Eric.Washburn@uscg.mil.* If you have questions on viewing the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Norfolk Southern Railroad requested a temporary deviation for the Southern Railroad Drawbridge, across the Tennessee River, mile 304.4, at Decatur, Alabama to remain in the closed-to-navigation position on two days for 14 hours each day from 8 a.m. to 10 p.m. on September 17, 2014 and September 24, 2014 in order to replace and adjust the down haul operation ropes.

The Southern Railroad Drawbridge currently operates in accordance with 33 CFR 117.5, which states the general requirement that drawbridge shall open promptly and fully for the passage of vessels when a request to open is given in accordance with the subpart.

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

The Southern Railroad Drawbridge, in the closed-to-navigation position, provides a vertical clearance of 10.52 feet above normal pool. Navigation on the waterway consists primarily of commercial tows and recreational watercraft and will not be significantly impacted. This temporary deviation has been coordinated with waterway users. No objections were received.

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

Dated: August 13, 2014.

Eric A. Washburn,

Bridge Administrator, Western Rivers.

[FR Doc. 2014–20184 Filed 8–22–14; 8:45 am]

BILLING CODE 9110–04–P

LIBRARY OF CONGRESS

U.S. Copyright Office

37 CFR Part 201

[Docket No. 2014–06]

Exemption to Prohibition on Circumvention of Copyright Protection Systems for Wireless Telephone Handsets

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: Pursuant to an act of Congress, the Librarian of Congress is amending applicable regulations to provide that the prohibition against circumvention of technological measures that effectively control access to copyrighted works set forth in the United States Code shall not apply to persons who engage in such circumvention to enable used wireless telephone handsets to connect to wireless telecommunications networks when the circumvention is initiated either by the owner of the handset or certain other persons, and when connection to the network is authorized by the operator of the network.

DATES: Effective August 25, 2014.

FOR FURTHER INFORMATION CONTACT: Jacqueline C. Charlesworth, General Counsel and Associate Register of Copyrights, by email at *jcharlesworth@loc.gov* or by telephone at 202–707–8350; or Sarang V. Damle, Special Advisor to the General Counsel, by email at *sdam@loc.gov* or by telephone at 202–707–8350.

SUPPLEMENTARY INFORMATION: Pursuant to the Unlocking Consumer Choice and Wireless Competition Act, Public Law 113–144, enacted on and effective as of August 1, 2014, the Librarian of Congress is publishing a rule amending 37 CFR 201.40 to designate a class of copyrighted works that shall be exempt from the prohibition against circumvention of technological measures that effectively control access to copyrighted works set forth in 17 U.S.C. 1201(a)(1)(A) and to specify those persons who may initiate such circumvention.

Background

The Digital Millennium Copyright Act (''DMCA'') was enacted to implement certain provisions of the WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty. The DMCA created chapter 12 of title 17 of the United States Code, which prohibits circumvention of technological measures employed by copyright owners to protect their works. Specifically, section 1201(a)(1)(A) provides that no person shall circumvent a technological measure that effectively controls access to a work protected under title 17. In order to ensure that the public will have continued ability to engage in noninfringing uses of copyrighted works that may be adversely affected by the prohibition, however, subparagraph (B) of section 1201(a)(1) creates a regulatory exemption process.

Subparagraph (B) of section 1201(a)(1), as implemented through subparagraph (C), allows the Librarian of Congress, upon the recommendation of the Register of Copyrights, to adopt exemptions to the prohibition on circumvention when it is established that persons are, or are likely in the succeeding three-year period to be, adversely affected in their ability to make noninfringing uses of particular classes of works as a result of the prohibition. The Register's recommendation is made based on an evidentiary record developed through a multi-stage proceeding that includes written comments, oral testimony and other evidence submitted by the public, and after consultation with the Assistant Secretary for Communications and Information of the Department of Commerce (''Assistant Secretary''). In accordance with the statutory framework, a new rulemaking is commenced every three years.

In 2006, as part of the third triennial section 1201 rulemaking, the Librarian of Congress, upon the recommendation of the Register of Copyrights, for the first time announced an exemption from the prohibition against circumvention of technological measures that control access to computer programs that enable wireless telephone handsets to connect to wireless telephone communication networks when the circumvention is accomplished for the sole purpose of lawfully connecting to such a network—a process commonly referred to as ''cellphone unlocking.'' 71 FR 68472, 68480 (Nov. 27, 2006).

In 2010, as a result of the fourth triennial rulemaking, the Librarian of Congress, again acting upon the recommendation of the Register of Copyrights, adopted a slightly different version of the cellphone unlocking exemption to enable used wireless telephone handsets to connect to wireless telecommunications networks where the circumvention is initiated by the owner of the copy of the handset computer program solely in order to connect to such a network in an authorized manner. 75 FR 43825, 43839 (July 27, 2010).

In 2012, in the fifth triennial rulemaking, the Librarian adopted, upon the Register's recommendation, a more limited unlocking exemption. The evidentiary record in the 2012 proceeding established that wireless carriers were more willing to unlock cellphones upon the expiration of customers' contracts and that unlocked cellphones were widely available for purchase in the marketplace. 77 FR 65260, 65264–66 (Oct. 26, 2012). As a result, while still permitting the unlocking of older, or ''legacy,'' phones, the 2012 rule ended the exemption with respect to new phones acquired after January 26, 2013, 90 days after the rule went into effect. As before, unlocking was limited to owners of the handset computer program undertaken solely for the purpose of connecting to a wireless network in an authorized manner. *Id.* at 65278.

In response to public calls for a broader exemption,[1] Congress passed the Unlocking Consumer Choice and Wireless Competition Act (''Act''), effective as of August 1, 2014. In place of the 2012 exemption, the Act substitutes the version of the Librarian's cellphone unlocking exemption that was adopted pursuant to the 2010 rulemaking. In addition, the legislation provides that the circumvention permitted under the reinstated 2010 exemption, as well as any future exemptions applicable to wireless handsets or other wireless devices, may be initiated by the owner of the handset or device, by another person at the direction of the owner, or by a provider of commercial mobile radio or data services, to enable such owner or a family member to connect to a wireless network when authorized by the network operator. Pub. L. No. 113–144 sec. 2(a), (c). Finally, the legislation directs the Librarian of Congress to consider in the next triennial rulemaking proceeding whether to extend the unlocking exemption to other types of wireless devices based upon the recommendation of the Register of Copyrights, who in turn is to consult with the Assistant Secretary. *Id.* at sec. 2(b).

In accordance with the Act, the Librarian of Congress adopts the following amendments to the exemptions set forth in 37 CFR 201.40.

List of Subjects in 37 CFR Part 201

Copyright, General provisions.

Final Regulations

For the reasons set forth in the preamble, 37 CFR part 201 is amended as follows:

PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

■ 2. Section 201.40 is amended as follows:

■ a. By revising the section heading;

■ b. By revising paragraph (b)(3);

■ c. By redesignating paragraph (c) as paragraph (d); and

■ d. By adding a new paragraph (c).

§ 201.40 Exemptions to prohibition against circumvention.

* * * * *

(b) * * *

(3) Computer programs, in the form of firmware or software, that enable used wireless telephone handsets to connect to a wireless telecommunications network, when circumvention is initiated by the owner of the copy of the computer program solely in order to connect to a wireless telecommunications network and access

[1] *See* We the People, *https://petitions.whitehouse.gov/petition/make-unlocking-cell-phones-legal/1g9KhZG7* (last updated July 25, 2014).

to the network is authorized by the operator of the network.

* * * * *

(c) *Persons who may initiate circumvention.* To the extent authorized under paragraph (b) of this section, the circumvention of a technological measure that restricts wireless telephone handsets or other wireless devices from connecting to a wireless telecommunications network may be initiated by the owner of any such handset or other device, by another person at the direction of the owner, or by a provider of a commercial mobile radio service or a commercial mobile data service at the direction of such owner or other person, solely in order to enable such owner or a family member of such owner to connect to a wireless telecommunications network, when such connection is authorized by the operator of such network.

Dated: August 18, 2014.

James H. Billington,

Librarian of Congress.

[FR Doc. 2014–20077 Filed 8–22–14; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2012–0814 & EPA–R04–OAR–2012–0692; FRL–9915–65–Region 4]

Approval and Promulgation of Implementation Plans; Florida; Infrastructure Requirement (Visibility) for the 1997 and 2006 PM, and 2008 8-Hour Ozone NAAQS

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On April 18, 2008, and September 23, 2009, the Environmental Protection Agency (EPA) received state implementation plan (SIP) submissions from the State of Florida, through the Florida Department of Environmental Protection (FDEP), regarding the infrastructure elements for the 1997 annual Fine Particulate Matter ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS) and 2006 24-hour $PM_{2.5}$ NAAQS, respectively. On October 31, 2012, EPA received a SIP submission from FDEP regarding the infrastructure elements for the 2008 8-hour ozone NAAQS. Additionally, on October 22, 2013, FDEP supplemented the three aforementioned infrastructure SIP submissions. The Clean Air Act (CAA or Act) requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA. These plans are commonly referred to as ''infrastructure'' SIPs. Specifically, EPA is taking final action to approve the submissions for Florida as they relate to the 1997 annual and 2006 24-hour $PM_{2.5}$ and 2008 8-hour ozone NAAQS infrastructure SIP requirements to protect visibility in other states. All other applicable infrastructure requirements for these NAAQS have been addressed in separate rulemakings. EPA is approving the elements of these infrastructure SIP submissions, as supplemented on October 22, 2013, as they relate to the protection of visibility in other states.

DATES: This rule will be effective September 24, 2014.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2012–0814 for the 1997 and 2006 $PM_{2.5}$ SIP submissions and EPA–R04–OAR–2012–0692 for the 2008 8-hour ozone SIP submission. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Sean Lakeman, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9043. Mr. Lakeman can be reached via electronic mail at *lakeman.sean@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon promulgation of a new or revised NAAQS, sections 110(a)(1) and (2) of the CAA require states to address basic SIP requirements, including emissions inventories, monitoring, and modeling to assure attainment and maintenance for that new NAAQS. On July 18, 1997 (62 FR 38652), EPA established an annual $PM_{2.5}$ NAAQS of 15.0 micrograms per cubic meter (μg/m³), based on a 3-year average of annual mean $PM_{2.5}$ concentrations, and a 24-hour NAAQS of 65 μg/m³. On October 17, 2006 (71 FR 61144), EPA retained the 1997 annual $PM_{2.5}$ NAAQS at 15.0 μg/m³ based on a 3-year average of annual mean $PM_{2.5}$ concentrations and promulgated a new 24-hour NAAQS of 35 μg/m³ based on a 3-year average of the 98th percentile of 24-hour concentrations. On March 27, 2008 (77 FR 16436), EPA revised the 8-hour ozone NAAQS to 0.075 parts per million. On March 21, 2014, EPA proposed to approve SIP submissions from Florida as they relate to section 110(a)(2)(D)(i)(II) infrastructure SIP requirements to protect visibility in other states for the 1997 annual $PM_{2.5}$ NAAQS, 2006 24-hour $PM_{2.5}$ NAAQS, and 2008 8-hour ozone NAAQS. A summary of the background for today's final action is provided below. See EPA's March 21, 2014, proposed rulemaking at 79 FR 15718 for more detail.

Section 110(a)(2)(D) has two components: 110(a)(2)(D)(i) and 110(a)(2)(D)(ii). Section 110(a)(2)(D)(i) includes four distinct components, commonly referred to as ''prongs,'' that must be addressed in infrastructure SIP submissions. The first two prongs, which are codified in section 110(a)(2)(D)(i)(I), are provisions that prohibit any source or other type of emissions activity in one state from contributing significantly to nonattainment of the NAAQS in another state (prong 1) and interfering with maintenance of the NAAQS in another state (prong 2). The third and fourth prongs, which are codified in section 110(a)(2)(D)(i)(II), are provisions that prohibit emissions activity in one state interfering with measures required to prevent significant deterioration of air quality in another state (prong 3) and to protect visibility in another state (prong 4). Section 110(a)(2)(D)(ii) requires SIPs to include provisions ensuring compliance with sections 115 and 126 of the Act, relating to interstate and international pollution abatement.

EPA has previously taken action to address SIP submissions from Florida related to prongs 1 through 3 of section

110(a)(2)(D)(i) and the requirements of section 110(a)(2)(D)(ii) for the 1997 annual $PM_{2.5}$ NAAQS, 2006 24-hour $PM_{2.5}$ NAAQS, and 2008 8-hour ozone NAAQS. Today's final rulemaking relates only to prong 4 of section 110(a)(2)(D)(i)(II), which as previously described, requires that infrastructure SIPs contain adequate provisions to protect visibility in other states.

II. Response to Comments

On March 21, 2014 (79 FR 15718), EPA published a proposed rule to approve SIP submissions from Florida as they relate to the section 110(a)(2)(D)(i)(II) infrastructure SIP requirements to protect visibility in other states for the 1997 annual $PM_{2.5}$ NAAQS, 2006 24-hour $PM_{2.5}$ NAAQS, and 2008 8-hour ozone NAAQS. EPA received comments and questions on the rulemaking from two members of the general public (collectively referred to as the ''Commenter''). A summary of these comments and EPA's response is provided below.

Comment: The Commenter contends that EPA must disapprove the infrastructure SIP submissions as they relate to prong 4 of section 110(a)(2)(D)(i) because, according to the Commenter, regional haze at the St. Marks Wildlife Refuge (St. Marks Class I Area) is caused by prescribed burning; the Smoke Management Plan (SMP) attached to Florida's regional haze SIP submittal is ''largely ignored'' by the Florida Forest Service (FFS); the FFS has not designated the St. Marks Class I Area as a Smoke Sensitive Area/Receptor and ''regularly approves burns that engulf'' the St. Marks Class I Area and the Gulf of Mexico; Georgia and Florida ''regularly send smoke from prescribed burning to the other state;'' the FFS should disapprove prescribed burns on days when the wind direction will likely send smoke in the direction of the St. Marks Class I Area; and Florida's regional haze SIP is ''never enforced.''

Response: EPA disagrees that the concerns raised by the Commenter require the Agency to disapprove Florida's infrastructure SIP submissions under prong 4. The regional haze regulations at 40 CFR 51.308(d)(3)(v)(E) require that each state consider smoke management techniques and plans for agricultural and forestry management purposes in developing the long-term strategy (LTS) included in its regional haze SIP. In reviewing Florida's regional haze SIP, EPA agreed with the State's determination that elemental carbon associated with prescribed fires was not a significant contributor to visibility in the Class I areas in Florida or Georgia.[1] Florida evaluated the impact of emissions from within the State on Class I areas in neighboring states and consulted with those states through a regional planning process.[2] In its formal correspondence with Florida, Georgia supported Florida's approach to identifying and evaluating emissions sources that contribute significantly to visibility impairment in Georgia's Class I areas and did not identify prescribed fires in Florida as a source that significantly impacts those areas.[3] EPA concluded that Florida had satisfied the requirements of 40 CFR 51.308(d)(3)(v)(E) to consider the need for smoke management techniques in Florida's LTS for ensuring reasonable progress towards improving visibility, but had reasonably concluded that such techniques were not needed in its regional haze SIP for the first planning period.[4] We note that the Commenter has not provided any information unavailable at the time that EPA finalized action on Florida's regional haze SIP that warrants a different conclusion. More importantly, given that the visibility requirements of section 110(a)(2)(D)(i)(II) are directed toward the protection of visibility in downwind states, the comments do not show that the impacts from prescribed burning in Florida are interfering with the reasonable progress goals set by Georgia or other nearby states for their Class I areas. As such, the comments relating to visibility impacts at the St. Marks Class I Area in Florida do not provide a basis for disapproving FDEP's SIP submissions addressing the requirements of section 110(a)(2)(D)(i)(II) with respect to visibility.

Regarding the comments concerning enforcement, the Commenter has not identified any specific instances in which the State has failed to implement or enforce any elements of its regional haze SIP. Florida included the SMP as Appendix N to its regional haze SIP submittal, but as noted in the transmittal document associated with Florida's August 31, 2010 regional haze SIP submission, the appendices to that submission were included to provide background information and ''were not proposed to be incorporated into the SIP.''[5] Because the SMP is not part of Florida's SIP, it is not federally enforceable. Concerns regarding the implementation of the SMP by the FFS should be addressed to the State.

III. Final Action

As described above, EPA is approving the infrastructure SIP submissions from FDEP as addressing prong 4 of section 110(a)(2)(D)(i)(II) of the CAA for the 1997 and 2006 $PM_{2.5}$ NAAQS and for the 2008 8-hour ozone NAAQS. Specifically, EPA is approving FDEP's April 18, 2008, and September 23, 2009, submissions for the 1997 and 2006 $PM_{2.5}$ NAAQS, and FDEP's October 31, 2011, submission for the 2008 8-hour ozone NAAQS, as supplemented on October 22, 2013, as they pertain to prong 4 of section 110(a)(2)(D)(i)(II) because they are consistent with section 110 of the CAA.

IV. Statutory and Executive Order Reviews

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

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

[1] *See* 77 FR 31240, 31251, 31260–31261 (May 25, 2012).

[2] Id. at 31260.

[3] Id. at 31260–61; Letter from James P. Johnson, Georgia Department of Natural Resources, to Thomas G. Rogers, FDEP (May 26, 2009) (attached as Exhibit 3 to Florida's regional haze SIP and available in Docket ID No. EPA–R04–OAR–2010–0935).

[4] 77 FR at 31250–31251.

[5] FDEP, Proposed Revision to State Implementation Plan, Number 2010–01, Regional Haze Plan (Amended), SIP Transmittal (August 31, 2010), p.3. This document can be found in Docket ID No. EPA–R04–OAR–2010–0935.

• is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

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

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

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 24, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate Matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 14, 2014.

Heather McTeer Tony,

Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart K—Florida

■ 2. Section 52.520(e) is amended by adding three new entries for ''110(a)(1) and (2) Infrastructure Requirements for the 1997 Fine Particulate Matter National Ambient Air Quality Standards'', ''110(a)(1) and (2) Infrastructure Requirements for the 2006 Fine Particulate Matter National Ambient Air Quality Standards'' and ''110(a)(1) and (2) Infrastructure Requirements for the 2008 Ozone National Ambient Air Quality Standards'' at the end of the table to read as follows:

§ 52.520 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED FLORIDA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	**Federal Register** notice	Explanation
* *	*	*	*	* *
110(a)(1) and (2) Infrastructure Requirements for the 1997 Fine Particulate Matter National Ambient Air Quality Standards.	4/18/2008	8/25/2014	[Insert **Federal Register** citation].	Addressing prong 4 of section 110(a)(2)(D)(i) only.
110(a)(1) and (2) Infrastructure Requirements for the 2006 Fine Particulate Matter National Ambient Air Quality Standards.	9/23/2009	8/25/2014	[Insert **Federal Register** citation].	Addressing prong 4 of section 110(a)(2)(D)(i) only.
110(a)(1) and (2) Infrastructure Requirements for the 2008 Ozone National Ambient Air Quality Standards.	10/31/2011	8/25/2014	[Insert **Federal Register** citation].	Addressing prong 4 of section 110(a)(2)(D)(i) only.

[FR Doc. 2014–20053 Filed 8–22–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2014–0002; Internal Agency Docket No. FEMA–8347]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has

adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at *http://www.fema.gov/fema/csb.shtm.*

DATES: *Effective dates:* The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR Part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and Location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region III				
Pennsylvania:				
Aleppo, Township of, Allegheny County	421266	January 16, 1976, Emerg; September 1, 1986, Reg; September 26, 2014, Susp.	September 26, 2014.	September 26, 2014.
Aspinwall, Borough of, Allegheny County.	420005	April 11, 1975, Emerg; December 18, 1979, Reg; September 26, 2014, Susp.	.....do*	Do.
Baldwin, Borough of, Allegheny County	420007	November 19, 1973, Emerg; August 15, 1978, Reg; September 26, 2014, Susp.	.....do	Do.

State and Location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Baldwin, Township of, Allegheny County	422650	March 18, 1977, Emerg; October 30, 1978, Reg; September 26, 2014, Susp.	.....do*	Do.
Bell Acres, Borough of, Allegheny County.	420008	June 12, 1975, Emerg; May 1, 1985, Reg; September 26, 2014, Susp.	.....do	Do.
Bellevue, Borough of, Allegheny County	420009	February 17, 1977, Emerg; December 15, 1978, Reg; September 26, 2014, Susp.	.....do	Do.
Ben Avon, Borough of, Allegheny County.	420010	June 2, 1976, Emerg; July 16, 1981, Reg; September 26, 2014, Susp.	.....do	Do.
Bethel Park, Municipality of, Allegheny County.	420012	September 3, 1974, Emerg; June 15, 1981, Reg; September 26, 2014, Susp.	.....do	Do.
Blawnox, Borough of, Allegheny County	420013	November 1, 1974, Emerg; September 3, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
Brackenridge, Borough of, Allegheny County.	420014	November 26, 1974, Emerg; August 15, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
Braddock, Borough of, Allegheny County.	420015	January 21, 1975, Emerg; September 30, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
Bradford Woods, Borough of, Allegheny County.	421262	March 9, 1977, Emerg; November 6, 1981, Reg; September 26, 2014, Susp.	.....do	Do.
Brentwood, Borough of, Allegheny County.	420017	June 6, 1974, Emerg; February 2, 1984, Reg; September 26, 2014, Susp.	.....do	Do.
Bridgeville, Borough of, Allegheny County.	420018	October 15, 1974, Emerg; January 5, 1984, Reg; September 26, 2014, Susp.	.....do	Do.
Castle Shannon, Borough of, Allegheny County.	420020	December 31, 1975, Emerg; March 30, 1979, Reg; September 26, 2014, Susp.	.....do	Do.
Cheswick, Borough of, Allegheny County.	420022	July 30, 1975, Emerg; June 18, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
Churchill, Borough of, Allegheny County	420023	July 2, 1974, Emerg; December 15, 1978, Reg; September 26, 2014, Susp.	.....do	Do.
Clairton, City of, Allegheny County	420024	July 31, 1975, Emerg; October 16, 1979, Reg; September 26, 2014, Susp.	.....do	Do.
Collier, Township of, Allegheny County	421058	July 7, 1975, Emerg; March 15, 1982, Reg; September 26, 2014, Susp.	.....do	Do.
Coraopolis, Borough of, Allegheny County.	420025	July 9, 1973, Emerg; June 15, 1979, Reg; September 26, 2014, Susp.	.....do	Do.
Crafton, Borough of, Allegheny County ..	420026	April 15, 1974, Emerg; December 19, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
Crescent, Township of, Allegheny County.	421060	January 24, 1975, Emerg; July 16, 1981, Reg; September 26, 2014, Susp.	.....do*	Do.
Dravosburg, Borough of, Allegheny County.	420027	February 7, 1975, Emerg; June 15, 1979, Reg; September 26, 2014, Susp.	.....do	Do.
Duquesne, City of, Allegheny County	420028	August 14, 1974, Emerg; September 14, 1979, Reg; September 26, 2014, Susp.	.....do	Do.
East Deer, Township of, Allegheny County.	421061	February 5, 1975, Emerg; August 15, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
East Pittsburgh, Borough of, Allegheny County.	422662	N/A, Emerg; February 8, 1996, Reg; September 26, 2014, Susp.	.....do	Do.
Edgeworth, Borough of, Allegheny County.	420032	August 5, 1974, Emerg; May 1, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
Elizabeth, Borough of, Allegheny County	421263	April 7, 1976, Emerg; July 16, 1981, Reg; September 26, 2014, Susp.	.....do	Do.
Elizabeth, Township of, Allegheny County.	420033	May 19, 1972, Emerg; March 15, 1977, Reg; September 26, 2014, Susp.	.....do	Do.
Emsworth, Borough of, Allegheny County.	420034	June 20, 1975, Emerg; September 30, 1980, Reg; September 26, 2014, Susp.	.....do*	Do.
Etna, Borough of, Allegheny County	421062	March 27, 1974, Emerg; September 1, 1978, Reg; September 26, 2014, Susp.	.....do	Do.
Fawn, Township of, Allegheny County ...	421285	February 20, 1975, Emerg; January 18, 1984, Reg; September 26, 2014, Susp.	.....do	Do.
Forward, Township of, Allegheny County	421064	September 27, 1974, Emerg; February 1, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
Franklin Park, Borough of, Allegheny County.	420037	January 10, 1975, Emerg; January 1, 1982, Reg; September 26, 2014, Susp.	.....do	Do.
Frazer, Township of, Allegheny County	421288	May 3, 1976, Emerg; December 19, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
Glassport, Borough of, Allegheny County.	420038	January 30, 1975, Emerg; June 15, 1979, Reg; September 26, 2014, Susp.	.....do*	Do.
Glen Osborne, Borough of, Allegheny County.	420061	February 16, 1973, Emerg; November 15, 1979, Reg; September 26, 2014, Susp.	.....do	Do.
Glenfield, Borough of, Allegheny County	420039	July 9, 1975, Emerg; March 18, 1980, Reg; September 26, 2014, Susp.	.....do	Do.

State and Location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Green Tree, Borough of, Allegheny County.	420040	June 27, 1974, Emerg; July 16, 1981, Reg; September 26, 2014, Susp.	.....do	Do.
Hampton, Township of, Allegheny County.	420978	September 17, 1973, Emerg; May 1, 1978, Reg; September 26, 2014, Susp.	.....do	Do.
Harmar, Township of, Allegheny County	421068	June 3, 1974, Emerg; July 2, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
Haysville, Borough of, Allegheny County	420042	July 3, 1974, Emerg; March 18, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
Homestead, Borough of, Allegheny County.	420044	January 10, 1975, Emerg; May 25, 1978, Reg; September 26, 2014, Susp.	.....do	Do.
Jefferson Hills, Borough of, Allegheny County.	420046	June 18, 1974, Emerg; April 1, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
Kennedy, Township of, Allegheny County.	421072	April 26, 1974, Emerg; February 15, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
Kilbuck, Township of, Allegheny County	421073	August 18, 1975, Emerg; February 1, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
Leet, Township of, Allegheny County	421075	July 5, 1974, Emerg; September 14, 1979, Reg; September 26, 2014, Susp.	.....do	Do.
Leetsdale, Borough of, Allegheny County.	420047	April 23, 1974, Emerg; November 19, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
Liberty, Borough of, Allegheny County ...	420048	August 13, 1975, Emerg; November 1, 1979, Reg; September 26, 2014, Susp.	.....do	Do.
Lincoln, Borough of, Allegheny County ..	420049	April 2, 1975, Emerg; September 28, 1979, Reg; September 26, 2014, Susp.	.....do	Do.
Marshall, Township of, Allegheny County.	421080	April 22, 1975, Emerg; November 4, 1981, Reg; September 26, 2014, Susp.	.....do	Do.
McCandless, Town of, Allegheny County	421081	October 4, 1974, Emerg; June 18, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
McDonald, Borough of, Allegheny and Washington Counties.	420855	January 24, 1975, Emerg; August 15, 1983, Reg; September 26, 2014, Susp.	.....do	Do.
McKees Rocks, Borough of, Allegheny County.	420052	November 3, 1972, Emerg; May 16, 1977, Reg; September 26, 2014, Susp.	.....do	Do.
McKeesport, City of, Allegheny County ..	420051	June 6, 1973, Emerg; January 3, 1979, Reg; September 26, 2014, Susp.	.....do	Do.
Millvale, Borough of, Allegheny County	420053	May 21, 1973, Emerg; July 16, 1979, Reg; September 26, 2014, Susp.	.....do	Do.
Monroeville, Municipality of, Allegheny County.	420054	May 23, 1973, Emerg; August 1, 1979, Reg; September 26, 2014, Susp.	.....do	Do.
Moon, Township of, Allegheny County ...	421082	December 10, 1974, Emerg; August 15, 1979, Reg; September 26, 2014, Susp.	.....do	Do.
Mount Lebanon, Municipality of, Allegheny County.	421272	October 8, 1975, Emerg; June 30, 1976, Reg; September 26, 2014, Susp.	.....do	Do.
Munhall, Borough of, Allegheny County	420056	March 6, 1975, Emerg; April 24, 1981, Reg; September 26, 2014, Susp.	.....do	Do.
Neville, Township of, Allegheny County	425385	March 19, 1971, Emerg; July 7, 1972, Reg; September 26, 2014, Susp.	.....do	Do.
North Fayette, Township of, Allegheny County.	421085	March 23, 1978, Emerg; October 18, 1983, Reg; September 26, 2014, Susp.	.....do	Do.
North Versailles, Township of, Allegheny County.	421231	November 22, 1974, Emerg; April 1, 1981, Reg; September 26, 2014, Susp.	.....do	Do.
O'Hara, Township of, Allegheny County	421088	December 3, 1974, Emerg; July 2, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
Oakmont, Borough of, Allegheny County	420060	July 25, 1974, Emerg; January 16, 1981, Reg; September 26, 2014, Susp.	.....do	Do.
Pitcairn, Borough of, Allegheny County	420062	November 8, 1974, Emerg; April 1, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
Pittsburgh, City of, Allegheny County	420063	April 13, 1973, Emerg; December 15, 1981, Reg; September 26, 2014, Susp.	.....do	Do.
Pleasant Hills, Borough of, Allegheny County.	420064	January 16, 1976, Emerg; September 29, 1978, Reg; September 26, 2014, Susp.	.....do	Do.
Plum, Borough of, Allegheny County	420065	July 2, 1975, Emerg; September 16, 1981, Reg; September 26, 2014, Susp.	.....do	Do.
Port Vue, Borough of, Allegheny County	420066	April 30, 1974, Emerg; September 28, 1979, Reg; September 26, 2014, Susp.	.....do	Do.
Rankin, Borough of, Allegheny County ..	420067	February 10, 1975, Emerg; July 2, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
Reserve, Township of, Allegheny County.	420068	June 30, 1972, Emerg; April 15, 1977, Reg; September 26, 2014, Susp.	.....do	Do.
Robinson, Township of, Allegheny County.	421097	March 17, 1976, Emerg; February 3, 1982, Reg; September 26, 2014, Susp.	.....do	Do.

State and Location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Ross, Township of, Allegheny County	420979	October 24, 1973, Emerg; December 18, 1979, Reg; September 26, 2014, Susp.	.....do	Do.
Rosslyn Farms, Borough of, Allegheny County.	420069	February 7, 1975, Emerg; May 19, 1981, Reg; September 26, 2014, Susp.	.....do	Do.
Scott, Township of, Allegheny County	421100	October 9, 1974, Emerg; May 3, 1982, Reg; September 26, 2014, Susp.	.....do	Do.
Sewickley, Borough of, Allegheny County.	420070	November 22, 1974, Emerg; September 14, 1979, Reg; September 26, 2014, Susp.	.....do	Do.
Sewickley Hills, Borough of, Allegheny County.	420072	December 10, 1976, Emerg; September 1, 1986, Reg; September 26, 2014, Susp.	.....do	Do.
Shaler, Township of, Allegheny County	421101	April 22, 1974, Emerg; March 18, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
Sharpsburg, Borough of, Allegheny County.	420073	September 4, 1973, Emerg; September 29, 1978, Reg; September 26, 2014, Susp.	.....do	Do.
South Fayette, Township of, Allegheny County.	421106	October 30, 1974, Emerg; February 3, 1982, Reg; September 26, 2014, Susp.	.....do	Do.
South Park, Township of, Allegheny County.	421165	April 26, 1974, Emerg; November 5, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
South Versailles, Township of, Allegheny County.	421281	August 7, 1975, Emerg; August 1, 1979, Reg; September 26, 2014, Susp.	.....do	Do.
Springdale, Township of, Allegheny County.	420074	December 5, 1974, Emerg; July 16, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
Stowe, Township of, Allegheny County	421110	December 5, 1974, Emerg; February 15, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
Swissvale, Borough of, Allegheny County.	420075	January 21, 1975, Emerg; June 30, 1976, Reg; September 26, 2014, Susp.	.....do	Do.
Tarentum, Borough of, Allegheny County.	420076	April 7, 1975, Emerg; August 15, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
Thornburg, Borough of, Allegheny County.	420077	January 16, 1980, Emerg; July 18, 1983, Reg; September 26, 2014, Susp.	.....do	Do.
Trafford, Borough of, Allegheny and Westmoreland Counties.	420903	May 30, 1975, Emerg; September 28, 1979, Reg; September 26, 2014, Susp.	.....do	Do.
Turtle Creek, Borough of, Allegheny County.	420079	August 6, 1975, Emerg; November 19, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
Upper Saint Clair, Township of, Allegheny County.	421119	June 11, 1974, Emerg; March 15, 1984, Reg; September 26, 2014, Susp.	.....do	Do.
Verona, Borough of, Allegheny County	422611	December 13, 1974, Emerg; January 16, 1981, Reg; September 26, 2014, Susp.	.....do	Do.
Versailles, Borough of, Allegheny County.	420081	June 11, 1976, Emerg; October 18, 1988, Reg; September 26, 2014, Susp.	.....do	Do.
Wall, Borough of, Allegheny County	420082	February 17, 1977, Emerg; November 19, 1987, Reg; September 26, 2014, Susp.	.....do	Do.
West Deer, Township of, Allegheny County.	421299	March 6, 1975, Emerg; October 18, 1983, Reg; September 26, 2014, Susp.	.....do	Do.
West Elizabeth, Borough of, Allegheny County.	420083	January 26, 1973, Emerg; September 29, 1978, Reg; September 26, 2014, Susp.	.....do	Do.
West Homestead, Borough of, Allegheny County.	420084	May 14, 1975, Emerg; August 15, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
West Mifflin, Borough of, Allegheny County.	420085	August 7, 1974, Emerg; February 15, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
Whitaker, Borough of, Allegheny County	420087	July 24, 1975, Emerg; May 25, 1978, Reg; September 26, 2014, Susp.	.....do	Do.
White Oak, Borough of, Allegheny County.	420089	January 30, 1975, Emerg; September 14, 1979, Reg; September 26, 2014, Susp.	.....do	Do.
Whitehall, Borough of, Allegheny County	420088	April 30, 1974, Emerg; October 28, 1977, Reg; September 26, 2014, Susp.	.....do	Do.
Wilkins, Township of, Allegheny County	420090	March 16, 1973, Emerg; September 29, 1978, Reg; September 26, 2014, Susp.	.....do	Do.
Wilmerding, Borough of, Allegheny County.	420091	November 16, 1973, Emerg; August 1, 1979, Reg; September 26, 2014, Susp.	.....do	Do.
Region IV				
Florida:				
Citrus County, Unincorporated Areas	120063	July 2, 1975, Emerg; August 15, 1984, Reg; September 26, 2034, Susp.	.....do	Do.
Crystal River, City of, Citrus County	120340	May 28, 1975, Emerg; August 15, 1984, Reg; September 26, 2014, Susp.	.....do	Do.
Dade City, City of, Pasco County	120231	May 2, 1975, Emerg; August 17, 1981, Reg; September 26, 2014, Susp.	.....do	Do.
Glades County, Unincorporated Areas	120095	July 15, 1975, Emerg; May 17, 1982, Reg; September 26, 2014, Susp.	.....do	Do.

State and Location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Inverness, City of, Citrus County	120348	July 15, 1975, Emerg; May 17, 1982, Reg; September 26, 2014, Susp.	.....do	Do.
New Port Richey, City of, Pasco County	120232	December 12, 1974, Emerg; August 17, 1981, Reg; September 26, 2014, Susp.	.....do	Do.
Pasco County, Unincorporated Areas	120230	September 24, 1971, Emerg; November 18, 1981, Reg; September 26, 2014, Susp.	.....do	Do.
Port Richey, City of, Pasco County	120234	August 30, 1974, Emerg; August 17, 1981, Reg; September 26, 2014, Susp.	.....do	Do.
Saint Marks, City of, Wakulla County	120316	May 21, 1973, Emerg; March 18, 1980, Reg; September 26, 2014, Susp.	.....do	Do.
San Antonio, City of, Pasco County	120634	October 10, 1991, Emerg; May 22, 2009, Reg; September 26, 2014, Susp.	.....do	Do.
Sopchoppy, City of, Wakulla County	120620	February 4, 1982, Emerg; August 15, 1984, Reg; September 26, 2014, Susp.	.....do	Do.
Wakulla County, Unincorporated Areas	120315	May 21, 1973, Emerg; January 16, 1981, Reg; September 26, 2014, Susp.	.....do	Do.
Zephyrhills, City of, Pasco County	120235	August 7, 1975, Emerg; April 8, 1983, Reg; September 26, 2014, Susp.	.....do	Do.
Kentucky: Flatwoods, City of, Greenup County.	210087	May 6, 1975, Emerg; July 16, 1981, Reg; September 26, 2014, Susp.	.....do	Do.
Greenup, City of, Greenup County	210088	December 15, 1975, Emerg; July 5, 1982, Reg; September 26, 2014, Susp.	.....do	Do.
Greenup County, Unincorporated Areas	210284	February 16, 1977, Emerg; January 19, 1983, Reg; September 26, 2014, Susp.	.....do	Do.
Raceland, City of, Greenup County	210089	January 21, 1976, Emerg; March 15, 1982, Reg; September 26, 2014, Susp.	.....do	Do.
Russell, City of, Greenup County	210090	July 15, 1975, Emerg; January 19, 1983, Reg; September 26, 2014, Susp.	.....do	Do.
South Shore, City of, Greenup County	210091	September 8, 1975, Emerg; August 3, 1981, Reg; September 26, 2014, Susp.	.....do	Do.
Worthington, City of, Greenup County	210092	February 22, 1977, Emerg; September 30, 1981, Reg; September 26, 2014, Susp.	.....do	Do.
Wurtland, City of, Greenup County	210285	June 30, 1976, Emerg; September 30, 1981, Reg; September 26, 2014, Susp.	.....do	Do.
Region VI				
Texas: Austwell, City of, Refugio County	481086	June 2, 1977, Emerg; September 4, 1985, Reg; September 26, 2014, Susp.	.....do	Do.
Bayside, City of, Refugio County	481586	August 16, 1984, Emerg; March 18, 1985, Reg; September 26, 2014, Susp.	.....do	Do.
Refugio, Town of, Refugio County	480540	August 7, 1970, Emerg; October 6, 1976, Reg; September 26, 2014, Susp.	.....do	Do.
Refugio County, Unincorporated Areas	485501	August 7, 1970, Emerg; October 22, 1971, Reg; September 26, 2014, Susp.	.....do	Do.
Woodsboro, Town of, Refugio County	480987	March 13, 1981, Emerg; July 16, 1981, Reg; September 26, 2014, Susp.	.....do	Do.
Region IX				
California:				
Ontario, City of, San Bernardino County	060278	June 27, 1975, Emerg; December 2, 1980, Reg; September 26, 2014, Susp.	.....do	Do.

*do = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: August 7, 2014.

David L. Miller,

Associate Administrator, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2014–20092 Filed 8–22–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2014–0002; Internal Agency Docket No. FEMA–8345]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has

adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at *http://www.fema.gov/fema/csb.shtm.*

DATES: Effective dates: The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S. C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR Part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register.**

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S. C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S. C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S. C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S. C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region V				
Indiana:				
Petersburg, City of, Pike County	180199	March 6, 1975, Emerg; August 1, 1987, Reg; September 17, 2014, Susp.	September 17, 2014.	September 17, 2014.
Pike County, Unincorporated Areas	180473	May 27, 1997, Emerg; N/A, Reg; September 17, 2014, Susp.	.....do*	Do.
Wisconsin:				
Cambridge, Village of, Dane and Jefferson Counties.	550080	November 28, 1975, Emerg; June 4, 1980, Reg; September 17, 2014, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Cottage Grove, Village of, Dane County	550617	July 11, 2000, Emerg; June 17, 2003, Reg; September 17, 2014, Susp.	.....do	Do.
Dane County, Unincorporated Areas	550077	October 20, 1972, Emerg; September 29, 1978, Reg; September 17, 2014, Susp.	.....do	Do.
Deerfield, Village of, Dane County	550623	N/A, Emerg; January 13, 2010, Reg; September 17, 2014, Susp.	.....do	Do.
DeForest, Village of, Dane County	550082	April 16, 1975, Emerg; September 1, 1978, Reg; September 17, 2014, Susp.	.....do	Do.
Edgerton, City of, Dane and Rock Counties.	550365	June 17, 1975, Emerg; April 15, 1982, Reg; September 17, 2014, Susp.	.....do	Do.
Fitchburg, City of, Dane County	550610	N/A, Emerg; August 23, 2001, Reg; September 17, 2014, Susp.	.....do	Do.
Madison, City of, Dane County	550083	July 17, 1975, Emerg; September 30, 1980, Reg; September 17, 2014, Susp.	.....do	Do.
Maple Bluff, Village of, Dane County	550618	N/A, Emerg; January 15, 2009, Reg; September 17, 2014, Susp.	.....do	Do.
Marshall, Village of, Dane County	550084	July 15, 1975, Emerg; December 16, 1980, Reg; September 17, 2014, Susp.	.....do	Do.
McFarland, Village of, Dane County	550086	April 17, 1975, Emerg; June 15, 1978, Reg; September 17, 2014, Susp.	.....do	Do.
Middleton, City of, Dane County	550087	June 27, 1974, Emerg; May 1, 1980, Reg; September 17, 2014, Susp.	.....do	Do.
Monona, City of, Dane County	550088	March 25, 1975, Emerg; June 15, 1978, Reg; September 17, 2014, Susp.	.....do	Do.
Oregon, Village of, Dane County	550089	May 28, 1974, Emerg; September 30, 1980, Reg; September 17, 2014, Susp.	.....do	Do.
Rockdale, Village of, Dane County	550090	August 15, 1975, Emerg; December 16, 1980, Reg; September 17, 2014, Susp.	.....do	Do.
Stoughton, City of, Dane County	550091	April 15, 1975, Emerg; June 15, 1978, Reg; September 17, 2014, Susp.	.....do	Do.
Sun Prairie, City of, Dane County	550573	N/A, Emerg; December 11, 1995, Reg; September 17, 2014, Susp.	.....do	Do.
Waunakee, Village of, Dane County	550093	May 29, 1975, Emerg; May 1, 1978, Reg; September 17, 2014, Susp.	.....do	Do.
Region VI				
Texas: Edna, City of, Jackson County ..	485465	January 29, 1971, Emerg; November 12, 1971, Reg; September 17, 2014, Susp.	.....do	Do.
Ganado, City of, Jackson County	480381	April 22, 1975, Emerg; September 28, 1979, Reg; September 17, 2014, Susp.	.....do	Do.

*do = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: July 30, 2014.

David L. Miller,

Associate Administrator, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2014–20066 Filed 8–22–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 130312235–3658–02]

RIN 0648–XD438

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Resources of the South Atlantic; Trip Limit Reduction

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

ACTION: Temporary rule; trip limit reduction.

SUMMARY: NMFS reduces the commercial trip limit for vermilion snapper in or from the exclusive economic zone (EEZ) of the South Atlantic to 500 lb (227 kg), gutted weight. This trip limit reduction is necessary to protect the South Atlantic vermilion snapper resource.

DATES: This rule is effective 12:01 a.m., local time, August 23, 2014, until 12:01 a.m., local time, January 1, 2015.

FOR FURTHER INFORMATION CONTACT: Catherine Hayslip, telephone: 727–824–5305, email: *Catherine.Hayslip@noaa.gov.*

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery includes vermilion snapper in the South Atlantic and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and is implemented under the authority of the

Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The commercial ACL (commercial quota) for vermilion snapper in the South Atlantic is divided into two, 6-month time periods, and is 466,080 lb (202,338 kg), round weight, for January 1 through June 30, 2014, and 466,080 lb (202,338 kg), round weight, for July 1 through December 31, 2014, as specified in 50 CFR 622.190(a)(4)(i)(B) and (ii)(B), respectively. Any unused portion of the January 1 through June 30, 2014, fishing season quota is added to the July 1 through December 31, 2014, fishing season quota, as specified in 50 CFR 622.190(a)(4)(iii). In 2014, there was no unused commercial quota for the January through June period as the commercial sector reached its quota for the first 6-month period and the sector was closed on April 19, 2014, through June 30, 2014 (79 FR 19836, April 10, 2014).

Under 50 CFR 622.191(a)(6)(ii), NMFS is required to reduce the commercial trip limit for vermilion snapper from 1,000 lb (454 kg), gutted weight, to 500 lb (227 kg), gutted weight, when 75 percent of the fishing season quota is reached or projected to be reached, by filing a notification to that effect with the Office of the Federal Register, as implemented by the final rule for Regulatory Amendment 18 (78 FR 47574, August 6, 2013). Based on current statistics, NMFS has determined that 75 percent of the available commercial quota for the July 1 through December 31, 2014, fishing season, for vermilion snapper will be reached on or before August 23, 2014. Accordingly, NMFS is reducing the commercial trip limit for vermilion snapper to 500 lb (227 kg), gutted weight, in or from the South Atlantic EEZ at 12:01 a.m., local time, on August 23, 2014. This 500-lb (227-kg) trip limit will remain in effect until the quota is reached and the commercial sector closes, or through December 31, 2014, whichever occurs first.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of South Atlantic vermilion snapper and is consistent with the Magnuson-Stevens Act, the FMP, and other applicable laws.

This action is taken under 50 CFR 622.191(a)(6) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best available scientific information recently obtained from the fishery. Pursuant to 5 U.S. C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirements to provide prior notice and the opportunity for public comment on this temporary rule. Such procedures are unnecessary because the rule itself has already been subject to notice and comment, and all that remains is to notify the public of the trip limit reduction.

Allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action to protect vermilion snapper because the capacity of the fishing fleet allows for rapid harvest of the ACL (quota). Prior notice and opportunity for public comment for this trip limit reduction would require time and would result in the trip limit reduction not being implemented, and increase the probability that the commercial ACL (commercial quota) will be exceeded.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S. C. 553(d)(3).

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

Dated: August 20, 2014.

Alan D. Risenhoover,

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

[FR Doc. 2014–20123 Filed 8–20–14; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 164
Monday, August 25, 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 THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 816 and 817

[Docket Number: OSM–2014–0003; S1D1SS S08011000SX066A00067F144S180110; S2D2SSS08011000SX066A00033F14X S501520]

Petition To Initiate Rulemaking; Use of Explosives on Surface Coal Mining Operations

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of availability of petition to initiate rulemaking; extension of comment period.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), announce a 30-day extension of the comment period on a petition, submitted pursuant to the Surface Mining Control and Reclamation Act, (SMCRA or the Act), requesting that we amend our regulations governing the use of explosives to prohibit visible nitrogen oxide clouds. We are requesting comments on the merits of the petition and the rule changes suggested in the petition. Comments received will assist the Director of OSMRE in making the decision whether to grant or deny the petition.

DATES: The comment period for the petition for rulemaking published on July 25, 2014 (79 FR 43326), is extended. We will review and consider all comments submitted to the addresses listed below (see **ADDRESSES**) on or before September 25, 2014.

ADDRESSES: Please submit comments by one of the methods listed below. We cannot guarantee that comments submitted by other means or to other addresses will be included in the docket for this petition.

- *Federal eRulemaking Portal: www.regulations.gov.* The petition has been assigned Docket ID: OSM–2014–0003. Please follow the online instructions for submitting comments.
- *Mail/Hand-Delivery/Courier:* Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 252 SIB, 1951 Constitution Avenue NW., Washington, DC 20240. Please include the Docket ID: OSM–2014–0003.

FOR FURTHER INFORMATION CONTACT: Joshua Rockwell, Division of Regulatory Support, 1951 Constitution Ave. NW., Washington, DC 20240; Telephone: 202–208–2633; Email: *jrockwell@osmre.gov.*

SUPPLEMENTARY INFORMATION: On July 25, 2014 (79 FR 43326), we published a petition for rulemaking, pursuant to the Surface Mining Control and Reclamation Act, 30 U.S.C. 1201 et seq. (SMCRA or the Act), requesting that we amend our regulations governing the use of explosives to prohibit visible nitrogen oxide clouds.

The original comment period was scheduled to close August 25, 2014. However, we received several requests to extend the comment period. After reviewing the requests, we are extending the deadline for submission of comments by 30 days. The comment period will now close September 25, 2014.

You may view and download the complete text of the petition and accompanying exhibits on our home page at *http://www.osmre.gov/programs/rcm/petitions/WEGPetition041414.pdf* and *http://www.osmre.gov/programs/rcm/petitions/WEGPetitionExhibits.pdf* respectively. The petition and exhibits also are available for inspection at the location listed under **ADDRESSES.**

Please include the Docket ID ''OSM–2014–0003'' at the beginning of all written comments. We cannot ensure that comments received after the close of the comment period (see **DATES**) or at locations other than those listed above (see **ADDRESSES**) will be included in the docket or considered in the development of a proposed rule.

Before including your address, phone number, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: August 12, 2014.

Joseph G. Pizarchik,

Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 2014–20171 Filed 8–22–14; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0554]

RIN 1625–AA11

Regulated Navigation Area; Sarah Mildred Long Bridge Replacement, Portsmouth, NH

AGENCY: Coast Guard, DHS.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The United States Coast Guard proposes to establish a regulated navigation area (RNA) on the navigable waters of the Piscataqua River under and surrounding the Sarah Mildred Long Bridge between Portsmouth, NH and Kittery, ME. This RNA would allow the Coast Guard to enforce speed and wake restrictions and prohibit all vessel traffic through the RNA during bridge replacement operations, both planned and unforeseen, which could pose an imminent hazard to persons and vessels operating in the area. This rule is necessary to provide for the safety of life on the navigable waters during bridge structural repair operations.

DATES: Comments and related material must be received by the Coast Guard on or before September 24, 2014.

ADDRESSES: You may submit comments identified by docket number using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is (202) 366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call Lieutenant Junior Grade Elizabeth V. Gunn, Waterways Management Division at Coast Guard Sector Northern New England, at (207) 347–5014 or email at *Elizabeth.V.Gunn@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
MEDOT Maine Department of Transportation
NHDOT New Hampshire Department of Transportation
NPRM Notice of Proposed Rulemaking

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number [USCG–2014–0554] in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number (USCG–2014–0554) in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Requests must be received by the Coast Guard prior to the end of the comment period. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Regulatory History and Information

The Maine Department of Transportation (MEDOT) applied for a bridge construction permit with the Coast Guard on August 15, 2013. The Coast Guard issued Public Notice 1–137 on February, 2014, which was published on the USCG Navigation Center Web site and the First Coast Guard District—Bridge Branch Web site, and solicited comments through March 12, 2014. Three comments were received in response to the public notice: One comment was a statement of no objection and two comments were in favor of the project.

C. Basis and Purpose

Under the Ports and Waterways Safety Act, the Coast Guard has the authority to establish RNAs in defined water areas that are determined to have hazardous conditions and in which vessel traffic can be regulated in the interest of safety. See 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1.

The purpose of this proposed rule is to ensure the safe transit of vessels in the area, and to protect all persons, vessels, construction crews, and the marine environment during bridge construction operations on the Piscataqua River between Portsmouth, NH and Kittery, ME.

D. Discussion of Proposed Rule

MEDOT intends to replace the existing vertical lift bridge over the Piscataqua River, which carries the U.S. Route 1 Bypass from Portsmouth, NH and Kittery, ME, with a hybrid vertical lift bridge on an upstream alignment. The project is necessary to replace a structurally and operationally deficient bridge that has exceeded its useful life. In the normal vehicle use mode, the new vertical lift bridge will provide a vertical clearance through the main channel of 56 feet above mean high water (MHW) in the closed position and 135 feet above MHW in the open position, and a horizontal clearance of 250 feet measured normal to the axis of the channel. When closed to normal vehicle use (i.e., in rail use mode), the new bridge will provide a vertical clearance through the main channel of 16 feet MHW.

The construction of the new Sarah Mildred Long Bridge will involve large machinery and construction vessel operations above and in the navigable waters of the Piscataqua River. These operations, by their nature, are hazardous and pose risks both to recreational and commercial traffic as well as the construction crew. In order to mitigate the inherent risks involved in the construction, it is necessary to control vessel movement through the area.

Heavy-lift operations are sensitive to water movement, and wake from passing vessels could pose significant risk of injury or death to construction workers. In order to minimize such unexpected or uncontrolled movement of water, the RNA would limit vessel speed and wake of all vessels operating in the vicinity of the bridge construction zone. All vessels may not produce a wake and may not attain speeds greater than five (5) knots unless a higher minimum speed is necessary to maintain steerageway. This would be achieved by enforcing a five (5) knots speed limit and ''NO WAKE'' zone in the vicinity of the construction as well as providing a means to suspend all vessel traffic for emergent situations that pose imminent threat to waterway users in the area. The RNA would also protect vessels desiring to transit the area by ensuring that vessels are only permitted to transit when it is safe to do so.

The Coast Guard has discussed this project at length with the New Hampshire Department of Transportation (NHDOT) and Maine Department of Transportation (MEDOT) to identify if the project can be completed without channel closures and, if possible, what impact that would have on the project timeline. Through these discussions, it became clear that while the majority of construction activities during the span of this project would not require waterway closures, there are certain tasks that can only be completed in the channel and will require closing the waterway.

All closures would be limited to specific hours of the day. Mariners would be advised of all closure dates and times via Local Notice to Mariners and Broadcast Notice to Mariners in advance of closure times.

E. Regulatory Analyses

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

1. Regulatory Planning and Review

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

We expect the economic impact of this rule to be minimal because this regulated navigation area requires vessels to reduce speed through 600 yards of the Piscataqua River, therefore causing only a minimal delay to a vessel's transit. In addition, periods when the regulated navigation area is closed to all traffic are expected to be short in duration, and we expect to give advance notice of such closures. Advanced public notifications would be made to local mariners through appropriate means, which could include, but would not be limited to, Local Notice to Mariners and Broadcast Notice to Mariners.

2. Impact on Small Entities

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

This proposed rule will not have a significant impact on small entities, because the RNA would be of limited size and any waterway closure of short duration. Additionally before any effective period of waterway closure, advanced public notifications would be made to local mariners through appropriate means, which could include, but would not be limited to, Local Notice to Mariners and Broadcast Notice to Mariners.

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

3. Assistance for Small Entities

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T01–0554 to read as follows:

§ 165.T01–0554 Regulated Navigation Area; Sarah Mildred Long Bridge Replacement, Portsmouth, NH.

(a) *Location.* The following area is a Regulated Navigation Area (RNA): All navigable waters of the Piscataqua River between Portsmouth, NH and Kittery, ME, from surface to bottom, within a 300 yard radius of position 43°05′10″ N, 070°45′38″ W, center point of the existing Sarah Mildred Long Bridge.

(b) *Regulations.*

(1) The general regulations contained in 33 CFR 165.10, 165.11, and 165.13 apply within the RNA.

(2) In accordance with the general regulations, entry into or movement within this zone, during periods of enforcement, is prohibited unless authorized by the Captain of the Port Sector Northern New England (COTP).

(3) Persons and vessels may request permission to enter the RNA during periods of enforcement by contacting the COTP or the COTP's on-scene representative on VHF–16 or via phone at 207–767–0303.

(4) During periods of enforcement, a speed limit of five (5) knots will be in effect within the regulated area and all vessels must proceed through the area with caution and operate in such a manner as to produce no wake unless a higher minimum speed is necessary to maintain steerageway.

(5) During periods of enforcement, vessels must comply with all directions given to them by the COTP or the COTP's on-scene representative. The ''on-scene representative'' of the COTP is any Coast Guard commissioned, warrant or petty officer who has been designated by the COTP to act on the COTP's behalf. The on-scene representative may be on a Coast Guard vessel; Maine State Police, Maine Marine Patrol or other designated craft; or may be on shore and communicating with vessels via VHF–FM radio or loudhailer. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(6) During periods of enforcement, upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light or other means, the operator of the vessel must proceed as directed.

(7) All other relevant regulations, including but not limited to the Rules of the Road (33 CFR 84—Subchapter E, Inland Navigational Rules) remain in effect within the regulated area and must be strictly followed at all times.

(c) *Enforcement Period.* This regulation is enforceable 24 hours a day from 12:01 a.m. on November 1, 2014 until 11:59 p.m. on May 31, 2019.

(1) Prior to commencing or suspending enforcement of this regulation, the COTP will give notice by appropriate means to inform the affected segments of the public, to include dates and times. Such means of notification will include, but are not limited to, Broadcast Notice to Mariners and Local Notice to Mariners.

(2) Violations of this RNA may be reported to the COTP at 207–767–0303 or on VHF-Channel 16.

Dated: August 8, 2014.

L.L. Fagan,

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

[FR Doc. 2014–19985 Filed 8–22–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0679]

RIN 1625–AA00

Safety Zone, Ironman 70.3 Miami, Biscayne Bay; Miami, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone on the waters of Biscayne Bay, east of Bayfront Park, in Miami, Florida during the 2014 Ironman 70.3 Miami, a triathlon. The Ironman 70.3 Miami is scheduled to take place on October 26, 2014. Approximately 2,500 participants are anticipated to participate in the swim portion of the event. No spectators are expected to be present during the event. The safety zone is necessary to provide for the safety of the participants,

participant vessels, and general public on the navigable waters of Biscayne Bay during the event.

DATES: Comments and related material must be received by the Coast Guard on or before September 24, 2014.

Requests for public meetings must be received by the Coast Guard on or before September 9, 2014.

ADDRESSES: You may submit comments identified by docket number using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email If you have questions on this rule, call or email Petty Officer John K. Jennings, Sector Miami Prevention Department, Coast Guard; telephone (305) 535–4317, email *John.K.Jennings@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number USCG–2014–0679 in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number (USCG–2014–0679) in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Regulatory History and Information

Previously, a rule regarding this maritime event was proposed in the **Federal Register** (see ''Safety Zone; 2013 Ironman 70.3 Miami, Biscayne Bay; Miami, FL,'' (78 FR 54599)) regarding this same maritime event.

C. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish regulated navigation areas and other limited access areas:

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

The purpose of the proposed rule is to provide for the safety of life on navigable waters of Biscayne Bay in Miami, Florida during the Ironman 70.3 Miami.

D. Discussion of Proposed Rule

On October 26, 2014, Miami Tri Events is sponsoring the Ironman 70.3, a triathlon. The swim portion of the event will be held on the waters of Biscayne Bay, Miami, Florida. Approximately 2,500 participants are anticipated to participate in the event. No spectator vessels are expected during the event.

The proposed rule will establish a safety zone that will encompass certain waters of Biscayne Bay located east of Bay Front Park, Miami, Florida. The safety zone will be enforced from 6 a.m. until 10 a.m. on October 26, 2014. The safety zone will establish an area around the event where non-participant persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within. Non-participant persons and vessels may request authorization to enter, transit through, anchor in, or remain within the safety zone by contacting the Captain of the Port Miami by telephone at 305–535–4472, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the event area is granted by the Captain of the Port Miami or a designated representative,

all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Miami or a designated representative. The Coast Guard will provide notice of the safety zone by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

E. Regulatory Analyses

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

1. Regulatory Planning and Review

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

2. Impact on Small Entities

The Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this proposed rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities.

This rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to enter, transit through, anchor in, or remain within that portion of Biscayne Bay encompassed within the safety zone from 6 a.m. until 10 a.m. on October 26, 2014. For the reasons discussed in the Regulatory Planning and Review section above, this rule will not have a significant economic impact on a substantial number of small entities.

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

3. Assistance for Small Entities

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

This proposed rule does not use technical standards. Therefore, we did

not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). A prior environmental analysis checklist and a Categorical Exclusion Determination were completed for a regulation (USCG–2013–0548) issued for this same event in 2013. The previously completed environmental analysis checklist and Categorical Exclusion Determination can be found in the docket folder for USCG–2013–0548 at *www.regulations.gov.* Because this proposed rule is substantially unchanged from when the prior determination was issued for the 2013 event and there have been no new developments relevant to that determination, we have not completed a new environmental analysis checklist and Categorical Exclusion Determination for this proposed rule. We have made a preliminary determination this proposed rule will not have any of the following: Significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any federal, state, or local laws or administrative determinations relating to the environment. This proposed rule involves establishing a safety zone that will be enforced from 6 a.m. until 10 a.m. on October 26, 2014. This proposed rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add a temporary § 165.T07–0679 to read as follows:

§ 165.T07–0679 Safety Zone; Ironman 70.3 Miami, Biscayne Bay; Miami, FL.

(a) *Regulated Area.* The following regulated area is a safety zone. All waters of Biscayne Bay located east of Bayfront Park and encompassed within the following points: starting at Point 1 in position 25°46′44″ N, 080°10′59″ W; thence southeast to Point 2 in position 25°46′24″ N, 080°10′44″ W; thence southwest to Point 3 in position 25°46′18″ N, 080°11′05″ W; thence north to Point 4 in position 25°46′33″ N, 080°11′05″ W; thence northeast back to origin. All coordinates are North American Datum 1983.

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

(c) *Regulations.* (1) All non-participant persons and vessels are prohibited from entering, transiting through, anchoring in or remaining within the safety zone unless authorized by the Captain of the Port Miami or a designated representative.

(2) Non-participant persons and vessels desiring to enter, transit through, anchor in, or remain within the safety zone may contact the Captain of the Port Miami by telephone at 305–535–4472, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the safety zone is granted by the Captain of the Port Miami or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Miami or a designated representative.

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

(d) *Effective Date.* This rule will be effective on October 26, 2014. This rule will be enforced from 6 a.m. until 10 a.m. on October 26, 2014.

Dated: August 11, 2014.

A.J. Gould,

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

[FR Doc. 2014–20185 Filed 8–22–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0693]

RIN 1625–AA00

Safety Zone; Elizabeth River; Portsmouth, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The Coast Guard proposes to establish a safety zone on the navigable waters of the Elizabeth River in the vicinity of the Midtown Tunnel, Portsmouth, Virginia for 12 periods of 48 hours each beginning at midnight on January 1, January 12, January 19, January 22, January 27, February 9, March 2, March 5, March 10, March 23, March 30 and April 6, 2015. This proposed safety zone is intended to restrict vessel movement in the specified area during the construction of the new Midtown Tunnel. This action is necessary to provide for the safety of life and property on the surrounding navigable waters during the aforementioned dates due to the increased amount of work vessels in the area.

DATES: Comments and related material must be received by the Coast Guard on or before September 24, 2014.

ADDRESSES: You may submit comments identified by docket number using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LCDR Gregory Knoll, Waterways Management Division Chief, Sector Hampton Roads, Coast Guard; telephone (757) 668–5580, email

HamptonRoadsWaterway@uscg.mil. If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *www.regulations.gov,* type the docket number [USCG–2014–0693] in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number [USCG–2014–0693] in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. However, you may submit a request for one at least 15 days prior to the end of the comment period specified in **DATES**, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that a public meeting would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Regulatory History and Information

SKW Constructors is constructing a new Midtown Tunnel in the Elizabeth River connecting Norfolk, VA to Portsmouth, VA. The project has been ongoing since 2011. This is the first stage of construction that requires a closure of the waterway.

C. Basis and Purpose

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

Due to increased vehicle traffic in the Hampton Roads area, SKW Constructors, in concert with Elizabeth River Crossings and the Virginia Department of Transportation, is constructing a second tunnel parallel to the existing Midtown Tunnel between Norfolk, VA and Portsmouth, VA. The construction will consist of submerging segments of the new Midtown Tunnel in the Elizabeth River. Due to the high volume of working vessels and submerged equipment, the Coast Guard proposes to close the Elizabeth River for twelve 48-hour periods to allow SKW Constructors to install the segments of the tunnel that overlap the federal channel. The Coast Guard proposes to establish a safety zone in a portion of the Elizabeth River between Elizabeth River Channel Buoy 31 (LLNR 9835) and Elizabeth River Channel Buoy 34 (LLNR 9835). The proposed closures will last 48 hours in length, with each respective period beginning on January 1, January 12, January 19, January 22, January 27, February 9, March 2, March 5, March 10, March 23, March 30 and April 6, 2015. The dates and hours are subject to change due to weather, scheduling conflicts, equipment failure and other unforeseen factors. Any changes to these dates will be listed in the Final Rule and communicated via marine information broadcasts.

D. Discussion of the Proposed Rule

The Captain of the Port of Hampton Roads proposes to establish a safety zone within the waters of the Elizabeth River, from Elizabeth River Channel Buoy 31 (LLNR 9835) to Elizabeth River Channel Buoy 34 (LLNR 9855) across the entire width of the channel, in the vicinity of Portsmouth, VA. This proposed safety zone will be enforced for twelve 48 hour periods beginning at midnight on January 1, January 12, January 19, January 22, January 27, February 9, March 2, March 5, March 10, March 23, March 30 and April 6, 2015. In the event of inclement weather that prevents the necessary work from taking place safely, each time period may be pushed back by up to 24 hours. Appropriate notifications will be made via marine information broadcasts in the event of a change in the schedule as soon as possible. Access to the safety zone will be restricted during the specified dates and times.

Except for vessels authorized by the Captain of the Port or his designated Representative, no person or vessel may enter or remain in the safety zone during the time frame listed. The Captain of the Port will give notice of the enforcement of the safety zone by all appropriate means to provide the widest dissemination of notice among the affected segments of the public. This will include publication in the Local

Notice to Mariners and Marine Information Broadcasts.

E. Regulatory Analyses

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

1. Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. The primary impact of these regulations will be on vessels wishing to transit the affected waterways during the safety zone on the Elizabeth River in the vicinity of Portsmouth, VA. Although these regulations prevent traffic from transiting a portion of the Elizabeth River during the construction, that restriction is limited in duration, affects only a limited area, and will be well publicized to allow mariners to make alternative plans for transiting the affected area.

2. Impact on Small Entities

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

This proposed rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in specified waters of the Elizabeth River during the outlined timeframe.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: (i) The safety zone will only be in place for a limited duration, (ii) before the enforcement period, maritime advisories will be issued allowing mariners to adjust their plans accordingly, and (iii) the Captain of the Port may grant permission to transit through the zone on a limited basis.

3. Assistance for Small Entities

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human

environment. This proposed rule involves the establishment of a safety zone. This proposed rule is categorically excluded from further review under paragraph 34–g of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0693 to read as follows:

§165.T05–0693 Safety Zone, Elizabeth River; Portsmouth, VA

(a) *Definitions.* For the purposes of this section, Captain of the Port means the Commander, U.S. Coast Guard Sector Hampton Roads. *Representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Hampton Roads to assist in enforcing the security zone described in paragraph (b) of this section.

(b) *Location.* The following area is a safety zone: Specified waters of the Captain of the Port Sector Hampton Roads zone, as defined in 33 CFR 3.25–10: the Elizabeth River between Elizabeth River Channel Buoy 31 and Elizabeth River Channel Buoy 34, across the entire width of the federal channel.

(c) *Regulations.* (1) In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Hampton Roads or his designated Representative.

(2) Persons desiring to transit the area of the security zone must first obtain authorization from the Captain of the Port Hampton Roads or his designated Representative. The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). Upon being hailed by a U.S. Coast Guard vessel, or other Federal, State, or local agency vessel, by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port Hampton Roads or his designated Representative and proceed at the minimum speed necessary to maintain a safe course while within the zone.

(3) The Captain of the Port, Hampton Roads can be reached through the Sector Duty Officer at Sector Hampton Roads in Portsmouth, Virginia at telephone number (757) 668–5555.

(4) The Coast Guard Representatives enforcing the safety zone can be contacted on VHF–FM marine band radio channel 13 (165.65 Mhz) and channel 16 (156.8 Mhz).

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

(e) *Enforcement Period:* This section will be enforced from 12 a.m. January 1 to 11:59 p.m. January 2, 2015; 12:00 a.m. January 12 to 11:59 p.m. January 13, 2015; 12 a.m. January 19 to 11:59 p.m. January 20, 2015; 12 a.m. January 22 to 11:59 p.m. January 23, 2015; 12 a.m. January 27 to 11:59 p.m. January 28, 2015; 12 a.m. February 9 to 11:59 p.m. February 10, 2015; 12 a.m. March 2 to 11:59 p.m. March 3, 2015; 12 a.m. March 5 to 11:59 p.m. March 6, 2015; 12 a.m. March 10 to 11:59 p.m. March 11, 2015; 12 a.m. March 23 to 11:59 p.m. March 24, 2015; 12 a.m. March 30 to 11:59 p.m. March 31, 2015; and 12 a.m. April 6 to 11:59 p.m. April 7, 2015. In the event of inclement weather, each date will be shifted up to 24 hours later.

Dated: August 8, 2014.

Christopher S. Keane,

Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.

[FR Doc. 2014–19986 Filed 8–22–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0612; FRL–9915–67–Region–9]

Determination of Attainment of the 1-Hour Ozone National Ambient Air Quality Standard in the Southeast Desert Nonattainment Area in California

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to determine that the Southeast Desert nonattainment area has attained the 1-hour ozone National Ambient Air Quality Standard. This proposed determination is based on complete, quality-assured, and certified data for the most recent three-year period (2011–2013).

DATES: Any comments must arrive by September 24, 2014.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2014–0612, by one of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the on-line instructions.
- *E-Mail: kelly.thomasp@epa.gov.*
- *Mail or Deliver:* Tom Kelly, Office of Air Planning (AIR–2), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

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. The *www.regulations.gov* Web site 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 comments due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Docket: The index to the docket for this action is available electronically on

the *www.regulations.gov* Web site and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California, 94105. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material or large maps), and some may not be publicly available at 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 below.

FOR FURTHER INFORMATION CONTACT: Tom Kelly, Air Planning Office (AIR–2), U.S. Environmental Protection Agency, Region IX, (415) 972–3856, *kelly.thomasp@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, the terms ''we,'' ''us,'' and ''our'' refer to EPA.

Table of Contents

I. Background
II. EPA's Analysis
III. Proposed EPA Action and Request for Public Comment
IV. Statutory and Executive Order Reviews

I. Background

The Clean Air Act (CAA or ''Act'') requires us to establish National Ambient Air Quality Standards (NAAQS or ''standards'') for certain widespread pollutants, such as ozone, that cause or contribute to air pollution that is reasonably anticipated to endanger public health or welfare (see sections 108 and 109 of the Act). In 1979, we promulgated an ozone NAAQS of 0.12 parts per million (ppm), one-hour average (''1-hour ozone standard''). See 44 FR 8202, February 8, 1979.

An area is considered to have attained the 1-hour ozone standard if there are no violations of the standard, as determined in accordance with the regulation codified at 40 CFR section 50.9, based on three consecutive calendar years of complete, quality-assured and certified monitoring data. A violation occurs when the ''expected number'' of days per calendar year with maximum hourly average concentrations above 0.12 ppm is greater than one (1.0) at any site in the area, when averaged over three consecutive calendar years.[1] An exceedance occurs when the maximum hourly ozone concentration during any day exceeds 0.124 ppm. For more information, please see ''National 1-hour primary and secondary ambient air quality standards for ozone'' (40 CFR 50.9) and ''Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone'' (40 CFR part 50, appendix H).

The Act, as amended in 1990, required EPA to designate as nonattainment any ozone area that was still designated nonattainment under the 1977 Act Amendments, and any other area violating the 1-hour ozone standard, generally based on air quality monitoring data from the 1987 through 1989 period (section 107(d)(4) of the Act; 56 FR 56694, November 6, 1991). The 1990 Amended Act further classified these areas, based on the severity of their nonattainment problem, as Marginal, Moderate, Serious, Severe, or Extreme. In response, EPA designated the Southeast Desert Modified Air Quality Maintenance Area (AQMA) (''Southeast Desert'') as ''Severe-17'' nonattainment for the 1-hour ozone standard, with an attainment date no later than November 15, 2007.[2] See 56 FR 56694, November 6, 1991. Outside of Indian country, the Los Angeles portion of the Southeast Desert lies within the Antelope Valley Air Quality Management District (AVAQMD), the San Bernardino County portion of the Southeast Desert lies within the Mojave Desert Air Quality Management District (MDAQMD), and the Riverside County portion of the Southeast Desert lies within the South Coast Air Quality Management District (SCAQMD).[3]

The control requirements and date by which attainment of the 1-hour ozone standard was to be achieved varied with an area's classification. Marginal areas were subject to the fewest mandated control requirements and had the earliest attainment date, November 15, 1993, while Severe and Extreme areas were subject to more stringent planning requirements and were provided more time to attain the standard. Two measures that are triggered if a Severe or Extreme area failed to attain the standard by the applicable attainment date are contingency measures [section 172(c)(9)] and a major stationary source fee provision [sections 182(d)(3) and 185] (''major source fee program'' or ''section 185 fee program'').

In 1997, EPA promulgated an 8-hour ozone standard (0.08 ppm) (''1997 8-hour ozone standard''), 62 FR 38856 (July 18, 1997), to replace the 1-hour ozone standard. While the 1-hour ozone standard was revoked in 2005, we continue to determine whether areas attain, or fail to attain, the 1-hour ozone standard because of the continued applicability of certain 1-hour ozone control requirements in areas, such as the Southeast Desert, that are designated as nonattainment for the 1997 8-hour ozone standard and the connection between some of those requirements and attainment of the 1-hour ozone standard.

In the decades since the 1990 CAA Amendments, in large part due to decreases in upwind emissions of ozone precursors, 1-hour ozone concentrations in the Southeast Desert have decreased substantially. For instance, from 1990 to 2005, the number of exceedances of the standard in the Southeast Desert decreased from 27 to 4 at the Palm Springs monitor in Coachella Valley and from 59 to 3 at the Hesperia monitor in Victor Valley. However, despite the improvements, upon review of the ambient data for the three years preceding the applicable attainment date (i.e., 2005–2007), we determined that the Southeast Desert failed to attain the 1-hour ozone standard by the 2007 statutory deadline. See 76 FR 82133 (December 30, 2011).

In our proposal to determine that the Southeast Desert had failed to attain the standard, we noted that preliminary review of data from 2008 through 2010 suggested that the trend toward cleaner air in the Southeast Desert was continuing. 76 FR 56694, at 56700 (September 14, 2011). Indeed, the trend has continued with 2010–2012 being the first three-year period in which preliminary review of the data suggests that the Southeast Desert attained the standard. Given the further improvement in ozone conditions in the Southeast Desert, the California Air Resources Board (CARB) has requested that EPA make a determination that the Southeast Desert has attained the 1-hour

[1] An ''expected number'' of exceedances is a statistical term that refers to an arithmetic average. An ''expected number'' of exceedances may be equivalent to the number of observed exceedances plus an increment that accounts for incomplete sampling. *See,* 40 CFR part 50, appendix H. Because, in this context, the term ''exceedances'' refers to days (during which the daily maximum hourly ozone concentration exceeded 0.124 ppm), the maximum possible number of exceedances in a given year is 365 (or 366 in a leap year).

[2] The Southeast Desert covers the Victor Valley/Barstow region in San Bernardino County, the Coachella Valley region in Riverside County, and the Antelope Valley portion of Los Angeles County (see 40 CFR 81.305 for the precise boundaries of the 1-hour ozone nonattainment area).

[3] ''Indian country'' as defined at 18 U.S.C. 1151 refers to: ''(a) All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.''

ozone standard.[4] Year 2013 data is now available, and thus EPA's action herein is based on the most recent three-year period (2011–2013).

II. EPA's Analysis

A determination of whether an area's air quality meets the 1-hour ozone standard is generally based upon three years of complete,[5] quality-assured and certified air quality monitoring data gathered at established State and Local Air Monitoring Stations (''SLAMS'') in the nonattainment area and entered into EPA's Air Quality System (AQS) database. Data from air monitors operated by state/local agencies in compliance with EPA monitoring requirements must be submitted to the AQS database. Monitoring agencies annually certify that these data are accurate to the best of their knowledge. Accordingly, EPA relies primarily on data in its AQS database when determining the attainment status of an area. See 40 CFR 50.9; 40 CFR part 50, appendix H; 40 CFR part 53; 40 CFR part 58, appendices A, C, D and E. All data are reviewed to determine the area's air quality status in accordance with 40 CFR part 50, appendix H.

Under EPA regulations at 40 CFR 50.9, the 1-hour ozone standard is attained at a monitoring site when the expected number of days per calendar year with maximum hourly average concentrations above 0.12 ppm is equal to or less than 1.0, as determined by 40 CFR part 50, appendix H.[6]

The CARB is the Primary Quality Assurance Organization (PQAO) responsible for assuring that the area meets air quality monitoring requirements in the Los Angeles County and San Bernardino County portions of the Southeast Desert, and the SCAQMD is the PQAO responsible for assuring that the requirements are met in the Riverside County portion of the Southeast Desert. The AVAQMD operates monitors in the Los Angeles County portion of the Southeast Desert; the MDAQMD operates monitors in the San Bernardino County portion of the Southeast Desert; and the SCAQMD operate monitors in the Riverside County portion of the Southeast Desert. All agencies are required to submit annual monitoring network plans to EPA. The AVAQMD and MDAQMD monitoring networks are included in the CARB annual network plan, while SCAQMD submits a separate annual network plan. These plans discuss the status of the air monitoring network, as required under 40 CFR 58.10.

With respect to the annual network plans submitted by CARB that includes the AVAQMD and MDAQMD monitors, we have reviewed these plans and found that they meet the applicable requirements under 40 CFR part 58.[7] The Technical System Audit (TSA) we conducted in 2011 of the CARB PQAO included a review of the network requirements in AVAQMD and MDAQMD. In the TSA, we concluded that the combined ambient air monitoring networks operated by CARB and the air districts currently meet or exceed the requirements for the minimum number of SLAMS monitoring sites for ozone in the Southeast Desert. Also, AVAQMD and MDAQMD annually certify that the data submitted to AQS are quality-assured.[8]

EPA has reviewed SCAQMD's plans for compliance with the applicable requirements in 40 CFR part 58 on an annual basis. With respect to ozone, EPA has found that the SCAQMD's network plans meet the applicable requirements under 40 CFR part 58.[9] Furthermore, we concluded in our TSA of the SCAQMD network conducted during April 2010, that the ambient air monitoring network operated by SCAQMD currently meets or exceeds the requirements for the minimum number of SLAMS monitoring sites for all criteria pollutants, and the ozone monitoring sites within the Southeast Desert are properly located with respect to monitoring objectives, spatial scales and other site criteria, as required by 40 CFR part 58, appendix D.[10] Also, SCAQMD annually certifies that the data it submits to AQS are quality-assured.[11]

There were eight ozone monitoring sites located throughout the Southeast Desert in calendar years 2011 through 2013 that collected data for regulatory purposes: one in Los Angeles County, two in Riverside County, and five in San Bernardino County.[12] All of the sites monitor ozone concentrations on a continuous basis using Federal Equivalent Method (FEM) monitors. AVAQMD operates the one monitor in Los Angeles County. SCAQMD operates two in Riverside County. MDAQMD operates four in San Bernardino County. The National Park Service operates one monitor in San Bernardino County at Joshua Tree National Park (Yucca Valley).[13] Also, the National Park Service annually certifies that the data it submits to AQS are quality-assured.[14]

Table 1 summarizes the ozone monitoring data from the various monitoring sites in the Southeast Desert, showing the expected exceedances per year and as an average over the 2011–2013 period. The data summarized in table 1 are considered complete for the purposes of determining if the standard is met.[15]

[4] See Letter from Richard W. Corey, Executive Officer, CARB, to Jared Blumenfeld, Regional Administrator, EPA Region IX, dated February 25, 2014.

[5] Generally, a ''complete'' data set for determining attainment of the ozone is one that includes three years of data with an average percent of days with valid monitoring data greater than 90% with no single year less than 75%. See 40 CFR part 50, appendix I. There are less stringent data requirements for showing that a monitor has failed an attainment test and thus has recorded a violation of the standard.

[6] The average number of expected exceedances is determined by averaging the expected exceedances of the 1-hour ozone standard over a consecutive three calendar year period. See 40 CFR part 50, appendix H.

[7] See, e.g., letter from Meredith Kurpius, Manager, Air Quality Analysis Office, EPA Region IX, to Karen Magliano, Air Quality Data Branch, Planning and Technical Support Division, CARB, dated May 7, 2014.

[8] See, e.g., letters from Christopher A. Collins, Supervising AQ Engineer, MDAQMD, to Fletcher Clover, EPA Region IX, dated May 6, 2014, certifying 2013 data from AVAQMD and MDAQMD.

[9] See, e.g., letter from Meredith Kurpius, Manager, Air Quality Analysis Office, Air Division, EPA Region IX, to Dr. Matt Miyasato, Deputy Executive Officer, Science and Technology Advancement, SCAQMD, dated March 11, 2014.

[10] See letter from Deborah Jordan, Director, Air Division, U.S. EPA Region IX, to Barry Wallerstein, Executive Officer, SCAQMD, dated March 14, 2011, and enclosure titled, ''Technical System Audit Report, South Coast Air Quality Management District, April 13–April 16, 2010.''

[11] See, e.g., letter from Matt Miyasoto, Deputy Executive Office, Science and Technology Advancement, SCAQMD, to Jared Blumenfeld, Regional Administrator, EPA Region IX, dated June 27, 2014, certifying 2013 ozone data.

[12] See figures 5 and 11 from CARB's *State and Local Air Monitoring Network Plan* (June 2009) for illustrations of the locations of the ozone monitors within the Southeast Desert.

[13] The National Park Service also operates an ozone monitor in Riverside County at Joshua Tree National Park (Cottonwood Visitor Center; AQS ID 06–065–0008), but until recently, the monitor has not been either a federal reference method or federal equivalent method monitor. Thus, we are not using the data from this Cottonwood monitor for the proposed determination of attainment.

[14] See, e.g., letter from Kristi Morris, Program Manager, National Park Service, to Lew Weinstock, EPA, dated April 29, 2014, certifying 2013 ozone data.

[15] The criteria for data completeness are met at all of the ozone monitors in the Southeast Desert over the 2011–2013 period.

TABLE 1—ONE-HOUR OZONE DATA FOR THE SOUTHEAST DESERT 1-HOUR OZONE NONATTAINMENT AREA

General location	Site (AQS ID)	Expected exceedances by year			Expected exceedances 3-year average
		2011	2012	2013	2011–2013
Antelope Valley/Los Angeles County	Lancaster (06–037–9033)	0.0	0.0	0.0	0.0
Coachella Valley/Riverside County	Indio (06–065–2002)	0.0	0.0	0.0	0.0
Coachella Valley/Riverside County	Palm Springs (06–065–5001)	0.0	1.0	0.0	0.3
Northern portion of SE Desert AQMA/San Bernardino County	Barstow (06–071–0001)	0.0	0.0	0.0	0.0
SW portion of SE Desert AQMA/San Bernardino County	Hesperia (06–071–4001)	1.0	0.0	0.0	0.3
SW portion of SE Desert AQMA/San Bernardino County	Phelan (06–071–0012)	0.0	0.0	0.0	0.0
SW portion of SE Desert AQMA/San Bernardino County	Victorville (06–071–0306)	0.0	0.0	0.0	0.0
Joshua Tree National Park/San Bernardino County	Yucca Valley (06–071–9002)	0.0	0.0	0.0	0.0

Source: AQS Quick Look Report, May 9, 2014 (in the docket to this proposed action).

Generally, the highest ozone concentrations in the Southeast Desert occur in the far southwestern portion of the area, near mountain passes through which pollutants are transported to the Southeast Desert from the South Coast Air Basin. As shown in table 1, the highest three-year average of expected exceedances at any site in the Southeast Desert for 2011–2013 is 0.3 at Palm Springs in Riverside County and Hesperia in San Bernardino County. The calculated exceedance rate of 0.3 represents attainment of the 1-hour ozone standard (a three-year average of expected exceedances less than or equal to 1).

Taking into account the extent and reliability of the applicable ozone monitoring network, and the data collected therefrom and summarized in table 1, we propose to determine that the Southeast Desert has attained the 1-hour ozone standard (as defined in 40 CFR part 50, appendix H) based on the most recent three years of monitoring data for the area (2011–2013). Data for 2014 will be reviewed prior to our final action to ensure that it is consistent with continued attainment of the 1-hour ozone standard in the Southeast Desert.

III. Proposed EPA Action and Request for Public Comment

EPA is proposing to determine that the Southeast Desert Area has attained the 1-hour ozone standard based on complete, quality-assured and certified ambient air quality monitoring data for the 2011–2013 monitoring period.

EPA is soliciting public comments on the issues discussed in this document or on other relevant matters. We will accept comments from the public on this proposal for the next 30 days. We will consider these comments before taking final action.

IV. Statutory and Executive Order Reviews

This action proposes to make a determination based on air quality data and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999); is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and,
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Volatile organic compounds.

Dated: August 12, 2014.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 2014–20220 Filed 8–22–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–HQ–OAR–2012–0233; FRL–9915–73–OAR]

Air Quality Designations for the 2010 Sulfur Dioxide (SO_2) Primary National Ambient Air Quality Standard: Notice of Action Denying Petitions for Reconsideration and Stay Request

AGENCY: Environmental Protection Agency.

ACTION: Action denying petitions for reconsideration and stay request.

SUMMARY: The Environmental Protection Agency (EPA) is providing notice that it has responded to two petitions for reconsideration of a rule published in the **Federal Register** on August 5, 2013, that promulgated the initial air quality designations for the 2010 Primary SO_2 National Ambient Air Quality Standard (NAAQS) for certain areas in the United States. The rule is titled ''Air Quality Designations for the 2010 Sulfur Dioxide (SO_2) Primary National

Ambient Air Quality Standard.'' One petition was submitted by the Treasure State Resource Industry Association and Yellowstone County, and the other petition was submitted by the Montana Sulphur and Chemical Company (the Petitioners). The EPA carefully considered these petitions and supporting information, along with information contained in the rulemaking docket, in reaching decisions on these petitions. The EPA denied the petitions for reconsideration in separate letters to the Petitioners dated August 14, 2014. The letters explain the EPA's reasons for the denials. One of the Petitioners also requested that the EPA stay the effectiveness of the designations rule, pending reconsideration. Because the EPA denied the reconsideration requests, the EPA also denied the stay request.

DATES: The petitions for reconsideration and stay request were denied August 14, 2014.

FOR FURTHER INFORMATION CONTACT: Rhonda Wright, Air Quality Policy Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail code C539–04, Research Triangle Park, NC 27711; telephone: (919) 541–1087; email: *wright.rhonda@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Where can I get copies of this document and other related information?

This **Federal Register** notice, the petitions for reconsideration and the response letters to the Petitioners are available in the EPA's docket established for the rulemaking to promulgate the air quality designations for the 2010 SO_2 NAAQS, under Docket ID No. EPA–HQ–OAR–2012–0233. The table below identifies the Petitioners, the date the EPA received the petitions, the document identification number of the petitions, the date of the EPA's responses and the document identification numbers for the EPA's responses.

Petitioner	Dates of petitions to the EPA	Petition: document No. in docket	Date of the EPA response	The EPA response: document No. in docket
Billings, MO Nonattainment Area				
Montana Sulphur & Chemical Company	October 4, 2013	–0356	August 14, 2014	[INSERT No.]
Treasure State Resource Industry Association and Yellowstone County.	November 26, 2013	–0360	August 14, 2014	[INSERT No.]

All documents in the docket are listed in the index at *http://www.regulations.gov.* Although listed in the index, some information is not publicly available, e.g., confidential business information or other information where disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at EPA's Docket Center, Public Reading Room, U.S. Environmental Protection Agency, William Jefferson Clinton West Building, 1301 Constitution Avenue, Northwest, Room 3334, Washington, DC 20004. This Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

In addition, the EPA has established a Web site for the SO_2 designations rulemaking at *http://www.epa.gov/so2designations.* This **Federal Register** notice, the petitions for reconsideration and the response letters to the Petitioners are also available on this Web site along with other information relevant to the designations process.

II. Judicial Review

Section 307(b)(1) of the Clean Air Act indicates which Federal Courts of Appeal have venue for petitions for review of final actions by the EPA. This section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit (i) when the agency action consists of ''nationally applicable regulations promulgated, or final actions taken, by the Administrator,'' or (ii) when such action is locally or regionally applicable, if ''such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.'' In the rule establishing air quality designations for the 2010 SO_2 NAAQS, the EPA determined that the actions are of nationwide scope and effect for the purposes of section 307(b)(1). [*See* 78 FR 47191, 47197 (August 5, 2013)].

The EPA has determined that its actions denying these petitions for reconsideration also are of nationwide scope and effect because they directly relate to the SO_2 designations rulemaking that the EPA previously determined is of nationwide scope and effect. Thus, any petition for review of the final letters denying the petitions for reconsideration must be filed in the Court of Appeals for the District of Columbia Circuit on or before October 24, 2014.

Dated: August 15, 2014.

Janet McCabe,

Acting Assistant Administrator, Office of Air Radiation.

[FR Doc. 2014–20216 Filed 8–22–14; 8:45 am]

BILLING CODE 6560–50–P

COUNCIL ON ENVIRONMENTAL QUALITY

40 CFR Parts 1500, 1501, 1502, 1503, 1505, 1506, 1507, and 1508

Effective Use of Programmatic NEPA Reviews

AGENCY: Council on Environmental Quality.

ACTION: Notice of Availability, Request for Public Comments on Draft Guidance on Effective Use of Programmatic National Environmental Policy Act Reviews.

SUMMARY: The Council on Environmental Quality (CEQ) is publishing draft guidance on when and how Federal agencies can effectively use National Environmental Policy Act (NEPA) programmatic reviews. Guidance on programmatic NEPA reviews has been requested by the agencies and attention on programmatic NEPA reviews has increased as agencies are increasingly undertaking broad landscape scale analyses for proposals that affect the resources they manage. This guidance is designed to assist agency decision-makers and the public

in understanding the environmental impacts from proposed large-scope Federal actions and activities and to facilitate agency compliance with NEPA by clarifying the different planning scenarios under which an agency may prepare a programmatic, broad-scale, review. The guidance also addresses how agencies can prepare such reviews to ensure they are timely, informative, and useful for advancing decision-making.

The goal of this guidance is to encourage a more consistent approach to programmatic NEPA reviews so that the analyses and documentation will allow for the expeditious and efficient completion of any necessary tiered reviews. It builds on guidance issued since 1981 that explained the use of tiering and its place in the NEPA process.

DATES: Submit comments on or before October 9, 2014.

ADDRESSES: The NEPA Draft Guidance Documents are available at *http://www.whitehouse.gov/administration/eop/ceq/initiatives/and http://www.nepa.gov.* Submit electronic comments on the NEPA Draft Guidance ''Effective Use of Programmatic NEPA Reviews'' to *http://www.whitehouse.gov/webform/submit-comments-draft-guidance-programmatic-nepa-reviews,* or in writing to The Council on Environmental Quality, *Attn:* Horst Greczmiel, 722 Jackson Place NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: The Council on Environmental Quality (ATTN: Horst Greczmiel, Associate Director for National Environmental Policy Act Oversight), 722 Jackson Place NW., Washington, DC 20503. Telephone: (202) 395–5750.

SUPPLEMENTARY INFORMATION: This draft guidance will apply to Federal agencies in accordance with sections 1507.2 and 1507.3 of the CEQ Regulations Implementing the Procedural Provisions of the National Environmental Policy Act, 40 CFR Parts 1500–1508. The National Environmental Policy Act (NEPA), 42 U.S.C. 4321–4370, enacted in 1970, is a fundamental tool used to harmonize our environmental, economic, and social aspirations and is a cornerstone of our Nation's efforts to protect the environment. NEPA recognizes that many Federal activities affect the environment and mandates that Federal agencies consider the environmental impacts of their decisions before acting. Additionally, NEPA emphasizes public involvement in government actions affecting the environment by requiring that the benefits and risks associated with proposed actions be assessed and publicly disclosed.

CEQ, which is charged with overseeing NEPA, recognizes that NEPA is a visionary and versatile law that can be used effectively to address new environmental challenges facing our nation and also to engage the public widely and effectively. Programmatic NEPA reviews are one method of NEPA implementation that merits increased attention and use to facilitate agency compliance with NEPA, and enhance the quality of public involvement in governmental decisions relating to the environment. For example, programmatic NEPA environmental reviews provide another mechanism for agencies to address efforts on improving environmental reviews for various sectors and types of Federal activities such as infrastructure [1] and disaster recovery.[2] In March 2012, CEQ published guidance focused on improving the efficiency and timeliness of NEPA environmental reviews [3] and this guidance provides NEPA practitioners with another tool to improve the effectiveness and efficiency of NEPA reviews.

CEQ interprets its regulations as allowing for the use of a programmatic review in an Environmental Assessment (EA) as well as in an Environmental Impact Statement (EIS). A programmatic NEPA review may be appropriate when the action being considered falls into any one of the categories of Federal actions subject to NEPA, including: (1) Adopting official policy; (2) adopting formal plans; (3) adopting agency programs; and (4) approving multiple actions.

CEQ is seeking public comment on this guidance for 45 days. The draft guidance and Appendix A which provides a table of key distinctions between programmatic and the subsequent tiered NEPA reviews are available for review and comment here and at the CEQ Web site at *http://www.whitehouse.gov/administration/eop/ceq/initiatives/.* Appendices B (CEQ regulations and guidance relevant to programmatic reviews) and C (examples of successful programmatic NEPA reviews) are also available for review on that Web site. CEQ welcomes your comments and any suggestions on all the Appendices.

Public comments are requested on or before October 9, 2014. CEQ intends to make all comments received available online without change, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Please do not include any personal information or any information that you consider to be Confidential Business Information or otherwise protected as part of a public comment.

Dated: August 14, 2014.

Michael J. Boots,

Acting Chair, Council on Environmental Quality.

Effective Use of Programmatic NEPA Reviews

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[1] See Federal Infrastructure Projects, Permitting Dashboard, *available at http://www.permits.performance.gov/.*

[2] See Unified Federal Review, *available at http://achp.gov/unified_federal_review.html.*

[3] Council on Environmental Quality, Memorandum for Heads of Federal Departments and Agencies: Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act (March 6, 2012), *available at http://ceq.hss.doe.gov/current_developments/docs/Improving_NEPA_Efficiencies_06Mar2012.pdf.*

A. Table of Key Distinctions Between Programmatic and Tiered Analyses
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I. Introduction

A programmatic National Environmental Policy Act (NEPA) review should assist agency decision-makers and the public in understanding the environmental impacts from proposed large scope Federal actions and activities. The analyses in a programmatic review are valuable in setting out the broad view of environmental harms and benefits, which can then be relied upon when agencies make decisions based on the Programmatic Environmental Assessment (PEA) or Programmatic Environmental Impact Statement (PEIS),[4] as well as decisions based on a subsequent (tiered)[5] NEPA review. Programmatic NEPA reviews should result in clearer and more transparent decision-making, as well as provide a better defined and more expeditious path toward decisions on proposed actions. Agencies are encouraged to revise or amend their NEPA implementing procedures, if necessary, to allow for analyses at a programmatic level.

A. Purpose of This Guidance

This guidance was prepared to assist Federal agencies to improve and modernize their use of programmatic NEPA reviews (analysis and documentation). The term ''programmatic'' describes any broad or high-level NEPA review; it is not limited to a NEPA review for a particular program.[6] Programmatic NEPA reviews assess the environmental impacts of proposed policies, plans, programs, or projects for which subsequent actions will be implemented either based on the PEA or PEIS, or based on subsequent NEPA reviews tiered to the programmatic review (e.g., a site- or project- specific document). Programmatic NEPA reviews designed to meet NEPA responsibilities for proposed actions without a tiered review are governed by the same regulations and guidance that apply to non-programmatic NEPA reviews. They should be developed and their adequacy judged as a stand-alone final NEPA review. This guidance addresses both programmatic NEPA reviews that make decisions applicable to subsequent tiered NEPA reviews and programmatic NEPA reviews without any subsequent review.

The programmatic approach under NEPA has not been fully used for its intended purpose and when used, it often has not fulfilled agency or stakeholder expectations.[7] On March 6, 2012, the Council on Environmental Quality (CEQ) published guidance highlighting the efficiencies provided for in the CEQ Regulations Implementing the Procedural Requirements of the National Environmental Policy Act (CEQ Regulations)[8] and received feedback from several stakeholders that additional guidance on programmatic and tiered NEPA reviews would provide a valuable addition to agency practices and procedures for providing more timely and efficient NEPA reviews.[9]

This guidance is designed to provide practitioners with guidance to assist in the preparation and proper use of programmatic NEPA reviews, and help agencies inform and meet public expectations for programmatic reviews that will enhance the focus and utility of public review and comment. It builds on guidance issued in 1983 that explains the use of tiering and its place in the NEPA process.[10]

This new guidance focuses specifically on NEPA reviews and not on other types of programmatic analyses. CEQ recognizes that analyses conducted outside the context of NEPA can also play an important role, for example, in assessing existing conditions. Although these types of analyses may be used—either by incorporation by reference or as a starting point for developing the NEPA review—an analysis prepared by an agency is not a NEPA programmatic review unless that agency is making decisions on a proposed Federal action. This important distinction was explained in previous NEPA guidance which referred to a non-NEPA programmatic review as a joint inventory or planning study:

> In geographic settings where several Federal actions are likely to have effects on the same environmental resources it may be advisable for the lead Federal agencies to provide historical or other baseline information relating to the resources. This can be done either through a programmatic NEPA analysis or can be done separately, such as through a joint inventory or planning study. The results can then be incorporated by reference into NEPA documents prepared for specific Federal actions so long as the programmatic analysis or study is reasonably available to the interested public.[11]

B. The Nature of Programmatic NEPA Reviews

A PEA or PEIS addresses the general environmental issues and concerns at a broad policy or program level, and can effectively frame the scope of subsequent site- and project-specific proposed Federal actions. A well-crafted NEPA programmatic review provides

[4] The terms PEA and PEIS are also know by some Federal agencies as generic or tier 1 NEPA review.

[5] ''Tiering'' refers to an approach where federal agencies first consider the broad, general impacts of proposed program, plan, policy, or large scope project—or at the early stage of a phased proposal—and then conduct subsequent, narrower, decision focused reviews. See 40 CFR 1502.20 and 1508.28.

[6] For example, programmatic NEPA reviews are used when agencies revise forest or land and resource management plans, establish programs to eradicate or control invasive species, develop infrastructure with a multijurisdictional footprint, or develop multiple similar recovery projects following a major disaster.

[7] Council on Environmental Quality, National Environmental Policy Act Task Force Report: Modernizing NEPA Implementation (Sept. 24, 2003) (finding that reliance on programmatic NEPA documents has resulted in public and regulatory agency concern that programmatic NEPA documents often result in a ''shell game'' of when and where deferred issues will be addressed, undermining agency credibility and public trust. The report found that the public may fail to understand: (1) The significance of the broad decisions being analyzed; and (2) that the specific details will be provided in subsequent site-specific documents. On the other hand, when programmatic NEPA documents are focused, some respondents fear that some issues and analyses will be deferred and ultimately never addressed. The NEPA Task Force found that agencies that provide the greatest specificity in programmatic documents have the greatest difficulty in maintaining the viability and durability of these documents. This difficulty associated with maintaining document relevancy has led some agencies as well as members of the public to conclude that preparing programmatic NEPA documents is not cost effective. The recommendation of the Task Force was that CEQ develop advice to agencies on the analytical requirements associated with the different uses of programmatic NEPA reviews, to foster agreement and consistency between agency decisions and public expectations), *available at http://ceq.hss.doe.gov/ntf/20030929memo.pdf.*

[8] Council on Environmental Quality, Memorandum for Heads of Federal Departments and Agencies: Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act (March 6, 2012), *available at http://ceq.hss.doe.gov/current_developments/docs/Improving_NEPA_Efficiencies_06Mar2012.pdf.*

[9] This guidance is not a rule or regulation, and the recommendations it contains may not apply to a particular situation based upon the individual facts and circumstances. This guidance does not change or substitute for any law, regulation, or any other legally binding requirement and is not legally enforceable. The use of non-mandatory language such as ''recommend,'' ''may,'' ''should,'' and ''can,'' is intended to describe CEQ policies and recommendations. The use of mandatory terminology such as ''must'' and ''required'' is intended to describe controlling requirements under the terms of NEPA and the CEQ Regulations, but this document does not establish legally binding requirements in and of itself.

[10] Council on Environmental Quality, Guidance Regarding NEPA Regulations, Memorandum for Heads of Federal Agencies (July 28, 1983), *available at http://ceq.hss.doe.gov/nepa/regs/1983/1983guid.htm.*

[11] Council on Environmental Quality, Guidance on the Consideration of Past Actions in Cumulative Effects Analysis (June 24, 2005), *available at http://ceq.hss.doe.gov/nepa/regs/Guidance_on_CE.pdf.*

the basis for broad or high-level decisions such as identifying geographically bounded areas within which future proposed activities can be taken or identifying broad mitigation and conservation measures that can be applied to subsequent tiered reviews.

One advantage of preparing a programmatic NEPA review for repetitive agency activities is that the programmatic NEPA review can effectively provide a starting point for the analysis of cumulative and indirect impacts. Using such an approach allows an agency to subsequently tier to this analysis, and address more narrow, site-specific, details. This avoids repetitive broad level analyses in subsequent tiered NEPA reviews and provides a more comprehensive picture of the consequences of possible actions. An agency relying on a programmatic NEPA review must consider whether the depth of analysis needed for a tiered action requires adding to, or building on, the analysis provided in the programmatic NEPA document. A programmatic NEPA review can also be an effective means to narrow the consideration of alternatives and impact discussions in a subsequent tiered NEPA review.

Decision-makers may also call for a programmatic NEPA review for other reasons. For example, programmatic analyses may serve to influence the nature of subsequent decisions, thereby providing for an integrated and sustainable policy, planning framework, or program. Programmatic NEPA reviews may also support policy- and planning-level decisions when there are limitations in available information and uncertainty regarding the timing, location, and environmental impacts of subsequent implementing action(s). For example, in the absence of certainty regarding the environmental consequences of future tiered actions, agencies may be able to make broad program decisions and establish parameters for subsequent analyses based on a programmatic review that adequately examines the reasonably foreseeable consequences of a proposed program, policy, plan, or suite of projects.

II. Programmatic NEPA Reviews in Council on Environmental Quality Regulations

The concept of ''programmatic'' NEPA reviews is imbedded in the CEQ Regulations Implementing the Procedural Requirements of NEPA (CEQ Regulations) that address analyses of ''broad actions'' and the tiering process.[12]

The CEQ Regulations state in relevant part that environmental impact statements may be prepared, and are sometimes required, for broad Federal actions such as the adoption of new agency programs or regulations, and that agencies shall prepare statements on broad actions so that they are relevant to policy and are timed to coincide with meaningful points in agency planning and decisionmaking.[13] The regulations also state that when preparing statements on broad actions (including proposals by more than one agency), agencies may find it useful to evaluate the proposal(s) in one of the following ways: geographically, including actions occurring in the same general location, such as body of water, region, or metropolitan area; generically, including actions that have relevant similarities, such as common timing, impacts, alternatives, methods of implementation, media, or subject matter; or by stage of technological development, including Federal or Federally assisted research, development or demonstration programs for new technologies which, if applied, could significantly affect the quality of the human environment.[14] CEQ interprets its regulations as allowing for the use of a programmatic approach in developing an EA as well as in an EIS.

CEQ interprets its regulations as allowing for the use of a programmatic approach in developing an EA as well as in an EIS.

In cases where a policy, plan, program, or broad project analysis identifies but does not provide sufficiently in-depth analysis for potential future actions, then subsequent analyses are appropriate and are referred to as ''tiered'' analyses. Tiering is one way ''to relate broad and narrow actions and to avoid duplication and delay.'' [15] Appendix A provides a table of key distinctions between programmatic and the subsequent tiered NEPA reviews, Appendix B provides the CEQ regulations and guidance relevant to programmatic reviews, and Appendix C contains examples of successful programmatic NEPA reviews.[16]

III. When to Use a Programmatic and Tiered NEPA Review

Programmatic NEPA reviews add value and efficiency to the decision-making process when they inform the scope of decisions and subsequent tiered NEPA reviews. Programmatic NEPA reviews can facilitate decisions on matters that precede site- or project-specific implementation, such as mitigation commitments for subsequent actions, or narrowing of future alternatives. They also provide information and analyses that can be incorporated by reference in future NEPA reviews. Programmatic NEPA documents may help an agency look at a large or multi-faceted action without becoming immersed in all the details of future site or project-specific proposals. Using programmatic and subsequent tiered NEPA reviews effectively will allow for a focused review at the proper level.

A programmatic NEPA review may be appropriate when the action being considered falls into one of the four major categories of actions to which NEPA can apply:

- *Adopting Official Policy.* Decision to adopt in a formal document an official policy that would result in or substantially alter agency programs. The programmatic analysis for such a decision should include a road map for future agency actions with defined objectives, priorities, rules, or mechanisms to implement objectives. Programmatic examples include:
  - Rulemaking at National- or regional-level;
  - Adoption of an agency-wide policy; or
  - Redesign of an existing program.
- *Adopting Formal Plans.* Decision to adopt formal plans, such as documents that guide or prescribe alternative uses of Federal resources, upon which future agency actions will be based. For example, setting priorities, options, and measures for future resource allocation according to resource suitability and availability. Specific programmatic examples include:
  - Strategic planning linked to agency resource allocation; or
  - Adoption of an agency plan for a group of related projects.
- *Adopting Agency Programs.* Decision to proceed with a group of concerted actions to implement a specific policy or plan; e.g., an organized agenda with defined objectives to be achieved during implementation of specified activities. Programmatic examples include:
  - A new agency mission or initiative; or
  - Proposals to substantially redesign existing programs.
- *Approving Multiple Actions.* Decision to proceed with multiple projects that are temporally or spatially

[12] 40 CFR parts 1500–1508.

[13] 40 CFR 1502.4(b).

[14] 40 CFR 1502.4(c).

[15] 40 CFR 1502.4(d). Tiering is described at 40 CFR 1502.20 and further defined at 40 CFR 1508.28.

[16] Appendices B & C *available at http://www.whitehouse.gov/administration/eop/ceq/initiatives/.*

connected and that will have a series of associated concurrent or subsequent decisions. Programmatic examples include:

○ Several similar actions or projects in a region or nationwide (e.g., a large scale corridor project); or

○ A suite of ongoing, proposed or reasonably foreseeable actions that share a common geography or timing, such as multiple activities within a defined boundary (i.e., Federal land or facility).

Agencies should exercise their judgment and discretion when determining whether to prepare a PEA or PEIS.[17] CEQ recommends agencies give particular consideration to preparing a PEA or PEIS when: (1) Initiating or revising a national or regional rulemaking, policy, or program; (2) adopting a plan for managing a range of resources; or (3) making decisions on common elements or aspects of a series or suite of closely related projects.

A programmatic NEPA review may not be a cost effective effort for an agency if the effort required to perform the review is substantially greater than the time and effort saved in analyzing subsequent proposals or if the lifespan of the programmatic NEPA document is limited. Agencies usually benefit by asking two questions when determining whether to prepare a programmatic NEPA review: (1) Could the PEA or PEIS be sufficiently forward looking to contribute to the agency's basic planning of an overall program?; and (2) does the PEA or PEIS provide the agency the opportunity to avoid 'segmenting' the overall program from subsequent individual actions and thereby avoid unreasonably constricting the scope of environmental regulation? [18]

IV. Practical Considerations for Programmatic Reviews and Documents

This section provides practical guidance to help agencies implement a successful programmatic approach. The following points will be addressed:

- Answering the fundamental question of what decision(s) does the agency need to make;
- Answering the question of what actions would the agency subsequently want to take based on the programmatic NEPA review;
- Determining the purpose and need of the programmatic proposal to be analyzed and decided on and its relationship to subsequent tiered level proposals and decisions;
- Defining a practical scope for the programmatic review that is appropriate to the particular type of broad action being analyzed;
- Gathering and analyzing data for broadly scoped actions that potentially affect large geographic areas;
- Coordinating among the multiple overlapping jurisdictions and agencies that may have a role in assessing or determining whether and how a subsequent action may proceed;
- Communicating the scope, content, and purpose of a programmatic NEPA analysis in a way the parties involved in the process and the public can understand;
- Communicating the opportunities for public engagement in the development of the tiered NEPA reviews; and
- Maintaining the relevancy of programmatic NEPA documents for subsequent tiered analyses.

A. Determining the Utility and Scope of the Programmatic NEPA Review

Agencies should carefully consider, as early as practicable, the benefits of making the initial broad decisions and the amount of effort required to perform the programmatic review to ensure that using the programmatic approach facilitates decision-making and merits the investment of time and effort. To determine the utility of the PEA or PEIS, and the scope of analysis, an agency may find it helpful to consider:

- What Federal decisions need to be made now and in the future regarding the broad Federal action being proposed?
- What are the meaningful decision points [19] from proposal through implementation, and where are the most effective points in that continuum to address the potential for effects?
- What are the appropriate geographic limits and time frames for this programmatic review?
- Is it necessary to analyze the particular effects of a proposed action at a broader scale to facilitate analysis and/or decision-making at a more refined (i.e., tiered) level, and is a programmatic NEPA review the best way to do this? For example, a programmatic NEPA review may serve as an efficient mechanism to describe Federal agency efforts to adopt sustainable practices for energy efficiency, reduce or avoid greenhouse gas emissions, reduce petroleum product use, and increase the use of renewable energy including bioenergy, as well as other sustainability practices. The definition of ''proposal'' for the purposes of NEPA review should be considered when answering this question.[20]
- How long will the programmatic review continue to provide a relevant framework for tiering subsequent actions and what factors may result in the need to supplement or refresh the review?

1. Purpose and Need

The purpose and need statement is key to developing the NEPA review, as it establishes the scope of the analyses, range of reasonable alternatives, and frames the decision to be made. The purpose and need for a programmatic review will differ from the purpose and need for a project- or site-specific EA or EIS. The purpose and need for a PEA or a PEIS needs to be broad enough so as to avoid eliminating reasonable alternatives for a tiered EA or EIS and focused enough for the agency to conduct a rational analysis of the impacts and allow for the public to provide meaningful comment on the programmatic action. The purpose and need sets the tone for the scoping process and the course for conducting the NEPA review.

2. Scope of Analysis

The scope consists of the range of actions, the alternatives, and the associated impacts to be considered in a NEPA review.[21] A programmatic NEPA review, like project- or site-specific NEPA reviews, must address the potentially significant environmental impacts of a proposed Federal action. Consequently, the nature of the pending decision drives the scope of the environmental analyses and documentation. The planning process for the proposed action and the development of a programmatic NEPA review should start as early as practicable. By starting the planning process early, there should be sufficient time for establishing the reasonable scope of actions, alternatives, and impacts in the programmatic review,

[17] *National Wildlife Federation v. Appalachian Regional Commission,* 677 F.2d 883, 888 (D.C. Cir. 1981).

[18] *Piedmont Environmental Council v. F.E.R.C.,* 558 F.3d 304, 316 (4th Cir. 2009) (quoting *Nat'l Wildlife Fed'n v. Appalachian Reg'l Comm'n,* 677 F.2d 883, 888–89 (D.C. Cir. 1981)) (agency can do all individual EISs but not if that is an attempt to segment the program and thereby limit regulation; if so, a programmatic should have been done).

[19] 40 CFR 1502.4(b) (''[a]gencies shall prepare statements on broad actions so that they are relevant to policy and are timed to coincide with meaningful points in agency planning and decisionmaking'').

[20] 40 CFR 1508.23 The regulation states that a ''proposal'' exists at that stage in the development of an action when an agency subject to the Act has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated. It goes on to explain that a proposal may exist in fact as well as by agency declaration that one exists.

[21] 40 CFR 1508.25.

and identifying the decisions the programmatic review will support so that the level of analysis is clear from the start.

3. The Proposed Action

In addition to unconnected single actions, there are three types of actions set out in 40 CFR 1508.25(a) that may be analyzed in NEPA reviews, including those that are programmatic: connected actions, cumulative actions, and similar actions.

Connected actions are those that enable other actions that require a Federal action, or where the enabled action cannot or will not proceed unless the underlying action is taken; or are interdependent parts of a larger action and depend on the larger action for justification.[22] Projects that have independent utility are not connected actions.[23]

• Example: An agency could analyze a proposed pesticide aerial application program for a large metropolitan area in the same NEPA document with related actions such as the following: equipment purchase and location; pesticide purchase, storage methods and location; and loading locations that will be needed. These are examples of connected actions that are interdependent parts of the larger proposed pesticide aerial application program.

Cumulative actions are those with impacts which, when viewed with other proposed actions, have the potential for cumulatively significant impacts and should therefore be discussed collectively in the same NEPA review.[24]

• Example: A proposed pesticide use program can be analyzed in conjunction with a proposed pest eradication program as cumulative actions because they have the potential to affect the same resources. Note that cumulative effects would have to be considered when conducting the NEPA reviews for each of the proposals, whether in separate or combined NEPA reviews.

Similar actions are those which, when viewed with other reasonably foreseeable or proposed agency actions, have similarities such as timing, impacts, alternatives, or methods of implementation.[25] A programmatic NEPA review provides a platform for evaluating their environmental consequences together.

• Example: Several energy development programs proposed in a region of the country are similar actions if they have similar proposed methods of implementation and best practice mitigation measures that can be analyzed in the same document.

Broad Federal actions may be implemented over large geographic areas and/or a long time frame. Programmatic NEPA documents must include connected and cumulative actions, and the responsible official should consider whether it is helpful to include a series or suite of similar actions.[26]

Agencies may prepare a single NEPA document to support both programmatic and project-specific proposals. Such an approach may be appropriate when an agency plans to make a broad program decision, as well as decisions to implement one or more specific projects under the program. For example, the programmatic approach may address both the broad impacts of the proposed broad Federal action and provide sufficiently detailed environmental analyses for specific decisions, such as determining the locations and designs of one or more proposals to implement the broad Federal action. The challenge for agencies is to clearly communicate why some environmental aspects are analyzed in greater detail—such as the project- or site-specific effects—than others—such as the programmatic effects. It is essential to clearly state the decisions the agency proposes to make based directly on the PEA or PEIS and distinguish the analysis of impacts and alternatives of the broad programmatic proposals from the project- or site-specific proposals.

4. The Alternatives

Alternatives in a programmatic NEPA review are expected to reflect the level of the broad Federal action being proposed and would include the standard NEPA requirements for alternatives.[27] In situations where there is an existing program, plan or policy, CEQ expects that the no-action alternative would typically be the continuation of the present course of action until a new program, plan or policy is developed.[28]

When preparing the programmatic NEPA review for a policy, plan, program, or project, alternatives can be considered at the programmatic level to support focusing future decisions and eliminating certain alternatives from detailed study in subsequent NEPA reviews. By clearly articulating the nature of subsequent tiered decisions, agencies can craft the alternatives for a programmatic review to focus the scope and development of alternatives for the subsequent tiered NEPA documents. By articulating the reasoned choice between alternatives, with a discussion of why considered alternatives were not chosen, the range of alternatives in tiered NEPA reviews can be appropriately narrowed. Including a brief written discussion of the reasons alternatives were eliminated[29] should provide the justification for narrowing the range of reasonable alternatives to be considered in those tiered NEPA documents.

5. The Impacts

All NEPA reviews are concerned with three types of reasonably foreseeable impacts: direct, indirect, and cumulative.[30] The contrast between a programmatic and a project- or site-specific NEPA review is most strongly reflected in how these environmental impacts are analyzed. Because impacts in a programmatic NEPA review typically concern environmental effects over a large geographic and/or time horizon, the depth and detail in programmatic analyses will reflect the major broad and general impacts that might result from making broad programmatic decisions. Agencies should be clear about the context of the decision to be made and how it relates to the intensity of any potential impacts.

As noted previously, agencies may propose decisions regarding standard mitigation protocols and/or operating procedures in a programmatic NEPA review and thereby provide a framework and scope for the subsequent tiered analysis of environmental impacts. For example, proposals for long range energy or transportation infrastructure programs are potentially good candidates for PEAs and PEISs that include an assessment of how the programs will contribute to or reduce water quantity and quality. Discussions of water quantity and quality could then be incorporated by reference in tiered NEPA reviews. By identifying potential program impacts early, particularly cumulative and indirect impacts, programmatic NEPA reviews provide opportunities to modify program components and avoid or mitigate adverse impacts when developing subsequent proposals.

[22] 40 CFR 1508.25(a)(1).

[23] 40 CFR 1508.25(a)(1)(iii).

[24] 40 CFR 1508.25(a)(2).

[25] 40 CFR 1508.25(a)(3) and 1502.4(c).

[26] 40 CFR 1508.25(a).

[27] 40 CFR 1508.25(b) and 1508.9(3)(b).

[28] 46 FR 18026 (addressing in question and answer three what is included in a ''no action'' alternative).

[29] 40 CFR 1502.14(a).

[30] 40 CFR 1508.7 and 1508.8.

B. Collaboration, Public Engagement, and Coordination With Other Environmental Reviews

1. Importance of Collaboration and Cooperation

The types of actions that agencies analyze in programmatic reviews may feature some jurisdictional complexity. Impacts on state, tribal and private lands, and potentially overlapping authorities between agencies and governments with different missions and authorities should be considered in programmatic reviews that address resources or actions across jurisdictional boundaries. Collaboration and cooperation among Federal agencies, tribes, and state and local governments is especially critical for successful completion of meaningful programmatic NEPA reviews. Scoping early in the process provides agency decision-makers with access to other agencies' and governments' expertise and can help agencies identify broad scale issues, develop alternatives for analysis, identify the appropriate temporal and spatial parameters, and determine the appropriate depth of analysis or level of detail for the NEPA review.

2. Public Involvement

Engaging the public is particularly important when developing programmatic NEPA reviews in order to ensure agency objectives are understood and to clarify how a programmatic review relates to subsequent tiered reviews. Effective public engagement also will help manage expectations with regard to the purpose and need, the scope of the programmatic NEPA review, and the purpose and need and scope of subsequent site- and project-specific NEPA reviews. Outreach to potentially interested stakeholders should begin as early as possible—even in advance of formal scoping periods—to afford the public a meaningful opportunity to comment on and shape the NEPA review.

When the public has a chance to see the big picture early it can provide fresh perspectives and new ideas before determinations are made that will shape the programmatic review as well as subsequent tiered proposals. Early outreach also provides an opportunity to develop trust and good working relationships that may extend throughout the programmatic and subsequent NEPA reviews and continue during the implementation of the proposed action.[31] An agency can encourage early public participation by clearly explaining to the public not only what the proposed programmatic evaluation is meant to accomplish, but also how it relates to future actions, and why the public should get involved at the programmatic stage and not wait for any tiered reviews. Clarity of approach is essential to avoid the impression that a programmatic NEPA review creates a situation whereby the public is too early to raise issues in the broader programmatic analysis and then too late to raise them in any subsequent tiered analyses.

Stakeholders for a programmatic review may span multiple states and large areas. Consequently, public engagement should be well thought through to include all the potentially interested Federal and state agencies, tribes, local governments, private organizations, and individual citizens.[32]

3. Coordination With Other Environmental Reviews

The purpose and need statement and the proposed action for the programmatic NEPA review are critical for determining the compliance requirements under other applicable laws and regulations, such as the Endangered Species Act, National Historic Preservation Act, and Clean Water Act. They are also critical for determining when these other reviews must be completed and for developing a strategy to address all environmental review and consultation requirements in a coordinated manner. Coordinating compliance with other environmental reviews supports a broad discussion, facilitates a comprehensive project management schedule, provides opportunities to meet data, public engagement, and documentation requirements more efficiently, and generally promotes greater transparency in Federal decision-making.

Programmatic NEPA analysis and subsequent tiered NEPA analysis support a phased decision-making process that allows certain statutory and regulatory compliance to be achieved at the programmatic level. The nature of the decision at each phase and the extent to which it may constrain the subsequent consideration of alternatives will help determine an agency's overall environmental compliance requirements. NEPA requires a full evaluation of all specific impacts when the agency proposes to make an irreversible and irretrievable commitment of the availability of resources to a project. This usually occurs at the site-specific level.[33]

Provided the PEA or PEIS has sufficient specific data and information, it may satisfy other relevant legal requirements for site-specific future actions, even when there is no irreversible or irretrievable commitment of resources at the programmatic level. The determination of whether a particular decision in a phased or incremental decision-making process represents this level of commitment begins with a well formulated description of the proposed action.[34] Agencies should be aware that preparing a programmatic NEPA review is not a substitute for compliance with other environmental laws.

For example, approval of land use plans that establish future management goals and objectives for resource management, and the measures to achieve those goals and objectives, do not necessarily require completion of the Section 106 process under the National Historic Preservation Act. In some cases, an agreement with stakeholders, such as a programmatic agreement pursuant to sec. 106 of the National Historic Preservation Act, demonstrates an agency's compliance requirements for phased decisions being analyzed through a programmatic NEPA review. For instance, where a Federal agency's broad decision will narrow the opportunities for adverse effects in future specific proposals, then the agency may initiate the sec. 106 process as part of the programmatic review. This will allow the agency to complete that process by establishing steps for meeting its responsibility as it implements the broad decision and prior to subsequent project- and site-specific proposals.

Agencies should clearly and concisely articulate their intentions to defer particular environmental review and consultation requirements for consideration until a subsequent project- or site-specific proposal is developed. When deferring these requirements, agencies may still need to analyze and address related statutory requirements to some extent in the programmatic document. For example, if the subsequent actions tiered to the

[31] 40 CFR 1501.7; *see also* Council on Environmental Quality, Collaboration in NEPA—A Handbook for NEPA Practitioners (October 2007), *available at http://ceq.hss.doe.gov/nepa/nepapubs/Collaboration_in_NEPA_Oct2007.pdf.*

[32] For example, a good way to reach out to such a large and diverse public is through non-governmental organizations and citizen's groups. These organizations frequently know what their constituents care about and they may have effective means for communicating with those constituents. Agencies are also encouraged to use conference calls, web meetings and teleconferences to facilitate easy participation by the interested public.

[33] *N. Alaska Envtl. Ctr.* v. *Lujan,* 961 F.2d 886 (9th Cir. 1992).

[34] *Friends of Yosemite Valley* v. *Norton,* 348 F. 3d, 789, 801 (9th Cir. 2003).

programmatic document will require authorization under sec. 404 of the Clean Water Act prior to construction, agencies should include, after consultation with the U.S. Army Corps of Engineers, a discussion of the range of alternatives that are necessary to demonstrate compliance with the sec. 404(b)(1) Guidelines, and whether there are any practicable alternatives that have less adverse impact on the aquatic ecosystem—and do not have other significant environmental effects—will be made at the project-specific or site-specific level.

C. Preparing the Documents

1. Programmatic Environmental Assessment or Programmatic Environmental Impact Statement?

Programmatic approaches are usually associated with EISs and tiered documents more typically with proposal-specific EAs. Tiering an EA from a PEIS is appropriate when there are no new significant affects or considerations and the programmatic NEPA review addresses those measures that tiered proposals can rely on to address and reduce the significance of the site- or project-specific impacts.

An agency may prepare a PEA to determine whether an EIS is required or when considering a proposal that does not have significant impacts at the programmatic level. Following a PEA that results in a finding of no significant impact (FONSI), an agency may tier to an EA that results in a finding of no significant impact,[35] or may tier to an EIS when a subsequent site- or project-specific proposal has the potential for a significant impact on the environment.

Whether the agency prepares a PEA or a PEIS, that programmatic review should explain how the agency intends to use it to complete future proposal-specific NEPA reviews. Reasonably available information that should be provided both during scoping and in the PEA or PEIS includes the expected timing of the tiered review(s) as well as the issues, and depth of analysis, it is expected to consider. At the project- or site-specific level, it is necessary to consider the potential impacts that have not been analyzed and considered in the previous programmatic review to which it tiers.

2. Level of Detail in Programmatic NEPA Documents

A PEA or PEIS addresses the broad environmental consequences relevant at the programmatic level. A subsequent tiered EA or EIS will address more particularized considerations, but can benefit from the programmatic by summarizing and incorporating by reference parts of it.[36] For example, with the Forest Service's programmatic Gypsy Moth Supplemental EIS, the PEIS analyzed the human health and ecological risk assessments for each pesticide approved for use in the Gypsy Moth Eradication Program thereby eliminating the need for such analysis when individual spraying projects are proposed. The PEIS analyzed and disclosed these risks, and deferred to site or project level analyses the specific application of these risk data to how the insecticides would be used in a given project (e.g., dose rates, number of applications, presence of ''sensitive populations'') and other specific issues and concerns raised during scoping.

The PEA or PEIS must provide sufficient detail to foster informed decision-making that reflects broad environmental consequences from a wide-ranging federal program.[37] Site- or project-specific impacts need not be fully evaluated at the programmatic level when the decision to act on a site development or its equivalent is yet to be made.[38] Alternatives need only be specific enough to make a reasoned choice between programmatic directions. The alternatives need not consider every specific aspect of a proposal. For example, a programmatic analysis of a plan would not require consideration of detailed alternatives with respect to each aspect of the plan—otherwise a programmatic analysis would be impossible to prepare and would become a compilation of a vast series of site specific analyses.[39]

The following considerations may be helpful to determine the scale and scope of impacts to be addressed in a programmatic NEPA review:

- First, what are the appropriate scales of the affected environment to be analyzed (e.g., watershed, basin, etc.)?
- Second, what environmental impacts are of concern at this scale?
- Third, what information can be garnered about environmental impact criteria (thresholds) to assist in describing when those impacts are best addressed in detail?

Determining the level of detail appropriate to a programmatic analysis requires weighing several factors, including the extent of the interrelationship among proposed actions, the scale and scope of any subsequent decisions, as well as practical considerations of feasibility. Resolving these issues will require the expertise of the agencies responsible for the proposed action informed by the agencies responsible for the potentially impacted resources.[40]

3. Depth of Impact Analysis in Programmatic NEPA Documents

The agency is obligated to conduct a meaningful impact analysis in accordance with NEPA, and that analysis should be commensurate with the nature and extent of potential impacts of the decision being made. A programmatic NEPA review should contain sufficient discussion of the relevant issues and opposing viewpoints to enable the decision-maker to take a ''hard look'' at the environmental effects and make a reasoned choice among alternatives.[41] There should be enough detail to enable those who did not have a part in its compilation to understand and meaningfully consider the factors involved.[42]

A broad (e.g., regional) description may suffice for characterizing the affected environment in most programmatic NEPA reviews, so long as potentially impacted resources are meaningfully identified and evaluated. Impacts can often be discussed in a broad geographic and temporal context with particular emphasis on cumulative impacts. Those impacts can often be shown in a meaningful way by displaying a range of potential effects. The scope and range of impacts may also be more qualitative in nature than those found in project- or site-specific NEPA reviews.

It may be more difficult for an agency to analyze the environmental impacts in depth when there is no clear indication—no site- or project-specific proposal pending—for the level of activity that may follow a programmatic decision.[43] A programmatic NEPA review should carefully consider the scope of both the programmatic and the subsequent tiered NEPA review. CEQ's 1981 scoping guidance addressed this issue and the need to be clear about the type of programmatic NEPA review.

[I]f a proposed program is under review, it is possible that site specific actions are not yet proposed. In such a case, these actions

[35] *Northern Plains Resource Council* v. *Lujan,* 874 F.2d 661, 665–66 (9th Cir. 1989).

[36] *Nevada* v. *Dep't of Energy,* 372 U.S. App. DC 432 (D.C. Cir. 2006).

[37] *Found. On Econ. Trends.* v. *Heckler,* 756 F.2d 143, 159 (D.C. Cir. 1985).

[38] *Citizens for Better Forestry* v. *U.S. Dep't of Agriculture,* 481 F. Supp. 2d 1059, 1086, (D. Cal. 2007).

[39] *Greenpeace* v. *National Marine Fisheries Service,* 55 F. Supp. 2d 1248, 1276 (D. Wash. 1999).

[40] *Texas Committee on Natural Resources* v. *Bergland,* 573 F. 2d 201 (5th Cir. 1978).

[41] *Natural Resources Defense Council* v. *Morton,* 458 F.2d 827, 838 (D.C. Cir. 1972).

[42] *Baltimore Gas and Electric Co* v. *NRDC,* 462 U.S. 87 (1983).

[43] 40 CFR 1508.23.

are not addressed in the EIS on the program, but are reserved for a later tier of analysis.[44]

Thus, the deferred analysis should be identified and the intended use of tiering made clear at the outset of scoping, and articulated in the programmatic review. Informing participants and the public of the expected timing of the tiered review(s), as well as the issues and depth of analysis, allows them to concentrate on the issues at hand, rather than on those that will be addressed later. Courts have affirmed NEPA's requirement that Federal agencies document the environmental impacts of proposed broad actions, such as programs, recognizing the difficulty in predicting the level of activity that will occur and that it may not be possible to analyze thoroughly the environmental effects of, and the resource commitments involved in, such a broad proposed activity.[45]

For example, in the PEIS for the Container Terminal Development Plan prepared by the Port of Seattle Marine Planning & Development Department, the port determined that it was impossible to know the precise demand for container service in the future, and therefore it was impossible to predict the precise location, type and timing of specific facilities and their environmental impacts. Recognizing the uncertainties involved, the PEIS evaluated potential environmental impacts and opportunities comprehensively by focusing on a bounded range of potential activities and their impacts. The port's Container Plan projected a low and high range for container service demand and a range of new or improved facilities. The EIS evaluated strategies for meeting low and high range demand and the preferred alternative based on the plan, providing a flexible market-driven approach in recognition of the dynamic nature of the shipping industry and supply of regional container facilities.[46]

D. Mitigation and Monitoring

Programmatic NEPA reviews provide an opportunity for agencies to incorporate comprehensive mitigation planning and monitoring strategies into the Federal policymaking process at a broad or strategic, rather than specific, or site-by-site, level. These analyses can promote sustainability and allow Federal agencies to advance the nation's environmental policy as articulated in sec. 101 of NEPA.[47]

By identifying potential adverse impacts early during the broad programmatic planning, programmatic NEPA reviews provide a unique opportunity to modify aspects of the proposal and subsequent tiered proposals to avoid or otherwise mitigate those impacts. A thoughtful and broad-based approach to planning for future development can include best management practices, standard operating procedures and comprehensive mitigation measures that address impacts on a broad programmatic scale (e.g., program-, region-, or nation-wide). These can expedite the preparation of subsequent project- or site-specific proposals by establishing siting, design, operational, or other relevant implementation criteria, requirements, and protocols. The subsequent tiered NEPA review would then include those measures to address potentially significant impacts and focus on the impacts and mitigation alternatives available at the project- or site-specific level that were not considered in the PEA or PEIS.

For example, a Forest Service and Bureau of Land Management PEIS for coal bed methane development on Federal lands in San Juan National Forest established siting and engineering techniques and best management practices to reduce the effects of coal bed methane development on surface water quality, quantity, and use; established a suite of mitigation measures for when pipelines, roads, or power lines crossed a stream, wetland, or riparian area; established the development of site-specific mitigation plans; and required monitoring plans for individual wells that would disturb wetlands or riparian areas.[48] These types of programmatic decisions provide valuable information for project proponents (e.g., applicants for Federal licenses or rights-of-way) as they design proposals and implementation activities and give the public insight into the kinds of protections that would be afforded in designing and permitting such facilities.

Programmatic NEPA reviews also afford agencies the opportunity to develop monitoring programs to address impacts on a broad scale. This provides agencies the opportunity to ensure that mitigation commitments on the programmatic level are actually being implemented. Further, it allows agencies to determine whether the mitigation measures achieved the environmental outcomes they were designed to accomplish.[49]

Finally, monitoring is critical when agencies establish adaptive management strategies in a programmatic NEPA document to increase their flexibility in developing and analyzing subsequent resource management proposals. Identifying triggers for changing the course of implementation and the associated effects and analyzing those impacts at the programmatic level, can allow the agency to change the course of implementation without the need for developing supplemental NEPA reviews and the associated documentation. Ranges of results inform the public and the decision-maker about what parameters are acceptable for continued management under the proposed adaptive management regime and monitoring provides assurance that the environmental impacts have been adequately considered in the programmatic review.

E. Handling New Proposals While Preparing a Programmatic NEPA Review

Agencies are sometimes reluctant to conduct programmatic NEPA reviews because of the risk of delaying ongoing and newly proposed actions. The CEQ Regulations enable interim actions to proceed provided certain criteria are met.[50] Typically, proposed actions of relatively limited scope or scale that would have local utility may be taken as an interim action before completing the programmatic analysis.

The CEQ Regulations address interim action criteria for site- or project-specific EAs or EISs when required PEAs and PEISs are not yet completed.[51] Although the CEQ Regulations address criteria for interim actions specifically in the context of PEISs, in those cases where part of a proposed action needs to proceed while a PEA is being prepared, agencies should use the criteria in the CEQ Regulations. The CEQ Regulations recognize and provide for situations where the programmatic review is not available when the

[44] Council on Environmental Quality, Memorandum for General Counsels, NEPA Liaisons, and Participants in Scoping (April 30, 1981), *available at http://ceq.hss.doe.gov/nepa/regs/scope/scoping.htm.*

[45] *Kleppe* v. *Sierra Club,* 427 U.S. 390 (1976).

[46] Final Environmental Impact Statement, Container Terminal Development Plan, Port of Seattle Marine Planning & Development Department 1–17 (October 1991) (on file with the Council on Environmental Quality).

[47] 42 U.S.C. 4331. *See also* E.O. 13423, 72 FR 3919 (2007), *available at ceq.eh.doe.gov/nepa/regs/Executive_Order_13423.htm.*

[48] *San Juan Citizens Alliance* v. *Stiles,* 654 F.3d 1038 (10th Cir. 2011).

[49] Council on Environmental Quality, Memorandum for Heads of Federal Departments and Agencies: Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact (January 14, 2011), *available at http://ceq.hss.doe.gov/current_developments/docs/Mitigation_and_Monitoring_Guidance_14Jan2011.pdf.*

[50] 40 CFR 1506.1.

[51] 40 CFR 1506.1(a) and (c).

program is at an investment stage or there is a commitment to implementation that will limit future alternatives.[52]

The CEQ Regulations state, in relevant part that while work on a required program environmental impact statement is in progress and the action is not covered by an existing program statement, agencies shall not undertake in the interim any major Federal action covered by the program which may significantly affect the quality of the human environment unless such action: Is justified independently of the program; is itself accompanied by an adequate environmental impact statement; and will not prejudice the ultimate decision on the program. Finally, the regulations state that interim action prejudices the ultimate decision on the program when it tends to determine subsequent development or limit alternatives.[53]

Under the first criterion regarding independent justification, agencies may take an interim action that the agency determines could be undertaken irrespective of whether or how the program goes forward, assuming the other two criteria are met. For example, in cases where an agency is obligated by law to carry out a proposed interim action, the agency should be able to demonstrate that the action has independent utility.

The second criterion makes it clear that an EIS must be prepared for a proposed interim action that has the potential for significant environmental impacts. Although completion of a PEIS first may be more efficient than preparing an adequate EIS for a proposed interim action, the agency could complete an adequate EIS for the interim action. In cases that don't involve significant impacts, an EA would be sufficient to provide adequate NEPA support to meet this second criterion.

Under the third criterion, agencies may take an interim action when they determine that the proposed interim action would not jeopardize the objective consideration of reasonable alternatives. Agencies should take care to distinguish interim actions from ongoing actions. An agency does not need to suspend all operations because it has elected to prepare a programmatic NEPA document. For example, in the case of an area-wide or site-wide PEIS considering a new proposed operations plan, ongoing operations within the area or site may continue and such ongoing operations would be considered under the no action alternative in the PEIS.

[52] 40 CFR 1502.4(c)(3).

[53] 40 CFR 1506.1(c).

F. The Decision Document

The decision is documented in a Record of Decision (ROD) following preparation of a PEIS or a decision may be based on a FONSI following preparation of a PEA. The decision document should clearly explain the decision and indicate whether tiered analyses will follow. For example, the agency should articulate its intentions with regard to future decisions, describe how the agency will use the programmatic NEPA document as a basis for tiering future NEPA reviews, and indicate when any deferred issues will be addressed.

The programmatic decision document following a PEA or a PEIS should provide the information required in a ROD. It should include a description of the alternatives considered, the environmentally preferable alternative, economic and technical considerations, agency statutory missions, essential considerations of national policy, and all practicable means to avoid or minimize environmental harm from the alternative selected that were adopted or, if not, why not. A monitoring and enforcement program should also be adopted and summarized for any mitigation where that is applicable.[54]

V. Subsequent Proposal-Specific NEPA Reviews

A. Deferred Issues

Certain issues may not be addressed in a PEA or PEIS, but rather are discussed fully in subsequent tiered NEPA analysis. These deferred issues can include issues that will be addressed in additional tribal consultations or further National Historic Preservation Act Section 106 consultation, Endangered Species Act Section 7 consultation, or other determinations and consultations. To provide clarity to the public and the decision-maker, programmatic NEPA reviews should make clear when the analysis of potential environmental impacts will be deferred. When preparing a PEA, it is acceptable for an agency to limit its analysis to those foreseeable effects resulting from the programmatic decision at hand. The programmatic document should clearly explain that, while there may be other effects, they do not affect the programmatic decision and full review of these issues is being deferred. In this case agencies should logically explain why there is no effect on the programmatic decision, and also include sufficient information to explain where and when deferred issues raised by the public and/or regulatory agencies will be addressed.

[54] 40 CFR 1505.2(c).

The scoping process and subsequent public involvement provide an opportunity to clarify the triggers for determining when subsequent reviews and opportunities for review and comment will take place.[55] The programmatic document should also, whenever practicable, explain how and when the interested parties will be notified of any subsequent reviews.

B. Tiering NEPA Reviews

One of the main advantages of a programmatic NEPA review is the ability to tier subsequent reviews, such as site- or proposal-specific reviews.[56] Tiering has the advantage of not repeating information that has already been considered at the programmatic level so as to focus and expedite the preparation of the tiered NEPA review(s). When a PEA or PEIS has been prepared and an action is one anticipated in, consistent with, and sufficiently explored within the programmatic NEPA review, the agency need only summarize the issues discussed in the broader statement and incorporate discussion from the broader statement by reference and concentrate on the issues specific to the subsequent tiered proposal.[57]

There are times when an analysis at one level is sufficient. For example, when the programmatic review has taken the required ''hard look'' at the potential environmental impacts, an agency can rely upon the analysis provided in the PEA or PEIS.[58] On the other hand, an agency may determine that detailed analysis should be deferred to the tiered analysis. The programmatic review must be clear when issues are being deferred, and any subsequent tiered documents will need to review briefly what level of analysis has been considered and whether it is still contemporary.

While CEQ Regulations specifically authorize an agency to tier other NEPA reviews to an EIS, there is no barrier to tiering an EIS to an EA prepared in accordance with NEPA, the CEQ Regulations, and agency NEPA implementing procedures, so long as a sufficient explanation for such an approach is proffered. A programmatic NEPA review may defer some decisions, and make use of tiering and incorporation by reference, and still be

[55] *See* 40 CFR 1501.7 (scoping), sec. 1501.4 (public involvement in EAs), and sec. 1506.6 (public involvement).

[56] 40 CFR 1502.20.

[57] 40 CFR 1502.20.

[58] *Natural Resources Defense Council* v. *Morton,* 458 F.2d 827, 838 (D.C. Cir. 1972).

considered a ''hard look.'' Cases that address ''improper tiering'' involve situations where an agency attempts to tier to a non-NEPA document.[59]

Confusion over what level of NEPA analysis is required for tiered proposals may occur when a programmatic EIS is complete and the site-specific project will have a significant impact as indicated in the programmatic document. When this occurs, the appropriate question is not if there is a significant impact from the proposed action, but if there is a *new* significant impact that was not already considered and addressed in the programmatic review. If there are no new significant impacts, an EA may be appropriate instead of an EIS so long as the aspects of the proposed action that involve significant effects have not changed since the PEIS, and the agency presents its reasons for determining that the effects and potential mitigation measures were adequately considered in the PEIS. Consequently, as an agency determines the appropriate scope for a PEIS, it should consider the potential for significant site- or project-specific impacts and the cost/benefit of addressing them programmatically.

C. New Information and Supplementing Documents

The CEQ Regulations provide a procedural framework for keeping environmental analyses current. They require agencies to prepare supplements upon determining there is significant new information of relevance to the proposed action or its impacts.[60] The possibility of new information arising after an EA or EIS is completed exists regardless of whether that NEPA review is a programmatic review.

When new information reaches an agency, it should be initially screened with respect to the following considerations:

- Does the new information pertain to a programmatic NEPA review that was prepared for a now-completed decision-making process?
- Are there any more decisions to be made by the agency that would use the original NEPA review to meet all or a portion of the agency's NEPA compliance responsibilities for any upcoming decision?

If there are no further decisions to be made, revising the original programmatic NEPA review serves no purpose and is not required. If the new information is relevant to a future decision for which the agency intends to rely upon the original programmatic NEPA review to meet all or a portion of its NEPA compliance responsibilities, then the new information must be reviewed in order to determine if it has any potential effect on the content of the original programmatic review, either in terms of: (a) The accuracy of the previously analyzed impacts (direct, indirect or cumulative); or (b) the feasibility of the alternatives presented or their comparative analysis. If supplementation is not required, agencies should consider documenting that determination which, for example, could be done, through a memorandum to the record that could be included in the administrative record for the programmatic NEPA review.

The agency is responsible for making a reasoned determination whether new information raises significant new circumstances or information regarding environmental impacts or involves substantial changes in the actions decided upon in the programmatic analysis.[61] When a PEA was used, the determination must consider whether the PEA and FONSI are sufficient or whether an EIS is now necessary. If there is a need to supplement, a supplemental PEA can address the new information and result in a FONSI when the agency's consideration of the context and intensity of the effects of the programmatic proposal warrant a FONSI.[62]

When an agency determines there is a need to supplement a NEPA review, programmatic NEPA reviews provide alternative ways to complete that supplementation. The traditional approach would be to supplement the base document, the original PEA or PEIS. Alternatively, if a new tiered NEPA review can include consideration of the programmatic issues, then the tiered review can also serve as the vehicle for supplementing the PEA or PEIS. When the new information's effects are limited to potential impacts or alternatives associated with the next stage, or project- or site-specific decision, then the tiered analysis can address the new information without having to supplement the PEA or PEIS.

VI. The Lifespan of a Programmatic NEPA Document

Agencies must consider and make reasonable efforts to anticipate the length of time the programmatic decision and its supporting NEPA review will be maintained and used for subsequent tiered reviews. Programmatic documents may become outdated depending on the specificity and analyses included in them. Agencies should determine the factors that may result in the need to supplement or refresh the analysis,[63] establish criteria for evaluating the programmatic document for its use as a basis for subsequent proposal-specific NEPA, and communicate this to stakeholders. When a programmatic review is projected to have a long life span, then the agency should pay close attention to the possible effects of new information.

VII. Conclusions

This guidance is intended to assist agencies in preparing PEISs and PEAs that address broad, strategic, programmatic level analyses. Agencies should consider using PEAs and PEISs whenever appropriate. Programmatic NEPA reviews provide an opportunity for considering environmental consequences at a broader level and enhance the integration of environmental concerns and mitigations into an agency's planning procedures. In addition, agencies that are able to clearly explain how specific, outstanding, or future actions will be addressed in subsequent tiered documents, and how the analyses will be vetted publicly, will ensure that the public is informed and can improve the quality of participation and analysis agencies receive from the public, thereby enhancing decision-making. This guidance also is intended to assist NEPA practitioners in realizing the benefits of programmatic NEPA reviews. It should be used in conjunction with the regulations and guidance previously issued by CEQ (see relevant excerpts in Appendix B) and any applicable agency

[59] *Kern* v. *BLM,* 284 F.3d 1062 (9th Cir. 2002), the Court found that, ''tiering to a document that has not itself been subject to NEPA review is not permitted, for it circumvents the purpose of NEPA.'' In *Northcoast Environmental Center* v. *Glickman,* the Court found that, ''[a]lthough CEQ procedures allow agencies to incorporate by reference certain materials to cut down on the bulk of an EIS, they cannot 'tier' their site-specific EISs to the broader POC program where the program itself has not been subject to NEPA procedures.'' Courts have also held that agencies can't properly tier when agencies tier to an outdated PEIS (*League of Wilderness Defenders* v. *Marquis-Brong,* 259 F. Supp. 2d 115, 1122–23 (D. Or. 2003), or an inadequate or flawed PEIS (*Muckleshoot Indian Tribe* v. *U.S. Forest Serv.,* 177 F.3d 800, 811 (9th Cir. 1999)).

[60] See 40 CFR 1505.3 (monitoring), 1502.9 (supplementation). See also *Seattle Audubon Society* v. *Moseley,* 798 F. Supp. 1473, (D. Wash. 1992) (''[a] federal agency has a continuing duty to gather and evaluate new information relevant to the environmental impact of its actions, even after release of an EIS'').

[61] 40 CFR 1502.9.

[62] 40 CFR 1508.27.

[63] 46 FR 18026 (refer to question 32 in CEQ's 40 Most Asked Questions). As a rule of thumb, if the proposal has not yet been implemented, or if the EIS concerns an ongoing program, EISs that are more than 5 years old should be carefully reexamined to determine if the criteria in sec. 1502.9 compel preparation of an EIS supplement.

NEPA procedures established in accordance with 40 CFR 1507.3.

Appendix A: Programmatic and Tiered Analyses

Programmatic and tiered analyses differ in their focus and scope. The following table indicates the general differences between programmatic and subsequent tiered analyses.[64]

	Programmatic level	Subsequent (e.g., project- or site-specific) tiered level
Nature of Action	Strategic, conceptual	Construction, operations, site-specific actions.
Level of Decision	Policy, program, planning, suite of similar projects.	Individual project(s).
Alternatives	Broad, general, research, technologies, fiscal measures, socioeconomic, land use allocations.	Specific alternative locations, design, construction, operation, permits, site-specific.
Scale of Impacts	Macroscopic, for example, at a national, regional, or landscape level.	Project level, mainly local.
Scope of Impacts	Broad in scale and magnitude	Localized and specific.
Time Scale	Long- to medium-term (e.g., Regulatory)	Medium- to short-term (e.g., Permit).
Key Data Sources	Existing national or regional statistical and trend data, policy and planning instruments.	Field work, sample analysis, statistical data, local monitoring data.
Impacts	Qualitative and maybe quantitative to the degree possible.	Generally quantifiable (though not always).
Decision	Broad, strategic program, policy, or plan	Detailed, project- or site-specific, action-oriented.
Mitigation	General, broad suite of potential measures that could apply and potentially the commitments on when they will apply.	Specific, precise measures applicable to a proposed action.

[64] Maria Rosário Partidário, Strategic Environmental Assessment (SEA)—current practices, future demands and capacity-building needs (2003) (unpublished manuscript) *available at http://www.iaia.org/publicdocuments/EIA/SEA/SEAManual.pdf?AspxAutoDetectCookieSupport=1.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 140325271–4271–01]

RIN 0648–BE13

List of Fisheries for 2015

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

ACTION: Proposed rule.

SUMMARY: The National Marine Fisheries Service (NMFS) publishes its proposed List of Fisheries (LOF) for 2015, as required by the Marine Mammal Protection Act (MMPA). The proposed LOF for 2015 reflects new information on interactions between commercial fisheries and marine mammals. NMFS must classify each commercial fishery on the LOF into one of three categories under the MMPA based upon the level of mortality and serious injury of marine mammals that occurs incidental to each fishery. The classification of a fishery on the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan (TRP) requirements.

DATES: Comments must be received by September 24, 2014.

ADDRESSES: You may submit comments on the proposed rule, identified by ''NOAA–NMFS–2014–0040'' by any of the following methods:

(1) Electronic Submissions: Submit all electronic comments through the Federal eRulemaking portal: *http://www.regulations.gov* (follow instructions for submitting comments).

(2) Mail: Submit written comments to Chief, Marine Mammal and Sea Turtle Conservation Division, Attn: List of Fisheries, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

Comments regarding the burden-hour estimates, or any other aspect of the collection of information requirements contained in this rule, should be submitted in writing to Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, or to the Office of Information and Regulatory Affairs at *OIRA_submissions@omb.eop.gov.*

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (e.g., 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 (enter ''N/A'' in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Lisa White, Office of Protected Resources, 301–427–8494; Allison Rosner, Greater Atlantic Region, 978–281–9328; Jessica Powell, Southeast Region, 727–824–5312; Elizabeth Petras, West Coast Region (CA), 562–980–3238; Brent Norberg, West Coast Region (WA/OR), 206–526–6550; Kim Rivera, Alaska Region, 907–586–7424; Nancy Young, Pacific Islands Region, 808–725–5156. Individuals who use a telecommunications device for the hearing impaired may call the Federal Information Relay Service at 1–800–877–8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION:

What is the List of Fisheries?

Section 118 of the MMPA requires NMFS to place all U.S. commercial fisheries into one of three categories based on the level of incidental mortality and serious injury of marine mammals occurring in each fishery (16 U.S.C. 1387(c)(1)). The classification of a fishery on the LOF determines whether participants in that fishery may be required to comply with certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements. NMFS must reexamine the LOF annually, considering new information in the Marine Mammal Stock Assessment

Reports (SARs) and other relevant sources, and publish in the **Federal Register** any necessary changes to the LOF after notice and opportunity for public comment (16 U.S.C. 1387(c)(1)(C)).

How does NMFS determine in which category a fishery is placed?

The definitions for the fishery classification criteria can be found in the implementing regulations for section 118 of the MMPA (50 CFR 229.2). The criteria are also summarized here.

Fishery Classification Criteria

The fishery classification criteria consist of a two-tiered, stock-specific approach that first addresses the total impact of all fisheries on each marine mammal stock and then addresses the impact of individual fisheries on each stock. This approach is based on consideration of the rate, in numbers of animals per year, of incidental mortalities and serious injuries of marine mammals due to commercial fishing operations relative to the potential biological removal (PBR) level for each marine mammal stock. The MMPA (16 U.S.C. 1362 (20)) defines the PBR level as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population. This definition can also be found in the implementing regulations for section 118 of the MMPA (50 CFR 229.2).

Tier 1: If the total annual mortality and serious injury of a marine mammal stock, across all fisheries, is less than or equal to 10 percent of the PBR level of the stock, all fisheries interacting with the stock will be placed in Category III (unless those fisheries interact with other stock(s) in which total annual mortality and serious injury is greater than 10 percent of PBR). Otherwise, these fisheries are subject to the next tier (Tier 2) of analysis to determine their classification.

Tier 2, Category I: Annual mortality and serious injury of a stock in a given fishery is greater than or equal to 50 percent of the PBR level (i.e., frequent incidental mortality and serious injury of marine mammals).

Tier 2, Category II: Annual mortality and serious injury of a stock in a given fishery is greater than 1 percent and less than 50 percent of the PBR level (i.e., occasional incidental mortality and serious injury of marine mammals).

Tier 2, Category III: Annual mortality and serious injury of a stock in a given fishery is less than or equal to 1 percent of the PBR level (i.e., a remote likelihood of or no known incidental mortality and serious injury of marine mammals).

While Tier 1 considers the cumulative fishery mortality and serious injury for a particular stock, Tier 2 considers fishery-specific mortality and serious injury for a particular stock. Additional details regarding how the categories were determined are provided in the preamble to the final rule implementing section 118 of the MMPA (60 FR 45086, August 30, 1995).

Because fisheries are classified on a per-stock basis, a fishery may qualify as one Category for one marine mammal stock and another Category for a different marine mammal stock. A fishery is typically classified on the LOF at its highest level of classification (e.g., a fishery qualifying for Category III for one marine mammal stock and for Category II for another marine mammal stock will be listed under Category II). Stocks driving a fishery's classification are denoted with a superscript ''1'' in Tables 1 and 2.

Other Criteria That May Be Considered

The tier analysis requires a minimum amount of data, and NMFS cannot perform a tier analysis on certain fisheries. Therefore, NMFS has classified certain fisheries by analogy to other Category I or II fisheries that use similar fishing techniques or gear that are known to cause mortality or serious injury of marine mammals, or according to factors discussed in the final LOF for 1996 (60 FR 67063, December 28, 1995) and listed in the regulatory definition of a Category II fishery: ''In the absence of reliable information indicating the frequency of incidental mortality and serious injury of marine mammals by a commercial fishery, NMFS will determine whether the incidental mortality or serious injury is 'frequent,' 'occasional,' or 'remote' by evaluating other factors such as fishing techniques, gear used, methods used to deter marine mammals, target species, seasons and areas fished, qualitative data from logbooks or fisher reports, stranding data, and the species and distribution of marine mammals in the area, or at the discretion of the Assistant Administrator for Fisheries'' (50 CFR 229.2).

Further, eligible commercial fisheries not specifically identified on the LOF are deemed to be Category II fisheries until the next LOF is published (50 CFR 229.2).

How does NMFS determine which species or stocks are included as incidentally killed or injured in a fishery?

The LOF includes a list of marine mammal species and/or stocks incidentally killed or injured in each commercial fishery. The list of species and/or stocks incidentally killed or injured includes ''serious'' and ''non-serious'' documented injuries as described later in the List of Species and/or Stocks Incidentally Killed or Injured in the Pacific Ocean and the Atlantic Ocean, Gulf of Mexico, and Caribbean sections. To determine which species and stocks are included as incidentally killed or injured in a fishery, NMFS annually reviews the information presented in the current SARs. The SARs are based upon the best available scientific information and provide the most current and inclusive information on each stock's PBR level and level of interaction with commercial fishing operations. The best available scientific information used in the SARs reviewed for the 2015 LOF generally summarizes data from 2007–2011. NMFS also reviews other sources of new information, including injury determination reports, bycatch estimation reports, observer data, logbook data, stranding data, disentanglement network data, fisher self-reports (i.e. MMPA reports), and anecdotal reports from that time period.

Where does NMFS obtain information on the level of observer coverage in a fishery on the LOF?

The best available information on the level of observer coverage and the spatial and temporal distribution of observed marine mammal interactions is presented in the SARs. Data obtained from the observer program and observer coverage levels are important tools in estimating the level of marine mammal mortality and serious injury in commercial fishing operations. Starting with the 2005 SARs, each SAR includes an appendix with detailed descriptions of each Category I and II fishery on the LOF, including the observer coverage in those fisheries. The SARs generally do not provide detailed information on observer coverage in Category III fisheries because, under the MMPA, Category III fisheries are generally not required to accommodate observers aboard vessels due to the remote likelihood of mortality and serious injury of marine mammals. Fishery information presented in the SARs' appendices and other resources referenced during the tier analysis may include: Level of observer coverage,

target species, levels of fishing effort, spatial and temporal distribution of fishing effort, characteristics of fishing gear and operations, management and regulations, and interactions with marine mammals. Copies of the SARs are available on the NMFS Office of Protected Resources Web site at: *http://www.nmfs.noaa.gov/pr/sars/.* Information on observer coverage levels in Category I and II fisheries can also be found in the Category I and II fishery fact sheets on the NMFS Office of Protected Resources' Web site: *http://www.nmfs.noaa.gov/pr/interactions/lof/.* Additional information on observer programs in commercial fisheries can be found on the NMFS National Observer Program's Web site: *http://www.st.nmfs.gov/st4/nop/.*

How do I find out if a specific fishery is in Category I, II, or III?

This rule includes three tables that list all U.S. commercial fisheries by LOF Category. Table 1 lists all of the commercial fisheries in the Pacific Ocean (including Alaska); Table 2 lists all of the commercial fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean; and Table 3 lists all U.S.-authorized commercial fisheries on the high seas. A fourth table, Table 4, lists all commercial fisheries managed under applicable TRPs or take reduction teams (TRTs).

Are high seas fisheries included on the LOF?

Beginning with the 2009 LOF, NMFS includes high seas fisheries in Table 3 of the LOF, along with the number of valid High Seas Fishing Compliance Act (HSFCA) permits in each fishery. As of 2004, NMFS issues HSFCA permits only for high seas fisheries analyzed in accordance with the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA). The authorized high seas fisheries are broad in scope and encompass multiple specific fisheries identified by gear type. For the purposes of the LOF, the high seas fisheries are subdivided based on gear type (e.g., trawl, longline, purse seine, gillnet, troll, etc.) to provide more detail on composition of effort within these fisheries. Many fisheries operate in both U.S. waters and on the high seas, creating some overlap between the fisheries listed in Tables 1 and 2 and those in Table 3. In these cases, the high seas component of the fishery is not considered a separate fishery, but an extension of a fishery operating within U.S. waters (listed in Table 1 or 2). NMFS designates those fisheries in Tables 1, 2, and 3 by a ''*'' after the fishery's name. The number of HSFCA permits listed in Table 3 for the high seas components of these fisheries operating in U.S. waters does not necessarily represent additional effort that is not accounted for in Tables 1 and 2. Many vessels/participants holding HSFCA permits also fish within U.S. waters and are included in the number of vessels and participants operating within those fisheries in Tables 1 and 2.

HSFCA permits are valid for five years, during which time FMPs can change. Therefore, some vessels/participants may possess valid HSFCA permits without the ability to fish under the permit because it was issued for a gear type that is no longer authorized under the most current FMP. For this reason, the number of HSFCA permits displayed in Table 3 is likely higher than the actual U.S. fishing effort on the high seas. For more information on how NMFS classifies high seas fisheries on the LOF, see the preamble text in the final 2009 LOF (73 FR 73032; December 1, 2008). Additional information about HSFCA permits can be found at: *http://www.nmfs.noaa.gov/ia/permits/highseas.html.*

Where can I find specific information on fisheries listed on the LOF?

Starting with the 2010 LOF, NMFS developed summary documents, or fishery fact sheets, for each Category I and II fishery on the LOF. These fishery fact sheets provide the full history of each Category I and II fishery, including: When the fishery was added to the LOF, the basis for the fishery's initial classification, classification changes to the fishery, changes to the list of species and/or stocks incidentally killed or injured in the fishery, fishery gear and methods used, observer coverage levels, fishery management and regulation, and applicable TRPs or TRTs, if any. These fishery fact sheets are updated after each final LOF and can be found under ''How Do I Find Out if a Specific Fishery is in Category I, II, or III?'' on the NMFS Office of Protected Resources' Web site: *http://www.nmfs.noaa.gov/pr/interactions/lof/,* linked to the ''List of Fisheries by Year'' table. NMFS is developing similar fishery fact sheets for each Category III fishery on the LOF. However, due to the large number of Category III fisheries on the LOF and the lack of accessible and detailed information on many of these fisheries, the development of these fishery fact sheets is taking significant time to complete. NMFS will begin posting Category III fishery fact sheets online with the final 2015 LOF.

Am I required to register under the MMPA?

Owners of vessels or gear engaging in a Category I or II fishery are required under the MMPA (16 U.S.C. 1387(c)(2)), as described in 50 CFR 229.4, to register with NMFS and obtain a marine mammal authorization to lawfully take non-endangered and non-threatened marine mammals incidental to commercial fishing operations. Owners of vessels or gear engaged in a Category III fishery are not required to register with NMFS or obtain a marine mammal authorization.

How do I register and receive my authorization certificate and mortality/injury reporting forms?

NMFS has integrated the MMPA registration process, implemented through the Marine Mammal Authorization Program (MMAP), with existing state and Federal fishery license, registration, or permit systems for Category I and II fisheries on the LOF. Participants in these fisheries are automatically registered under the MMAP and are not required to submit registration or renewal materials directly under the MMAP. In the Pacific Islands, West Coast, and Alaska regions, NMFS will issue vessel or gear owners an authorization certificate and/or mortality/injury reporting forms via U.S. mail or with their state or Federal license at the time of renewal. In the Greater Atlantic Region, NMFS will issue vessel or gear owners an authorization certificate via U.S. mail automatically at the beginning of each calendar year; but vessel or gear owners must request or print mortality/injury reporting forms by contacting the NMFS Greater Atlantic Regional Office at 978–281–9328 or by visiting the Greater Atlantic Regional Office Web site (*http://www.nero.noaa.gov/mmap*). In the Southeast region, NMFS will issue vessel or gear owners notification of registry and vessel or gear owners may receive their authorization certificate and/or mortality/injury reporting form by contacting the Southeast Regional Office at 727–209–5952 or by visiting the Southeast Regional Office Web site (*http://sero.nmfs.noaa.gov/protected_resources/marine_mammal_authorization_program/*) and following the instructions for printing the necessary documents. Mortality/injury forms are also available online at *http://www.nmfs.noaa.gov/pr/pdfs/interactions/mmap_reporting_form.pdf.*

The authorization certificate, or a copy, must be on board the vessel while it is operating in a Category I or II fishery, or for non-vessel fisheries, in

the possession of the person in charge of the fishing operation (50 CFR 229.4(e)). Although efforts are made to limit the issuance of authorization certificates to only those vessel or gear owners that participate in Category I or II fisheries, not all state and Federal permit systems distinguish between fisheries as classified by the LOF. Therefore, some vessel or gear owners in Category III fisheries may receive authorization certificates even though they are not required for Category III fisheries. Individuals fishing in Category I and II fisheries for which no state or Federal permit is required must register with NMFS by contacting their appropriate Regional Office (see **ADDRESSES**).

How do I renew my registration under the MMAP?

In Alaska regional and Greater Atlantic Regional fisheries, registrations of vessel or gear owners are automatically renewed and participants should receive an authorization certificate by January 1 of each new year. In Pacific Islands regional fisheries, vessel or gear owners receive an authorization certificate by January 1 for state fisheries and with their permit renewal for federal fisheries. In West Coast regional fisheries, vessel or gear owners receive authorization with each renewed state fishing license, the timing of which varies based on target species. Vessel or gear owners who participate in fisheries in these regions and have not received authorization certificates by January 1 or with renewed fishing licenses must contact the appropriate NMFS Regional Office (see **ADDRESSES**).

In Southeast regional fisheries, vessel or gear owners' registrations are automatically renewed and participants will receive a letter in the mail by January 1 instructing them to contact the Southeast Regional Office to have an authorization certificate mailed to them or to visit the Southeast Regional Office Web site (*http://sero.nmfs.noaa.gov/protected_resources/marine_mammal_authorization_program/*) to print their own certificate.

Am I required to submit reports when I kill or injure a marine mammal during the course of commercial fishing operations?

In accordance with the MMPA (16 U.S.C. 1387(e)) and 50 CFR 229.6, any vessel owner or operator, or gear owner or operator (in the case of non-vessel fisheries), participating in a fishery listed on the LOF must report to NMFS all incidental mortalities and injuries of marine mammals that occur during commercial fishing operations, regardless of the category in which the fishery is placed (I, II, or III) within 48 hours of the end of the fishing trip. ''Injury'' is defined in 50 CFR 229.2 as a wound or other physical harm. In addition, any animal that ingests fishing gear or any animal that is released with fishing gear entangling, trailing, or perforating any part of the body is considered injured, regardless of the presence of any wound or other evidence of injury, and must be reported. Mortality/injury reporting forms and instructions for submitting forms to NMFS can be downloaded from: *http://www.nmfs.noaa.gov/pr/pdfs/interactions/mmap_reporting_form.pdf* or by contacting the appropriate Regional office (see **ADDRESSES**). Forms may be faxed directly to the NMFS Office of Protected Resources at 301–713–4060 or 301–713–0376. Reporting requirements and procedures can be found in 50 CFR 229.6.

Am I required to take an observer aboard my vessel?

Individuals participating in a Category I or II fishery are required to accommodate an observer aboard their vessel(s) upon request from NMFS. MMPA section 118 states that an observer may not be required on a vessel if the facilities for quartering an observer or performing observer functions are inadequate or unsafe; thereby exempting vessels too small to accommodate an observer from this requirement. However, observer requirements will not be exempted, regardless of vessel size, for U.S. Atlantic Ocean, Caribbean, or Gulf of Mexico large pelagics longline vessels operating in special areas designated by the Pelagic Longline Take Reduction Plan implementing regulations (50 CFR 229.36(d)). Observer requirements can be found in 50 CFR 229.7.

Am I required to comply with any marine mammal Take Reduction Plan regulations?

Table 4 in this rule provides a list of fisheries affected by TRPs and TRTs. TRP regulations can be found at 50 CFR 229.30 through 229.37. A description of each TRT and copies of each TRP can be found at: *http://www.nmfs.noaa.gov/pr/interactions/trt/*. It is the responsibility of fishery participants to comply with applicable take reduction regulations.

Where can I find more information about the LOF and the MMAP?

Information regarding the LOF and the Marine Mammal Authorization Program, including registration procedures and forms, current and past LOFs, information on each Category I and II fishery, observer requirements, and marine mammal mortality/injury reporting forms and submittal procedures, may be obtained at: *http://www.nmfs.noaa.gov/pr/interactions/lof/*, or from any NMFS Regional Office at the addresses listed below:

NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930–2298, Attn: Allison Rosner;

NMFS, Southeast Region, 263 13th Avenue South, St. Petersburg, FL 33701, Attn: Jessica Powell;

NMFS, West Coast Region, Long Beach Office, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213, Attn: Elizabeth Petras;

NMFS, West Coast Region, Seattle Office, 7600 Sand Point Way NE., Seattle, WA 98115, Attn: Brent Norberg, Protected Resources Division;

NMFS, Alaska Region, Protected Resources, P.O. Box 22668, 709 West 9th Street, Juneau, AK 99802, Attn: Kim Rivera; or

NMFS, Pacific Islands Regional Office, Protected Resources Division, 1845 Wasp Blvd., Building 176, Honolulu, HI 96818, Attn: Nancy Young.

Sources of Information Reviewed for the 2015 LOF

NMFS reviewed the marine mammal incidental mortality and serious injury information presented in the SARs for all fisheries to determine whether changes in fishery classification are warranted. The SARs are based on the best scientific information available at the time of preparation, including the level of mortality and serious injury of marine mammals that occurs incidental to commercial fishery operations and the PBR levels of marine mammal stocks. The information contained in the SARs is reviewed by regional Scientific Review Groups (SRGs) representing Alaska, the Pacific (including Hawaii), and the U.S. Atlantic, Gulf of Mexico, and Caribbean. The SRGs were created by the MMPA to review the science that informs the SARs, and to advise NMFS on marine mammal population status, trends, and stock structure, uncertainties in the science, research needs, and other issues.

NMFS also reviewed other sources of new information, including marine mammal stranding data, observer program data, fisher self-reports through the Marine Mammal Authorization Program, reports to the SRGs, conference papers, FMPs, and ESA documents.

The LOF for 2015 was based on, among other things, information provided in the NEPA and ESA documents analyzing authorized high seas fisheries; stranding data; fishermen self-reports through the MMAP; and SARs, primarily the draft 2013 SARs, which are generally based on data from 2007–2011. The final SARs referenced in this LOF include: 2007 (73 FR 21111, April 18, 2008), 2008 (74 FR 19530, April 29, 2009), 2009 (75 FR 12498, March 16, 2010), 2010 (76 FR 34054, June 10, 2011), 2011 (77 FR 29969, May 21, 2012), and 2012 (78 FR 19446, April 1, 2013), and the draft SAR for 2013 (78 FR 66681, November 6, 2013). The SARs are available at: *http://www.nmfs.noaa.gov/pr/sars/.*

Summary of Changes to the LOF for 2015

The following summarizes proposed changes to the LOF for 2015, including the fisheries listed in the LOF, the estimated number of vessels/persons in a particular fishery, and the species and/or stocks that are incidentally killed or injured in a particular fishery. The proposed LOF for 2015 proposes no re-classifications of the fisheries provided in the LOF for 2014. NMFS proposes changes to the list of species and/or stocks killed or injured in certain fisheries and the estimated number of vessels/persons in certain fisheries, as well as certain administrative changes. Additionally, NMFS proposes adding 6 Category III fisheries to the LOF and removing 6 fisheries from the LOF. The classifications and definitions of U.S. commercial fisheries for 2015 are identical to those provided in the LOF for 2014 with the proposed changes discussed below. State and regional abbreviations used in the following paragraphs include: AK (Alaska), CA (California), DE (Delaware), FL (Florida), GMX (Gulf of Mexico), HI (Hawaii), MA (Massachusetts), ME (Maine), NC (North Carolina), NY (New York), OR (Oregon), RI (Rhode Island), SC (South Carolina), VA (Virginia), WA (Washington), and WNA (Western North Atlantic).

Commercial Fisheries in the Pacific Ocean

Addition of Fisheries

NMFS proposes to add ''HI aquarium collecting'' as a Category III fishery. This fishery is conducted primarily in Hawaii state waters, and includes fishing with small meshed nets, except throw nets, and small meshed traps for aquatic life that is kept alive for display. The fishery targets coral reef species for the aquarium trade. The fishery is managed by the Hawaii Department of Land and Natural Resources, Division of Aquatic Resources (DAR). An annual permit to collect reef fish is required. Regional bag, slot, and species-specific bans on live harvest may apply in certain designated areas. There have been no documented interactions of this fishery with marine mammals.

Removal of Fisheries

NMFS proposes to remove the Category III ''OR salmon ranch'' fishery from the LOF because this fishery no longer exists. The salmon ranching industry in Oregon ended in 1994. A commercial salmon ranch in Oregon must have a private salmon hatchery permit issued by the Oregon Department of Fish and Wildlife (ODFW). NMFS contacted the ODFW, which informed us that as of 2013 there are no active private hatchery permits issued by ODFW and no permits are anticipated for the future.

NMFS proposes to remove the Category III ''WA herring brush weir'' fishery because brush weirs have not been used in the herring fishery since 1994 and the brush weir fishery is considered obsolete. The brush weir, a type of marine impoundment or fish trap, was defined as a gear type for herring harvest by the Washington Department of Fish and Wildlife in 1973, but was removed from the Department's list of lawful gear types for use in the herring fishery in 1994.

NMFS proposes to remove the Category III ''WA herring spawn on kelp'' fishery as there are currently no participants in this fishery. In 1972, a sac-roe fishery targeting Cherry Point herring stock began in northern Puget Sound. The fishery peaked in the mid-1970s but declines in the north Puget Sound herring stocks, including Cherry Point, led to closure of the fishery by the mid-1980s. In 1988, a non-treaty herring spawn on kelp fishery opened on the Cherry Point stock. However, the decline in Cherry Point herring stock abundance in the mid-1990s led to closure of the spawn on kelp fishery and it has remained closed.

NMFS proposes to remove the Category III ''CA abalone'' fishery, listed under the ''dive, hand/mechanical collection fisheries'' section of Table 1 as this is not a commercial fishery. Although there is a limited recreational fishery for abalone, it is illegal to harvest wild abalone for commercial sale anywhere in California.

NMFS proposes to remove the Category III ''HI lobster tangle net'' fishery from the LOF. The fishery had zero participants in 2011 and 2012, the most recent years for which data are available.

NMFS proposes to remove the Category III ''HI charter vessel'' fishery from the LOF. Commercial fishing effort with the gears and methods used in charter fishing (e.g., troll, inshore handline, deep sea handline, casting) is already accounted for in those individual fisheries on the LOF.

Fishery Name and Organizational Changes and Clarification

NMFS proposes to rename the Category II ''WA coastal Dungeness crab pot/trap'' fishery to ''WA coastal Dungeness crab pot.'' The proposed change will be consistent with state regulations and the name commonly used to describe this fishery. This proposed change will also make the name consistent with the names for the California and Oregon Dungeness crab pot fisheries.

NMFS proposes to rename the Category III ''WA/OR North Pacific halibut longline/setline'' to the ''WA/OR Pacific halibut longline'' fishery to reflect that Pacific halibut is the correct common name for the fishery target species *Hippoglossus stenolepis.* In addition, setline is not used in this fishery and thus is proposed to be eliminated from the current name.

NMFS proposes to rename the Category III ''Coastwide scallop dredge'' fishery to the ''Alaska scallop dredge'' because there is no scallop dredge fishery off Washington, Oregon, and California. Dredge gear is prohibited to protect groundfish essential fish habitat (see 50 CFR Section 660.312), and conforming regulations have been adopted by these three coastal states. Alternative gear types (bottom trawl, hand pick/dive) have not been utilized in recent years. The scallop fishery off Alaska harvests weathervane scallops, and there have been no U.S. commercial landings of scallops off the U.S. West Coast south of Alaska since 2006. The State of Alaska has been delegated authority to manage the scallop dredge fishery in state waters and the EEZ off Alaska under the Scallop FMP developed by the North Pacific Fishery Management Council. There is a federally administered license limitation program that limits effort in the fishery.

NMFS proposes to rename the Category III ''OR/CA hagfish pot or trap'' to the ''WA/OR/CA hagfish pot'' fishery because the fishery includes participants in Washington. Landings of hagfish from the pot fishery between 2004 and 2008 averaged 50,000 to 100,000 pounds for ports in Washington (Saez et al. 2013). In addition, the fishery is referred to as a pot fishery;

therefore, NMFS is proposing to remove the word ''trap'' from the title.

NMFS proposes to rename the Category I ''HI deep-set (tuna target) longline/set line'' fishery to ''HI deep-set longline.'' This fishery uses deep-set longline gear, as defined in regulations (50 CFR 665.800). Specification of the target species in the fishery name is not necessary to differentiate it from shallow-set fishing.

NMFS proposes to rename the Category II ''HI shallow-set (swordfish target) longline/set line'' fishery to ''HI shallow-set longline.'' This fishery uses shallow-set longline gear, as defined in regulations (50 CFR 665.800). Specification of the target species in the fishery name is not necessary to differentiate it from deep-set fishing.

NMFS proposes to rename the Category III ''HI opelu/akule net'' fishery to ''HI lift net.'' Standard nets used to catch opelu are called lift nets, while standard nets used to catch akule are called purse seine nets (see the ''HI purse seine'' fishery). These nets have different configurations and are used differently. This proposed change will harmonize state and federal terminology for these fisheries, reduce confusion, and enhance collaborative management.

NMFS proposes to rename Category III ''HI hukilau net'' fishery to ''HI seine net.'' Seine net is a broader term, encompassing hukilau. This proposed change will harmonize State and Federal terminology for these fisheries, reduce confusion, and enhance collaborative management.

NMFS proposes to rename the Category III ''HI vertical longline'' fishery to ''HI vertical line.'' The fishery uses a vertical mainline less than one nautical mile in length, so it does not meet the State or Federal definition of longline. This proposed change will harmonize State and Federal terminology for these fisheries, reduce confusion, and enhance collaborative management.

NMFS proposes to rename the Category III ''HI MHI deep-sea bottomfish handline'' fishery to ''HI bottomfish handline'' to clarify the fishery's target species. This fishery corresponds with the State's deep-sea handline fishing method.

NMFS proposes to rename the Category III ''HI tuna handline'' fishery to ''HI pelagic handline.'' The pelagic handline fishery targets tunas and other pelagic fish species. This fishery corresponds with the State's ika-shibi, palu ahi, and hybrid handline fishing methods.

NMFS proposes to split the Category III ''CA coonstripe shrimp, rock crab, tanner crab pot or trap'' fishery into two Category III fisheries, ''CA/OR coonstripe shrimp pot'' and ''CA rock crab pot,'' and eliminate the tanner crab component of the pot fishery. The ''CA/OR coonstripe pot'' fishery is a relatively small fishery with the majority of effort in northern California with some landings made in Oregon (Saez et al. 2013). Therefore, it is appropriate to revise the name to reflect effort in California and Oregon. The ''CA rock crab pot'' fishery is a significant fishery throughout much of California. It is distinct in time and area fished, compared to other pot fisheries, and, thus, appropriate to be listed as a separate fishery. In addition, the state of California has regulations in place for managing this fishery. NMFS proposes removing tanner crab from the title because tanner crab is not a target species for an existing pot fishery in California. California established regulations over a decade ago for experimental fishery permits to support the development of a tanner crab fishery; however, no permits have been issued. At this time, there is no expectation that a tanner crab directed pot fishery will develop, thus, NMFS proposes to remove this species as a component of either of the newly named fisheries.

NMFS proposes to split the Category III ''HI trolling, rod and reel'' fishery into two separate Category III fisheries, the ''HI troll'' and ''HI rod and reel'' fisheries. Although the gear types used may be similar in some cases, the methods used are different, which may affect the likelihood of encountering or interacting with marine mammals. Trolling involves fishing by towing or dragging line(s) with artificial lure(s) or dead or live bait, or green stick and danglers using a sail, surf, or motor-powered vessel underway. Rod and reel fishing can be conducted from shore or from an anchored or drifting vessel using a spinning or casting reel (spinning or casting) with baited hooks or lures. We propose to retain Pantropical spotted dolphin (HI stock) on the list of species injured or killed in the HI troll fishery, but not the HI rod and reel fishery, given that fishing in close proximity to groups of spotted dolphins and anecdotal reports of spotted dolphin hookings occur in the troll fishery, but not the rod and reel fishery.

Number of Vessels/Persons

NMFS proposes to update the estimated number of vessels/persons in the commercial fisheries in the Pacific Ocean (Table 1). Updates are based on state and federal fisheries permit data. The estimated number of vessels/persons participating in fisheries operating within U.S. waters is expressed in terms of the number of active participants in the fishery, when possible. If this information is not available, the estimated number of vessels/persons licensed for a particular fishery is provided. If no recent information is available on the number of participants, vessels, or persons licensed in a fishery, then the number from the most recent LOF is used for the estimated number of vessels/persons in the fishery. NMFS acknowledges that, in some cases, these estimates may be inflations of actual effort. However, in these cases, the numbers represent the potential effort for each fishery, given the multiple gear types for which several state permits may allow, and thus the potential impact on marine mammals.

NMFS proposes to update the estimated number of vessels/persons as follows. Fisheries are labeled with their proposed name on the 2015 LOF:

Category	Fishery	Number of vessels/persons (final 2014 LOF)	Number of vessels/persons (proposed 2015 LOF)
I	HI deep-set longline	129	128
II	AK Bristol Bay salmon drift gillnet	1,863	1,862
II	AK Bristol Bay salmon set gillnet	982	979
II	AK Cook Inlet salmon set gillnet	738	736
II	AK Peninsula/Aleutian Islands salmon drift gillnet	114	113
II	AK Yakutat salmon set gillnet	167	168
II	AK Cook Inlet salmon purse seine	82	83
II	AK Kodiak salmon purse seine	379	376

Category	Fishery	Number of vessels/ persons (final 2014 LOF)	Number of vessels/ persons (proposed 2015 LOF)
II	AK Bering Sea, Aleutian Islands flatfish trawl	34	32
II	AK Bering Sea, Aleutian Islands pollock trawl	95	102
II	AK Bering Sea, Aleutian Islands rockfish trawl	10	17
II	HI shallow-set longline	20	18
II	American Samoa longline	24	25
II	HI shortline	11	6
III	AK Kuskokwim, Yukon, Norton Sound, Kotzebue salmon gillnet	1,702	1,778
III	AK miscellaneous finfish set gillnet	2	54
III	AK Prince William Sound salmon set gillnet	30	29
III	AK roe herring and food/bait herring gillnet	990	920
III	HI inshore gillnet	36	42
III	AK Southeast salmon purse seine	415	315
III	AK miscellaneous finfish beach seine	1	2
III	AK roe herring and food/bait herring beach seine	6	10
III	AK roe herring and food/bait herring purse seine	367	356
III	AK salmon purse seine (excluding salmon purse seine fisheries listed as Category II)	935	936
III	HI lift net	22	21
III	HI throw net, cast net	29	20
III	HI seine net	26	21
III	AK North Pacific halibut, AK bottom fish, WA/OR/CA albacore, groundfish, bottom fish, CA halibut non-salmonid troll fisheries.	1,320 (120 AK)	1,320 (180 AK)
III	AK salmon troll	2,008	1,908
III	AK Bering Sea, Aleutian Islands Pacific cod longline	154	45
III	AK Bering Sea, Aleutian Islands rockfish longline	0	3
III	AK Bering Sea, Aleutian Islands Greenland turbot longline	36	4
III	AK Bering Sea, Aleutian Islands sablefish longline	28	22
III	AK Gulf of Alaska halibut longline	1,302	855
III	AK Gulf of Alaska Pacific cod longline	107	92
III	AK Gulf of Alaska rockfish longline	0	25
III	AK Gulf of Alaska sablefish longline	291	295
III	AK halibut longline/set line (state and Federal waters)	2,280	2,197
III	AK octopus/squid longline	2	3
III	AK state-managed waters longline/setline (including sablefish, rockfish, lingcod, and miscellaneous finfish).	1,323	464
III	HI kaka line	17	24
III	HI vertical line	9	6
III	AK Bering Sea, Aleutian Islands Atka mackerel trawl	9	13
III	AK Bering Sea, Aleutian Islands Pacific cod trawl	93	72
III	AK Gulf of Alaska flatfish trawl	41	36
III	AK Gulf of Alaska Pacific cod trawl	62	55
III	AK Gulf of Alaska pollock trawl	62	67
III	AK Gulf of Alaska rockfish trawl	34	43
III	AK shrimp otter trawl and beam trawl (statewide and Cook Inlet)	33	38
III	AK statewide miscellaneous finfish pot	243	4
III	AK Aleutian Islands sablefish pot	8	4
III	AK Bering Sea, Aleutian Islands Pacific cod pot	68	59
III	AK Bering Sea, Aleutian Islands crab pot	296	540
III	AK Bering Sea sablefish pot	6	2
III	AK Gulf of Alaska crab pot	389	381
III	AK Gulf of Alaska Pacific cod pot	154	128
III	AK Southeast Alaska crab pot	415	41
III	AK Southeast Alaska shrimp pot	274	269
III	AK shrimp pot, except Southeast	210	236
III	HI crab trap	9	7
III	HI fish trap	9	5
III	HI shrimp trap	4	6
III	HI crab net	6	4
III	HI Kona crab loop net	48	35
III	AK octopus/squid handline	0	7
III	American Samoa bottomfish handline	12	14
III	HI aku boat, pole and line	3	< 3
III	HI bottomfish handline	567	578
III	HI inshore handline	378	376
III	HI pelagic handline	459	484
III	AK herring spawn on kelp pound net	411	409
III	AK Southeast herring roe/food/bait pound net	4	2
III	AK scallop dredge	108 (12 AK)	108 (5 AK)
III	AK clam	156	130
III	AK herring spawn on kelp	266	339

Category	Fishery	Number of vessels/ persons (final 2014 LOF)	Number of vessels/ persons (proposed 2015 LOF)
III	AK urchin and other fish/shellfish	521	398
III	HI fish pond	16	5
III	HI handpick	57	58
III	HI lobster diving	29	23
III	HI spearfishing	143	159

List of Species and/or Stocks Incidentally Killed or Injured in the Pacific Ocean

NMFS proposes to update the list of species and/or stocks incidentally killed or injured by fisheries in the Pacific Ocean (Table 1). The agency notes here that while only mortalities and ''serious injuries'' are used to categorize fisheries as Category I, II, or III, the list of species and/or stocks incidentally killed or injured includes stocks that have any documented mortalities or injuries, including ''non-serious'' injuries. For information on how NMFS determines whether a particular injury is serious or non-serious, please see NMFS Instruction 02–038–01, ''Process for Distinguishing Serious from Non-Serious Injury of Marine Mammals'' (*http://www.nmfs.noaa.gov/pr/laws/mmpa/policies.htm*). NMFS proposes the following updates:

NMFS proposes to add the Central North Pacific stock of humpback whales to the list of species and/or stocks killed or injured in the Category III HI crab trap fishery. From 2007–2011, five humpback whales were reported as entangled in Hawaii trap gear (Lyman 2013, NMFS unpublished data). The gear involved in two of the five entanglements was identified as crab trap gear, the gear involved in one was identified as possibly crab trap gear, and the gear involved in the remaining two could not be identified to a specific trap fishery (NMFS unpublished data). Pre-mitigation injury determinations for the crab trap and possible crab trap entanglements were two serious injuries and one prorated as 0.75 serious injury (Bradford and Lyman 2013, NMFS unpublished data). Based on these data, humpback serious injury and mortality in the crab trap fishery from 2007–2011 is 2.75, with a 5-year annual average of 0.55 per year. The fishery remains a Category III fishery based on the following tier analysis: Tier 1: The stock's PBR level is 61.2 (Allen and Angliss 2013). Total commercial fishery-related mortality and serious injury of this stock from 2007–2011 is an average of 1.1 per year (0.55 from confirmed commercial fisheries, as reported in Allen and Angliss 2013, plus 0.55 from the Hawaii crab trap fishery noted above), which is 1.8% of the stock's PBR. This is less than 10% of the PBR, so a Tier 2 analysis is not necessary. The Hawaii crab trap fishery warrants Category III classification.

NMFS proposes to add the South Central Alaska stock of northern sea otters to the list of species and/or stocks killed or injured in the Category II AK Cook Inlet salmon set gillnet fishery. Sea otter mortalities were documented in set nets in Seldovia Bay and Clam Gulch in 2009.

NMFS proposes to add the South Central Alaska stock of northern sea otters to the list of species and/or stocks killed or injured in the Category III AK Prince William Sound set gillnet fishery. A sea otter mortality was documented in a set net near Egg Island in 2013.

NMFS proposes to add the Alaska stock of ringed seals to the list of species and/or stocks killed or injured in the Category III AK Bering Sea, Aleutian Islands Pacific cod trawl fishery. An observer report documented a ringed seal mortality in 2011.

NMFS proposes to add the Alaska stock of ringed seals to the list of species and/or stocks killed or injured in the Category III AK Bering Sea, Aleutian Islands Pacific cod longline fishery. An observer report documented a ringed seal mortality in 2011.

NMFS proposes to remove the Hawaiian monk seal from the list of species and/or stocks killed or injured in the Category III HI MHI deep sea bottomfish handline fishery (proposed to be renamed ''HI bottomfish handline''). Although the SAR reports monk seal hookings in the main Hawaiian Islands, no mortalities or injuries are attributed to the deep-sea bottomfish handline fishery (Carretta et al. 2013).

NMFS proposes to remove the Hawaiian monk seal from the list of species and/or stocks killed or injured in the Category III HI lobster trap fishery. The Hawaiian monk seal has been listed as injured or killed in the lobster trap fishery since the fishery was added to the LOF in 1996. Lobster trap fishing effort in Hawaii is substantially different now than when it was originally added to the LOF. Commercial fishing is now prohibited within the Papahanaumokuakea Marine National Monument in the Northwest Hawaiian Islands, where most lobster trap fishing in Hawaii historically occurred, and lobster trap fishing effort is very low within the main Hawaiian Islands, with fewer than three active commercial fishermen. There are no reports of monk seal entanglements involving this gear since 1986, when one monk seal died in a trap in the Northwestern Hawaiian Islands. The SAR reports no monk seal mortalities or injuries in the fishery (Carretta et al. 2013). NMFS previously retained this species on the list of species and/or stocks injured or killed in this fishery because monk seals in the main Hawaiian Islands are hooked and entangled in fishing gear at a rate that cannot be reliably assessed. However, given the very low fishing effort and lack of any reports of monk seal injuries or mortalities in this fishery in almost 20 years, NMFS proposes to remove the species from the list of species injured or killed in the lobster trap fishery.

Commercial Fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean

Addition of Fisheries

NMFS proposes to add the Gulf of Maine sea urchin dredge to the list of Category III fisheries. Sea urchin dredges are used in state waters in the Gulf of Maine to harvest green sea urchins (*Strongylocentrotus drobachiensis*). This fishery uses dredge gear that has an upturned, sled-like shape at the front that includes several automobile leaf springs tied together with a steel bar. A tow bail is welded to one of the springs and a chain mat is rigged behind the mouth box frame. The frame is fitted with skids or wheels. The springs act as runners, enabling the sled to move over rocks without hanging up. The chain mat scrapes up the urchins. The bag is fitted with a cod-end for ease of emptying. This gear is generally used in depths up to 27.5 m (90ft) (Stevenson et al., 2004). There have been no

documented interactions of this fishery with marine mammals. This fishery is not currently observed and is not managed under a federal fishery management plan (FMP).

NMFS proposes to add the Mid-Atlantic blue crab dredge fishery to the list of Category III fisheries. Blue crabs (*Callinectes sapidus*) are harvested with dredges (or ''scrapes'') similar to oyster dredges in state waters in New York, New Jersey, Delaware, Virginia, and North Carolina. Stem-rig dredge boats (approximately 15m (49-ft) long) tow two dredges in tandem from a single chain warp. The dredges are equipped with 10-cm (4-in) long teeth that rake the crabs out of the bottom (Stevenson et al., 2004). There have been no documented interactions of this fishery with marine mammals. This fishery is not currently observed. It is managed under interstate FMPs.

NMFS proposes to add the Mid-Atlantic whelk dredge fishery to the list of Category III fisheries. In this fishery, assorted dredges or rakes may be used to target channeled and knobbed whelks (*Busycon canaliculatus* and *B. carica,* respectively) in New York, Delaware, and Virginia (Stevenson et al. 2004). Toothed crab dredges and dredges with a toothless bar or a chain in place of the toothed bar may be used (Bruce 2006). There have been no documented interactions of this fishery with marine mammals. This fishery is not currently observed and is not managed under a federal fishery management plan.

NMFS proposes to add the Mid-Atlantic soft shell clam dredge fishery to the list of Category III fisheries. This fishery uses hydraulic dredges to target soft shell clams (*Mya arenaria*) in the state waters of Maryland and Virginia. In this fishery, the dredge manifold and blade are located just forward of an escalator, or conveyor belt, that carries the clams to the deck of the vessel. Escalator dredges are typically operated from 15-m (49-ft) vessels in water depths of 2–6 m (7–20 ft). This gear cannot be operated in water depths less than one-half the length of the escalator. Use of the escalator dredge is not managed under federal FMPs. This gear is subject to many of the same state laws and regulations that apply to surf clam and ocean quahog dredges in state waters (Stevenson et al., 2004). There have been no documented interactions of this fishery with marine mammals. This fishery is not currently observed.

List of Species and/or Stocks Incidentally Killed or Injured in the Atlantic Ocean, Gulf of Mexico, and Caribbean

NMFS proposes the following additions to and deletions from the list of marine mammal species and/or stocks incidentally killed or injured in commercial fisheries in the Atlantic, Gulf of Mexico, and Caribbean (Table 2). These additions and deletions are based on information contained in the U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments, strandings data, and/or observer data. The agency notes here that while only mortalities and ''serious injuries'' are used to categorize fisheries as Category I, II, or III, the list of species and/or stocks incidentally killed or injured includes stocks that have any documented mortalities or injuries, including ''non-serious'' injuries. For information on how NMFS determines whether a particular injury is serious or non-serious, please see NMFS Instruction 02–038–01, ''Process for Distinguishing Serious from Non-Serious Injury of Marine Mammals'' (*http://www.nmfs.noaa.gov/pr/laws/mmpa/policies.htm*). NMFS proposes the following updates:

NMFS proposes to add the Canadian East Coast stock of minke whales to the list of species and/or stocks incidentally killed or injured by the Category I Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline fishery. In 2010, a minke whale was caught in the pelagic longline fishery, South Atlantic Bight fishing area; it was released alive and not seriously injured (Garrison and Stokes, 2012 cited in Waring et al., 2013).

NMFS proposes to add the Western North Atlantic stock of Kogia species whale (pygmy or dwarf sperm whale) to the list of species and/or stocks incidentally killed or injured in the Category I Atlantic Ocean, Caribbean, and Gulf of Mexico large pelagics longline fishery. A 2011 observer report documented this fishery seriously injuring a Kogia species.

NMFS proposes to add the Western North Atlantic stock of false killer whale to the list of species and/or stocks incidentally killed or injured in the Category I Atlantic Ocean, Caribbean, and Gulf of Mexico large pelagics longline fishery. A 2011 observer report documented a false killer whale injury by this fishery.

NMFS proposes to add the Florida stock of West Indian manatee to the list of species and/or stocks incidentally killed or injured by the Category II Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl fishery. A manatee was killed in 2010 by the Georgia in-shore bait fishery, which is included in this fishery (USFWS, 2014).

NMFS proposes to update the stock names of bottlenose dolphins on the list of species and/or stocks incidentally killed or injured in Atlantic Ocean, Gulf of Mexico, and Caribbean fisheries to align with recently identified stocks in the SARs. In 2009, NMFS began splitting stock complexes of bottlenose dolphins into individually defined stocks in the SARs. Specifically, the WNA Coastal stocks were split into 15 stocks between 2009 and 2013: 1. Biscayne Bay stock, 2. Central Florida coastal stock, 3. Charleston Estuarine System stock, 4. Florida Bay stock, 5. Indian River Lagoon Estuarine System stock, 6. Jacksonville Estuarine System stock, 7. Northern Florida Coastal stock, 8. Northern Georgia/Southern South Carolina Estuarine System stock, 9. Northern South Carolina Estuarine System stock, 10. Northern Migratory Coastal stock, 11. Northern North Carolina Estuarine System stock, 12. SC/GA coastal, 13. Southern Georgia Estuarine System stock, 14. Southern Migratory coastal, and 15. Southern North Carolina Estuarine System stock.

Bottlenose dolphins on the Atlantic coast were listed on the LOF, through 2010, by the stock complex name ''bottlenose dolphin, WNA coastal.'' In the 2011–2014 LOFs, newly defined bottlenose dolphin stocks broken out from the WNA coastal complex were added to the list of species and/or stocks incidentally killed or injured by a fishery if they overlapped in time and space with the fishery and if the fishery had been originally listed as interacting with the ''WNA coastal'' stock. Some newly defined stocks were also added based on spatial and temporal overlap with a fishery take documented in self-reports, strandings data, or observer data. Along the Atlantic coast, there is some uncertainty regarding which of the 15 newly identified bottlenose dolphin stocks or combination of stocks interact with Atlantic fisheries. Due to spatial and temporal overlap of stocks with active fisheries and uncertainty in stock identification for historic takes it is unclear, in some cases, exactly which stock a fishery take should be assigned to and in these instances all potential stocks in range of the take were historically added.

Beginning with this 2015 LOF, we will add a bottlenose dolphin stock to the list of species and/or stocks incidentally killed or injured only if a fishery take can be definitively identified to a specific stock. If the fishery mortality or injury cannot be

definitively identified to a particular stock due to multiple stocks overlapping in time and space with the fishery take location, then we will list ''bottlenose dolphin, unknown'' on the LOF with the potential stock names within range in parentheses. We will review the bottlenose dolphin stocks currently listed on the LOF to ensure that they are consistent with this new approach and include any necessary corrections in future LOFs.

We propose to update the list of species and/or stocks on Table 2 to reflect the following administrative changes:

1. Add the Northern South Carolina estuarine system stock to the Category II Atlantic blue crab trap/pot fishery. Burdett and McFee (2004) reviewed bottlenose dolphin strandings in South Carolina and found bottlenose dolphin entanglements associated with the blue crab fishery.

2. Add unknown stocks of bottlenose dolphin to the Category II Southeastern U.S. Atlantic shark gillnet fishery. We propose to rename the Central Florida coastal stock and Northern Florida coastal stocks as ''Bottlenose dolphin, unknown stocks.'' There is some uncertainty regarding which of four bottlenose dolphin stocks or combination of stocks interact with the Southeastern U.S. Atlantic shark gillnet fishery. Due to spatial overlap of stocks when the fishery is active and uncertainty in stock identification for historic takes, interactions with this fishery can be either assigned to the Central Florida coastal stock, Northern Florida coastal stock, Southern migratory coastal stock, or South Carolina/Georgia coastal stock.

3. Add unknown stocks of bottlenose dolphin to the Category II North Carolina roe mullet stop net fishery. There is some uncertainty regarding which of the bottlenose dolphin stocks or combination of stocks interact with the North Carolina roe mullet stop net fishery. Due to spatial overlap of stocks when the fishery is active and uncertainty in stock identification for some historic takes, we propose to combine the Southern North Carolina estuarine system stock and the Southern migratory coastal stock as ''Bottlenose dolphin, unknown stock.''

NMFS proposes to add two stocks of bottlenose dolphins, Charleston estuarine system and Southern migratory coastal, to the list of the species and/or stocks incidentally killed or injured in the Category II Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl fishery. We propose to add the Charleston estuarine system stock based on a take reported in a 2013 MMPA mortality/injury report. We propose to add the Southern migratory coastal stock based on a dolphin mortality in 2006 in a fisheries research shrimp trawl.

NMFS proposes to add the Northern North Carolina estuarine system stock of bottlenose dolphins to the list of species and/or stocks incidentally killed or injured in the Category II North Carolina roe mullet stop net fishery. A Northern North Carolina estuarine system bottlenose dolphin mortality was reported in a 2013 MMPA mortality/injury report.

NMFS proposes to add the Northern South Carolina estuarine system stock of bottlenose dolphins to the list of species and/or stocks incidentally killed or injured in the Category III Southeast Atlantic inshore gillnet fishery. Based on strandings data, a mortality in this fishery was documented in 2011.

NMFS proposes to add two stocks of bottlenose dolphins, Choctawhatchee Bay and Florida Bay, to the list of species and/or stocks incidentally killed or injured in the Category III Atlantic Ocean, Gulf of Mexico, Caribbean commercial passenger fishing vessel fishery. In 2008, there was a Choctawhatchee Bay dolphin calf mortality as a result of an attempt to disentangle the animal from monofilament line. We propose to add the Florida Bay stock based on an at-sea observation in 2011 of a Florida Bay dolphin entangled in monofilament.

NMFS proposes to remove the Western North Atlantic stock of gray seal from the list of species and/or stocks incidentally killed or injured in the Category III Gulf of Maine herring and Atlantic mackerel stop seine/weir fishery. According to Waring et al. (2013), there have been no reports of gray seal injuries or deaths caused by the Gulf of Maine herring and Atlantic mackerel stop seine/weir fishery over the past five years. We are soliciting public input through the 2015 Proposed List of Fisheries as to whether or not anecdotal evidence exists for keeping this species listed as a species injured or killed by this Category III fishery.

NMFS proposes to remove the Western North Atlantic stock of long-finned and short-finned pilot whales from the list of species and/or stocks incidentally killed or injured in the Category I Mid-Atlantic gillnet fishery. The last known documented take of a pilot whale (sp.) in this fishery was in 1998.

NMFS proposes to remove the Western North Atlantic stock of Northern bottlenose whale from the list of species and/or stocks incidentally killed or injured in the Category I Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline fishery. This species was listed by analogy in the 2007 LOF due to a fishery interaction in 2001 in the U.S. Northeast Distant Waters (NED) experimental pelagic longline fishery in Canadian waters where the animal taken was observed to be seriously injured. Since 2001, there have been no additional takes documented in this fishery despite continued observer coverage in this fishery.

NMFS proposes to make the following typographical corrections to the list of marine mammal species and/or stocks incidentally killed or injured: Remove Northern migratory coastal stock of bottlenose dolphin from the NC roe mullet stop net fishery; add Northern migratory coastal stock of bottlenose dolphin to, and remove Southern North Carolina estuarine system stock of bottlenose dolphin from, the VA pound net fishery; and add Gulf of Mexico stock of Gervais beaked whale to the Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline.

NMFS proposes to correct a stock name listed under the Category III Georgia cannonball jellyfish trawl fishery from ''Southern South Carolina/Georgia'' stock of bottlenose dolphins to ''SC/GA coastal'' stock.

Commercial Fisheries on the High Seas

Addition of Fisheries

NMFS proposes to add the Northwest Atlantic trawl fishery to the list of Category III fisheries. This fishery is also managed under the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (16 U.S.C. 5601) and operates in the Northwest Atlantic Fisheries Organization's (NAFO) Regulatory Area (NRA) in accordance with NAFO's Conservation and Enforcement Measures. The NRA is located roughly north of 35° N latitude and west of 42° W longitude in the Northwest Atlantic outside of the Exclusive Economic Zones of the United States, Canada, France (with respect to St. Pierre and Miquelon), and Denmark (with respect to Greenland). Yellowtail flounder, American plaice, wolfish (unclassified), skates, Atlantic cod, haddock, Atlantic halibut, monkfish, redfish, Greenland halibut, shrimp, and *Illex* squid are the primary target species for this fishery. We propose to list this fishery as Category III because the high seas Northwest Atlantic trawl fishery has operated with 100% observer coverage for the two years of its operation and no marine mammal interactions have been documented.

NMFS proposes to add the Northwest Atlantic bottom longline fishery to the list of Category III fisheries. This fishery is managed under the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (16 U.S.C. 5601) and operates in the NRA in accordance with NAFO's Conservation and Enforcement Measures. The high seas Northwest Atlantic bottom longline fishery began operation in 2014. Based on analogy to other bottom longline fisheries, we anticipate that this fishery will have a remote likelihood of incidental mortality or serious injury of marine mammals. Therefore, we propose to list this fishery as Category III.

Number of Vessels/Persons

NMFS proposes to update the estimated number of HSFCA permits in multiple high seas fisheries for multiple gear types (Table 3). The proposed updated numbers of HSFCA permits reflect the current number of permits in the NMFS National Permit System database, with the exception of the Western Pacific Pelagic HI deep-set and shallow-set component longline fisheries. The HSFCA permit does not distinguish between deep and shallow-set, therefore, the estimated number of participants from Table 1 for only these fisheries is used. NMFS proposes to update the estimated number of HSFCA permits as follows:

Category	Fishery	Number of HSFCA permits (final 2014 LOF)	Number of HSFCA permits (proposed 2015 LOF)
I	Atlantic Highly Migratory Species Longline	84	83
I	Western Pacific Pelagic (HI Deep-set component)	124	128
II	South Pacific Tuna Fisheries Purse Seine	40	38
II	Western Pacific Pelagic (HI Shallow-set component)	28	18
II	Atlantic Highly Migratory Species Handline/Pole and Line	3	2
II	Pacific Highly Migratory Species Handline/Pole and Line	46	41
II	South Pacific Albacore Troll Handline/Pole and Line	9	8
II	Western Pacific Pelagic Handline/Pole and Line	5	3
II	Atlantic Highly Migratory Species Troll	4	2
II	South Pacific Albacore Troll	33	35
II	South Pacific Tuna Fisheries Troll	2	3
II	Pacific Highly Migratory Species Liners Nei	3	1
III	Pacific Highly Migratory Species Longline	101	100
III	Pacific Highly Migratory Species Purse Seine	8	5
III	Pacific Highly Migratory Species Troll	262	253

List of Species and/or Stocks Incidentally Killed or Injured in High Seas Fisheries

NMFS proposes to update the list of species and/or stocks incidentally killed or injured by fisheries in high seas fisheries (Table 3). The agency notes here that while only mortalities and ''serious injuries'' are used to categorize fisheries as Category I, II, or III, the list of species and/or stocks incidentally killed or injured includes stocks that have any documented mortalities or injuries, including ''non-serious'' injuries. For information on how NMFS determines whether a particular injury is serious or non-serious, please see NMFS Instruction 02–038–01, ''Process for Distinguishing Serious from Non-Serious Injury of Marine Mammals'' (*http://www.nmfs.noaa.gov/pr/laws/mmpa/policies.htm*). The lists of species and/or stocks injured or killed in fisheries that operate both within U.S. waters and on the high seas are identical to their Table 1 or 2 counterparts, except for those with distributions known to occur on only one side of the EEZ boundary. Stock structure on the high seas is unclear or unknown for most species, which leads to uncertainty in stock identification for animals injured or killed on the high seas. Therefore, for Table 3, we report the stock names as identified in the SARs. NMFS proposes the following updates:

NMFS proposes to add the Canadian East Coast stock of minke whales to the list of species incidentally killed or injured by the Category I Atlantic highly migratory species longline fishery. In 2010, a minke whale was caught but released alive with no serious injury in the Category I Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline fishery, South Atlantic Bight fishing area (Garrison and Stokes 2012 cited in Waring et al., 2013). The Category I Atlantic highly migratory species longline fishery is considered to be the high seas extension of the Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline fishery, utilizing the same gear and fishing practices. Since minke whales may also occur on the high seas and have been documented to interact with the domestic component of this fishery (Garrison and Stokes 2012 cited in Waring et al., 2013), we propose to add the Canadian East Coast stock of minke whale to the list of species incidentally killed or injured in the Atlantic highly migratory species longline fishery.

NMFS proposes to add the Western North Atlantic stock of Kogia *spp.* whale (pygmy or dwarf sperm whale) to the list of species and/or stocks incidentally killed or injured by Category I Atlantic highly migratory species longline fishery. In 2011, an observer report documented that a Kogia species was seriously injured by the Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline fishery. This stock may reside outside of EEZ waters, thus it has the potential to interact with the high seas portion of the pelagic longline fishery.

NMFS proposes to add the Western North Atlantic stock of false killer whales to the list of species incidentally killed or injured by Category I Atlantic highly migratory species longline fishery. In 2011, an observer report documented that a false killer whale was injured by the Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline fishery. This stock may reside outside of EEZ waters, thus it has the potential to interact with the high seas portion of the pelagic longline fishery.

NMFS proposes to add the Gulf of Mexico stock of Risso's dolphins to the list of species incidentally killed or injured by Category I Atlantic highly migratory species longline fishery. In 2011, an observer report documented injury to Risso's dolphins by the Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline fishery. This stock may reside outside of EEZ

waters, thus it has the potential to interact with the high seas portion of the pelagic longline fishery.

NMFS proposes to add the Gulf of Mexico oceanic stock of killer whales to the list of species incidentally killed or injured by the Category I Atlantic highly migratory species longline fishery. In 2008, an observer report documented an entangled killer whale in the Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline fishery. This stock may reside outside of EEZ waters, thus it has the potential to interact with the high seas portion of the pelagic longline fishery.

NMFS proposes to add the Western North Atlantic stock of Pantropical spotted dolphins to the to the list of species incidentally killed or injured by Category I Atlantic highly migratory species longline fishery. In 2005, an observer report documented an interaction with the Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline fishery. This stock may reside outside of EEZ waters, thus it has the potential to interact with the high seas portion of the pelagic longline fishery.

List of Fisheries

The following tables set forth the list of U.S. commercial fisheries according to their classification under section 118 of the MMPA. Table 1 lists commercial fisheries in the Pacific Ocean (including Alaska); Table 2 lists commercial fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean; Table 3 lists commercial fisheries on the high seas; and Table 4 lists fisheries affected by TRPs or TRTs.

In Tables 1 and 2, the estimated number of vessels or persons participating in fisheries operating within U.S. waters is expressed in terms of the number of active participants in the fishery, when possible. If this information is not available, the estimated number of vessels or persons licensed for a particular fishery is provided. If no recent information is available on the number of participants, vessels, or persons licensed in a fishery, then the number from the most recent LOF is used for the estimated number of vessels or persons in the fishery. NMFS acknowledges that, in some cases, these estimates may be inflations of actual effort, such as for many of the Mid-Atlantic and New England fisheries. However, in these cases, the numbers represent the potential effort for each fishery, given the multiple gear types for which several state permits may allow. Changes made to Mid-Atlantic and New England fishery participants will not affect observer coverage or bycatch estimates, as observer coverage and bycatch estimates are based on vessel trip reports and landings data. Table 1 and 2 serve to provide a description of the fishery's potential effort (state and Federal). If NMFS is able to extract more accurate information on the gear types used by state permit holders in the future, the numbers will be updated to reflect this change. For additional information on fishing effort in fisheries found on Table 1 or 2, contact the relevant regional office (contact information included above in **SUPPLEMENTARY INFORMATION**).

For high seas fisheries, Table 3 lists the number of valid HSFCA permits currently held. Although this likely overestimates the number of active participants in many of these fisheries, the number of valid HSFCA permits is the most reliable data on the potential effort in high seas fisheries at this time. As noted previously in this rule, the number of HSFCA permits listed in Table 3 for the high seas components of fisheries that also operate within U.S. waters does not necessarily represent additional effort that is not accounted for in Tables 1 and 2. Many vessels holding HSFCA permits also fish within U.S. waters and are included in the number of vessels and participants operating within those fisheries in Tables 1 and 2.

Tables 1, 2, and 3 also list the marine mammal species and/or stocks incidentally killed or injured (seriously or non-seriously) in each fishery based on SARs, injury determination reports, bycatch estimation reports, observer data, logbook data, stranding data, disentanglement network data, fisher self-reports (i.e. MMPA reports), and anecdotal reports. The best available scientific information included in these reports is based on data through 2011. This list includes all species and/or stocks known to be injured or killed in a given fishery but also includes species and/or stocks for which there are anecdotal records of a mortality or injury. Additionally, species identified by logbook entries, stranding data, or fishermen self-reports (i.e., MMPA reports) may not be verified. In Tables 1 and 2, NMFS has designated those species/stocks driving a fishery's classification (i.e., the fishery is classified based on mortalities and serious injuries of a marine mammal stock that are greater than or equal to 50 percent [Category I], or greater than 1 percent and less than 50 percent [Category II], of a stock's PBR) by a ''1'' after the stock's name.

In Tables 1 and 2, there are several fisheries classified as Category II that have no recent documented mortalities or serious injuries of marine mammals, or fisheries that did not result in a mortality or serious injury rate greater than 1 percent of a stock's PBR level based on known interactions. NMFS has classified these fisheries by analogy to other Category I or II fisheries that use similar fishing techniques or gear that are known to cause mortality or serious injury of marine mammals, as discussed in the final LOF for 1996 (60 FR 67063, December 28, 1995), and according to factors listed in the definition of a ''Category II fishery'' in 50 CFR 229.2 (i.e., fishing techniques, gear used, methods used to deter marine mammals, target species, seasons and areas fished, qualitative data from logbooks or fisher reports, stranding data, and the species and distribution of marine mammals in the area). NMFS has designated those fisheries listed by analogy in Tables 1 and 2 by a ''2'' after the fishery's name.

There are several fisheries in Tables 1, 2, and 3 in which a portion of the fishing vessels cross the EEZ boundary and therefore operate both within U.S. waters and on the high seas. These fisheries, though listed separately between Table 1 or 2 and Table 3, are considered the same fishery on either side of the EEZ boundary. NMFS has designated those fisheries in each table by a ''*'' after the fishery's name.

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
CATEGORY I		
LONGLINE/SET LINE FISHERIES:		

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
HI deep-set longline * ∧	128	Bottlenose dolphin, HI Pelagic. False killer whale, MHI Insular. False killer whale, HI Pelagic.[1] False killer whale, Palmyra Atoll. Pantropical spotted dolphin, HI. Risso's dolphin, HI. Short-finned pilot whale, HI. Sperm whale, HI. Striped dolphin, HI.
GILLNET FISHERIES:		
CA thresher shark/swordfish drift gillnet (≥14 in mesh) *	19	Bottlenose dolphin, CA/OR/WA offshore. California sea lion, U.S. Humpback whale, CA/OR/WA. Long-beaked common dolphin, CA. Minke whale, CA/OR/WA. Northern elephant seal, CA breeding. Northern right-whale dolphin, CA/OR/WA. Pacific white-sided dolphin, CA/OR/WA. Risso's dolphin, CA/OR/WA. Short-beaked common dolphin, CA/OR/WA. Sperm Whale, CA/OR/WA.[1]
CATEGORY II		
GILLNET FISHERIES:		
CA halibut/white seabass and other species set gillnet (>3.5 in mesh).	50	California sea lion, U.S. Harbor seal, CA. Humpback whale, CA/OR/WA.[1] Long-beaked common dolphin, CA. Northern elephant seal, CA breeding. Sea otter, CA. Short-beaked common dolphin, CA/OR/WA.
CA yellowtail, barracuda, and white seabass drift gillnet (mesh size ≥3.5 in and <14 in) [2].	30	California sea lion, U.S. Long-beaked common dolphin, CA. Short-beaked common dolphin, CA/OR/WA.
AK Bristol Bay salmon drift gillnet [2]	1,862	Beluga whale, Bristol Bay. Gray whale, Eastern North Pacific. Harbor seal, Bering Sea. Northern fur seal, Eastern Pacific. Pacific white-sided dolphin, North Pacific. Spotted seal, AK. Steller sea lion, Western U.S.
AK Bristol Bay salmon set gillnet [2]	979	Beluga whale, Bristol Bay. Gray whale, Eastern North Pacific. Harbor seal, Bering Sea. Northern fur seal, Eastern Pacific. Spotted seal, AK.
AK Kodiak salmon set gillnet	188	Harbor porpoise, GOA.[1] Harbor seal, GOA. Sea otter, Southwest AK. Steller sea lion, Western U.S.
AK Cook Inlet salmon set gillnet	736	Beluga whale, Cook Inlet. Dall's porpoise, AK. Harbor porpoise, GOA. Harbor seal, GOA. Humpback whale, Central North Pacific.[1] Sea otter, South Central AK. Steller sea lion, Western U.S.
AK Cook Inlet salmon drift gillnet	569	Beluga whale, Cook Inlet. Dall's porpoise, AK. Harbor porpoise, GOA.[1] Harbor seal, GOA. Steller sea lion, Western U.S.
AK Peninsula/Aleutian Islands salmon drift gillnet [2]	162	Dall's porpoise, AK. Harbor porpoise, GOA. Harbor seal, GOA. Northern fur seal, Eastern Pacific.
AK Peninsula/Aleutian Islands salmon set gillnet [2]	113	Harbor porpoise, Bering Sea. Steller sea lion, Western U.S.

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
AK Prince William Sound salmon drift gillnet	537	Dall's porpoise, AK. Harbor porpoise, GOA.[1] Harbor seal, GOA. Northern fur seal, Eastern Pacific. Pacific white-sided dolphin, North Pacific. Sea otter, South Central AK. Steller sea lion, Western U.S.[1]
AK Southeast salmon drift gillnet	474	Dall's porpoise, AK. Harbor porpoise, Southeast AK. Harbor seal, Southeast AK. Humpback whale, Central North Pacific.[1] Pacific white-sided dolphin, North Pacific. Steller sea lion, Eastern U.S.
AK Yakutat salmon set gillnet.[2]	168	Gray whale, Eastern North Pacific. Harbor porpoise, Southeastern AK. Harbor seal, Southeast AK. Humpback whale, Central North Pacific (Southeast AK).
WA Puget Sound Region salmon drift gillnet (includes all inland waters south of US-Canada border and eastward of the Bonilla-Tatoosh line-Treaty Indian fishing is excluded).	210	Dall's porpoise, CA/OR/WA. Harbor porpoise, inland WA.[1] Harbor seal, WA inland.
PURSE SEINE FISHERIES:		
AK Cook Inlet salmon purse seine	83	Humpback whale, Central North Pacific.[1]
AK Kodiak salmon purse seine	376	Humpback whale, Central North Pacific.[1]
TRAWL FISHERIES:		
AK Bering Sea, Aleutian Islands flatfish trawl	32	Bearded seal, AK. Gray whale, Eastern North Pacific. Harbor porpoise, Bering Sea. Harbor seal, Bering Sea. Humpback whale, Western North Pacific.[1] Killer whale, AK resident.[1] Killer whale, GOA, AI, BS transient.[1] Northern fur seal, Eastern Pacific. Ringed seal, AK. Ribbon seal, AK. Spotted seal, AK. Steller sea lion, Western U.S.[1] Walrus, AK.
AK Bering Sea, Aleutian Islands pollock trawl	102	Bearded seal, AK. Dall's porpoise, AK. Harbor seal, AK. Humpback whale, Central North Pacific. Humpback whale, Western North Pacific. Northern fur seal, Eastern Pacific. Ribbon seal, AK. Ringed seal, AK. Spotted seal, AK. Steller sea lion, Western U.S.[1]
AK Bering Sea, Aleutian Islands rockfish trawl	17	Killer whale, ENP AK resident.[1] Killer whale, GOA, AI, BS transient.[1]
POT, RING NET, AND TRAP FISHERIES:		
CA spot prawn pot	28	Gray whale, Eastern North Pacific. Humpback whale, CA/OR/WA.[1]
CA Dungeness crab pot	570	Gray whale, Eastern North Pacific. Humpback whale, CA/OR/WA.[1]
OR Dungeness crab pot	433	Gray whale, Eastern North Pacific. Humpback whale, CA/OR/WA.[1]
WA/OR/CA sablefish pot	309	Humpback whale, CA/OR/WA.[1]
WA coastal Dungeness crab pot	228	Gray whale, Eastern North Pacific. Humpback whale, CA/OR/WA.[1]
LONGLINE/SET LINE FISHERIES:		
HI shallow-set longline * ∧	18	Blainville's beaked whale, HI. Bottlenose dolphin, HI Pelagic. False killer whale, HI Pelagic.[1] Humpback whale, Central North Pacific. Kogia *spp.* whale (Pygmy or dwarf sperm whale), HI. Risso's dolphin, HI. Short-finned pilot whale, HI. Striped dolphin, HI.

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
American Samoa longline.[2]	25	Bottlenose dolphin, unknown. Cuvier's beaked whale, unknown. False killer whale, American Samoa. Rough-toothed dolphin, American Samoa. Short-finned pilot whale, unknown.
HI shortline[2]	6	None documented.
CATEGORY III		
GILLNET FISHERIES:		
AK Kuskokwim, Yukon, Norton Sound, Kotzebue salmon gillnet.	1,778	Harbor porpoise, Bering Sea.
AK miscellaneous finfish set gillnet	54	Steller sea lion, Western U.S.
AK Prince William Sound salmon set gillnet	29	Harbor seal, GOA. Sea otter, South Central AK. Steller sea lion, Western U.S.
AK roe herring and food/bait herring gillnet	920	None documented.
CA set gillnet (mesh size <3.5 in)	304	None documented.
HI inshore gillnet	42	Bottlenose dolphin, HI. Spinner dolphin, HI.
WA Grays Harbor salmon drift gillnet (excluding treaty Tribal fishing).	24	Harbor seal, OR/WA coast.
WA/OR herring, smelt, shad, sturgeon, bottom fish, mullet, perch, rockfish gillnet.	913	None documented.
WA/OR lower Columbia River (includes tributaries) drift gillnet.	110	California sea lion, U.S. Harbor seal, OR/WA coast.
WA Willapa Bay drift gillnet	82	Harbor seal, OR/WA coast. Northern elephant seal, CA breeding.
MISCELLANEOUS NET FISHERIES:		
AK Southeast salmon purse seine	315	None documented in the most recent 5 years of data.
AK Metlakatla salmon purse seine	10	None documented.
AK miscellaneous finfish beach seine	2	None documented.
AK miscellaneous finfish purse seine	2	None documented.
AK octopus/squid purse seine	0	None documented.
AK roe herring and food/bait herring beach seine	10	None documented.
AK roe herring and food/bait herring purse seine	356	None documented.
AK salmon beach seine	31	None documented.
AK salmon purse seine (excluding salmon purse seine fisheries listed as Category II).	936	Harbor seal, GOA.
CA anchovy, mackerel, sardine purse seine	65	California sea lion, U.S. Harbor seal, CA.
CA squid purse seine	80	Long-beaked common dolphin, CA. Short-beaked common dolphin, CA/OR/WA.
CA tuna purse seine *	10	None documented.
WA/OR sardine purse seine	42	None documented.
WA (all species) beach seine or drag seine	235	None documented.
WA/OR herring, smelt, squid purse seine or lampara	130	None documented.
WA salmon purse seine	75	None documented.
WA salmon reef net	11	None documented.
HI lift net	21	None documented.
HI inshore purse seine	<3	None documented.
HI throw net, cast net	20	None documented.
HI seine net	21	None documented.
DIP NET FISHERIES:		
CA squid dip net	115	None documented.
WA/OR smelt, herring dip net	119	None documented.
MARINE AQUACULTURE FISHERIES:		
CA marine shellfish aquaculture	unknown	None documented.
CA salmon enhancement rearing pen	>1	None documented.
CA white seabass enhancement net pens	13	California sea lion, U.S.
HI offshore pen culture	2	None documented.
WA/OR salmon net pens	14	California sea lion, U.S. Harbor seal, WA inland waters.
TROLL FISHERIES:		
AK North Pacific halibut, AK bottom fish, WA/OR/CA albacore, groundfish, bottom fish, CA halibut non-salmonid troll fisheries*.	1,320 (180 AK)	None documented.
AK salmon troll	1,908	Steller sea lion, Eastern U.S. Steller sea lion, Western U.S.

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
American Samoa tuna troll	7	None documented.
CA/OR/WA salmon troll	4,300	None documented.
HI troll	1,755	Pantropical spotted dolphin, HI.
HI rod and reel	221	None documented.
Commonwealth of the Northern Mariana Islands tuna troll	40	None documented.
Guam tuna troll	432	None documented.
LONGLINE/SET LINE FISHERIES:		
AK Bering Sea, Aleutian Islands Pacific cod longline	45	Dall's Porpoise, AK. Northern fur seal, Eastern Pacific. Ringed seal, AK.
AK Bering Sea, Aleutian Islands rockfish longline	3	None documented.
AK Bering Sea, Aleutian Islands Greenland turbot longline	4	Killer whale, AK resident.
AK Bering Sea, Aleutian Islands sablefish longline	22	None documented.
AK Gulf of Alaska halibut longline	855	None documented.
AK Gulf of Alaska Pacific cod longline	92	Steller sea lion, Western U.S.
AK Gulf of Alaska rockfish longline	25	None documented.
AK Gulf of Alaska sablefish longline	295	Sperm whale, North Pacific.
AK halibut longline/set line (state and Federal waters)	2,197	None documented in the most recent 5 years of data.
AK octopus/squid longline	3	None documented.
AK state-managed waters longline/setline (including sablefish, rockfish, lingcod, and miscellaneous finfish).	464	None documented.
WA/OR/CA groundfish, bottomfish longline/set line	367	Bottlenose dolphin, CA/OR/WA offshore.
WA/OR Pacific halibut longline.	350	None documented.
CA pelagic longline	1	None documented in the most recent 5 years of data.
HI kaka line	24	None documented.
HI vertical line	6	None documented.
TRAWL FISHERIES:		
AK Bering Sea, Aleutian Islands Atka mackerel trawl	13	Ribbon seal, AK. Steller sea lion, Western U.S.
AK Bering Sea, Aleutian Islands Pacific cod trawl	72	Ringed seal, AK. Steller sea lion, Western U.S.
AK Gulf of Alaska flatfish trawl	36	Northern elephant seal, North Pacific.
AK Gulf of Alaska Pacific cod trawl	55	Steller sea lion, Western U.S.
AK Gulf of Alaska pollock trawl	67	Dall's porpoise, AK. Fin whale, Northeast Pacific. Northern elephant seal, North Pacific. Steller sea lion, Western U.S.
AK Gulf of Alaska rockfish trawl	43	None documented.
AK food/bait herring trawl	4	None documented.
AK miscellaneous finfish otter/beam trawl	282	None documented.
AK shrimp otter trawl and beam trawl (statewide and Cook Inlet).	38	None documented.
AK state-managed waters of Cook Inlet, Kachemak Bay, Prince William Sound, Southeast AK groundfish trawl.	2	None documented.
CA halibut bottom trawl	53	None documented.
WA/OR/CA shrimp trawl	300	None documented.
WA/OR/CA groundfish trawl	160–180	California sea lion, U.S. Dall's porpoise, CA/OR/WA. Harbor seal, OR/WA coast. Northern fur seal, Eastern Pacific. Pacific white-sided dolphin, CA/OR/WA. Steller sea lion, Eastern U.S.
POT, RING NET, AND TRAP FISHERIES:		
AK statewide miscellaneous finfish pot	4	None documented.
AK Aleutian Islands sablefish pot.	4	None documented.
AK Bering Sea, Aleutian Islands Pacific cod pot	59	None documented.
AK Bering Sea, Aleutian Islands crab pot	540	Grey whale, Eastern North Pacific.
AK Bering Sea sablefish pot	2	None documented.
AK Gulf of Alaska crab pot	381	None documented.
AK Gulf of Alaska Pacific cod pot	128	Harbor seal, GOA.
AK Southeast Alaska crab pot	41	Humpback whale, Central North Pacific (Southeast AK).
AK Southeast Alaska shrimp pot	269	Humpback whale, Central North Pacific (Southeast AK).
AK shrimp pot, except Southeast	236	None documented.
AK octopus/squid pot	26	None documented.
AK snail pot	1	None documented.
CA/OR coonstripe shrimp pot	10	Gray whale, Eastern North Pacific. Harbor seal, CA.
CA rock crab pot	150	Gray whale, Eastern North Pacific. Harbor seal, CA

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
CA spiny lobster	198	Gray whale, Eastern North Pacific.
WA/OR/CA hagfish pot	54	None documented.
WA/OR shrimp pot/trap	254	None documented.
WA Puget Sound Dungeness crab pot/trap	249	None documented.
HI crab trap	7	Humpback whale, Central North Pacific.
HI fish trap	5	None documented.
HI lobster trap	<3	None documented in recent years.
HI shrimp trap	6	None documented.
HI crab net	4	None documented.
HI Kona crab loop net	35	None documented.
HOOK-AND-LINE, HANDLINE, AND JIG FISHERIES:		
AK miscellaneous finfish handline/hand troll and mechanical jig.	456	None documented.
AK North Pacific halibut handline/hand troll and mechanical jig.	180	None documented.
AK octopus/squid handline	7	None documented.
American Samoa bottomfish	14	None documented.
Commonwealth of the Northern Mariana Islands bottomfish.	28	None documented.
Guam bottomfish	>300	None documented.
HI aku boat, pole, and line	<3	None documented.
HI bottomfish handline	578	None documented in recent years.
HI inshore handline	376	None documented.
HI pelagic handline	484	None documented.
WA groundfish, bottomfish jig	679	None documented.
Western Pacific squid jig	<3	None documented.
HARPOON FISHERIES:		
CA swordfish harpoon	30	None documented.
POUND NET/WEIR FISHERIES:		
AK herring spawn on kelp pound net	409	None documented.
AK Southeast herring roe/food/bait pound net	2	None documented.
HI bullpen trap	<3	None documented.
BAIT PENS:		
WA/OR/CA bait pens	13	California sea lion, U.S.
DREDGE FISHERIES:		
Alaska scallop dredge	108 (5 AK)	None documented.
DIVE, HAND/MECHANICAL COLLECTION FISHERIES:		
AK abalone	0	None documented.
AK clam	130	None documented.
AK Dungeness crab	2	None documented.
AK herring spawn on kelp	339	None documented.
AK urchin and other fish/shellfish	398	None documented.
CA sea urchin	583	None documented.
HI black coral diving	<3	None documented.
HI fish pond	5	None documented.
HI handpick	58	None documented.
HI lobster diving	23	None documented.
HI spearfishing	159	None documented.
WA/CA kelp	4	None documented.
WA/OR sea urchin, other clam, octopus, oyster, sea cucumber, scallop, ghost shrimp hand, dive, or mechanical collection.	637	None documented.
WA shellfish aquaculture	684	None documented.
COMMERCIAL PASSENGER FISHING VESSEL (CHARTER BOAT) FISHERIES:		
AK/WA/OR/CA commercial passenger fishing vessel	>7,000 (2,702 AK)	Killer whale, unknown. Steller sea lion, Eastern U.S. Steller sea lion, Western U.S.
LIVE FINFISH/SHELLFISH FISHERIES:		
CA nearshore finfish live trap/hook-and-line	93	None documented.
HI aquarium collecting	90	None documented.

List of Abbreviations and Symbols Used in Table 1: AK—Alaska; CA—California; GOA—Gulf of Alaska; HI—Hawaii; OR—Oregon; WA—Washington; [1] Fishery classified based on mortalities and serious injuries of this stock, which are greater than or equal to 50 percent (Category I) or greater than 1 percent and less than 50 percent (Category II) of the stock's PBR; [2] Fishery classified by analogy; * Fishery has an associated high seas component listed in Table 3; ∧ The list of marine mammal species and/or stocks killed or injured in this fishery is identical to the list of species and/or stocks killed or injured in high seas component of the fishery, minus species and/or stocks have geographic ranges exclusively on the high seas. The species and/or stocks are found, and the fishery remains the same, on both sides of the EEZ boundary. Therefore, the EEZ components of these fisheries pose the same risk to marine mammals as the components operating on the high seas.

TABLE 2—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
CATEGORY I		
GILLNET FISHERIES:		
Mid-Atlantic gillnet	5,509	Bottlenose dolphin, Northern Migratory coastal.[1] Bottlenose dolphin, Southern Migratory coastal.[1] Bottlenose dolphin, Northern NC estuarine system.[1] Bottlenose dolphin, Southern NC estuarine system.[1] Bottlenose dolphin, WNA offshore. Common dolphin, WNA. Gray seal, WNA. Harbor porpoise, GME/BF. Harbor seal, WNA. Harp seal, WNA. Humpback whale, Gulf of Maine. Minke whale, Canadian east coast. Risso's dolphin, WNA. White-sided dolphin, WNA.
Northeast sink gillnet	4,375	Bottlenose dolphin, WNA offshore. Common dolphin, WNA. Fin whale, WNA. Gray seal, WNA. Harbor porpoise, GME/BF.[1] Harbor seal, WNA. Harp seal, WNA. Hooded seal, WNA. Humpback whale, Gulf of Maine. Long-finned Pilot whale, WNA. Minke whale, Canadian east coast. North Atlantic right whale, WNA. Risso's dolphin, WNA. Short-finned Pilot whale, WNA. White-sided dolphin, WNA.
TRAP/POT FISHERIES:		
Northeast/Mid-Atlantic American lobster trap/pot	11,693	Harbor seal, WNA. Humpback whale, Gulf of Maine. Minke whale, Canadian east coast. North Atlantic right whale, WNA.[1]
LONGLINE FISHERIES:		
Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline*.	420	Atlantic spotted dolphin, GMX continental and oceanic. Atlantic spotted dolphin, WNA. Bottlenose dolphin, Northern GMX oceanic. Bottlenose dolphin, WNA offshore. Common dolphin, WNA. Cuvier's beaked whale, WNA. False killer whale, WNA. Gervais beaked whale, GMX. Killer whale, GMX oceanic. Kogia *spp.* (Pygmy or dwarf sperm whale), WNA. Long-finned pilot whale, WNA.[1] Mesoplodon beaked whale, WNA. Minke whale, Canadian East coast. Pantropical spotted dolphin, Northern GMX. Pantropical spotted dolphin, WNA. Risso's dolphin, Northern GMX. Risso's dolphin, WNA. Short-finned pilot whale, Northern GMX. Short-finned pilot whale, WNA.[1] Sperm whale, GMX oceanic.
CATEGORY II		
GILLNET FISHERIES:		
Chesapeake Bay inshore gillnet[2]	1,126	None documented in the most recent 5 years of data.
Gulf of Mexico gillnet[2]	724	Bottlenose dolphin, GMX bay, sound, and estuarine. Bottlenose dolphin, Northern GMX coastal. Bottlenose dolphin, Western GMX coastal.
NC inshore gillnet	1,323	Bottlenose dolphin, Northern NC estuarine system.[1] Bottlenose dolphin, Southern NC estuarine system.[1]

TABLE 2—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
Northeast anchored float gillnet [2]	421	Harbor seal, WNA. Humpback whale, Gulf of Maine. White-sided dolphin, WNA.
Northeast drift gillnet [2]	311	None documented.
Southeast Atlantic gillnet [2]	357	Bottlenose dolphin, Central FL coastal. Bottlenose dolphin, Northern FL coastal. Bottlenose dolphin, SC/GA coastal. Bottlenose dolphin, Southern migratory coastal.
Southeastern U.S. Atlantic shark gillnet	30	Bottlenose dolphin, unknown (Central FL, Northern FL, SC/GA coastal, or Southern migratory coastal). North Atlantic right whale, WNA.
TRAWL FISHERIES:		
Mid-Atlantic mid-water trawl (including pair trawl)	322	Common dolphin, WNA. Long-finned pilot whale, WNA. Risso's dolphin, WNA. Short-finned pilot whale, WNA. White-sided dolphin, WNA.[1]
Mid-Atlantic bottom trawl	631	Bottlenose dolphin, WNA offshore. Common dolphin, WNA.[1] Gray seal, WNA. Harbor seal, WNA. Long-finned pilot whale, WNA.[1] Risso's dolphin, WNA.[1] Short-finned pilot whale, WNA.[1] White-sided dolphin, WNA.
Northeast mid-water trawl (including pair trawl)	1,103	Gray seal, WNA. Harbor seal, WNA. Long-finned pilot whale, WNA.[1] Short-finned pilot whale, WNA.[1] Common dolphin, WNA. White-sided dolphin, WNA.
Northeast bottom trawl	2,987	Bottlenose dolphin, WNA offshore. Common dolphin, WNA. Gray seal, WNA. Harbor porpoise, GME/BF. Harbor seal, WNA. Harp seal, WNA. Long-finned pilot whale, WNA. Minke whale, Canadian East Coast. Short-finned pilot whale, WNA. White-sided dolphin, WNA.[1]
Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl	4,950	Atlantic spotted dolphin, GMX continental and oceanic. Bottlenose dolphin, Charleston estuarine system. Bottlenose dolphin, Eastern GMX coastal.[1] Bottlenose dolphin, GMX bay, sound, estuarine.[1] Bottlenose dolphin, GMX continental shelf. Bottlenose dolphin, Northern GMX coastal. Bottlenose dolphin, SC/GA coastal.[1] Bottlenose dolphin, Southern migratory coastal. Bottlenose dolphin, Western GMX coastal.[1] West Indian manatee, Florida.
TRAP/POT FISHERIES:		
Southeastern U.S. Atlantic, Gulf of Mexico stone crab trap/pot [2].	1,282	Bottlenose dolphin, Biscayne Bay estuarine. Bottlenose dolphin, Central FL coastal. Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, FL Bay. Bottlenose dolphin, GMX bay, sound, estuarine (FL west coast portion). Bottlenose dolphin, Indian River Lagoon estuarine system. Bottlenose dolphin, Jacksonville estuarine system. Bottlenose dolphin, Northern GMX coastal.
Atlantic mixed species trap/pot [2]	3,467	Fin whale, WNA. Humpback whale, Gulf of Maine.

TABLE 2—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
Atlantic blue crab trap/pot	8,557	Bottlenose dolphin, Central FL coastal.[1] Bottlenose dolphin, Charleston estuarine system.[1] Bottlenose dolphin, Indian River Lagoon estuarine system.[1] Bottlenose dolphin, Jacksonville estuarine system.[1] Bottlenose dolphin, Northern FL coastal.[1] Bottlenose dolphin, Northern GA/Southern SC estuarine system.[1] Bottlenose dolphin, Northern Migratory coastal.[1] Bottlenose dolphin, Northern NC estuarine system.[1] Bottlenose dolphin, Northern SC estuarine system. Bottlenose dolphin, SC/GA coastal.[1] Bottlenose dolphin, Southern GA estuarine system.[1] Bottlenose dolphin, Southern Migratory coastal.[1] Bottlenose dolphin, Southern NC estuarine system.[1] West Indian manatee, FL.[1]
PURSE SEINE FISHERIES:		
Gulf of Mexico menhaden purse seine	40–42	Bottlenose dolphin, GMX bay, sound, estuarine. Bottlenose dolphin, Northern GMX coastal.[1] Bottlenose dolphin, Western GMX coastal.[1]
Mid-Atlantic menhaden purse seine[2]	5	Bottlenose dolphin, Northern Migratory coastal. Bottlenose dolphin, Southern Migratory coastal.
HAUL/BEACH SEINE FISHERIES:		
Mid-Atlantic haul/beach seine	565	Bottlenose dolphin, Northern Migratory coastal.[1] Bottlenose dolphin, Northern NC estuarine system.[1] Bottlenose dolphin, Southern Migratory coastal.[1]
NC long haul seine	372	Bottlenose dolphin, Northern NC estuarine system[1] Bottlenose dolphin, Southern NC estuarine system.
STOP NET FISHERIES:		
NC roe mullet stop net	13	Bottlenose dolphin, Northern NC estuarine system. Bottlenose dolphin, unknown (Southern migratory coastal or Southern NC estuarine system).
POUND NET FISHERIES:		
VA pound net	67	Bottlenose dolphin, Northern migratory coastal. Bottlenose dolphin, Northern NC estuarine system. Bottlenose dolphin, Southern Migratory coastal.[1]
CATEGORY III		
GILLNET FISHERIES:		
Caribbean gillnet	>991	None documented in the most recent 5 years of data.
DE River inshore gillnet	(3)	None documented in the most recent 5 years of data.
Long Island Sound inshore gillnet	(3)	None documented in the most recent 5 years of data.
RI, southern MA (to Monomoy Island), and NY Bight (Raritan and Lower NY Bays) inshore gillnet.	(3)	None documented in the most recent 5 years of data.
Southeast Atlantic inshore gillnet	(3)	Bottlenose dolphin, Northern SC estuarine system.
TRAWL FISHERIES:		
Atlantic shellfish bottom trawl	>58	None documented.
Gulf of Mexico butterfish trawl	2	Bottlenose dolphin, Northern GMX oceanic. Bottlenose dolphin, Northern GMX continental shelf.
Gulf of Mexico mixed species trawl	20	None documented.
GA cannonball jellyfish trawl	1	Bottlenose dolphin, SC/GA coastal.
MARINE AQUACULTURE FISHERIES:		
Finfish aquaculture	48	Harbor seal, WNA.
Shellfish aquaculture	(3)	None documented.
PURSE SEINE FISHERIES:		
Gulf of Maine Atlantic herring purse seine	>7	Harbor seal, WNA. Gray seal, WNA.
Gulf of Maine menhaden purse seine	>2	None documented.
FL West Coast sardine purse seine	10	Bottlenose dolphin, Eastern GMX coastal.
U.S. Atlantic tuna purse seine*	5	Long-finned pilot whale, WNA. Short-finned pilot whale, WNA.
LONGLINE/HOOK–AND–LINE FISHERIES:		
Northeast/Mid-Atlantic bottom longline/hook-and-line	>1,207	None documented.
Gulf of Maine, U.S. Mid-Atlantic tuna, shark swordfish hook-and-line/harpoon.	428	Bottlenose dolphin, WNA offshore. Humpback whale, Gulf of Maine.
Southeastern U.S. Atlantic, Gulf of Mexico, and Caribbean snapper-grouper and other reef fish bottom longline/hook-and-line.	>5,000	Bottlenose dolphin, GMX continental shelf.

TABLE 2—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
Southeastern U.S. Atlantic, Gulf of Mexico shark bottom longline/hook-and-line.	<125	Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, Northern GMX continental shelf.
Southeastern U.S. Atlantic, Gulf of Mexico, and Caribbean pelagic hook-and-line/harpoon.	1,446	None documented.
U.S. Atlantic, Gulf of Mexico trotline	(3)	None documented.
TRAP/POT FISHERIES:		
Caribbean mixed species trap/pot	>501	None documented.
Caribbean spiny lobster trap/pot	>197	None documented.
FL spiny lobster trap/pot	1,268	Bottlenose dolphin, Biscayne Bay estuarine Bottlenose dolphin, Central FL coastal. Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, FL Bay estuarine.
Gulf of Mexico blue crab trap/pot	4,113	Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, GMX bay, sound, estuarine. Bottlenose dolphin, Northern GMX coastal. Bottlenose dolphin, Western GMX coastal. West Indian manatee, FL.
Gulf of Mexico mixed species trap/pot	(3)	None documented.
Southeastern U.S. Atlantic, Gulf of Mexico golden crab trap/pot.	10	None documented.
U.S. Mid-Atlantic eel trap/pot	(3)	None documented.
STOP SEINE/WEIR/POUND NET/FLOATING TRAP FISHERIES:		
Gulf of Maine herring and Atlantic mackerel stop seine/weir.	>1	Harbor porpoise, GME/BF. Harbor seal, WNA Minke whale, Canadian east coast. Atlantic white-sided dolphin, WNA.
U.S. Mid-Atlantic crab stop seine/weir	2,600	None documented.
U.S. Mid-Atlantic mixed species stop seine/weir/pound net (except the NC roe mullet stop net).	(3)	Bottlenose dolphin, Northern NC estuarine system.
RI floating trap	9	None documented.
DREDGE FISHERIES:		
Gulf of Maine sea urchin dredge	(3)	None documented.
Gulf of Maine mussel dredge	(3)	None documented.
Gulf of Maine, U.S. Mid-Atlantic sea scallop dredge	>403	None documented.
Mid-Atlantic blue crab dredge	(3)	None documented.
Mid-Atlantic soft-shell clam dredge	(3)	None documented.
Mid-Atlantic whelk dredge	(3)	None documented.
U.S. Mid-Atlantic/Gulf of Mexico oyster dredge	7,000	None documented.
U.S. Mid-Atlantic offshore surf clam and quahog dredge	(3)	None documented.
HAUL/BEACH SEINE FISHERIES:		
Caribbean haul/beach seine	15	None documented in the most recent 5 years of data.
Gulf of Mexico haul/beach seine	(3)	None documented.
Southeastern U.S. Atlantic haul/beach seine	25	None documented.
DIVE, HAND/MECHANICAL COLLECTION FISHERIES:		
Atlantic Ocean, Gulf of Mexico, Caribbean shellfish dive, hand/mechanical collection.	20,000	None documented.
Gulf of Maine urchin dive, hand/mechanical collection	(3)	None documented.
Gulf of Mexico, Southeast Atlantic, Mid-Atlantic, and Caribbean cast net.	(3)	None documented.
COMMERCIAL PASSENGER FISHING VESSEL (CHARTER BOAT) FISHERIES:		
Atlantic Ocean, Gulf of Mexico, Caribbean commercial passenger fishing vessel.	4,000	Bottlenose dolphin, Biscayne Bay estuarine. Bottlenose dolphin, Central FL coastal. Bottlenose dolphin, Choctawhatchee Bay. Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, FL Bay. Bottlenose dolphin, GMX bay, sound, estuarine. Bottlenose dolphin, Indian River Lagoon estuarine system. Bottlenose dolphin, Jacksonville estuarine system.

TABLE 2—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
		Bottlenose dolphin, Northern FL coastal. Bottlenose dolphin, Northern GA/Southern SC estuarine. Bottlenose dolphin, Northern GMX coastal. Bottlenose dolphin, Northern migratory coastal. Bottlenose dolphin, Northern NC estuarine. Bottlenose dolphin, Southern migratory coastal. Bottlenose dolphin, Southern NC estuarine system. Bottlenose dolphin, Southern SC/GA coastal. Bottlenose dolphin, Western GMX coastal.

List of Abbreviations and Symbols Used in Table 2: DE—Delaware; FL—Florida; GA—Georgia; GME/BF—Gulf of Maine/Bay of Fundy; GMX—Gulf of Mexico; MA—Massachusetts; NC—North Carolina; SC—South Carolina; VA—Virginia; WNA—Western North Atlantic; [1] Fishery classified based on mortalities and serious injuries of this stock, which are greater than or equal to 50 percent (Category I) or greater than 1 percent and less than 50 percent (Category II) of the stock's PBR; [2] Fishery classified by analogy; * Fishery has an associated high seas component listed in Table 3; [3] Unknown.

TABLE 3—LIST OF FISHERIES—COMMERCIAL FISHERIES ON THE HIGH SEAS

Fishery description	Number of HSFCA permits	Marine mammal species and/or stocks incidentally killed or injured
Category I		
LONGLINE FISHERIES:		
Atlantic Highly Migratory Species*	83	Atlantic spotted dolphin, WNA. Bottlenose dolphin, Northern GMX oceanic. Bottlenose dolphin, WNA offshore. Common dolphin, WNA. Cuvier's beaked whale, WNA. False killer whale, WNA. Killer whale, GMX oceanic. Kogia *spp.* whale (Pygmy or dwarf sperm whale), WNA. Long-finned pilot whale, WNA. Mesoplodon beaked whale, WNA. Minke whale, Canadian East coast. Pantropical spotted dolphin, WNA. Risso's dolphin, GMX. Risso's dolphin, WNA. Short-finned pilot whale, WNA
Western Pacific Pelagic (HI Deep-set component) * ∧	128	Bottlenose dolphin, HI Pelagic. False killer whale, HI Pelagic. Pantropical spotted dolphin, HI. Risso's dolphin, HI. Short-finned pilot whale, HI. Sperm whale, HI. Striped dolphin, HI.
Category II		
DRIFT GILLNET FISHERIES:		
Atlantic Highly Migratory Species	1	Undetermined.
Pacific Highly Migratory Species * ∧	4	Long-beaked common dolphin, CA. Humpback whale, CA/OR/WA. Northern right-whale dolphin, CA/OR/WA. Pacific white-sided dolphin, CA/OR/WA. Risso's dolphin, CA/OR/WA. Short-beaked common dolphin, CA/OR/WA.
TRAWL FISHERIES:		
Atlantic Highly Migratory Species **	1	Undetermined.
CCAMLR	0	Antarctic fur seal.
Western Pacific Pelagic	0	Undetermined.
PURSE SEINE FISHERIES:		
South Pacific Tuna Fisheries	38	Undetermined.
Western Pacific Pelagic	3	Undetermined.
LONGLINE FISHERIES:		
CCAMLR	0	None documented.
South Pacific Albacore Troll	13	Undetermined.
South Pacific Tuna Fisheries **	8	Undetermined.

TABLE 3—LIST OF FISHERIES—COMMERCIAL FISHERIES ON THE HIGH SEAS—Continued

Fishery description	Number of HSFCA permits	Marine mammal species and/or stocks incidentally killed or injured
Western Pacific Pelagic (HI Shallow-set component) * ∧	18	Blainville's beaked whale, HI. Bottlenose dolphin, HI Pelagic. False killer whale, HI Pelagic. Humpback whale, Central North Pacific. Kogia *spp.* whale (Pygmy or dwarf sperm whale), HI. Risso's dolphin, HI. Short-beaked common dolphin, CA/OR/WA. Short-finned pilot whale, HI. Striped dolphin, HI.
HANDLINE/POLE AND LINE FISHERIES:		
Atlantic Highly Migratory Species	2	Undetermined.
Pacific Highly Migratory Species	41	Undetermined.
South Pacific Albacore Troll	8	Undetermined.
Western Pacific Pelagic	3	Undetermined.
TROLL FISHERIES:		
Atlantic Highly Migratory Species	2	Undetermined.
South Pacific Albacore Troll	35	Undetermined.
South Pacific Tuna Fisheries **	3	Undetermined.
Western Pacific Pelagic	19	Undetermined.
LINERS NEI FISHERIES:		
Pacific Highly Migratory Species **	1	Undetermined.
South Pacific Albacore Troll	1	Undetermined.
Western Pacific Pelagic	1	Undetermined.
Category III		
LONGLINE FISHERIES:		
Northwest Atlantic Bottom Longline	1	None documented.
Pacific Highly Migratory Species *	100	None documented in the most recent 5 years of data.
PURSE SEINE FISHERIES:		
Pacific Highly Migratory Species * ∧	8	None documented.
TRAWL FISHERIES:		
Northwest Atlantic	1	None documented.
TROLL FISHERIES:		
Pacific Highly Migratory Species *	253	None documented.

List of Terms, Abbreviations, and Symbols Used in Table 3:

GMX—Gulf of Mexico; NEI—Not Elsewhere Identified; WNA—Western North Atlantic.

* Fishery is an extension/component of an existing fishery operating within U.S. waters listed in Table 1 or 2. The number of permits listed in Table 3 represents only the number of permits for the high seas component of the fishery.

** These gear types are not authorized under the Pacific HMS FMP (2004), the Atlantic HMS FMP (2006), or without a South Pacific Tuna Treaty license (in the case of the South Pacific Tuna fisheries). Because HSFCA permits are valid for five years, permits obtained in past years exist in the HSFCA permit database for gear types that are now unauthorized. Therefore, while HSFCA permits exist for these gear types, it does not represent effort. In order to land fish species, fishers must be using an authorized gear type. Once these permits for unauthorized gear types expire, the permit-holder will be required to obtain a permit for an authorized gear type.

∧ The list of marine mammal species and/or stocks killed or injured in this fishery is identical to the list of marine mammal species and/or stocks killed or injured in U.S. waters component of the fishery, minus species and/or stocks that have geographic ranges exclusively in coastal waters, because the marine mammal species and/or stocks are also found on the high seas and the fishery remains the same on both sides of the EEZ boundary. Therefore, the high seas components of these fisheries pose the same risk to marine mammals as the components of these fisheries operating in U.S. waters.

TABLE 4—FISHERIES AFFECTED BY TAKE REDUCTION TEAMS AND PLANS

Take reduction plans	Affected fisheries
Atlantic Large Whale Take Reduction Plan (ALWTRP)—50 CFR 229.32	*Category I* Mid-Atlantic gillnet. Northeast/Mid-Atlantic American lobster trap/pot. Northeast sink gillnet. *Category II* Atlantic blue crab trap/pot. Atlantic mixed species trap/pot. Northeast anchored float gillnet. Northeast drift gillnet. Southeast Atlantic gillnet. Southeastern U.S. Atlantic shark gillnet.* Southeastern, U.S. Atlantic, Gulf of Mexico stone crab trap/pot.∧
Bottlenose Dolphin Take Reduction Plan (BDTRP)—50 CFR 229.35	*Category I* Mid-Atlantic gillnet.

TABLE 4—FISHERIES AFFECTED BY TAKE REDUCTION TEAMS AND PLANS—Continued

Take reduction plans	Affected fisheries
	Category II Atlantic blue crab trap/pot. Chesapeake Bay inshore gillnet fishery. Mid-Atlantic haul/beach seine. Mid-Atlantic menhaden purse seine. NC inshore gillnet. NC long haul seine. NC roe mullet stop net. Southeast Atlantic gillnet. Southeastern U.S. Atlantic shark gillnet. Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl.∧ Southeastern, U.S. Atlantic, Gulf of Mexico stone crab trap/pot.∧ VA pound net.
False Killer Whale Take Reduction Plan (FKWTRP)—50 CFR 229.37 ..	*Category I* HI deep-set longline. *Category II* HI shallow-set longline.
Harbor Porpoise Take Reduction Plan (HPTRP)—50 CFR 229.33 (New England) and 229.34 (Mid-Atlantic).	*Category I* Mid-Atlantic gillnet. Northeast sink gillnet.
Pelagic Longline Take Reduction Plan (PLTRP)—50 CFR 229.36	*Category I* Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline.
Pacific Offshore Cetacean Take Reduction Plan (POCTRP)—50 CFR 229.31.	*Category I* CA thresher shark/swordfish drift gillnet (≥14 in mesh).
Atlantic Trawl Gear Take Reduction Team (ATGTRT)	*Category II* Mid-Atlantic bottom trawl. Mid-Atlantic mid-water trawl (including pair trawl). Northeast bottom trawl. Northeast mid-water trawl (including pair trawl).

*Only applicable to the portion of the fishery operating in U.S. waters; ∧Only applicable to the portion of the fishery operating in the Atlantic Ocean.

Classification

The Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this rule would not have a significant economic impact on a substantial number of small entities. On June 20, 2013, the Small Business Administration (SBA) issued a final rule revising the small business size standards for several industries effective July 22, 2013 (78 FR 37398). The rule increased the size standard for Finfish Fishing from $4.0 to $19.0 million, Shellfish Fishing from $4.0 to $5.0 million, and Other Marine Fishing from $4.0 to $7.0 million. NMFS has reviewed the analyses prepared for this action in light of the new size standards. Under the former, lower size standards, all entities subject to this action were considered small entities, thus they all would continue to be considered small under the new standards. The factual basis leading to the certification is set forth below.

Under existing regulations, all individuals participating in Category I or II fisheries must register under the MMPA and obtain an Authorization Certificate. The Authorization Certificate authorizes the taking of non-endangered and non-threatened marine mammals incidental to commercial fishing operations. Additionally, individuals may be subject to a TRP and requested to carry an observer. NMFS has estimated that up to approximately 58,500 fishing vessels, most with annual revenues below the SBA's small entity thresholds, may operate in Category I or II fisheries. As fishing vessels operating in Category I or II fisheries, they are required to register with NMFS. No fishing vessels are new to a Category I or II fishery as a result of this proposed rule. The MMPA registration process is integrated with existing state and Federal licensing, permitting, and registration programs. Therefore, individuals who have a state or Federal fishing permit or landing license, or who are authorized through another related state or Federal fishery registration program, are currently not required to register separately under the MMPA or pay the $25 registration fee. Therefore, this proposed rule would not impose any direct costs on small entities.

If a vessel is requested to carry an observer, vessels will not incur any direct economic costs associated with carrying that observer. Potential indirect costs to vessels required to take observers may include: lost space on deck for catch, lost bunk space, and lost fishing time due to time needed by the observer to process bycatch data. For effective monitoring, however, observers will rotate among a limited number of vessels in a fishery at any given time and each vessel within an observed fishery has an equal probability of being requested to accommodate an observer. Therefore, the potential indirect costs to vessels are expected to be minimal, because observer coverage would only be required for a small percentage of a vessels' total annual fishing time. In addition, section 118 of the MMPA states that an observer is not required to be placed on a vessel if the facilities for quartering an observer or performing observer functions are inadequate or unsafe, thereby exempting vessels too small to accommodate an observer from this requirement. As a result of this certification, an initial regulatory flexibility analysis is not required and was not prepared. In the event that reclassification of a fishery to Category I or II results in a TRP, economic analyses of the effects of that TRP would be summarized in subsequent rulemaking actions.

This proposed rule contains collection-of-information requirements subject to the Paperwork Reduction Act. The collection of information for the registration of individuals under the

MMPA has been approved by the Office of Management and Budget (OMB) under OMB control number 0648–0293 (0.15 hours per report for new registrants and 0.09 hours per report for renewals). The requirement for reporting marine mammal mortalities or injuries has been approved by OMB under OMB control number 0648–0292 (0.15 hours per report). These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these reporting burden estimates or any other aspect of the collections of information, including suggestions for reducing burden, to NMFS and OMB (see **ADDRESSES** and **SUPPLEMENTARY INFORMATION**).

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

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

An environmental assessment (EA) was prepared under the National Environmental Policy Act (NEPA) in 1995 and 2005. The 1995 EA examined the effects of regulations implementing section 118 of the 1994 Amendments of the MMPA on the affected environment. The 2005 EA analyzed the environmental impacts of continuing the existing scheme (as described in the 1995 EA) for classifying fisheries on the LOF. The 1995 EA and the 2005 EA concluded that implementation of MMPA section 118 regulations would not have a significant impact on the human environment. NMFS reviewed the 2005 EA in 2009. NMFS concluded that because there were no changes to the process used to develop the LOF and implement section 118 of the MMPA, there was no need to update the 2005 EA. NMFS initiated an EA for the LOF in 2013, but the assessment was never finalized because the no action alternative described in the 2005 EA is still the preferred alternative. This rule would not change NMFS' current process for classifying fisheries on the LOF; therefore, this rule is not expected to change the analysis or conclusion of the 2005 EA, and no update is needed. If NMFS takes a management action, for example, through the development of a TRP, NMFS would first prepare an environmental document, as required under NEPA, specific to that action.

This proposed rule would not affect species listed as threatened or endangered under the Endangered Species Act (ESA) or their associated critical habitat. The impacts of numerous fisheries have been analyzed in various biological opinions, and this rule will not affect the conclusions of those opinions. The classification of fisheries on the LOF is not considered to be a management action that would adversely affect threatened or endangered species. If NMFS takes a management action, for example, through the development of a TRP, NMFS would consult under ESA section 7 on that action.

This proposed rule would have no adverse impacts on marine mammals and may have a positive impact on marine mammals by improving knowledge of marine mammals and the fisheries interacting with marine mammals through information collected from observer programs, stranding and sighting data, or take reduction teams.

This proposed rule would not affect the land or water uses or natural resources of the coastal zone, as specified under section 307 of the Coastal Zone Management Act.

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Dated: August 19, 2014.

Samuel D. Rauch III,

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

[FR Doc. 2014–20159 Filed 8–22–14; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 79, No. 164

Monday, August 25, 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

Agricultural Marketing Service

[Doc. No.: AMS–DA–14–0065]

Request for an Extension Without Change to a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request approval from the Office of Management and Budget, for an extension without change to a currently approved information collection for the Regulations Governing the Inspection and Grading of Manufactured or Processed Dairy Products—Recordkeeping (Subpart B).

DATES: Comments received by October 24, 2014 will be considered.

Additional Information or Comments: Comments can be submitted via mail to Diane D. Lewis, Director, Dairy Grading and Standardization Division, Dairy Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2747–South Building, 1400 Independence Avenue SW., Washington, DC 20250–0230; Telephone: 202–690–0530, Fax: 202–720–2643, *Diane.Lewis@ams.usda.gov,* or online at *www.regulations.gov.*

SUPPLEMENTARY INFORMATION:

Title: Regulations Governing the Inspection and Grading of Manufactured or Processed Dairy Products—Record Keeping (Subpart B).

OMB Number: 0581–0110.

Expiration Date of Approval: March 31, 2015.

Type of Request: Extension without change to a currently approved information collection.

Abstract: The Agricultural Marketing Act (AMA) of 1946 (7 U.S.C. 1621 et seq.) directs the Department to develop programs which will provide for and facilitate the marketing of agricultural products. One of these programs is the USDA voluntary inspection and grading program for dairy products (7 CFR Part 58) where these dairy products are graded according to U.S. grade standards by a USDA grader. The dairy products under the dairy program may be identified with the USDA grade mark. Dairy processors, buyers, retailers, institutional users, and consumers have requested that such a program be developed to assure the uniform quality of dairy products purchased. In order for any service program to perform satisfactorily, there are regulations for the provider and user. For these reasons, the dairy inspection and grading program regulations were developed and issued under the authority of the Act. These regulations are essential to administer the program to meet the needs of the user and to carry out the purposes of the Act.

The information collection requirements in this request are essential to carry out the intent of the AMA to ensure that dairy products are produced under sanitary conditions and buyers are purchasing a quality product. In order for the General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service to serve the government, industry, and the consumer, laboratory test results must be recorded.

Respondents are not required to submit information to the agency. The records are to be evaluated by a USDA inspector at the time of an inspection. These records include quality tests of each producer, plant records of required tests and analysis, and starter and cheese make records. As an offsetting benefit, the records required by USDA are also records that are routinely used by the inspected facility for their own supervisory and quality control purposes.

Estimate of Burden: Public recordkeeping burden for this collection of information is estimated to average 2.85 hours per response.

Respondents: Dairy products manufacturing facilities.

Estimated Number of Respondents: 487.

Estimated Number of Annual Responses: 487.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 1388.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information 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 those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Diane D. Lewis, 1400 Independence Avenue SW., Room 2747–South, Washington, DC 20250–0230. All comments received will be available for public inspection during regular business hours at the same address.

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

Dated: August 20, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–20120 Filed 8–22–14; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–818]

Certain Pasta From Italy: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission; 2012–2013

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

SUMMARY: In response to requests from interested parties, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain

pasta (pasta) from Italy,[1] covering the period July 1, 2012, through June 30, 2013. The review covers 10 companies, two of which are mandatory respondents: Rummo S.p.A. Molino e Pastificio and its two affiliates (Rummo S.p.A., Lenta Lavorazione, and Pasta Castiglioni) (collectively, the Rummo Group), and Molino e Pastificio Tomasello S.p.A. (Tomasello). The remaining eight companies were not selected for individual examination.[2] We preliminarily determine that the Rummo Group made sales of subject merchandise at less than normal value during the period of review (POR), and that Tomasello did not.

In addition, as noted below, we are rescinding the review of Alica and Lensi. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* August 25, 2014.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore (Tomasello) or Cindy Robinson (the Rummo Group), AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3692 or (202) 482–3797, respectively.

Scope of the Order

Imports covered by the order are shipments of certain non-egg dry pasta. The merchandise subject to review is currently classifiable under items 1901.90.90.95 and 1902.19.20 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.[3]

Partial Rescission of the 2012–2013 Administrative Review

On November 26, 2013, and December 10, 2013, respectively, Lensi and Alica timely withdrew their requests for the 2012–2013 administrative review.[4] In accordance with 19 CFR 351.213(d)(1),[5] and consistent with our practice,[6] we are rescinding this review with respect to Alica and Lensi.

SUPPLEMENTARY INFORMATION:

Methodology

The Department conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Constructed export price or export price is calculated in accordance with section 772 of the Act. Normal Value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our preliminary results, *see* Preliminary Decision Memorandum dated concurrently with this notice and hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov,* and is available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of the Review

As a result of this review, we preliminarily determine the following weighted-average dumping margins for the period July 1, 2012, through June 30, 2013:

Producer and/or exporter [7]	Weighted-average dumping margin (percent)
Rummo S.p.A. Molino e Pastificio, Rummo S.p.A., Lenta Lavorazione, and Pasta Castiglioni (collectively the Rummo Group).	8.33.
Molino e Pastificio Tomasello S.p.A.	*de minimis.*
Dalla Costa Alimentare srl	8.33.
Delverde Industrie Alimentari S.p.A.	8.33.
Ghigi Industria Agroalimentare in San Clemente srl.	8.33.
Valdigrano di Flavio Pagani S.r.L.	8.33.
Pasta Zara S.p.A	8.33.
Pastificio Toscano srl	8.33.

[7] The margin for the non-selected companies was based on the calculated weighted-average margin of the Rummo Group (the sole mandatory respondent receiving an above *de minimis margin* in theses preliminary results). For further discussion, *see* the Preliminary Decision Memorandum at 12.

Assessment Rate

Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. If the weighted-average dumping margin for Tomasello or Rummo is not zero or *de minimis* (*i.e.,* less than 0.5 percent), we will calculate importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is not zero or *de minimis.* Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review where applicable.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. This clarification will apply to entries of subject merchandise

[1] *See Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Certain Pasta From Italy,* 61 FR 38547 (July 24, 1996).

[2] The eight companies are: Alica srl (Alica); Dalla Costa Alimentare srl; Delverde Industrie Alimentari S.p.A.; Ghigi Industria Agroalimentare in San Clemente srl; Pasta Lensi S.r.l (Lensi); Pasta Zara S.p.A.; Pastificio Toscano srl; Valdigrano di Flavio Pagani S.r.L.

[3] For a full description of the scope of the order, *see* the ''Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission: Certain Pasta from Italy; 2012–2013'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, dated concurrently with this notice (Preliminary Decision Memorandum).

[4] *See* Lensi's letter dated November 26, 2013, and Alica's letter dated December 10, 2013.

[5] In accordance with 19 CFR 351.213(d)(1), the Department will rescind an administrative review ''if a party that requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review.'' The instant review was initiated on August 28, 2013. Therefore, the deadline to withdraw review requests, which included 16 days for the tolling of all deadlines by reason of the government shutdown, was December 12, 2013. *See* Memorandum for the Record from Paul Piquado, Assistant Secretary for Enforcement and Compliance, regarding ''Deadlines Affected by the Shutdown of the Federal Government'' (October 18, 2013). Thus, Alica's and Lensi's withdrawal requests are timely.

[6] *See, e.g., Brass Sheet and Strip from Germany: Notice of Rescission of Antidumping Duty Administrative Review,* 73 FR 49170 (August 20, 2008); *see also Certain Lined Paper Products from India: Notice of Partial Rescission of Antidumping Duty Administrative Review and Extension of Time Limit for the Preliminary Results of Antidumping Duty Administrative Review,* 74 FR 21781 (May 11, 2009).

during the POR produced by each respondent for which they did not know that their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for respondents noted above will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 15.45 percent, the all-others rate established in the antidumping investigation as modified by the section 129 determination.[8] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

The Department will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.[9] Pursuant to 19 CFR 351.309(c), interested parties may submit cases briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[10] Parties who submit comments are requested to submit: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. All briefs must be filed electronically using IA ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, using Enforcement and Compliance's IA ACCESS system within 30 days of publication of this notice.[11] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined.[12] Parties should confirm by telephone the date, time, and location of the hearing.

Unless the deadline is extended pursuant to section 751(a)(2)(B)(iv) of the Act, the Department will issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their case briefs, within 120 days after issuance of these preliminary results.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and increase the subsequent assessment of the antidumping duties by the amount of antidumping duties reimbursed.

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 18, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

1. Background
2. Scope of the Order
3. Discussion of Methodology

[FR Doc. 2014–20152 Filed 8–22–14; 8:45 am]

BILLING CODE 3510–DS–P

[8] *See Implementation of the Findings of the WTO Panel in US—Zeroing (EC): Notice of Determinations Under Section 129 of the Uruguay Round Agreements Act and Revocations and Partial Revocations of Certain Antidumping Duty Orders,* 72 FR 25261 (May 4, 2007).

[9] *See* 19 CFR 351.224(b).

[10] *See* 19 CFR 351.309(d).

[11] *See* 19 CFR 351.310(c).

[12] *See* 19 CFR 351.310.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–825]

Polyethylene Terephthalate Film, Sheet, and Strip From India: Preliminary Results and Partial Recission of Countervailing Duty Administrative Review; 2012

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review under the countervailing duty (CVD) order on polyethylene terephthalate film, sheet and strip (PET film) from India for the period of review (POR) January 1, 2012, through December 31, 2012. We preliminarily determine that SRF Limited (SRF) and Jindal Poly Films Limited of India (Jindal) received countervailable subsidies during the POR. *See* the ''Preliminary Results of Review'' section, below. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* August 25, 2014.

FOR FURTHER INFORMATION CONTACT: Elfi Blum or Myrna Lobo, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0197 or (202) 482–2371, respectively.

Scope of the Order

For purposes of the order, the products covered are all gauges of raw, pretreated, or primed polyethylene terephthalate film, sheet and strip, whether extruded or coextruded.

Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer of more than 0.00001 inches thick. Imports of PET film are classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 3920.62.00.90. HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the order is dispositive.

Partial Rescission of Administrative Review

On August 28, 2013, the Department initiated a review of eight companies in this proceeding.[1] On December 12, 2013, Petitioners and SRF timely withdrew their requests for review. On the same date, Polyplex USA and Flex USA (domestic interested parties) timely withdrew their requests for reviews of all companies except Jindal and SRF.

On December 18, 2013, Jindal and SRF filed a request with the Department to reject Polyplex USA's and Flex USA's review requests in both the antidumping duty and CVD proceedings because, they alleged, the requestors did not have standing to request a review for the current PORs. The Department made an interested party determination on March 20, 2014, concluding that Polyplex USA and Flex USA were eligible to request administrative reviews for this proceeding.[2]

As Petitioners', Polyplex USA's, and Flex USA's review and withdrawal requests were timely filed, we are rescinding this administrative review with respect to Polyplex, Garware, Ester, Uflex, MTZ, and Vacmet (pursuant to 19 CFR 351.213(d)(1)), and proceeding with the reviews of Jindal and SRF.

Methodology

The Department conducted this review in accordance with section 751(a)(l)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[3] For a full description of the methodology underlying our conclusions, *see* the Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, titled Decision Memorandum for the Preliminary Results of Countervailing Duty (CVD) Administrative Review: Polyethylene Terephthalate Film, Sheet and Strip from India (Preliminary Decision Memorandum), dated concurrently with these preliminary results and hereby adopted by this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov,* and is available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

We determine the total estimated net countervailable subsidy rates for the period January 1, 2012, through December 31, 2012 to be:

Company	Subsidy rate (%)
SRF Limited	2.08
Jindal Poly Films Limited	8.36

Assessment Rates and Cash Deposit Requirements

In accordance with 19 CFR 351.221(b)(4)(i), the Department assigned a subsidy rate for each producer/exporter subject to this administrative review. If these preliminary results are adopted in the final results of this review, 15 days after publication of the final results of this review the Department intends to instruct U.S. Customs and Border Protection (CBP) to liquidate shipments of subject merchandise produced and/or exported by SRF and Jindal, entered or withdrawn from warehouse, for consumption from January 1, 2012, through December 31, 2012, at 2.08 percent *ad valorem* and 8.36 percent *ad valorem,* respectively, of the entered value.

The Department intends also to instruct CBP to collect cash deposits of estimated CVDs at the rate of 2.08 percent *ad valorem* and 8.36 percent *ad valorem,* respectively, of the entered value on shipments of the subject merchandise produced and/or exported by SRF and Jindal, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.[4] We intend to instruct CBP to continue to collect cash deposits for non-reviewed companies at the applicable company-specific CVD rate for the most recent period or all-others rate established in the investigation. These cash deposit rates, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

The Department will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.[5] Interested parties may submit written comments (case briefs) within 30 days of publication of the preliminary results and rebuttal comments (rebuttal briefs) within five days after the time limit for filing case briefs.[6] Rebuttal briefs must be limited to issues raised in the case briefs.[7] Parties who submit case or rebuttal briefs are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[8]

Interested parties who wish to request a hearing, or to participate if one is requested, must do so within 30 days of publication of these preliminary results by submitting a written request to the Assistant Secretary for Enforcement and

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocations in Part,* 78 FR 53128 (August 28, 2013). The eight companies were Ester Industries (Ester), Garware Polyester Ltd. (Garware), Jindal, MTZ Polyesters Ltd. (MTZ), Polyplex Corporation Ltd. (Polyplex), SRF, Uflex Limited (Uflex), and Vacmet. DuPont Teijin Films, Mitsubishi Polyester Film, Inc., and SKC, Inc. (collectively Petitioners) requested a review for six companies (Ester, Garware, Polyplex, SRF, Jindal, and Vacmet). Polyplex, USA LLC (Polyplex USA) and Flex Films (USA) Inc. (Flex USA) requested a review for eight companies (SRF, Jindal, Polyplex, Garware, Ester, Uflex, MTZ, and Vacmet). In addition, SRF self-requested an administrative review.

[2] *See* Memorandum to Edward Yang, Director AD/CVD Operations, Office VII, Enforcement and Compliance re: Interested Party Status in the Antidumping Duty (AD) and Countervailing Duty (CVD) Administrative Reviews: Polyethylene Terephthalate Film, Sheet, and Strip (PET film) from India; 2012–2013 (March, 20, 2013).

[3] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[4] *See* section 751(a)(2)(C) of the Act.

[5] *See* 19 CFR 351.224(b).

[6] *See* 19 CFR 351.309(c)(l)(ii) and 351.309(d)(l).

[7] *See* 19 CFR 351.309(d)(2).

[8] *See* 19 CFR 351.309(c)(2) and (d)(2).

Compliance, U.S. Department of Commerce, using Enforcement and Compliance's IA ACCESS system.[9] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined.[10] Parties should confirm by telephone the date, time, and location of the hearing. Issues addressed at the hearing will be limited to those raised in the briefs.[11] All briefs and hearing requests must be filed electronically and received successfully in their entirety through IA ACCESS by 5:00 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 75l(a)(3)(A) of the Act, the Department will issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after issuance of these preliminary results.

These preliminary results of review are issued and published in accordance with sections 75l(a)(l) and 777(i)(l) of the Act and 19 CFR 351.221(b)(4).

Dated: August 18, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

1. Background
2. Scope of the Order
3. Partial Rescission of Administrative Review
4. Subsidies Valuation
5. Analysis of Programs

[FR Doc. 2014–20154 Filed 8–22–14; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–819]

Certain Pasta From Italy: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review; 2012

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty (CVD) order on certain pasta (pasta) from Italy. The period of review (POR) is January 1, 2012, through December 31, 2012. This review covers two exporters/producers of the subject merchandise, DeMatteis Agroalimentare S.p.A. (DeMatteis) (also known as, ''DeMatteis Agroalimentare SpA'') and Fratelli DeCecco di Filippo Fara San Martino S.p.A. (DeCecco) (also known as ''F.lli De Cecco di Filippo Fara San Martino S.p.A.''), as mandatory company-respondents. We preliminarily find that DeMatteis received countervailable subsidies during the POR, and that DeCecco received *de minimis* countervailable subsidies during the POR. The Department is also rescinding the review of one company, Delverde Industrie Alimentari S.p.A., which timely withdrew its request for review. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* August 25, 2014.

FOR FURTHER INFORMATION CONTACT: Sergio Balbontin or Joshua Morris, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6478 or (202) 482–1779, respectively.

Scope of the Order

The scope of the order consists of certain pasta from Italy. The merchandise subject to the order is currently classifiable under items 1901.90.90.95 and 1902.19.20 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive. A full description of the scope of the order is contained in the ''Decision Memorandum for Preliminary Results of Countervailing Duty Administrative Review: Certain Pasta from Italy,'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, dated August 18, 2014 (Preliminary Decision Memorandum), and hereby adopted by this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://trade.gov/enforcement/*. The signed and electronic versions of the Preliminary Decision Memorandum are identical in content. A list of topics discussed in the Preliminary Decision Memorandum is provided in the Appendix to this notice.

Partial Rescission of the 2012 Administrative Review

In accordance with 19 CFR 351.213(d)(1), the Department will rescind an administrative review ''if a party that requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review.'' The notice of initiation of the instant review was published on August 28, 2013.[1]

On December 11, 2013, Delverde Industrie Alimentari S.p.A. (Delverde) timely withdrew its request for review of itself.[2] Because no other interested party requested a review of Delverde, we are rescinding the review with respect to Delverde in accordance with 19 CFR 351.213(d)(1).

Methodology

The Department is conducting this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). A full description of the methodology underlying our conclusions is presented in the Preliminary Decision Memorandum.

In making these findings, we relied, in part, on an adverse inference in selecting from among the facts otherwise available because the Government of Italy did not act to the best of its ability to respond to the Department's requests for information regarding certain programs.[3] For further discussion, *see* Preliminary Decision Memorandum at ''Use of Facts Otherwise Available and Adverse Inferences.''

Finally, the Department was not able to make a preliminary determination concerning countervailability for certain programs because it requires additional

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[9] *See* 19 CFR 351.310(c).

[10] *See* 19 CFR 351.310.

[11] *See* 19 CFR 351.310(c).

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 53128, 53130–31 (August 28, 2013).

[2] As explained in the Preliminary Decision Memorandum, all deadlines in this administrative review were tolled by 16 days. Therefore, the deadline to withdraw review requests was December 12, 2013.

[3] *See* sections 776(a) and (b) of the Act.

information. *See* Preliminary Decision Memorandum at ''Analysis of Programs—B. Programs For Which More Information Is Required.'' We intend to seek that information prior to our final results and to issue post-preliminary analysis once we have an opportunity to review that information.

Preliminary Results of the Review

In accordance with section 751(a) of the Act and 19 CFR 351.221(b)(4)(i), we calculated individual subsidy rates for the mandatory respondents, DeCecco and DeMatteis.

Three respondents were not selected for individual review: Ghigi Industria Agroalimentare in San Clemente srl, Pasta Granoro S.r.L. (also known as, ''Pastifico Attilio Mastromauro Granoro S.r.L''), and Valdigrano di Flavio Pagani S.r.L. For those non-selected respondents, we applied a subsidy rate based on an average of the subsidy rates calculated for those companies selected for individual review (*i.e.,* the mandatory respondents), excluding zero and *de minimis* rates and rates based entirely on facts available.[4] Therefore, we preliminarily assigned to these companies the CVD rate calculated for DeMatteis because DeCecco received *de minimis* countervailable subsidies. Consistent with past practice, we did not calculate an individual rate for Agritalia S.r.L. (Agritalia) because a review was not requested for Agritalia. Thus, Agritalia's most recent export-specific rate remains in effect.[5] Agritalia was only asked to participate in this review because of the possible effect of subsidies it received on DeMatteis. Consistent with our past practice in this proceeding, we preliminarily find that Agritalia did not receive any subsidies which affected DeMatteis' rate. However, we intend to reexamine this approach before the final determination in this review and, therefore, we invite parties to comment on the treatment of subsidies to Agritalia in connection with the calculation of DeMatteis' rate in this administrative review. Comments regarding this issue are due no later than 14 days after the publication of this notice.

We preliminarily find the net subsidy rate for the producers/exporters under review to be as follows:

Producer/Exporter	Net subsidy rate
DeMatteis Agroalimentare S.p.A. (also known as, ''De Matteis Agroalimentare SpA'')	0.96
Fratelli DeCecco di Filippo Fara San Martino S.p.A. (also known as, ''F.lli De Cecco di Filippo Fara San Martino S.p.A.'')	*0.18
Ghigi Industria Agroalimentare in San Clemente srl	0.96
Pasta Granoro S.r.L. (also known as, ''Pastifico Attilio Mastromauro Granoro S.r.L'')	0.96
Valdigrano di Flavio Pagani S.r.L	0.96

**de minimis.*

Disclosure and Public Comment

The Department will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within 10 days of the date of public announcement of these preliminary results.[6] Due to the anticipated timing of the release of post-preliminary analysis memoranda, interested parties may submit written comments (case briefs) for this administrative review no later than one week after the issuance of the last post-preliminary analysis memorandum, and rebuttal comments (rebuttal briefs) within five days after the time limit for filing case briefs.[7] Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice.[8] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined.[9] Parties should confirm by telephone the date, time, and location of the hearing.

Parties are reminded that briefs and hearing requests are to be filed electronically using IA ACCESS and that electronically filed documents must be received successfully in their entirety by 5 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, the Department intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after publication of these preliminary results.

Assessment Rates

For the rescinded company, CVDs shall be assessed at rates equal to the cash deposit of estimated CVDs required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2012, through December 31, 2012, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to U.S. Customs and Border Protection (CBP) 15 days after publication of this notice.

For the other reviewed companies, consistent with section 751(a)(1) of the Act, upon issuance of the final results, the Department shall determine, and CBP shall assess, CVDs on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

Also in accordance with section 751(a)(1) of the Act, the Department intends to instruct CBP to collect cash deposits of estimated CVDs in amounts shown above for each of the respective companies should the final results

[4] *See, e.g., Certain Pasta From Italy: Preliminary Results of the 13th (2008) Countervailing Duty Administrative Review,* 75 FR 18806, 18811 (April 13, 2010), unchanged in *Certain Pasta from Italy: Final Results of the 13th (2008) Countervailing Duty Administrative Review,* 75 FR 37386 (June 29, 2010).

[5] *See, e.g., Certain Pasta from Italy: Preliminary Results of the Tenth Countervailing Duty Administrative Review,* 72 FR 43616, 43622 (August 2, 2007), unchanged in *Certain Pasta From Italy: Final Results of the Tenth (2005) Countervailing Duty Administrative Review,* 73 FR 7251–7252 (February 7, 2008). Agritalia is a trading company through which some of DeMatteis' subject merchandise was sold to the United States during the POR. It is not affiliated with DeMatteis.

[6] *See* 19 CFR 351.224(b).

[7] *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1).

[8] *See* 19 CFR 351.310(c).

[9] *See* 19 CFR 351.310.

remain the same as these preliminary results. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most recent company-specific or all-others rate applicable to the company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

These preliminary results of administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213 and 351.221(b)(4).

Dated: August 18, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Use of Facts Otherwise Available and Adverse Inferences
V. Subsidies Valuation Information
VI. Analysis of Programs
VII. Recommendation

[FR Doc. 2014–20153 Filed 8–22–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–824]

Polyethylene Terephthalate Film, Sheet, and Strip From India: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2012–2013

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty (AD) order on polyethylene terephthalate film, sheet, and strip (PET Film) from India. The period of review (POR) is July 1, 2012, through June 30, 2013. This review covers respondents Jindal Poly Films Limited (Jindal) and SRF Limited (SRF). The Department preliminarily determines that Jindal did, and that SRF did not, make sales of subject merchandise at prices below normal value (NV) during the POR. The preliminary results are listed below in the section titled ''Preliminary Results of Review.'' Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* August 25, 2014.

FOR FURTHER INFORMATION CONTACT: Toni Page at (202) 482–1398; AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the order is polyethylene terephthalate film, sheet, and strip. The PET Film subject to the order is currently classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheading is provided for convenience and customs purposes. A full description of the scope of the order is contained in the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Polyethylene Terephthalate Film, Sheet, and Strip from India; 2012–2013 Administrative Review'' (Preliminary Decision Memorandum), which is hereby adopted by this notice. The written description is dispositive.

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). Access to IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and is available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Partial Rescission of Administrative Review

On August 28, 2013, the Department initiated a review of eight companies in this proceeding.[1] On December 12, 2013, Petitioners timely withdrew their requests for all companies except Jindal. On the same date, SRF and Jindal timely withdrew their self-requested reviews. On the same date, Polyplex USA and Flex USA (domestic interested parties) timely withdrew their requests for reviews of all companies except Jindal and SRF.

On December 18, 2013, Jindal and SRF filed a request with the Department to reject Polyplex USA's and Flex USA's review requests in both the AD and the countervailing duty proceedings because, they alleged, the requestors did not have standing to request a review for the current PORs. The Department made an interested party determination on March 20, 2014, concluding that Polyplex USA and Flex USA were eligible to request administrative reviews for this proceeding.[2]

Because Petitioners', Polyplex USA's, and Flex USA's withdrawal requests were timely filed, we are rescinding this administrative review with respect to Polyplex, Garware, Ester, Uflex, MTZ, and Vacmet, and proceeding with the review of Jindal and SRF.[3]

Methodology

The Department conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following weighted-average dumping margins for the period July 1, 2012, through June 30, 2013.

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[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocations in Part,* 78 FR 53128 (August 28, 2013). The eight companies were Ester Industries (Ester), Garware Polyester Ltd. (Garware), Jindal, MTZ Polyesters Ltd. (MTZ), Polyplex Corporation Ltd. (Polyplex), SRF, Uflex Limited (Uflex), and Vacmet. DuPont Teijin Films, Mitsubishi Polyester Film, Inc., and SKC, Inc. (collectively Petitioners) requested a review for six companies (Ester, Garware, Polyplex, SRF, Jindal, and Vacmet). Polyplex, USA LLC (Polyplex USA) and Flex Films (USA) Inc. (Flex USA) requested a review for eight companies (SRF, Jindal, Polyplex, Garware, Ester, Uflex, MTZ, and Vacmet). In addition, Jindal and SRF self-requested administrative reviews.

[2] *See* Memorandum to Edward Yang, Director AD/CVD Operations, Office VII, Enforcement and Compliance re: Interested Party Status in the Antidumping Duty (AD) and Countervailing Duty (CVD) Administrative Reviews: Polyethylene Terephthalate Film, Sheet, and Strip (PET film) from India; 2012–2013 (March 20, 2013).

[3] *See* 19 CFR 351.213(d)(1).

Manufacturer/exporter	Weighted-average margin (%)
Jindal Poly Films Limited	1.57
SRF Limited	0.00

Disclosure and Public Comment

The Department will disclose to interested parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice.[4] Pursuant to 19 CFR 351.309(c), interested parties may submit cases briefs no later than 30 days after the date of publication of this notice.[5] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[6] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[7] Case and rebuttal briefs should be filed using IA ACCESS.[8] In order to be properly filed, IA ACCESS must successfully receive an electronically-filed document in its entirety by 5 p.m. Eastern Time.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via IA ACCESS, within 30 days after the date of publication of this notice.[9] Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs.

The Department will issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act, unless that time is extended.

Assessment Rates

Upon completion of the administrative review, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries in accordance with 19 CFR 351.212(b)(1). We intend to issue instructions to CBP 15 days after the date of publication of the final results of this review.

If Jindal's or SRF's weighted-average dumping margins are not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we will calculate an importer-specific assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). Where the respondents' weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of PET Film from India entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the company under review will be the rate established in the final results of this review (except, if the rate is zero or *de minimis, i.e.,* less than 0.5 percent, no cash deposit will be required); (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate will be the all others rate for this proceeding, 5.71 percent. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Interested Parties

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 18, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Partial Rescission
4. Scope of the Order
5. Comparisons to Normal Value
6. Product Comparisons
7. Date of Sale
8. Export Price
9. Normal Value
10. Currency Conversion
11. Recommendation

[FR Doc. 2014–20155 Filed 8–22–14; 8:45 am]

BILLING CODE 3510–DS–P

[4] *See* 19 CFR 351.224(b).

[5] *See* 19 CFR 351.309(c)(ii).

[6] *See* 19 CFR 351.309(d).

[7] *See* 19 CFR 351.309(c)(2) and (d)(2).

[8] *See* 19 CFR 351.303.

[9] *See* 19 CFR 351.310(c).

DEPARTMENT OF COMMERCE

International Trade Administration

Civil Nuclear Trade Advisory Committee Meeting

AGENCY: International Trade Administration, DOC.

ACTION: Notice of federal advisory committee meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the Civil Nuclear Trade Advisory Committee (CINTAC).

DATES: The meeting is scheduled for Thursday, September 4, 2014, at 9:00 a.m. Eastern Daylight Time (EDT).

ADDRESSES: The meeting will be held in Room 4830, U.S. Department of Commerce, Herbert Clark Hoover Building, 1401 Constitution Ave. NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan Chesebro, Office of Energy & Environmental Industries, ITA, Room 4053, 1401 Constitution Ave. NW., Washington, DC 20230. (Phone: 202–482–1297; Fax: 202–482–5665; email: *jonathan.chesebro@trade.gov*).

SUPPLEMENTARY INFORMATION:

Background: The CINTAC was established under the discretionary authority of the Secretary of Commerce and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), in response to an identified need for consensus advice from U.S. industry to the U.S. Government regarding the

development and administration of programs to expand United States exports of civil nuclear goods and services in accordance with applicable U.S. laws and regulations, including advice on how U.S. civil nuclear goods and services export policies, programs, and activities will affect the U.S. civil nuclear industry's competitiveness and ability to participate in the international market.

Topics to be considered: The agenda for the Thursday, September 4, 2014 CINTAC meeting is as follows:

9 a.m.–4 p.m.

1. International Trade Administration's Civil Nuclear Trade Initiative Update
2. Civil Nuclear Trade Promotion Activities Discussion
3. Public comment period

The meeting will be disabled-accessible. Public seating is limited and available on a first-come, first-served basis. Members of the public wishing to attend the meeting must notify Mr. Jonathan Chesebro at the contact information below by 5 p.m. EDT on Friday, August 29, 2014 in order to pre-register for clearance into the building. Please specify any requests for reasonable accommodation at least five business days in advance of the meeting. Last minute requests will be accepted, but may be impossible to fill.

A limited amount of time will be available for pertinent brief oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of 30 minutes. Individuals wishing to reserve speaking time during the meeting must contact Mr. Chesebro and submit a brief statement of the general nature of the comments and the name and address of the proposed participant by 5 p.m. EDT on Friday, August 29, 2014. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, ITA may conduct a lottery to determine the speakers. Speakers are requested to bring at least 20 copies of their oral comments for distribution to the participants and public at the meeting.

Any member of the public may submit pertinent written comments concerning the CINTAC's affairs at any time before and after the meeting. Comments may be submitted to the Civil Nuclear Trade Advisory Committee, Office of Energy & Environmental Industries, Room 4053, 1401 Constitution Ave. NW., Washington, DC 20230. For consideration during the meeting, and to ensure transmission to the Committee prior to the meeting, comments must be received no later than 5:00 p.m. EDT on August 29, 2014. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of CINTAC meeting minutes will be available within 90 days of the meeting.

Dated: August 20, 2014.

Jonathan Chesebro,

Energy Team Leader, Office of Energy and Environmental Industries (Acting).

[FR Doc. 2014–20167 Filed 8–22–14; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Reestablishment of the Renewable Energy and Energy Efficiency Advisory Committee and Solicitation of Nominations for Membership; Amendment

AGENCY: Renewable Energy and Energy Efficiency Advisory Committee: International Trade Administration, Department of Commerce.

ACTION: Notice of Reestablishment of the Renewable Energy and Energy Efficiency Advisory Committee and Solicitation of Nominations for Membership; Amendment.

SUMMARY: This notice amends the Department of Commerce, International Trade Administration Notice of Reestablishment of the Renewable Energy and Energy Efficiency Advisory Committee (the Committee) and Solicitation of Nominations for Membership of June 23, 2014 (79 FR 35524) to revise the eligibility criteria to permit federally-registered lobbyists to apply for membership on the Committee. The Department of Commerce recently revised its policy regarding appointment of federally-registered lobbyists to Department advisory committees following a policy clarification by the Office of Management and Budget that the eligibility restriction does not apply to advisory committee members who serve in a representative capacity (see 79 FR 47482). Notwithstanding the language in the Committee charter, the Secretary of Commerce (the Secretary) will now consider nominations of federally-registered lobbyists for appointment on the Committee. We are in the process of amending the charter. This notice also extends the deadline for submitting applications to August 29, 2014. All other eligibility criteria continue to apply.

In June 2014, the Department of Commerce reestablished the Committee. The Committee advises the Secretary regarding the development and administration of programs and policies to expand the competitiveness of U.S. exports of renewable energy and energy efficiency goods and services, in accordance with applicable United States regulations. The Committee's work on energy efficiency focuses on technologies, services, and platforms that provide system-level energy efficiency to electricity generation, transmission, and distribution. These include smart grid technologies and services, as well as equipment and systems that increase the resiliency of power infrastructure. For the purposes of this Committee, covered goods and services will not include vehicles, feedstock for biofuels, or energy efficiency at it relates to consumer goods. Non-fossil fuels that are considered renewable fuels (e.g., liquid biofuels and pellets) are included.

DATES: Nominations must be received on or before 4 p.m. Eastern Daylight Time (EDT) on August 29, 2014.

FOR FURTHER INFORMATION CONTACT: Ryan Mulholland, Office of Energy & Environmental Industries, Room 4053, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; phone 202–482–4693; fax 202–482–5665; email *Ryan.Mulholland@trade.gov.*

SUPPLEMENTARY INFORMATION: As announced previously, pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App., the Department of Commerce reestablished the Committee on June 12, 2014 for a period of two years.

The Committee consists of approximately 35 members appointed by the Secretary in accordance with applicable Department of Commerce guidance and based on their ability to carry out the objectives of the Committee. Members represent U.S. companies, U.S. trade associations, and U.S. private sector organizations with activities focused on the export competitiveness of U.S. renewable energy and energy efficiency goods and services. In selecting members, Commerce considers whether the members reflect the diversity of this sector, including in terms of entity or organization size, geographic location, and subsector represented, and represent the diversity of company or organizational roles in the development of renewable energy and energy efficiency projects, including project

developers, technology integrators, financial institutions, and manufacturers. The Secretary appoints to the Committee at least one individual representing each of the following:

a. A U.S. renewable energy company involved in international trade;

b. A U.S. energy efficiency company involved in international trade;

c. A U.S. small business in the renewable energy or energy efficiency industry that is involved in international trade;

d. A U.S. trade association in the renewable energy or energy efficiency sector;

e. A U.S. private sector organization involved with international investment or financing activities concerning the international trade of renewable energy and energy efficiency products and services;

f. A U.S. company or organization involved with business activities concerning the development of renewable energy and energy efficiency projects in international markets; and

g. A U.S. smart grid company or organization with technology or services that improve the reliability, efficiency, and/or security of the electric grid and involved in international trade.

Members serve at the pleasure of the Secretary from the date of appointment to the Committee to the date on which the Committee's charter terminates, June 12, 2016. Members, all of whom come from the private sector, serve in a representative capacity presenting the views and interests of a U.S. entity or U.S. organization, as well as their particular subsector. They are, therefore, not Special Government Employees. Members will not be compensated for their services or reimbursed for their travel expenses.

Additional information on the Committee is available at: *http://export.gov/reee/eg_main_023040.asp.*

Eligibility and Nomination Process:

The following eligibility requirements must be met:

i. The member must represent either a U.S. company, a U.S. trade association, or a U.S. private sector organization with activities focused on the competitiveness of U.S. exports of renewable energy and energy efficiency goods and services;

ii. The member must not be registered as foreign agent under the Foreign Agents Registration Act; and

iii. The member must not represent a company that is majority owned or controlled by a foreign government entity or foreign government entities.

In order to be considered for membership on the Committee, please follow the instructions in the Nominations section.

Nominations: If you are interested in applying or nominating someone else to be a member of the Committee, please provide the following information:

(1) Sponsor letter on the company's, trade association's or organization's letterhead containing the name, title, and relevant contact information (including phone, fax, and email address) of the individual requesting consideration;

(2) An affirmative statement that the nominee will be able to meet the expected time commitments of Committee work. Committee work includes (1) attending in-person committee meetings roughly four times per year (lasting one day each), (2) undertaking additional work outside of full committee meetings including subcommittee conference calls or meetings as needed, and (3) frequently drafting, preparing, or commenting on proposed recommendations to be evaluated at Committee meetings;

(3) Short biography of nominee, including credentials;

(4) Brief description of the company, trade association, or organization to be represented and its business activities; company size (number of employees and annual sales); and export markets served;

(5) An affirmative statement that the nominee meets all Committee eligibility requirements. Please do not send company, trade association, or organization brochures or any other information.

Nominations may be emailed to *Ryan.Mulholland@trade.gov,* faxed to the attention of Ryan Mulholland at 202–482–5665, or mailed to Ryan Mulholland, Office of Energy & Environmental Industries, Room 4053, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, and must be received by 4:00 p.m. EDT on August 29, 2014. Nominees selected for appointment to the Committee will be notified by return mail.

Dated: August 19, 2014.

Ryan P. Mulholland,

Acting Team Leader for Environmental Industries.

[FR Doc. 2014–20149 Filed 8–22–14; 8:45 am]

BILLING CODE 3510–DSR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Protocol for Access to Tissue Specimen Samples From the National Marine Mammal Tissue Bank

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before October 24, 2014.

ADDRESSES: Direct all written comments Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Angela Collins-Payne, (301) 427–8438 or *Angela.Collins-Payne@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a current information collection.

In 1989, the National Marine Mammal Tissue Bank (NMMTB) was established by the National Marine Fisheries Service (NMFS) Office of Protected Resources (OPR) in collaboration with the National Institute of Standards and Technology (NIST), Minerals Management Service (MMS), and the U.S. Geological Survey/Biological Resources Division (USGS/BRD). The NMMTB provides protocols, techniques, and physical facilities for the long-term storage of tissues from marine mammals. Scientists can request tissues from this repository for retrospective analyses to determine environmental trends of contaminants and other substances of interest. The NMMTB collects, processes, and stores tissues

from specific indicator species (e.g., Atlantic bottlenose dolphins, Atlantic white sided dolphins, pilot whales, harbor porpoises), animals from mass strandings, animals that have been obtained incidental to commercial fisheries, animals taken for subsistence purposes, biopsies, and animals from unusual mortality events through two projects, the Marine Mammal Health and Stranding Response Program (MMHSRP) and the Alaska Marine Mammal Tissue Archival Project (AMMTAP).

The purposes of this collection of information are: (1) To enable NOAA to allow the scientific community the opportunity to request tissue specimen samples from the NMMTB and, (2) to enable the Marine Mammal Health and Stranding Response Program of NOAA to assemble information on all specimens submitted to the Marine Environmental Specimen Bank (Marine ESB), which includes the NMMTB.

II. Method of Collection

Respondents must complete a specimen banking information sheet for every sample submitted to the Bank. Methods of submitting reports include Internet, mail and facsimile transmission of paper forms. Those requesting samples send the information, and their research findings, mainly via email.

III. Data

OMB Control Number: 0648–0468.

Form Number: None.

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

Affected Public: Not-for-profit institutions; individuals or households; business or other for-profit organizations.

Estimated Number of Respondents: 50.

Estimated Time per Response: Request for tissue sample, 2 hours; specimen submission form, 45 minutes.

Estimated Total Annual Burden Hours: 155.

Estimated Total Annual Cost to Public: $152.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: August 19, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–20042 Filed 8–22–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD432

Fisheries of the Gulf of Mexico and South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meetings

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

ACTION: Notice of SEDAR 39 assessment Webinars for HMS Smoothhound Sharks.

SUMMARY: The SEDAR 39 assessment of HMS Smoothhound Sharks will consist of a series of Webinars. This notice is for the Webinars associated with the Assessment portion of the SEDAR process. See **SUPPLEMENTARY INFORMATION**.

DATES: The assessment Webinars for SEDAR 39 will be held on Wednesday, September 10, 2014, 1 p.m. to 3 p.m. central time; Thursday, October 16, 2014, 1 p.m. to 3 p.m. central time; Friday, October 31, 2014, 10 a.m. to 12 p.m. central time; Thursday, November 13, 2014, 1 p.m. to 3 p.m. central time; and Wednesday, December 3, 2014, 1 p.m. to 3 p.m. central time.

ADDRESSES:

Meeting address: The meetings will be held via Webinar. The Webinar is open to the public. Those interested in participating should contact Julie A. Neer at SEDAR (see Contact Information below) to request an invitation providing Webinar access information. Please request Webinar invitations at least 24 hours in advance of each Webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; telephone: (843) 571–4366; email: *julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop; and (2) a series of assessment Webinars; and (3) Review Workshop. The product of the Data Workshop is a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Webinar Process is a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses; and describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Assessment Process Webinars are as follows:

1. Using datasets and initial assessment analysis recommended from the Data Workshop, panelists will employ assessment models to evaluate stock status, estimate population

benchmarks and management criteria, and project future conditions.

2. Panelists will recommend the most appropriate methods and configurations for determining stock status and estimating population parameters.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically 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 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 the Council office (see **ADDRESSES**) at least 10 business 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: August 20, 2014.

William D. Chappell,

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

[FR Doc. 2014–20104 Filed 8–22–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD454

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 41 post Data Workshop webinar II and Pre-Assessment webinar for South Atlantic red snapper and gray triggerfish.

SUMMARY: The SEDAR 41 assessments of the South Atlantic stocks of red snapper and gray triggerfish will consist of a series of workshops and webinars: A Data Workshop; an Assessment Workshop; and a Review Workshop.

DATES: A SEDAR 41 post Data Workshop webinar II will be held on Thursday, September 11, 2014 from 9 a.m. until 1 p.m. A SEDAR 41 Pre-Assessment webinar will be held on Friday, September 26, 2014 from 9 a.m. until 1 p.m.

ADDRESSES: The meetings will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julia Byrd at SEDAR (see **FOR FURTHER INFORMATION CONTACT** below) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julia Byrd, SEDAR Coordinator; telephone: (843) 571–4366; email: *julia.byrd@safmc.net*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the post Data Workshop and Pre-Assessment webinar are as follows:

Participants will finalize data recommendations from the Data Workshop and provide early modeling advice.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically 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 intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SEDAR office (see **ADDRESSES**) at least 10 business 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: August 20, 2014.

William D. Chappell,

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

[FR Doc. 2014–20105 Filed 8–22–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD452

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 Advisory Panel 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 Monday, September 8, 2014 at 10:30 a.m.

ADDRESSES:

Meeting Address: The meeting will be held at the Hilton Garden Inn, One Thurber Street, Warwick, RI 02886; telephone: (401) 734–9600; fax: (401) 734–9700.

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 Advisory Panel will meet to consider Acceptable Biological Catches recommended by the Scientific and Statistical Committee and advice from the Whiting Plan Development Team. The Advisory Panel will discuss and develop recommendations for management measure adjustments to be included in a 2015–17 Specifications Document.

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

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to 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: August 19, 2014.

William D. Chappell,

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

[FR Doc. 2014–20035 Filed 8–22–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD453

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 Oversight 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 Tuesday, September 9, 2014 at 9 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the Hilton Garden Inn, One Thurber Street, Warwick, RI 02886; telephone: (401) 734–9600; fax: (401) 734–9700.

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 Oversight Committee will consider Scientific and Statistical Committee recommendations, Advisory Panel recommendations and Plan Development Team advice to identify and recommend management adjustments in a Specifications document to be approved by the Council in November 2014 and to become effective for the 2015–17 fishing years.

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

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to 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: August 19, 2014.

William D. Chappell,

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

[FR Doc. 2014–20036 Filed 8–22–14; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC645

Taking of Threatened or Endangered Marine Mammals Incidental to Commercial Fishing Operations; Modification of Permit

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

ACTION: Notice; request for comments.

SUMMARY: NMFS is proposing to issue an amended permit to authorize the incidental, but not intentional, take of two stocks of marine mammals listed as threatened or endangered under the Endangered Species Act (ESA), under section 101(a)(5)(E) of the Marine Mammal Protection Act (MMPA), by the California (CA) thresher shark/swordfish drift gillnet fishery (≥14 in mesh) and the Washington (WA)/Oregon (OR)/CA sablefish pot fishery. In accordance with the MMPA, NMFS must issue this permit provided that it can make the determinations that: The incidental take will have a negligible impact on the affected stocks; a recovery plan for all affected stocks of threatened or endangered marine mammals has been developed or is being developed; and as required by the MMPA, a take reduction plan and monitoring program have been implemented, and vessels in the CA thresher shark/swordfish drift gillnet fishery (≥14 in mesh) and the WA/OR/CA sablefish pot fisheries are registered. NMFS has made a preliminary determination that incidental taking from commercial fishing will have a negligible impact on the endangered humpback whale (CA/OR/WA stock) and the endangered sperm whale (CA/OR/WA stock). Recovery plans have been completed for humpback and sperm whales. NMFS solicits public comments on the draft negligible impact determination (NID) and on the proposal to issue a permit to vessels that operate in these fisheries for the taking of affected endangered stocks of marine mammals.

DATES: Comments must be received by September 24, 2014.

ADDRESSES: The draft amended Negligible Impact Determination and list of references contained in this notice are available in electronic form via the Internet at: *http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/marine_mammals.html.*

You may submit comments, identified by NOAA–NMFS–2013–0073, by any of the following methods:

Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0073,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

Mail: Send comments or requests to: Chris Yates, Assistant Regional Administrator, Protected Resources Division, West Coast Region, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802. Comments may also be faxed to (562) 980–4027.

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

FOR FURTHER INFORMATION CONTACT: Monica DeAngelis, NMFS West Coast Region, (562) 980–3232, or Shannon Bettridge, NMFS Office of Protected Resources, (301) 427–8402.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(E) of the MMPA, 16 U.S.C. 1361 *et seq.,* states that NMFS, as delegated by the Secretary of Commerce, shall for a period of up to 3 years allow the incidental taking of marine mammal species listed under the ESA, 16 U.S.C. 1531 *et seq.,* by persons using vessels of the United States and those vessels which have valid fishing permits issued by the Secretary in accordance with section 204(b) of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1824(b), while engaging in commercial fishing operations, if NMFS makes certain determinations. NMFS must determine, after notice and opportunity for public comment, that: (1) Incidental mortality and serious injury (M/SI) will have a negligible impact on the affected species or stock; (2) a recovery plan has been developed or is being developed for such species or stock under the ESA; and (3) where required under section 118 of the MMPA, a monitoring program has been established, vessels engaged in such fisheries are registered in accordance with section 118 of the MMPA, and a take reduction plan has been developed or is being developed for such species or stock.

NMFS proposes to issue an amended permit under MMPA section 101(a)(5)(E) to vessels registered in the CA thresher shark/swordfish drift gillnet fishery (>14 in mesh) to incidentally take individuals from two stocks of threatened or endangered marine mammals: The CA/OR/WA stock of humpback whales (*Megaptera novaeangliae*) and the CA/OR/WA stock of sperm whales (*Physeter macrocephalus*); and to vessels registered in WA/OR/CA sablefish pot fishery to incidentally take individuals from the CA/OR/WA stock of humpback whales. A history of MMPA section 101(a)(5)(E) permits related to these stocks was included in previous notices for other permits to take threatened or endangered marine mammals incidental to commercial fishing (*e.g.,* 72 FR 60814, October 26, 2007; 78 FR 54553, September 4, 2013) and is not repeated here. The data for considering these authorizations were reviewed coincident with the 2014 MMPA List of Fisheries (LOF; 79 FR 14418, March 14, 2014), final 2013 U.S. Pacific Marine Mammal Stock Assessment (SAR; Carretta *et al.* 2014), Carretta and Moore (2014), Moore and Barlow (in press), the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS), recovery plans for these species (available on the Internet at: *http://www.nmfs.noaa.gov/pr/recovery/plans.htm#mammals*), the best scientific information and available data, and other relevant sources.

The previous permit was issued on September 4, 2013 (78 FR 54553), valid for a period of up to 3 years and expiring on September 4, 2016, and covered the CA/OR/WA stocks of humpback, fin, and sperm whale. Since issuing that permit, there have been significant changes in the information and conditions used to make the negligible impact determination for the permit issued on September 4, 2013 (78 FR 54553). This proposed MMPA 101(a)(5)(E) permit amends the previously issued permit, updates the information on the known biological and ecological data on sperm and humpback whales, and updates information on human-caused mortality and serious injury (HCM/SI), since the September 2013 permit (78 FR 54553). This proposed 101(a)(5)(E) permit would not extend the expiration date and would remain effective until September 4, 2016. The draft amended NID does not include the CA/OR/WA fin whale stock because there has been no observed take of a fin whale in the CA thresher shark/swordfish drift gillnet fishery (≥14 in mesh) for the past 15 years.

Based on observer data and marine mammal reporting forms, the vessels operating in the Category I CA thresher shark/swordfish drift gillnet fishery (≥14 in mesh) and the Category II WA/OR/CA sablefish pot fishery are the Category I and II fisheries that operate in the ranges of affected stocks, namely the CA/OR/WA stocks of humpback whale and sperm whale, and are currently considered for authorization. A detailed description of these fisheries can be found below. The CA thresher shark/swordfish drift gillnet fishery (≥14 in mesh) is the only Category I fishery operating off the coasts of California, Oregon, and Washington. The WA/OR/CA sablefish pot fishery is the only Federally-managed Category II fishery; all other Category II fisheries that may interact with the marine mammal stocks observed off the coasts of California, Oregon, and Washington are state-managed and are not considered for authorization under this permit. NMFS calculated the total known, assumed, or extrapolated HCM/SI to make a draft NID for this proposed authorization and included all human sources, such as commercial fisheries (not just the HCM/SI attributed to the two fisheries considered for authorization) and ship strikes. Participants in Category III fisheries are not required to obtain incidental take permits under MMPA section 101(a)(5)(E) but are required to report any mortality or injury of marine mammals incidental to their operations.

Basis for Determining Negligible Impact

Prior to issuing a permit to take ESA-listed marine mammals incidental to commercial fishing, NMFS must determine if M/SI incidental to commercial fisheries will have a negligible impact on the affected species or stocks of marine mammals. NMFS satisfies this requirement through completion of a draft NID. NMFS clarifies that incidental M/SI from commercial fisheries includes M/SI from entanglement in fishing gear or

ingestion of fishing gear. Indirect effects, such as the effects of removing prey from habitat, are not included in this analysis. A biological opinion prepared under ESA section 7 considers direct and indirect effects of Federal actions (available at *http://www.westcoast.fisheries.noaa.gov/*), and thus, contains a broader scope of analysis than is required by MMPA section 101(a)(5)(E).

Although the MMPA does not define ''negligible impact,'' NMFS has issued regulations providing a qualitative definition of ''negligible impact'' as defined in 50 CFR 216.103, and through scientific analysis, peer review, and public notice developed a quantitative approach. Thus, as it applies here, the definition of ''negligible impact'' is ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to adversely affect the species or stock through effects on annual rates of recruitment or survival.'' The development of the approach is outlined in detail in the current draft amended NID made available through this notice and was described in previous notices for other permits to take threatened or endangered marine mammals incidental to commercial fishing (*e.g.,* 72 FR 60814, October 26, 2007; 78 FR 54553, September 4, 2013).

Criteria for Determining Negligible Impact

In 1999, NMFS adopted criteria for making negligible impact determinations for MMPA 101(a)(5)(E) permits (64 FR 28800, May 27, 1999). In applying the 1999 criteria to determine whether M/SI incidental to commercial fisheries will have a negligible impact on a listed marine mammal stock, Criterion 1 is whether total known, assumed, or extrapolated HCM/SI is less than 10 percent of the potential biological removal level (PBR). If total known, assumed, or extrapolated HCM/SI is less than 10 percent of PBR, the analysis would be concluded, and the impact would be determined to be negligible. If Criterion 1 is not satisfied, NMFS may use one of the other criteria as appropriate. The remaining criteria describe alternatives under certain conditions. Criterion 2 is satisfied if the total known, assumed, or extrapolated HCM/SI is greater than PBR, but fisheries-related M/SI is less than 10 percent of PBR. If Criterion 2 is satisfied, vessels operating in individual fisheries may be permitted if management measures are being taken to address non-fisheries-related mortality and serious injury. Criterion 3 is satisfied if total fisheries-related M/SI is greater than 10 percent of PBR and less than PBR, and the population is stable or increasing. Fisheries may then be permitted subject to individual review and certainty of data. Criterion 4 stipulates that if the population abundance of a stock is declining, the threshold level of 10 percent of PBR will continue to be used. Criterion 5 states that if total fisheries-related M/SI are greater than PBR, permits may not be issued for that species or stock.

We considered two time frames for this analysis: 5 years (2009–2013) and 13 years (2001–2013). The first time frame we considered for both stocks of whales was the most recent 5-year period (here, January 1, 2009 through December 31, 2013) and is typically used for NID analyses. A 5-year time frame in many cases provides enough data to adequately capture year-to-year variations in take levels, while reflecting current environmental and fishing conditions as they may change over time. However, NMFS' Guidelines for Assessing Marine Mammal Stocks (GAMMS) suggest that mortality estimates could be averaged over as many years as necessary to achieve a coefficient of variation of less than or equal to 0.3. For humpback whales, we used a 5-year period consistent with the general recommendations in NMFS GAMMS for our final determination.

However, Carretta and Moore (2014) recommend pooling longer time series of data when bycatch is a rare event. For example, pooling 10 years of fishery data resulted in bycatch estimates within 25 percent of the true bycatch rate over 50 percent of the time (*i.e.,* estimates were within 25 percent of the true value more often than not). Key to this approach was that the fishery must have had sufficiently constant characteristics (*e.g.,* effort, gear, locations) to support the inference of consistent results across years such as with the CA thresher shark/swordfish drift gillnet fishery. Rare bycatch events typically involve smaller populations paired with low observer coverage in a fishery. If true bycatch mortality is low, but near PBR, then estimation bias needs to be reduced to allow reliable evaluation of the bycatch estimate against a low removal threshold.

Currently, the sperm whale is the only ESA-listed marine mammal species interacting with the thresher shark/swordfish drift gillnet fishery (≥14 in mesh) meeting the conditions described in Carretta and Moore (2014): The stock has a relatively small minimum population estimate (N_{min}) and a member of the stock was recently recorded as having been incidentally killed or seriously injured in a rare event (in the CA thresher shark/swordfish drift gillnet fishery (≥14 in mesh)). The post-2000 time period best represents the current spatial state of the fishery and we therefore used the 13-year period post-2000 to calculate mean annual mortality estimate for this stock of sperm whales, based on recommendations contained in the GAMMS and Carretta and Moore (2014).

Moore and Barlow (in press) used a Bayesian hierarchical trend model for the CA/OR/WA sperm whale stock to more efficiently incorporate all available survey information to calculate the population abundance estimate using a longer time series to improve the precision of abundance estimates. This new analysis by Moore and Barlow (in press) estimates the minimum abundance at 1,332 sperm whales, using the Bayesian hierarchical trend modeling of sighting data from 2001–2012. The associated PBR for the CA/OR/WA stock of sperm whales is 2.7.

Negligible Impact Determinations

As explained above, the proposed permit amendment relies on a NID that uses a new 13-year period for averaging sperm whale bycatch rates rather than the 5-year period generally recommended in the NMFS GAMMS. We used a 5-year period for humpback whales consistent with the general recommendations in NMFS GAMMS for our final determination (note that a 13-year time period (2001–2013) also resulted in a finding of negligible impact for humpback whales). The PBR for the CA/OR/WA humpback whale stock is 11 animals.

The draft amended NID made available through this notice provides a complete analysis of the criteria for determining whether commercial fisheries off California, Oregon, and Washington are having a negligible impact on the CA/OR/WA stocks of humpback whale and sperm whale. A summary of the analysis and subsequent determination follows.

Criterion 1 Analysis

Criterion 1 would be satisfied if the total known, assumed, or extrapolated human-caused M/SI is less than 10 percent of PBR. The 5-year (2009–2013) average annual HCM/SI to the CA/OR/WA stock of humpback whales from all human sources is 5.0 or 45.45 percent of the PBR. The 13-year (2001–2013) average annual HCM/SI to the CA/OR/WA stock of sperm whales from all human sources is 1.7 or 65.5 percent of the PBR. Criterion 1 was not satisfied because the total known, assumed, or extrapolated HCM/SI for these stocks is not less than 10 percent of PBR for the respective time period considered. As a

result, the other criteria must be examined for the CA/OR/WA stocks of humpback and sperm whales.

Criterion 2 Analysis

Criterion 2 is satisfied if total known, assumed, or extrapolated HCM/SI *are greater than* PBR and the total fisheries-related mortality is less than 10 percent of PBR. Criterion 2 was not satisfied for the CA/OR/WA stocks of humpback whales or sperm whales for each time frame considered, based on the calculations described under Criterion 1. As a result, the other criteria were examined.

Criterion 3 Analysis

Unlike Criteria 1 and 2, which examine total know, assumed, or extrapolated HCM/SI relative to PBR, Criterion 3 compares total fisheries-related M/SI to PBR. Criterion 3 would be satisfied if the total commercial fisheries-related M/SI (including state and federal fisheries) is greater than 10 percent of and less than 100 percent of PBR for each stock for the respective time frame considered, and the populations of these stocks are considered to be stable or increasing. If the Criterion is met, vessels may be permitted subject to individual review and certainty of data.

Criterion 3 was satisfied for the CA/OR/WA humpback whale stock as the fishery-related M/SI from all commercial fisheries for the CA/OR/WA humpback whale stock is estimated at 40 percent of PBR (5-year average from 2009–2013 and between 10 percent and 100 percent of PBR), the stock has experienced a positive growth rate (8 percent per year), and there have been few known or assumed M/SI due to the subject fisheries.

Criterion 3 was satisfied for the CA/OR/WA sperm whale stock as the total fishery-related M/SI is greater than 10 percent of and less than 100 percent of PBR, and the population is stable. The fishery-related M/SI from all commercial fisheries for the CA/OR/WA sperm whale stock is estimated at 57 percent of PBR for the 13-year period of 2001–2013. A total of two sperm whales have been observed by NMFS' Federal observers as either seriously injured or killed in the CA thresher shark/swordfish drift gillnet fishery during the 13-year period since 2000. None have been observed interacting with the WA/OR/CA sablefish pot fishery. The observed sperm whale takes were extrapolated by the percent observer coverage for that year. In 2010, the observer coverage was 11.9 percent and thus, the two observed animals are extrapolated to a total of 16 animals. Over the 13-year period this results in a bycatch rate that is 57 percent of PBR.

In addition, Moore and Barlow (in press) provided new analyses that suggest that the revised abundance estimates are higher and more stable across years than currently published values. Accordingly, Criterion 3 is satisfied in determining that M/SI of the CA/OR/WA sperm whale stock incidental to commercial fishing would have a negligible impact on the stock because of individual review of data regarding the stock, including that the level of HCM is below the estimated PBR and the stock is stable.

In conclusion, based on the criteria outlined in 1999 (64 FR 28800), the final 2013 U.S. Pacific Marine Mammal Stock Assessment report (SAR; Carretta *et al,.* 2014), Carretta and Moore (2014), Moore and Barlow (in press), and the best available scientific information, available data and other sources, NMFS has determined that the M/SI incidental to the CA thresher shark/swordfish drift gillnet fishery and the WA/OR/CA sablefish pot fishery will have a negligible impact on the CA/OR/WA stock of humpback whales and the CA thresher shark/swordfish drift gillnet fishery will have a negligible impact on the CA/OR/WA stock of sperm whales. NMFS therefore issues the draft amended NID and proposes to modify the MMPA 101(a)(5)(E) permit issued on September 4, 2013, for the remainder of the 3-year period, expiring September 4, 2016. Specifically, NMFS proposes that vessels operating in these identified commercial fisheries within the range of the CA/OR/WA humpback and sperm whale stocks may be permitted subject to individual review of the fishery and the certainty of relevant data, and provided that the other provisions of section 101(a)(5)(E) are met.

Description of Fisheries

The following are the Federally-authorized fisheries classified as Category I and II in the 2014 LOF (NMFS 2014), which are known to kill or seriously injure ESA-listed marine mammals incidental to commercial fishing operations. Detailed descriptions of those fisheries can be found in the NMFS (2012) Final Biological Opinion on the groundfish fishery management plan, dated December 7, 2012, for the fisheries addressed in that Biological Opinion; the NMFS (2013) Biological Opinion for the with the CA thresher shark/swordfish drift gillnet fishery (≥14 in Mesh); the SARs (Carretta *et al.* 2014); and the draft NID (*http://www.westcoast.fisheries.noaa.gov/*).

California Thresher Shark/Swordfish Drift Gillnet Fishery (>14 in Mesh)

Participants in the CA thresher shark/swordfish drift gillnet fishery (≥14 in mesh) are also required to have a valid permit issued annually by the California Department of Fish and Wildlife. In accordance with MMPA section 118(c), only those vessels participating in the CA thresher shark/swordfish drift gillnet fishery (≥14 in mesh) that have registered with the Marine Mammal Authorization Program are authorized to take marine mammals incidental to their fishing operations. Vessels holding this authorization must comply with the Pacific Offshore Cetacean Take Reduction Plan and implementing regulations. Any vessel that violates regulations will be subject to enforcement action. The estimated number of vessels in the fishery is based upon the number of vessels that indicated intent to participate in the fishery according to historical reference and may not be an accurate estimate of the number of vessels actively engaged in fishing in any given year. The CA thresher shark/swordfish drift gillnet fishery (≥14 in mesh) is a limited entry program, managed with gear, seasons, and area closures. The number of vessels participating in the CA thresher shark/swordfish drift gillnet fishery (≥14 in mesh) has decreased from 148 permits issued and 98 active vessels in 1998 to 72 permits issued and 19 active vessels in 2013 (CDFW License and Revenue Branch, extracted June 13, 2014). Information on the number of active permit holders was obtained from the ''Status of the U.S. west coast fisheries for HMS through 2004; Stock Assessment and Fishery Evaluation'' report, available from the Pacific Fishery Management Council Web site (*www.pcouncil.org*).

The CA thresher shark/swordfish drift gillnet fishery (≥14 in mesh) targets swordfish and thresher shark. It operates outside of state waters from the U.S./Mexico border in the south to the Oregon border in the north, depending on sea temperature conditions. Regulations restrict the fishery to waters outside 200 nm from February 1 through April 30, outside 75 nm from May 1 through August 14, while allowing fishing inside 75 nm from August 15 through January 31. Vessels in this fishery targeting swordfish tend to set on warm ocean water temperature breaks, which do not appear along the California coast until late summer. Because of these restrictions, vessels are not active during February, March, and April, and very little fishing effort

occurs during the months of May, June, and July.

In 2001, a seasonal (15 August–15 November) area closure was implemented in the CA thresher shark/swordfish drift gillnet fishery (≥14 in mesh) north of Point Conception to protect leatherback turtles that feed in the area and were observed entangled in previous fishing seasons. Additional seasonal/area closures in southern California have been established in the CA thresher shark/swordfish DGN fishery to protect loggerhead turtles during a forecast or occurring El Nino event during the months of June, July and/or August.

The NMFS West Coast Region has operated an at-sea observer program in the CA thresher shark/swordfish drift gillnet fishery (≥14 in mesh) since July 1990 to the present, and the California Department of Fish and Wildlife operated a drift gillnet observer program from 1980–90. The objectives of the NMFS observer program are to record, among other things, information on non-target fish species and protected species interactions. Information regarding the thresher shark/swordfish drift gillnet fishery (≥14 in mesh) interactions with listed marine mammal species was drawn from observer program records for the calendar years 1990–2013 (NMFS, 2014). NMFS typically targets 20 percent observer coverage of the annual sets by the CA thresher shark/swordfish drift gillnet fishery (≥14 in mesh) fleet, with close to 100 percent of net retrievals monitored on observed trips for, among other things, species identification and enumeration.

Washington/Oregon/CA Sablefish Pot Fishery

The WA/OR/CA sablefish pot fishery targets sablefish using trapezoid, conical, or rectangular steel frame traps (NMFS, 2005), wrapped with 3.5 inch nylon webbing. The fishery generally sets gear in waters past the 100 fathom (600 ft; 182.88 m) curve off the west coast of the United States. The fishery is managed under regulations implementing the West Coast Groundfish FMP developed by the Pacific Fishery Management Council. There are two separate trap fisheries for sablefish: limited entry and open access. The limited entry fishery is further divided into: (1) Vessels fishing in the limited entry fixed gear fishery with a limited entry permit endorsed for pot and/or longline gear, and (2) (since 2011) vessels fishing in the limited entry trawl fishery with a limited entry permit endorsed for trawl gear but fishing with ''non-trawl'' gear including pot gear (called ''gear switching'' in the trawl fishery's Shore-based Individual Fishing Quota Program).

The primary fishery (limited entry) is composed of a three-tier system of cumulative landing quotas within a restricted season, from April 1 to October 31. Permits were assigned to a tier based on landing history when the system originally began in 1998. There are 32 Limited Entry Permits issued for the sablefish trap fishery on the West Coast (NWFSC, 2010), and the current estimated number of participants is 309. Fishing outside of the primary season or after fulfillment of tier quota is allowed subject to daily and weekly trip limits (NWFSC, 2010). The limited entry permits are currently associated with vessels spread throughout the Pacific Northwest from Northern California through Washington. Up to three permits may be stacked for cumulative landings on one vessel; including both trap and longline gear endorsements (NWFSC, 2010). Accounting for stacking of permits, there were 41 vessels using traps only and five using a combination of traps and longline to catch their quota of sablefish in 2014 (NWFSC, 2014).

The open access fishery is available to fishermen year round. North of 36° N. (California), the trip limit is 300 lb/day or 1 landing of 700 lb per week, not to exceed 2,100 lb over 2 months. South of 36° N, the limit goes up to 350 lb/day or one landing of 1,050 lb per week. NOAA's Northwest Fisheries Science Center estimates 204 fishermen (number of permits, not reflective of number of active fishermen) participating in the open access sector in 2014 based on a query, conducted on June 17, 2014 of the NMFS groundfish Web site (*https://www.webapps.nwfsc.noaa.gov/apex_ifq/f?p=112:23*).

In California, a general trap permit is required for the open access sector for sablefish and gear is set outside 150 fathoms, with an average depth of 190 fathoms. South of Point Arguello, near Santa Barbara, the minimum depth for setting traps targeting sablefish is 200 fathoms. There is no depth requirement north of Point Arguello. Daily logbook reporting is required by the state. Multiple traps are connected to a common ground line, ⅝th inch nylon line, at depths between 100 and 375 fathoms up to 600 fathoms with an average of 190 fathoms in California (NMFS, 2010). Traps are spaced on average 20 fathoms apart, with a range of 15 to 40 fathoms (NMFS, 2005). Limited entry permit holders will commonly fish 20 to 30 traps per string, as opposed to open access fishermen who fish several smaller strings of one to eight strings with three to four traps per string (NMFS, 2010), each with a float line and buoy stick.

Conclusions for Proposed Permit

Based on the above assessment and as described in the accompanying draft NID, NMFS concludes that the incidental M/SI from the CA thresher shark/swordfish drift gillnet fishery (≥14 in mesh) and WA/OR/CA sablefish pot fishery will have a negligible impact on the CA/OR/WA stock of humpback whales and the CA/OR/WA stock of sperm whales, and the WA/OR/CA sablefish pot fishery will have a negligible impact on the CA/OR/WA stock of humpback whales.

The National Environmental Policy Act (NEPA) requires Federal agencies to evaluate the impacts of alternatives for their actions on the human environment. The impacts on the human environment of continuing and modifying the CA thresher shark/swordfish drift gillnet fishery (≥14 inch mesh) (as part of the HMS fisheries) and the WA/OR/CA sablefish pot fishery (as part of the West Coast groundfish fisheries), including the taking of threatened and endangered species of marine mammals, were analyzed in: The Pacific Fishery Management Council Highly Migratory Species FMP final environmental impact statement (August 2003); the Pacific Fishery Management Council Proposed Harvest Specifications and Management Measures for the 2013–2014 Pacific Coast Groundfish Fishery and Amendment 21–2 to the Pacific Coast FMP (September 2012); Risk assessment of U.S. West Coast groundfish fisheries to threatened and endangered marine species (NWFSC, 2012); and in the Final Biological Opinion prepared for the West Coast groundfish fisheries (NMFS, 2012) and the draft Biological Opinion for the CA thresher shark/swordfish drift gillnet fishery (≥14 inch mesh) (NMFS, 2013), pursuant to the ESA. Because this proposed permit would not modify any fishery operation and the effects of the fishery operations have been evaluated fully in accordance with NEPA, no additional NEPA analysis is required for this permit. Issuing the proposed permit would have no additional impact to the human environment or effects on threatened or endangered species beyond those analyzed in these documents. NMFS now reviews the remaining requirements to issue a permit to take the subject listed species incidental to the CA thresher shark/swordfish drift gillnet fishery (≥14 inch mesh) and WA/OR/CA sablefish pot fisheries.

Recovery Plans

Recovery Plans for humpback whales and sperm whales have been completed (see *http://www.nmfs.noaa.gov/pr/recovery/plans.htm#mammals*). Accordingly, the requirement to have recovery plans in place or being developed is satisfied.

Vessel Registration

MMPA section 118(c) requires that vessels participating in Category I and II fisheries register to obtain an authorization to take marine mammals incidental to fishing activities. Further, section 118(c)(5)(A) provides that registration of vessels in fisheries should, after appropriate consultations, be integrated and coordinated to the maximum extent feasible with existing fisher licenses, registrations, and related programs. Participants in the CA thresher shark/swordfish drift gillnet fishery (≥14 inch mesh) and WA/OR/CA sablefish pot fisheries already provide the information needed by NMFS to register their vessels for the incidental take authorization under the MMPA through the Federal groundfish limited entry permit process of the Federal Vessel Monitoring System. Therefore, vessel registration for an MMPA authorization is integrated through those programs in accordance with MMPA section 118.

Monitoring Program

The CA thresher shark/swordfish drift gillnet fishery (≥14 inch mesh) has been observed since the early 1990s. Levels of observer coverage vary over years but are adequate to produce reliable estimates of M/SI of listed species (*e.g.*, from 2000–2012, coverage ranged from approximately 12 to 22.9 percent). As part of the West Coast groundfish fishery and Magnuson-Stevens Fishery Conservation and Management Act objectives, the WA/OR/CA sablefish pot fishery, as managed under the groundfish FMP, and was observed in 2012 at approximately 73 percent. Accordingly, as required by MMPA section 118, a monitoring program is in place for both fisheries.

Take Reduction Plans

Subject to available funding, MMPA section 118 requires the development and implementation of a Take Reduction Plan (TRP) in cases where a strategic stock interacts with a Category I or II fishery. The two stocks considered for this permit are designated as strategic stocks under the MMPA because they are listed as endangered under the ESA (MMPA section 3(19)(C)).

In 1996, NMFS convened a take reduction team (TRT) to develop a TRP to address the incidental taking of several strategic marine mammal stocks, including CA/OR/WA stocks of sperm whales and humpback whales, in the CA thresher shark/swordfish drift gillnet fishery (≥14 in mesh). The Pacific Offshore Cetacean TRP was implemented through regulations in October, 1997 (62 FR 51813) and has been in place ever since. Although a TRP is in place for the gillnet fishery, there is not one in place for the pot fishery.

The short- and long-term goals of a TRP are to reduce mortality and serious injury of marine mammals incidental to commercial fishing to levels below PBR and to a zero mortality rate goal, defined by NMFS as 10 percent of PBR, respectively. MMPA section 118(b)(2) states that fisheries maintaining such M/SI levels are not required to further reduce their M/SI rates. However, the obligations to develop and implement a TRP are subject to the availability of funding. MMPA section 118(f)(3) (16 U.S.C. 1387(f)(3)) contains specific priorities for developing TRPs. NMFS has insufficient funding available to simultaneously develop and implement TRPs for all stocks that interact with Category I or Category II fisheries. As provided in MMPA section 118(f)(6)(A) and (f)(7), NMFS used the most recent SARs and LOF as the basis to determine its priorities for establishing TRTs and developing TRPs. Through this process, NMFS evaluated the CA/OR/WA stock of humpback whales and the WA/OR/CA sablefish pot fishery and identified it as a lower priority compared to other marine mammal stocks and fisheries for establishing TRTs, based on population trends of the stock and M/SI levels incidental to that commercial fishery. In addition, NMFS continues to collect data to categorize fixed gear fisheries and assess their risk to large whales off the U.S. west coast. Accordingly, given these factors and NMFS' priorities, implementation of the developing TRP for the WA/OR/CA sablefish pot trap fishery and other similar Category II fisheries will be deferred under section 118 as other stocks/fisheries are a higher priority for any available funding for establishing new TRPs.

As noted in the summary above, all of the requirements to issue a permit to the following Federally-authorized fisheries have been satisfied: The CA thresher shark/swordfish DGN fishery (≥14 inch mesh) and WA/OR/CA sablefish pot fishery. Accordingly, NMFS proposes to issue a permit to participants in these Category II fisheries for the taking of CA/OR/WA humpback whales and CA/OR/WA sperm whales incidental to the fisheries' operations. As noted under MMPA section 101(a)(5)(E)(ii), no permit is required for vessels in Category III fisheries. For incidental taking of marine mammals to be authorized in Category III fisheries, any mortality or serious injury must be reported to NMFS.

Solicitation of Public Comments

NMFS solicits public comments on the proposed permit and the preliminary determinations supporting the permit. Specifically, we seek comments on:

- The use of the revised abundance estimates in Moore and Barlow (in press); and
- The use of a 13-year time period for estimating expected incidental mortality of sperm whales in the gillnet fishery.

Dated: August 20, 2014.

Perry F. Gayaldo,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–20161 Filed 8–22–14; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Renew Collection 3038–0015—Copies of Crop and Market Information Reports

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 of 1995 (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 crop and market information.

DATES: Comments must be submitted on or before October 24, 2014.

ADDRESSES: Comments may be mailed to Gary Martinaitis, Division of Market Oversight, U.S. Commodity Futures Trading Commission, 1155 21st Street NW., Washington, DC 20581. You may also submit comments, identified by ''Copies of Crop and Market Information

Reports,'' 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: Gary Martinaitis, (202) 418–5209; FAX: (202) 418–5527; email: *gmartinaitis@cftc.gov.*

SUPPLEMENTARY INFORMATION:

Title: Registration under the Commodity Exchange Act (OMB Control No. 3038–0015). This is a request for extension of a currently approved information collection.

Abstract: 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.

Copies of Crop and Market Information Reports, OMB Control Number 3038–0015—Extension

The information collected pursuant to this rule, 17 CFR 1.40, is in the public interest and is necessary for market surveillance.

Burden Statement:

The Commission estimates the burden of this collection of information as follows:

ESTIMATED ANNUAL REPORTING BURDEN

17 CFR Section	Annual number of respondents	Total annual responses	Hours per response	Total hours
1.40	15	15	0.17	2.5

There are no capital costs or operating and maintenance costs associated with this collection.

Dated: August 20, 2014.

Christopher J. Kirkpatrick,

Acting Secretary of the Commission.

[FR Doc. 2014–20133 Filed 8–22–14; 8:45 am]

BILLING CODE 6351–01–P

[1] 17 CFR 145.9.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review, Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled Volunteer Generation Fund (VGF) Grantee Progress Report (GPR) for review and approval in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, (44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Carla Ganiel at 202–606–6773 or email to *cganiel@cns.gov.* Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for

National and Community Service, by any of the following two methods within 30 days from the date of publication in the **Federal Register**:

(1) By fax to: 202–395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; or

(2) By email to: *smar@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments

A 60-day Notice requesting public comment was published in the **Federal Register** on May 9, 2014. This comment period ended July 11, 2014. No public comments were received from this Notice.

Description: All VGF grantees complete the GPR, mid-year GPR and a final GPR within 90 days of grant closeout, which provide information for CNCS staff to monitor grantee progress and to respond to requests from Congress and other stakeholders. The information is collected electronically through the eGrants system.

Type of Review: New.

Agency: Corporation for National and Community Service.

Title: Volunteer Generation Fund Grantee Progress Report.

OMB Number: TBD.

Agency Number: None.

Affected Public: Volunteer Generation Fund grantees.

Total Respondents: 25.

Frequency: Biannual with one additional final report required at closeout of the grant.

Average Time per Response: 9 hours per submission.

Estimated Total Burden Hours: 450.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Dated: August 19, 2014.

William Basl,

Director, AmeriCorps State and National.

[FR Doc. 2014–20164 Filed 8–22–14; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Defense Advisory Committee on Women in the Services (DACOWITS)

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) will take place. This meeting is open to the public.

DATES: Thursday, September 18, 2014, from 8:00 a.m. to 12:00 p.m.; Friday, September 19, 2014, from 8:00 a.m. to 3:45 p.m.

ADDRESSES: Sheraton National Hotel-Pentagon City, 900 South Orme St., Arlington, VA 22204.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Bowling or DACOWITS Staff at 4000 Defense Pentagon, Room 5A734, Washington, DC 20301–4000. *Robert.d.bowling1.civ@mail.mil.* Telephone (703) 697–2122. Fax (703) 614–6233.

SUPPLEMENTARY INFORMATION:

Pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C. Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b), and Section 10(a), Public Law 92–463, as amended, notice is hereby given of a forthcoming meeting of the Defense Advisory Committee on Women in the Services (DACOWITS).

The purpose of the meeting is for the Committee to receive briefings and updates relating to their current work and to vote on their 2014 recommendations. The Committee will receive an update on the Women in Service Review (WISR) plan. The Committee will also receive briefings from the Services on improving female accessions and recruitment. The Army and Navy will give briefings on the alignment of their sexual assault and sexual harassment programs. The Sexual Assault and Prevention Response Office (SAPRO) will provide an update briefing. Health Affairs will provide an update on the review of the Military Health System. Additionally, there will be a public comment period. Finally, the Committee will propose and vote on their 2014 recommendations.

Pursuant to 41 CFR 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, interested persons may submit a written statement for consideration by the Defense Advisory Committee on Women in the Services. Individuals submitting a written statement must submit their statement to the point of contact listed at the address in **FOR FURTHER INFORMATION CONTACT** no later than 5:00 p.m., Tuesday, September 16, 2014. If a written statement is not received by Tuesday, September 16, 2014, prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the Defense Advisory Committee on Women in the Services until its next open meeting. The Designated Federal Officer will review all timely submissions with the Defense Advisory Committee on Women in the Services Chair and ensure they are provided to the members of the Defense Advisory Committee on Women in the Services. If members of the public are interested in making an oral statement, a written statement should be submitted. After reviewing the written comments, the Chair and the Designated Federal Officer will determine who of the requesting persons will be able to make an oral presentation of their issue during an open portion of this meeting or at a future meeting. Pursuant to 41 CFR 102–3.140(d), determination of who will be making an oral presentation is at the sole discretion of the Committee Chair and the Designated Federal Officer and will depend on time available and if the topics are relevant to the Committee's activities. Two minutes will be allotted to persons desiring to make an oral presentation. Oral presentations by members of the public will be permitted only on Friday, September 19, 2014 from 1:00 p.m. to 1:30 p.m. in front of the full Committee. The number of oral presentations to be made will depend on the number of requests received from members of the public.

Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, this meeting is open to the public, subject to the availability of space.

Meeting agenda:

Thursday, September 18, 2014, From 8:00 a.m. to 12:00 p.m.

—Welcome, Introductions, Announcements

—Briefing—Request for Information Update

—Briefing—WISR Implementation Plan

Friday, September 19, From 8:00 a.m. to 3:45 p.m.

—Welcome and Announcements

—Briefing—Services Briefing on Improving Female Accession and Focused Recruitment

—Briefing—Sexual Assault/Sexual Harassment Alignment

—Briefing—SAPRO Update

—Briefing—Update on Military Health System

—Public Comment Period

—Propose and Vote on 2014 Recommendations

Dated: August 20, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–20139 Filed 8–22–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Grant an Exclusive License for U.S. Army Owned Invention to Stevens Institute of Technology

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: The Department of the Army announces that, unless there is an objection, after 15 days it contemplates granting an exclusive license to Stevens Institute of Technology, Hoboken, New Jersey for U.S. patent application serial number 13/301,124, filed November 21, 2011 entitled ''Inkjet-Printed Flexible Electronic Components from Graphene Oxide''. Any license granted shall comply with 35 U.S.C. 209 and 37 CFR part 404.

DATES: Written objections must be filed not later than 15 days following publication of this notice.

ADDRESSES: Send written objections to Timothy Ryan, U.S. Army ARDEC, ATTN: RDAR–EIB (Bldg 93), Picatinny Arsenal, NJ 07806–5000.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy Ryan, email: *timothy.s.ryan.civ@mail.mil;* (973) 724–7953.

SUPPLEMENTARY INFORMATION: None.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2014–20106 Filed 8–22–14; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–295–B]

Application To Export Electric Energy; Merrill Lynch Commodities, Inc.

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: Merrill Lynch Commodities, Inc. (MLCI) has applied to renew its authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before September 24, 2014.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to 202–586–8008.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On October 5, 2009, DOE issued Order No. EA–295–A to MLCI, which authorized MLCI to transmit electric energy from the United States to Canada as a power marketer for a five-year term using existing international transmission facilities. That authority expires on October 5, 2014. On August 13, 2014, MLCI filed an application with DOE for renewal of the export authority contained in Order No. EA–295–A for an additional five-year term.

In its application, MLCI states that it does not own or operate any electric transmission facilities, and it does not have a franchised service area. The electric energy that MLCI proposes to export to Canada would be surplus energy purchased from third parties such as electric utilities and Federal power marketing agencies, qualifying cogeneration, small power production facilities and exempt wholesale generators. The existing international transmission facilities to be utilized by the Applicant have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning the MLCI application to export electric energy to Canada should be clearly marked with OE Docket No. EA–295–B. An additional copy is to be provided directly to Merida de la Pena, Merrill Lynch Commodities, Inc., Vice President, Commodities Counsel, 20 E. Greenway Plaza, Suite 700, Houston, TX 77046.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after a determination is made by DOE that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://energy.gov/node/11845,* or by emailing Angela Troy at *Angela.Troy@hq.doe.gov.*

Issued in Washington, DC, on August 19, 2014.

Brian Mills,

Director, Permitting and Siting Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2014–20134 Filed 8–22–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–359–B]

Application To Export Electric Energy; Castleton Commodities Merchant Trading LP

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: Castleton Commodities Merchant Trading LP (Castleton) has applied to renew its authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before September 24, 2014.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov*, or by facsimile to 202–586–8008.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On October 5, 2009, DOE issued Order No. EA–359 to Louis Dreyfus Energy Services LP, which authorized Louis Dreyfus Energy Services L.P. to transmit electric energy from the United States to Canada as a power marketer for a five-year term using existing international transmission facilities. That authority expires on October 5, 2014. On May 20, 2013, DOE issued Order No. EA–359–A, which changed the name of Louis Dreyfus Energy Services LP to Castleton Commodities Merchant Trading LP. All other terms and conditions of Order No. EA–359 remain unchanged. On August 12, 2014, Castleton filed an application with DOE for renewal of the export authority contained in Order No. EA–359–B for an additional five-year term.

In its application, Castleton states that it does not own or operate any electric transmission facilities, and it does not have a franchised service area. The electric energy that Castleton proposes to export to Canada would be surplus energy purchased from third parties such as electric utilities and Federal power marketing agencies pursuant to voluntary agreements. The existing international transmission facilities to be utilized by the Applicant have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning the Castleton application to export electric energy to Canada should be clearly marked with OE Docket No. EA–359–B. An additional copy is to be provided directly to Daniel E. Frank, Sutherland Asbill & Brennan LLP, 700 Sixth Street NW., Suite 700, Washington, DC 20001 and Castleton Commodities Int'l LLC, Compliance Department, 811 Main Street, Suite 3500, Houston, TX 77002.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after a determination is made by DOE that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://energy.gov/node/11845,* or by emailing Angela Troy at *Angela.Troy@hq.doe.gov.*

Issued in Washington, DC, on August 19, 2014.

Brian Mills,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2014–20130 Filed 8–22–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

State Energy Advisory Board Teleconference

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

ACTION: Notice of open teleconference.

SUMMARY: This notice announces a teleconference call of the State Energy Advisory Board (STEAB). The Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat.770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, September 18, 2014 from 3:30 p.m. to 4 p.m. (ET). To receive the call-in number and passcode, please contact the Board's Designated Federal Officer (DFO) at the address or phone number listed below.

FOR FURTHER INFORMATION CONTACT: Julie Hughes, STEAB Designated Federal Officer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585. Phone number (202) 320–9703, or email at: *Julie.Hughes@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: To provide advice and recommendations to the Assistant Secretary for the Office of Energy Efficiency and Renewable Energy regarding goals and objectives, programmatic and administrative policies, and to otherwise carry out the Board's responsibilities as designated in the State Energy Efficiency Programs Improvement Act of 1990 (Pub. L. 101–440).

Tentative Agenda: Receive STEAB Task Force updates on action items and next steps, review of feedback from DOE and EERE with regards to recently submitted recommendations regarding the Lab Impact Initiative, the Weatherization Program and the Quadrennial Energy Review, discuss potential engagement on relevant issues related to the Engagement Plan, and receive updates on member activities within their states.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Julie Hughes at the address or telephone number listed above. Requests to make oral comments must be received five days prior to the meeting; reasonable provision will be made to include requested topic(s) on the agenda. The Chair of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying within 60 days on the STEAB Web site at: *www.steab.org.*

Issued at Washington, DC, on August 19, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–20131 Filed 8–22–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Secretary of Energy Advisory Board Meeting

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open meeting of the Secretary of Energy Advisory Board (SEAB). SEAB was reestablished pursuant to the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) (the Act). This notice is provided in accordance with the Act.

DATES: Friday, September 5, 2014; 8:30 a.m.–12:15 p.m.

ADDRESSES: Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Karen Gibson, Designated Federal Officer, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; telephone (202) 586–3787; *seab@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Board was established to provide advice and recommendations to the Secretary on the Department's basic and applied research, economic and national security policy, educational issues, operational issues, and other activities as directed by the Secretary.

Purpose of the Meeting: This meeting is the quarterly meeting of the Board.

Tentative Agenda: The meeting will start at 8:30 a.m. on September 5th. The tentative meeting agenda includes updates on the work of the SEAB task forces, briefings on topics of interest from DOE, and comments from the public. The meeting will conclude at 12:15 p.m. Agenda updates will be posted on the SEAB Web site: *www.energy.gov/seab.*

Public Participation: The meeting is open to the public. Individuals who would like to attend must RSVP to Karen Gibson no later than 5:00 p.m. on Friday, August 29, 2014, by email at: *seab@hq.doe.gov.* Please provide your name, organization, citizenship, and contact information. Anyone attending the meeting will be required to present government-issued identification. Please note that the Department of Homeland Security (DHS) has determined that regular driver's licenses (and ID cards) from the following jurisdictions are not acceptable: Alaska, American Samoa, Arizona, Louisiana, Maine, Massachusetts, Minnesota, New York, Oklahoma, and Washington. Acceptable alternate forms of Photo-ID include:

—*U.S. Passport or Passport Card*

—*An Enhanced Driver's License or Enhanced ID-Card issued by the states of:* Minnesota, New York or Washington (Enhanced licenses issued by these states are clearly marked Enhanced or Enhanced Driver's License)

—*A military ID or other government issued Photo-ID card*

Individuals and representatives of organizations who would like to offer comments and suggestions may do so during the meeting. Approximately 30 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but will not exceed 5 minutes. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Those wishing to speak should register to do so beginning at 8:30 a.m. on September 5th.

Those not able to attend the meeting or who have insufficient time to address the committee are invited to send a written statement to Karen Gibson, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, email to: *seab@hq.doe.gov.*

Minutes: The minutes of the meeting will be available by contacting Ms. Gibson. She may be reached at the postal address or email address above, or by visiting SEAB's Web site at *www.energy.gov/seab.*

Issued in Washington, DC, on August 19, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–20129 Filed 8–22–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Quadrennial Energy Review: Notice of Public Meeting

AGENCY: Office of Energy Policy and Systems Analysis, Secretariat, Quadrennial Energy Review Task Force, Department of Energy.

ACTION: Notice of public meeting.

SUMMARY: At the direction of the President, the U.S. Department of Energy (DOE or Department), as the Secretariat for the Quadrennial Energy Review Task Force (QER) Task Force will convene a public meeting to discuss and receive comments on issues related to the Quadrennial Energy Review.

DATES: The twelfth public meeting will be held on Monday, September 8, 2014, beginning at 9:00 a.m. ET. Written comments are welcome, especially following the public meeting, and should be submitted by Friday, October 10, 2014.

ADDRESSES: The twelfth meeting will be held at the: New Jersey Institute of Technology, Campus Center/Ballroom, 150 Bleeker Street, Newark, NJ 07102–1982.

You may submit written comments to: *QERComments@hq.doe.gov* or by U.S. mail to the Office of Energy Policy and Systems Analysis, EPSA–60, QER Meeting Comments, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0121.

For the twelfth, Public Meeting, please title your comment ''Quadrennial Energy Review: Comment on Electricity-East''.

FOR FURTHER INFORMATION CONTACT: Ms. Adonica Renee Pickett, EPSA–90, U.S. Department of Energy, Office of Energy Policy and Systems Analysis, 1000 Independence Avenue SW., Washington, DC 20585–0121. *Telephone:* (202) 586–9168 *Email: Adonica.Pickett@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

On January 9, 2014, President Obama issued a *Presidential Memorandum—Establishing a Quadrennial Energy Review.* To accomplish this review, the Presidential Memorandum establishes a Quadrennial Energy Review Task Force to be co-chaired by the Director of the Office of Science and Technology Policy, and the Director of the Domestic Policy Council. Under the Presidential Memorandum, the Secretary of Energy shall provide support to the Task Force, including support for coordination activities related to the preparation of the Quadrennial Energy Review Report, policy analysis and modeling, and stakeholder engagement.

The DOE, as the Secretariat for the Quadrennial Energy Review Task Force, will hold a series of public meetings to discuss and receive comments on issues related to the Quadrennial Energy Review.

The initial focus for the Quadrennial Energy Review will be our Nation's infrastructure for transporting, transmitting, storing and delivering energy. Our current infrastructure is increasingly challenged by transformations in energy supply, markets, and patterns of end use; issues of aging and capacity; impacts of climate change; and cyber and physical threats. Any vulnerability in this

infrastructure may be exacerbated by the increasing interdependencies of energy systems with water, telecommunications, transportation, and emergency response systems. The first Quadrennial Energy Review Report will serve as a roadmap to help address these challenges.

The Department of Energy has a broad role in energy policy development and the largest role in implementing the Federal Government's energy research and development portfolio. Many other executive departments and agencies also play key roles in developing and implementing policies governing energy resources and consumption, as well as associated environmental impacts. In addition, non-Federal actors are crucial contributors to energy policies. Because most energy and related infrastructure is owned by private entities, investment by and engagement of the private sector is necessary to develop and implement effective policies. State and local policies; the views of nongovernmental, environmental, faith-based, labor, and other social organizations; and contributions from the academic and non-profit sectors are also critical to the development and implementation of effective energy policies.

An interagency Quadrennial Energy Review Task Force, which includes members from all relevant executive departments and agencies (agencies), will develop an integrated review of energy policy that integrates all of these perspectives. It will build on the foundation provided in the Administration's *Blueprint for a Secure Energy Future* of March 30, 2011, and *Climate Action Plan* released on June 25, 2013. The Task Force will offer recommendations on what additional actions it believes would be appropriate. These may include recommendations on additional executive or legislative actions to address the energy challenges and opportunities facing the Nation.

September 8, 2014 Public Meeting: Electricity-East

On Monday, September 8, 2014, the DOE will hold a public meeting in Newark, New Jersey. The September 8, 2014 public meeting will feature facilitated panel discussions, followed by an open microphone session. Persons desiring to speak during the open microphone session at the public meeting should come prepared to speak for no more than 5 minutes and will be accommodated on a first-come, first-served basis, according to the order in which they register to speak on a sign-in sheet available at the meeting location, on the morning of the meeting.

In advance of the meeting, DOE anticipates making publicly available a briefing memorandum providing useful background information regarding the topics under discussion at the meeting. DOE will post this memorandum on its Web site: *http://energy.gov/qer.*

Submitting comments via email. Submitting comments by email to the QER email address will require you to provide your name and contact information in the transmittal email. Your contact information will be viewable to DOE staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). Your contact information will be publicly viewable if you include it in the comment itself or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Otherwise, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to the QER email address (*QERcomments@hq.doe.gov*) information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted to the QER email address cannot be claimed as CBI. Comments received through the email address will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section, below.

If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery/courier, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. No telefacsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English, and are free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Confidential Business Information. Pursuant to *10 CFR 1004.11*, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: One copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination. Confidential information should be submitted to the Confidential QER email address: *QERConfidential@hq.doe.gov*.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest. It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

Issued in Washington, DC, on August 19, 2014.

Michele Torrusio,

QER Secretariat, QER Interagency Task Force, U.S. Department of Energy.

[FR Doc. 2014–20128 Filed 8–22–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Quadrennial Energy Review: Notice of Deadline for Public Comments

AGENCY: Office of Energy Policy and Systems Analysis, Secretariat, Quadrennial Energy Review Task Force, Department of Energy.

ACTION: Notice of deadline for public comments.

SUMMARY: At the direction of the President, the U.S. Department of Energy (DOE or Department), as the Secretariat for the Quadrennial Energy Review Task Force (QER) Task Force has convened public meetings to discuss and receive comments on issues related to the Quadrennial Energy Review this year. The DOE has also been taking written comments on the QER by email and postal mail. In order to allow enough time to consider public comments for the QER Report, the deadline for written public comments for the QER Report is October 10, 2014.

DATES: Public comments are due October 10, 2014.

ADDRESSES: You may submit written comments to: *QERComments@hq.doe.gov* or by U.S. mail to the Office of Energy Policy and Systems Analysis, EPSA–60, QER Meeting Comments, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0121.

FOR FURTHER INFORMATION CONTACT: Ms. Adonica Renee Pickett, EPSA–90, U.S. Department of Energy, Office of Energy Policy and Systems Analysis, 1000 Independence Avenue SW., Washington, DC 20585–0121. *Telephone:* (202) 586–9168 *Email:Adonica.Pickett@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: On January 9, 2014, President Obama issued a *Presidential Memorandum—Establishing a Quadrennial Energy Review.* To accomplish this review, the Presidential Memorandum establishes a Quadrennial Energy Review Task Force to be co-chaired by the Director of the Office of Science and Technology Policy, and the Director of the Domestic Policy Council. Under the Presidential Memorandum, the Secretary of Energy shall provide support to the Task Force, including support for coordination activities related to the preparation of the Quadrennial Energy Review Report, policy analysis and modeling, and stakeholder engagement.

The DOE, as the Secretariat for the Quadrennial Energy Review Task Force, will hold a series of public meetings to discuss and receive comments on issues related to the Quadrennial Energy Review.

The initial focus for the Quadrennial Energy Review will be our Nation's infrastructure for transporting, transmitting, storing and delivering energy. Our current infrastructure is increasingly challenged by transformations in energy supply, markets, and patterns of end use; issues of aging and capacity; impacts of climate change; and cyber and physical threats. Any vulnerability in this infrastructure may be exacerbated by the increasing interdependencies of energy systems with water, telecommunications, transportation, and emergency response systems. The first Quadrennial Energy Review Report will serve as a roadmap to help address these challenges.

The Department of Energy has a broad role in energy policy development and the largest role in implementing the Federal Government's energy research and development portfolio. Many other executive departments and agencies also play key roles in developing and implementing policies governing energy resources and consumption, as well as associated environmental impacts. In addition, non-Federal actors are crucial contributors to energy policies. Because most energy and related infrastructure is owned by private entities, investment by and engagement of the private sector is necessary to develop and implement effective policies. State and local policies; the views of nongovernmental, environmental, faith-based, labor, and other social organizations; and contributions from the academic and non-profit sectors are also critical to the development and implementation of effective energy policies.

An interagency Quadrennial Energy Review Task Force, which includes members from all relevant executive departments and agencies (agencies), will develop an integrated review of energy policy that integrates all of these perspectives. It will build on the foundation provided in the Administration's *Blueprint for a Secure Energy Future* of March 30, 2011, and *Climate Action Plan* released on June 25, 2013. The Task Force will offer recommendations on what additional actions it believes would be appropriate. These may include recommendations on additional executive or legislative actions to address the energy challenges and opportunities facing the Nation.

Submitting comments via email. Submitting comments by email to the QER email address will require you to provide your name and contact information in the transmittal email. Your contact information will be viewable to DOE staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). Your contact information will be publicly viewable if you include it in the comment itself or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Otherwise, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to the QER email address (*QERcomments@hq.doe.gov*) information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted to the QER email address cannot be claimed as CBI. Comments received through the email address will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section, below.

If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery/courier, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. No telefacsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English, and are free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Confidential Business Information. Pursuant to *10 CFR 1004.11*, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should

submit via email, postal mail, or hand delivery/courier two well-marked copies: One copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination. Confidential information should be submitted to the Confidential QER email address: *QERConfidential@hq.doe.gov*.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest. It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

Issued in Washington, DC, on August 19, 2014.

Michele Torrusio,

QER Secretariat, QER Interagency Task Force, U.S. Department of Energy.

[FR Doc. 2014–20114 Filed 8–22–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RD14–5–000]

Proposed Agency Information Collection

AGENCY: Federal Energy Regulatory Commission.

ACTION: Comment request.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(a)(1)(D), the Federal Energy Regulatory Commission (Commission or FERC) is submitting the information collection in Docket No. RD14–5–000 to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission issued a Notice in the **Federal Register** (79 FR 27588, 5/14/2014) requesting public comments. FERC received no comments in response to that notice and has made this notation in its submission to OMB.

DATES: Comments on the collection of information are due by September 24, 2014.

ADDRESSES: Comments filed with OMB, identified by the docket number, should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer. The Desk Officer may also be reached via telephone at 202–395–4718.

A copy of the comments should also be sent to the Federal Energy Regulatory Commission, identified by the Docket No. RD14–5–000, by either of the following methods:

- *eFiling at Commission's Web site: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* by telephone at (202) 502–8663, and by fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION: The proposed information collection in Docket No. RD14–5–000 relates to the proposed Reliability Standards MOD–032–1 (Data for Power System Modeling and Analysis) and MOD–033–1 (Steady-State and Dynamics System Model Validation), developed by the North American Electric Reliability Corporation (NERC), and submitted to the Commission for approval. NERC's petition related to the proposed Reliability Standards MOD–032–1 and MOD–033–1 was approved on May 1, 2014, pursuant to the relevant authority delegated to the Director, Office of Electric Reliability under 18 CFR 375.303.

Reliability Standard MOD–032–1 consolidates NERC-approved Reliability Standards MOD–011–0, MOD–013–1 and MOD–014–0, as well as, Commission approved Reliability Standards MOD–010–0 and MOD–012–0, into one standard.[1] Reliability Standard MOD–032–1 requires data submission by applicable data owners to their respective transmission planners and planning coordinators to support the interconnection model building process in their interconnection. Reliability Standard MOD–033–1 is a new standard that requires each planning coordinator to implement a documented process to perform model validation within its planning area. The purpose of the Reliability Standards is to establish comprehensive modeling data requirements, reporting procedures, and validation requirements necessary to accurately model the interconnected transmission system for the near-term transmission planning horizon and the long-term transmission planning horizon.

Burden Statement: The number of respondents is based on the NERC Registry as of April 30, 2014. Public reporting burden for this proposed collection is estimated as:

[1] In Order No. 693, the Commission approved Reliability Standards MOD–010 and MOD–012. Regarding Reliability Standards MOD–011, MOD–013, MOD–014, and MOD–015, the Commission in Order No. 693 did not approve or remand the standards, pending the receipt of additional information. *Mandatory Reliability Standards for the Bulk-Power System,* Order No. 693, 72 FR 16416 (Apr. 4, 2007), at PP 1131–1222, *order on reh'g,* Order No. 693–A, 120 FERC ¶ 61,053 (2007).

MOD–032–1

[Data for power system modeling and analysis]

FERC–725L[2]	Number of respondents[3] (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1) × (2) × (3)	Total annual cost[4]
Develop data requirements and reporting procedures.	200 (PA, TP)	1	8	1,600	$96,000 one-time ($60/hr).
Data Submittal	1,355 (BA, GO, LSE, PA, RP, TO, TP, TSP).	1	8	10,840	$650,400 ($60/hr).
Evidence Retention	1,355 (BA, GO, LSE, PA, RP, TO, TP, TSP).	1	1	1,355	$43,360 ($32/hr).
Total				13,795	$789,760.

MOD–033–1

[Steady-state and dynamics system model validation]

FERC–725L	Number of respondents[3] (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1) × (2) × (3)	Total annual cost[4]
Develop data validation procedures.	75 (PA)	1	8	600	$36,000 one-time ($60/hr)
Data Submittal	196 (RC, TOP)	1	8	1,568	$94,080 ($60/hr).
Evidence Retention	200 (PA, RC, TOP)	1	1	200	$6,400 ($32/hr).
Total				2,368	$136,480.

Dated: August 18, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–20063 Filed 8–22–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP14–1186–000.

Applicants: UGI Storage Company.

Description: Order to Show Cause Compliance Filing to be effective 12/31/9998.

Filed Date: 8/18/14.

Accession Number: 20140818–5250.

Comments Due: 5 p.m. ET 9/2/14.

Docket Numbers: RP14–1187–000.

Applicants: Western Gas Interstate Company.

Description: Western Gas Interstate Order to Show Cause Filing to be effective 9/1/2014.

Filed Date: 8/18/14.

Accession Number: 20140818–5251.

Comments Due: 5 p.m. ET 9/2/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 19, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–20136 Filed 8–22–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC14–88–000.

Applicants: Tucson Electric Power Company, UNS Electric, Inc., Gila River Power LLC.

[2] In the May 14 public notice we listed the FERC Collection as FERC–725A. It is corrected to FERC–725L in this notice.

[3] PA = Planning Authority, GO = Generator Owner, TP = Transmission Planner, BA = Balancing Authority, LSE = Load Serving Entity, RP = Resource Planner, TSP = Transmission Service Provider, RC = Reliability Coordinator, TOP = Transmission Operator.

[4] The estimates for cost per hour (rounded to the nearest dollar) are derived as follows:

• $60/hour, the average salary plus benefits per engineer (from Bureau of Labor Statistics at *http://bls.gov/oes/current/naics3_221000.htm*).

• $32/hour, the salary plus benefits per information and record clerks (from Bureau of Labor Statistics at *http://bls.gov/oes/current/naics3_221000.htm*).

Description: Response to Request for Additional Information of Tucson Electric Power Company, et. al.
Filed Date: 8/14/14.
Accession Number: 20140814–5149.
Comments Due: 5 p.m. ET 9/4/14.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG14–85–000.
Applicants: Green Pastures Wind I, LLC.
Description: Self-Certification of Exempt Wholesale Generator Status for Green Pastures Wind I, LLC.
Filed Date: 8/15/14.
Accession Number: 20140815–5071.
Comments Due: 5 p.m. ET 9/5/14.

Docket Numbers: EG14–86–000.
Applicants: Avalon Solar Partners, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Avalon Solar Partners, LLC.
Filed Date: 8/15/14.
Accession Number: 20140815–5091.
Comments Due: 5 p.m. ET 9/5/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–1984–000.
Applicants: AEP Energy Partners, Inc.
Description: Supplement to May 19, 2014 Application for Authorization to make affiliate sales with Ohio Valley Electric Corporation of AEP Energy Partners, Inc.
Filed Date: 8/14/14.
Accession Number: 20140814–5146.
Comments Due: 5 p.m. ET 8/25/14.

Docket Numbers: ER14–2203–001.
Applicants: Limon Wind, LLC.
Description: Limon Wind, LLC Amendment to Order No. 784 Compliance Filing to be effective 6/18/2014.
Filed Date: 8/14/14.
Accession Number: 20140814–5134.
Comments Due: 5 p.m. ET 9/4/14.

Docket Numbers: ER14–2286–001.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 2014–08–15_ATC D–T Update Batch 2 Amend—Resubmittal to be effective N/A.
Filed Date: 8/15/14.
Accession Number: 20140815–5061.
Comments Due: 5 p.m. ET 9/5/14.

Docket Numbers: ER14–2658–000.
Applicants: NV Energy, Inc.
Description: OATT Order No. 792 Compliance Filing—Attachment O to be effective 8/4/2014.
Filed Date: 8/15/14.
Accession Number: 20140815–5002.
Comments Due: 5 p.m. ET 9/5/14.

Docket Numbers: ER14–2659–000.
Applicants: NV Energy, Inc.
Description: OATT Revisions to Attachment N to be effective 8/4/2014.
Filed Date: 8/15/14.
Accession Number: 20140815–5003.
Comments Due: 5 p.m. ET 9/5/14.

Docket Numbers: ER14–2660–000.
Applicants: PacifiCorp.
Description: Exelon EIM Participation Construction Agreement to be effective 8/16/2014.
Filed Date: 8/15/14.
Accession Number: 20140815–5085.
Comments Due: 5 p.m. ET 9/5/14.

Docket Numbers: ER14–2661–000.
Applicants: Illinois Power Marketing Company.
Description: Revised Market-Based Rate Tariff to be effective 8/16/2014.
Filed Date: 8/15/14.
Accession Number: 20140815–5115.
Comments Due: 5 p.m. ET 9/5/14.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA14–5–000.
Applicants: DTE Electric Company.
Description: Application of DTE Electric Company continued waiver of the requirements of Order Nos. 888, 889, and 890, their implementing regulations and Part 358 of the Commission's regulations.
Filed Date: 8/15/14.
Accession Number: 20140815–5069.
Comments Due: 5 p.m. ET 9/5/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 15, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–20094 Filed 8–22–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR14–49–000.
Applicants: DCP Raptor Pipeline, LLC.
Description: DCP Raptor Pipeline, LLC submits tariff filing per 284.123(b)(2) +: Raptor Rate Case to be effective 9/1/2014.
Filed Date: 8/13/14.
Accession Number: 20140813–5063.
Comments Due: 5 p.m. ET 9/3/14.
284.123(g) Protests Due: 5 p.m. ET 10/14/14.

Docket Numbers: RP14–1185–000.
Applicants: Viking Gas Transmission Company.
Description: Petition of Viking Gas Transmission Company for Approval of Settlement.
Filed Date: 8/15/14.
Accession Number: 20140815–5174.
Comments Due: 5 p.m. ET 8/28/14.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP11–1844–002.
Applicants: Rockies Express Pipeline LLC.
Description: Compliance to Settlement—Deferred Account.
Filed Date: 8/14/14.
Accession Number: 20140814–5115.
Comments Due: 5 p.m. ET 8/26/14.

Docket Numbers: RP14–685–002.
Applicants: Equitrans, L.P.
Description: Motion to Place IWS Tariff Records into Effect to be effective 8/16/2014.
Filed Date: 8/15/14.
Accession Number: 20140815–5058.
Comments Due: 5 p.m. ET 8/22/14.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by

clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 18, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–20095 Filed 8–22–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

August 18, 2014.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC14–125–000.
Applicants: Wheelabrator Technologies, Inc.
Description: Application for Authorization of Transactions under FPA Section 203 of Wheelabrator Technologies Inc. on behalf of its Public Utility Subsidiaries.
Filed Date: 8/15/14.
Accession Number: 20140815–5171.
Comments Due: 5 p.m. ET 9/5/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2302–005.
Applicants: Public Service Company of New Mexico.
Description: Notice of Change in Status of Public Service Company of New Mexico.
Filed Date: 8/18/14.
Accession Number: 20140818–5082.
Comments Due: 5 p.m. ET 9/8/14.

Docket Numbers: ER10–2474–010.
Applicants: Sierra Pacific Power Company.
Description: Market-Based Rate Tariff, Volume No. 7 Amendments to be effective 8/16/2014.
Filed Date: 8/15/14.
Accession Number: 20140815–5131.
Comments Due: 5 p.m. ET 9/5/14.

Docket Numbers: ER10–2475–010.
Applicants: Nevada Power Company.
Description: Market-Based Rate Tariff, Volume No. 11 Amendments to be effective 8/16/2014.
Filed Date: 8/15/14.
Accession Number: 20140815–5129.
Comments Due: 5 p.m. ET 9/5/14.

Docket Numbers: ER13–83–007.
Applicants: Duke Energy Progress, Inc., Duke Energy Carolinas, LLC.
Description: Order 1000 SERTP August 2014 Compliance Filing to be effective 6/1/2014.
Filed Date: 8/18/14.
Accession Number: 20140818–5101.
Comments Due: 5 p.m. ET 9/8/14.

Docket Numbers: ER13–366–003.
Applicants: Southwest Power Pool, Inc.
Description: Order 1000 Aggregate Study Revisions to be effective 1/1/2015.
Filed Date: 8/15/14.
Accession Number: 20140815–5134.
Comments Due: 5 p.m. ET 9/5/14.

Docket Numbers: ER13–897–004.
Applicants: Louisville Gas and Electric Company.
Description: Order 1000 SERTP August 2014 Compliance Filing to be effective 6/1/2014.
Filed Date: 8/18/14.
Accession Number: 20140818–5143.
Comments Due: 5 p.m. ET 9/8/14.

Docket Numbers: ER13–908–004.
Applicants: Alabama Power Company.
Description: Order No. 1000 Third Regional Compliance Filing—FILING SUBMITTED UNDER PROTEST to be effective 8/18/2014.
Filed Date: 8/18/14.
Accession Number: 20140818–5152.
Comments Due: 5 p.m. ET 9/8/14.

Docket Numbers: ER13–913–004.
Applicants: Ohio Valley Electric Corporation.
Description: Order 1000 SERTP August 2014 Compliance Filing to be effective 6/1/2014.
Filed Date: 8/18/14.
Accession Number: 20140818–5145.
Comments Due: 5 p.m. ET 9/8/14.

Docket Numbers: ER13–2477–005; ER10–1946–007; ER11–3859–010; ER13–2476–005; ER11–3861–009; ER11–3864–010; ER13–2475–005; ER11–3866–010; ER12–192–008; ER11–3867–010; ER11–3857–010; ER11–4266–009.
Applicants: Brayton Point Energy, LLC, Broad River Energy LLC, Dighton Power, LLC, Elwood Energy, LLC, Empire Generating Co, LLC, EquiPower Resources Management, LLC, Kincaid Generation, L.L.C., Lake Road Generating Company, L.P., Liberty Electric Power, LLC, MASSPOWER, Milford Power Company, LLC, Richland-Stryker Generation LLC.
Description: Notice of Change in Status of the ECP MBR Sellers under ER13–2477, et. al.
Filed Date: 8/18/14.
Accession Number: 20140818–5133.
Comments Due: 5 p.m. ET 9/8/14.

Docket Numbers: ER14–480–002.
Applicants: California Independent System Operator Corporation.
Description: 2014–08–18_Order764_SecondCompliance to be effective 5/1/2014.
Filed Date: 8/18/14.
Accession Number: 20140818–5137.
Comments Due: 5 p.m. ET 9/8/14.

Docket Numbers: ER14–2185–001.
Applicants: EFS Parlin Holdings, LLC.
Description: Supplement to July 11, 2014 Supplement of EFS Parlin Holdings, LLC tariff filing.
Filed Date: 8/15/14.
Accession Number: 20140815–5063.
Comments Due: 5 p.m. ET 9/5/14.

Docket Numbers: ER14–2461–001.
Applicants: PPL Electric Utilities Corporation, PJM Interconnection, L.L.C.
Description: PPL submits compliance filing per 8/11/2014 Order in ER14–2461 to be effective 8/8/2014.
Filed Date: 8/18/14.
Accession Number: 20140818–5146.
Comments Due: 5 p.m. ET 9/8/14.

Docket Numbers: ER14–2662–000.
Applicants: Southern Electric Generating Company.
Description: SEGCo 2014 Updated Depreciation Rates Filing to be effective 1/1/2015.
Filed Date: 8/15/14.
Accession Number: 20140815–5128.
Comments Due: 5 p.m. ET 9/5/14.

Docket Numbers: ER14–2663–000.
Applicants: Georgia Power Company.
Description: FP&L Scherer Unit 4 TSA Amendment Filing (SEGCo Updated Depreciation Rates) to be effective 1/1/2015.
Filed Date: 8/15/14.
Accession Number: 20140815–5130.
Comments Due: 5 p.m. ET 9/5/14.

Docket Numbers: ER14–2664–000.
Applicants: Georgia Power Company.
Description: JEA Scherer Unit 4 TSA Amendment Filing (SEGCo Updated Depreciation Rates) to be effective 1/1/2015.
Filed Date: 8/15/14.
Accession Number: 20140815–5132.
Comments Due: 5 p.m. ET 9/5/14.

Docket Numbers: ER14–2665–000.
Applicants: Alabama Power Company.
Description: Attachment S (APCo and SEGCo) 2014 Updated Depreciation Rates Filing to be effective 1/1/2015.
Filed Date: 8/15/14.
Accession Number: 20140815–5135.
Comments Due: 5 p.m. ET 9/5/14.

Docket Numbers: ER14–2666–000.
Applicants: Avalon Solar Partners, LLC.

Description: Avalon Solar Partners Market Based Rate Application to be effective 10/15/2014.
Filed Date: 8/18/14.
Accession Number: 20140818–5000.
Comments Due: 5 p.m. ET 9/8/14.

Docket Numbers: ER14–2667–000.
Applicants: EquiPower Resources Management, LLC.
Description: Normal filing 2014 to be effective 8/19/2014.
Filed Date: 8/18/14.
Accession Number: 20140818–5096.
Comments Due: 5 p.m. ET 9/8/14.

Docket Numbers: ER14–2668–000.
Applicants: PJM Interconnection, L.L.C.
Description: First Revised Service Agreement No. 3098 (Queue No. Y1–026) to be effective 7/17/2014.
Filed Date: 8/18/14.
Accession Number: 20140818–5166.
Comments Due: 5 p.m. ET 9/8/14.

Docket Numbers: ER14–2669–000.
Applicants: PJM Interconnection, L.L.C.
Description: First Revised Service Agreement No. 3320 (Queue No. X3–043) to be effective 7/17/2014.
Filed Date: 8/18/14.
Accession Number: 20140818–5175.
Comments Due: 5 p.m. ET 9/8/14.

Docket Numbers: ER14–2670–000.
Applicants: Pennsylvania Electric Company, Metropolitan Edison Company, PJM Interconnection, L.L.C.
Description: Penelec and MetEd submit Construction Agreements—PJM SA Nos. 3924 and 3925 to be effective 4/28/2014.
Filed Date: 8/18/14.
Accession Number: 20140818–5186.
Comments Due: 5 p.m. ET 9/8/14.

Docket Numbers: ER14–2671–000
Applicants: PJM Interconnection, L.L.C.
Description: First Revised Service Agreement No. 2859 (Queue No. W3–057) to be effective 7/17/2014.
Filed Date: 8/18/14.
Accession Number: 20140818–5191.
Comments Due: 5 p.m. ET 9/8/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2014–20132 Filed 8–22–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP13–113–000]

Dominion Cove Point LNG, LP; Notice of Final General Conformity Determination for the Cove Point Liquefaction Project

On May 15, 2014, the staff of the Federal Energy Regulatory Commission (FERC or Commission) issued a Draft General Conformity Determination (GCD) concurrent with the Environmental Assessment for the Cove Point Liquefaction Project (EA). The Draft GCD assessed the potential air quality impacts associated with the construction and operation of facilities to process and export domestically-sourced liquefied natural gas (LNG) at the existing Cove Point LNG Terminal in Calvert County, Maryland. In accordance with the General Conformity Regulations under the Code of Federal Regulations Chapter 40 Part 93.156, the Draft GCD was issued for a 30-day public comment period. No comments were received on the Draft GCD; therefore, the Commission staff is issuing this notice to announce the Draft GCD is now the Final GCD.

The GCD was prepared to satisfy the requirements of the Clean Air Act. The FERC staff concludes that the Project will achieve conformity in Maryland and Virginia. Copies of the Draft GCD were previously mailed to the U.S. Environmental Protection Agency, Region III, the Maryland Department of Natural Resources, the Maryland Department of Environment, and the Virginia Department of Environmental Quality.

The GCD addresses the potential air quality impacts from Dominion Cove Point LNG, LP's (Dominion) construction and operation of the following LNG terminal and natural gas pipeline facilities:

- One LNG liquefaction train consisting of gas treatment equipment, natural gas-fired turbine-driven refrigerant compressors, additional power generation including waste heat-driven steam turbine generators, and minor modifications to the existing pier at the LNG terminal;
- The use of two construction off-site areas in Calvert County, Maryland;
- The addition of up to 62,500 horsepower of electric-driven compression at the existing Pleasant Valley Compressor Station in Fairfax County, Virginia; and
- Modifications to an existing metering and regulating in Loudoun County, Virginia.

We received several general comments on the EA related to General Conformity noting that Dominion would purchase emission reduction credits in Frederick County, Maryland to meet the General Conformity requirements. The GCD identifies that the Project is located within the Washington, DC ozone nonattainment air quality control region (AQCR). The Clean Air Act defines nonattainment areas as ''any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant''. The EA explains that in order to achieve improved air quality within a nonattainment area, reductions are required throughout the entire AQCR. The General Conformity Regulations require that offsets be purchased ''within the same nonattainment or maintenance area (or a nearby area of equal or higher classification provided the emissions from that area contribute to the violations, or have contributed to violations in the past)''. Frederick County is also within the Washington, DC ozone nonattainment AQCR and Dominion has purchased more than the required amount of offsets for the Project, which will sufficiently offset nitrogen dioxide emissions from the Project.

The GCD was placed in the public files of the FERC on May 15, 2014 concurrent with the EA, is available for public viewing on the FERC's Web site at *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.

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 and the Project docket number (e.g., CP13–113). The eLibrary link on the FERC Web site also provides access to the texts of formal documents issued by

the Commission, such as orders, notices, and rulemakings.

Dated: August 18, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–20060 Filed 8–22–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2114–271]

Public Utility District No. 2 of Grant County,Washington; Notice of Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following has been filed with the Commission and is available for public inspection:

a. *Application Type:* Filing of Description and Maps Pursuant to Approved Shoreline Management Plan.

b. *Project No:* 2114–271.

c. *Date Filed:* July 16, 2013.

d. *Applicant:* Public Utility District No. 2 of Grant County, Washington.

e. *Name of Project:* Priest Rapids Hydroelectric Project.

f. *Location:* The project is located on the mid-Columbia River, in portions of Grant, Yakima, Kittitas, Douglas, Benton, and Chelan Counties, Washington and occupies approximately 3,050 acres of federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Ross Hendrick, License Compliance Manager, P.O. Box 878, Ephrata, Washington 98823 (509–754–0500).

i. *FERC Contact:* Hillary Berlin at (202) 502–8915, or email: *hillary.berlin@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* September 19, 2014.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (p–2114–271) on any comments, motions, or recommendations filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Filing:* The licensee filed a description and maps of project lands where no non-project uses will be authorized. The maps show the shoreline land use classifications under the shoreline management plan, and delineate which areas within the project facilities and public recreation classifications non-project uses will and will not be authorized. The licensee will only allow temporary or low impact uses within the project facilities land use classification. Within the public recreation development land use classification, any request for a non-project use will be looked at on a case-by-case basis to ensure that it does not pose safety, access, use, cultural, and/or environmental impacts, or that it does not impair the licensee's ability to safely operate the project.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: August 18, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–20062 Filed 8–22–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–2672–000]

EDF Energy Services, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of EDF Energy Services, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for

blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is September 8, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 19, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–20126 Filed 8–22–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–2666–000]

Avalon Solar Partners, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Avalon Solar Partners, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is September 8, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 18, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–20096 Filed 8–22–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Meeting To Discuss Concept of Developing an Electronic Information and Trading Platform for Natural Gas

Commissioner Philip D. Moeller will convene a meeting at the Federal Energy Regulatory Commission on Thursday, September 18, 2014, from 2:00 p.m. to 4:45 p.m., in the Commission Meeting Room at the agency's headquarters: 888 First Street NE., Washington, DC. The purpose of this meeting is to provide a forum for interested parties to discuss ideas to facilitate and improve the way in which natural gas is traded, and explore the concept of establishing a centralized trading platform for natural gas.

As natural gas-fired power plants become an increasingly larger share of the nation's electricity mix, the manner by which the commodity is procured and transacted is of great interest. This meeting will address how natural gas is currently traded and discuss concerns regarding the lack of transparency and possible inefficiencies in trading the commodity, particularly during off-hours. We welcome ideas from system operators and generation owners regarding the types of near real time flexibility (*e.g.,* changing or confirming nominations) that would be most valuable to them in meeting contingencies that may require gas-fired generation to ramp on short notice, as well as ideas from pipeline operators and others regarding the physical and information requirements that would have to be met in order to provide such flexibility on a standardized basis.

Further, we welcome ideas and discussion of current confirmation processes and how they might be accelerated, streamlined, and better coordinated across pipelines where necessary to support trading opportunities. Notably, the meeting will explore the concept of developing an electronic information and trading platform that would contain bids and offers for the purchase and sale of both

commodity and capacity for receipt and delivery points across multiple pipeline systems.

This meeting is open to the public and all interested parties, including those in the electric power and financial sectors, are invited to attend. There is no registration fee to attend and this meeting will not be Web cast or transcribed. Meeting attendees are reminded to allow sufficient time to pass through building security procedures.

Persons wishing to participate and speak at this meeting should express such interest no later than September 4, 2014 by contacting Jason Stanek, Legal Advisor to the Commissioner at (202) 502–8403, or by email at *jason.stanek@ferc.gov.*

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or (202) 502–8659 (TTY), or send a facsimile to (202) 208–2106 noting the accommodations required.

Dated: August 19, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–20127 Filed 8–22–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–531–000]

Southern Star Central Gas Pipeline, Inc.; Notice of Request Under Blanket Authorization

Take notice that on August 7, 2014, Southern Star Central Gas Pipeline, Inc. (Southern Star), 4700 State Highway 56, Owensboro, Kentucky 42301, filed in the above Docket, a prior notice request pursuant to section 157.210 of the Commission's regulations under the Natural Gas Act (NGA) for authorization to increase the capacity along mainline facilities from its Marionville/Billings TB area on Line HQ to an existing delivery meter known as Summit Rogersville located in Greene County, Missouri, all as more fully set forth in the application which is on file with the Commission and open to public 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, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to David N. Roberts, Analyst Staff, Regulatory Compliance, Southern Star Central Gas Pipeline, Inc., 4700 State Highway 56, Owensboro, Kentucky 42301, at (270) 852–4654.

Specifically, Southern Star's proposed increase in capacity, of 4,000 Mcf/d on a portion of its 16-inch Line HQ, will require yard piping modifications upstream within the existing Saginaw and Grabham Compressor Stations. The estimated cost of the project is $423,000.

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 thorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Any person may, within 60 days after the 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. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file 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 protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link.

Dated: August 18, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–20061 Filed 8–22–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R09–OAR–2014–0484; FRL–9915–66–Region–9]

Adequacy Status of Motor Vehicle Emissions Budgets in Submitted Fine Particulate Maintenance Plan for Yuba City-Marysville; California

AGENCY: Environmental Protection Agency.

ACTION: Notice of adequacy.

SUMMARY: The Environmental Protection Agency (EPA) is notifying the public that the Agency has found that the motor vehicle emissions budgets (MVEBs) for fine particulate ($PM_{2.5}$) for the years 2017 and 2024 in the *Yuba City-Marysville $PM_{2.5}$ Nonattainment Area Redesignation Request and Maintenance Plan (April 1, 2013)* (''Yuba City-Marysville $PM_{2.5}$ Plan'') are adequate for transportation conformity purposes. The Yuba City-Marysville $PM_{2.5}$ Plan was submitted to EPA on May 23, 2013 by the California Air Resources Board (CARB) as a revision to the California State Implementation Plan (SIP) and includes a maintenance plan for the 2006 24-hour $PM_{2.5}$ national ambient air quality standard. Upon the effective date of this notice of adequacy, the Sacramento Area Council of Governments and the U.S. Department of Transportation must use the MVEBs for future conformity determinations.

DATES: This finding is effective on September 9, 2014.

FOR FURTHER INFORMATION CONTACT: John Ungvarsky, U.S. EPA, Region IX, Air Division AIR–2, 75 Hawthorne Street, San Francisco, CA 94105–3901, (415) 972–3963 or *ungvarsky.john@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

This notice is simply an announcement of a finding that we have already made. EPA Region IX sent a letter to CARB on August 11, 2014 stating that the MVEBs in the submitted Yuba City-Marysville $PM_{2.5}$ Plan for 2017 and 2024 are adequate. The adequate MVEBs are provided in the following table:

MVEBs in the Yuba City-Marysville $PM_{2.5}$ Plan

[Tons per winter season day]

Budget year	Oxides of nitrogen	$PM_{2.5}$
2017	5.3	0.2
2024	3.1	0.2

Receipt of the MVEBs in the Yuba City-Marysville $PM_{2.5}$ Plan was announced on EPA's transportation conformity Web site on May 20, 2014. We received no comments in response to the adequacy review posting. The finding is available at EPA's transportation conformity Web site: *http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm.*

Transportation conformity is required by Clean Air Act section 176(c). EPA's conformity rule requires that transportation plans, transportation improvement programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they do conform. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's MVEBs are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4) which was promulgated in our August 15, 1997 final rule (62 FR 43780, 43781–43783). We have further described our process for determining the adequacy of submitted SIP budgets in our July 1, 2004 final rule (69 FR 40004, 40038), and we used the information in these resources in making our adequacy determination. Please note that an adequacy review is separate from EPA's completeness review, and should not be used to prejudge EPA's ultimate approval action for the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

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

Dated: August 11, 2014.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 2014–20192 Filed 8–22–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee Act; Technological Advisory Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC) Technological Advisory Council will hold a meeting on Tuesday, September 23rd, 2014 in the Commission Meeting Room, from 1 p.m. to 4 p.m. at the Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

DATES: Tuesday September 23rd, 2014.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Walter Johnston, Chief, Electromagnetic Compatibility Division, 202–418–0807; *Walter.Johnston@FCC.gov.*

SUPPLEMENTARY INFORMATION: The FCC Technological Advisory Council will discuss progress on its work program for 2014. The FCC will attempt to accommodate as many people as possible. However, admittance will be limited to seating availability. Meetings are also broadcast live with open captioning over the Internet from the FCC Live Web page at *http://www.fcc.gov/live/.* The public may submit written comments before the meeting to: Walter Johnston, the FCC's Designated Federal Officer for Technological Advisory Council by email: *Walter.Johnston@fcc.gov* or U.S. Postal Service Mail (Walter Johnston, Federal Communications Commission, Room 7–A224, 445 12th Street SW., Washington, DC 20554). Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Office of Engineering and Technology at 202–418–2470 (voice), (202) 418–1944 (fax). Such requests should include a detailed description of the accommodation needed. In addition, please include your contact information. Please allow at least five days advance notice; last minute requests will be accepted, but may be impossible to fill.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison.

[FR Doc. 2014–20093 Filed 8–22–14; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0164; Docket 2014–0055; Sequence 23]

Federal Acquisition Regulation; Submission to OMB Review; Contractor Business Ethics Compliance Program and Disclosure Requirements

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB information collection.

SUMMARY: Under the provisions of the Paperwork Reduction Act (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 previously approved information collection requirement concerning Contractor Business Ethics Compliance Program and Disclosure Requirements. A notice was published in the **Federal Register** at 79 FR 32959 on June 9, 2014. No comments were received.

DATES: Submit comments on or before September 24, 2014.

ADDRESSES: Submit comments identified by Information Collection 9000–0164, Contractor Business Ethics Compliance Program and Disclosure Requirements, 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 9000–0164. Select the link that corresponds with ''Information Collection 9000–0164, Contractor Business Ethics Compliance Program and Disclosure Requirements''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0164, Contractor Business Ethics Compliance Program

and Disclosure Requirements'', 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 9000–0164, Contractor Business Ethics Compliance Program and Disclosure Requirements.

Instructions: Please submit comments only and cite Information Collection 9000–0164, Contractor Business Ethics Compliance Program and Disclosure Requirements, 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 Loeb, Procurement Analyst, Acquisition Policy Division, via telephone 202–501–0650 or via email to *edward.loeb@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The collection applies to the FAR requirements for a contractor code of business ethics and conduct, an internal control system, and disclosure to the Government of certain violations of criminal law, violations of the civil False Claims Act, or significant overpayments.

The 60 hour burden estimate reflects revisions resulting from public comments as reflected in the November 12, 2008, final rule (73 FR 67064). In response to public comments the Government stated the initial estimate of 3 hours was inadequate and revised the estimated burden hours to 60 per response. The change particularly considers the hours that would be required for the collection within a company, prior to release to the Government.

B. Annual Reporting Burden

Respondents: 276.
Responses per Respondent: 1.
Total Responses: 276.
Hours per Response: 60.
Total Burden hours: 16,560.

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, telephone 202–501–4755.

Please cite OMB Control No. 9000–0164, Contractor Business Ethics Compliance Program and Disclosure Requirements, in all correspondence.

Dated: August 19, 2014.

Edward Loeb,

Acting Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2014–20122 Filed 8–22–14; 8:45 am]

BILLING CODE 6820–14–P

GENERAL SERVICES ADMINISTRATION

[Notice–PMAB–2014–02; Docket No. 2014–0002; Sequence No. 31]

The President's Management Advisory Board (PMAB); Notification of Upcoming Public Advisory Meeting

AGENCY: Office of Executive Councils, U.S. General Services Administration (GSA).

ACTION: Meeting notice.

SUMMARY: The President's Management Advisory Board (PMAB), a Federal Advisory Committee established in accordance with the Federal Advisory Committee Act (FACA), 5 U.S.C., App., and Executive Order 13538, will hold a public meeting on Friday, September 12, 2014.

DATES: *Effective:* August 25, 2014.

Meeting date: The meeting will be held on Friday, September 12, 2014 beginning at 10:00 a.m. Eastern Standard Time, ending no later than 1:00 p.m. Eastern Standard Time.

ADDRESSES: Eisenhower Executive Office Building, 1650 Pennsylvania Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Brockelman, Designated Federal Officer, President's Management Advisory Board, Office of Executive Councils, General Services Administration, 1800 F Street NW., Washington, DC 20006, at *stephen.brockelman@gsa.gov.*

SUPPLEMENTARY INFORMATION:

Background: The PMAB was established to provide independent advice and recommendations to the President and the President's Management Council on a wide range of issues related to the development of effective strategies for the implementation of best business practices to improve Federal Government management and operation.

Agenda: The main purpose of this meeting is for the PMAB to discuss how to improve customer service in the Federal government by evolving agencies' service model design and establishing a customer service culture among the frontline workforce. The PMAB will also receive progress updates on their prior initiatives. In addition, the recently released U.S. Digital Services Strategy will be discussed for its applicability to customer service model redesign and overall efforts to transform how IT is developed and managed in Federal government.

Meeting Access: The PMAB will convene its meeting in the Eisenhower Executive Office Building, 1650 Pennsylvania Avenue NW., Washington, DC. Due to security, there will be no public admittance to the Eisenhower Building to attend the meeting. However, the meeting is open to the public; interested members of the public may view the PMAB's discussion at *http://www.whitehouse.gov/live.* Members of the public wishing to comment on the discussion or topics outlined in the Agenda should follow the steps detailed in Procedures for Providing Public Comments below.

Availability of Materials for the Meeting: Please see the PMAB Web site: (*http://www.whitehouse.gov/administration/advisory-boards/pmab*) for any materials available in advance of the meeting and for meeting minutes that will be made available after the meeting. Detailed meeting minutes will be posted within 90 days of the meeting.

Procedures for Providing Public Comments: In general, public statements will be posted on the PMAB Web site (*http://www.whitehouse.gov/administration/advisory-boards/pmab*). Non-electronic documents will be made available for public inspection and copying in PMAB offices at GSA, 1800 F Street NW., Washington, DC 20006, on official business days between the hours of 10 a.m. and 5 p.m. eastern standard time. You can make an appointment to inspect statements by telephoning 202–501–1398. All statements, including attachments and other supporting materials, received are part of the public record and subject to public disclosure.

Any statements submitted in connection with the PMAB meeting will be made available to the public under the provisions of the Federal Advisory Committee Act.

The public is invited to submit written statements for this meeting until 12:30 p.m. eastern standard time on Thursday, September 11, 2014 by either of the following methods: *Electronic or Paper Statements:* Submit electronic statements to Mr. Brockelman, Designated Federal Officer at *stephen.brockelman@gsa.gov;* or send paper statements in triplicate to Mr. Brockelman at the PMAB GSA address above.

Dated: August 18, 2014.

Christine Harada,

Associate Administrator, Office of Government-wide Policy, General Services Administration.

[FR Doc. 2014–20125 Filed 8–22–14; 8:45 am]

BILLING CODE 6820–BR–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: HHS–OS–0990–New–60D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, announces plans to submit a new Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting that ICR to OMB, OS seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before October 24, 2014.

ADDRESSES: Submit your comments to *Information.CollectionClearance@hhs.gov* or by calling (202) 690–6162.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the document identifier HHS–OS–0990–New–60D for reference.

Information Collection Request Title: Data Element Survey for the Title X Family Planning Annual Report (FPAR) 2.0

Abstract: The Office of Population Affairs (OPA) within the Office of the Assistant Secretary for Health (OASH), Office of Family Planning (OFP), and this office is requesting Office of Management and Budget (OMB) approval on a new data collection form (data element survey). This survey is intended to collect feedback from the Title X network regarding feasibility, alignment, and potential workflow issues related to encounter-level data collection and the proposed new FPAR 2.0 data elements (the data dictionary). This voluntary form will occur annually and allow the Title X network to offer feedback and guidance that will inform OPA's development of FPAR 2.0. OPA will solicit feedback from Title X agencies to better inform the 2.0 data dictionary, and proposes to make this data collection form available for up to 3 years so that OPA can accept feedback from the network regarding any version changes that might be made to the dictionary.

Likely Respondents: Title X Grantees, Sub recipients, and Service Sites

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Data Element Survey	818	1	30/60	409
Total			30/60	409

OS specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Darius Taylor,

Information Collection Clearance Officer.

[FR Doc. 2014–20065 Filed 8–22–14; 8:45 am]

BILLING CODE 4150–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[60Day–14–14ATA]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to LeRoy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to

minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

Biomonitoring of Great Lakes Populations Program II—New—Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (DHHS).

Background and Brief Description

The Great Lakes Basin has suffered decades of pollution and ecosystem damage. Many chemicals persist in Great Lakes sediments, as well as in wildlife and humans. These chemicals can build up in the aquatic food chain. Eating contaminated fish is a known route of human exposure.

In 2009, the Great Lakes Restoration Initiative (GLRI) was enacted by Public Law 111–88. The GLRI FY2010–FY2014 Action Plan makes Great Lakes restoration a national priority for 12 Federal Agencies. The GLRI is led by the U.S. Environmental Protection Agency (US EPA). Under a 2013 interagency agreement with the US EPA, the Agency for Toxic Substances and Disease Registry (ATSDR) announced a funding opportunity called the ''Biomonitoring of Great Lakes Populations Program'' (CDC–RFA–TS13–1302).

This applied public health program aims to measure Great Lakes chemicals in human blood and urine. These measures will be a baseline for current and future restoration activities. The measures will be compared to available national estimates. This program also aims to take these measures from people who may be at higher risk of harm from chemical exposures.

This project will provide additional public health information to supplement the CDC–RFA–TS10–1001 cooperative agreement program ''Biomonitoring of Great Lakes Populations'' (thereafter referred as ''Program I'') initiated in FY2010 (OMB Control Number 0923–0044). The purpose of the current announcement is to evaluate body burden levels of priority contaminants in Great Lakes residents, particularly those who are at highest exposure risk, in an area and susceptible populations that were not previously addressed in the Program I.

The New York State Department of Health (NYSDOH) received funding for the current program. NYSDOH will look at two subpopulations of adults living in Syracuse, NY who are known to eat fish from Onondaga Lake. Onondaga Lake is a highly polluted Great Lakes Basin water body in Central New York located northwest of Syracuse. The target subpopulations are: (1) Burmese and Bhutanese refugees who are known to eat a substantial amount of fish from Onondaga Lake (300 people); (2) an urban population who rely on fish from Onondaga Lake as a source of food (100 people). NYSDOH study staff will work closely with local refugee and citizen support organizations to get people to take part in the study. Formative research will be conducted to determine the best method for recruiting these populations in Syracuse eating fish from Onondaga Lake.

All respondents who consent will give blood and urine specimens. Their blood will be tested for polychlorinated biphenyls (PCBs), mercury, lead, cadmium, polybrominated diphenyl ethers (PBDEs), perfluorinated compounds (PFCs), toxaphene, chlordane, oxychlordane and trans-nonachlor, dieldrin, dechlorane plus, omega-3 fatty acids, blood lipids, and pesticides. Pesticides will include mirex, hexachlorobenzene, dichlorodiphenyltrichloroethane (DDT) and dichlorodiphenyldichloroethylene (DDE). Their urine will be tested for creatinine.

Respondents will also be interviewed. They will be asked about demographic and lifestyle factors, hobbies, and types of jobs which can contribute to chemical exposure. Some diet questions will be asked, too, with a focus on eating Great Lakes fish. There is no cost to respondents other than their time spent in the study.

The ATSDR is requesting a two-year approval from OMB and is authorized to conduct this program under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA).

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Refugees from Burma and Bhutan living in Syracuse, NY.	Eligibility Screening Survey	250	1	5/60	21
	Informed Consent	150	1	1/60	3
	Interview Questionnaire	150	1	45/60	113
	Network Size Questions for Respondent Driven Sampling.	150	1	5/60	13
Urban subsistence anglers living in Syracuse, NY.	Eligibility Screening Survey	92	1	5/60	8
	Informed Consent	50	1	1/60	1
	Interview Questionnaire	50	1	30/60	25
	Network Size Questions for Respondent Driven Sampling.	50	1	5/60	4
Total					188

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–20100 Filed 8–22–14; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–14–14YI]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Assessing School-centered HIV/STD Prevention Efforts in a Local Education Agency—New—Division of Adolescent and School Health (DASH), National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Human Immunodeficiency Virus (HIV) infections remain high among young men who have sex with men. The estimated number of new HIV infections increased between 2008 and 2010 both overall and among Men who have Sex with Men (MSM) ages 13 to 24. Furthermore, sexual risk behaviors associated with HIV, other sexually transmitted disease (STD), and pregnancy often emerge in adolescence. For example, 2011 Youth Risk Behavior Surveillance System (YRBSS) data revealed 47.4% of U.S. high school students reported having had sex, and among those who had sex in the previous three months, 39.8% reported having not used a condom during last sexual intercourse. In addition, 2001–2009 YRBSS data revealed high school students identifying as gay, lesbian, and bisexual and those reporting sexual contact with both males and females were more likely to engage in sexual risk-taking behaviors than heterosexual students.

Given the disproportionate risk for HIV among Young Men who have Sex with Men (YMSM) ages 13–24, it is important to find ways to reach the younger youth (i.e., ages 13–19) in this range to decrease sexual risk behaviors and increase health-promoting behaviors such as routine HIV testing.

Schools provide one opportunity for this. Because schools enroll more than 22 million teens (ages 14–19) and often have existing health and social services infrastructure, schools and their staff members are well-positioned to connect youth to a wide range of needed services, including housing assistance, support groups, and sexual health services such as HIV testing. As a result, CDC's DASH has focused a number of HIV and STD prevention efforts on strategies that can be implemented in or centered around schools.

CDC requests a three-year OMB approval to conduct a new information collection entitled, ''Assessing School-Centered HIV/STD Prevention Efforts in a Local Education Agency''. The information collection uses a self-administered paper-pencil questionnaire (Youth Health and School Climate Questionnaire) to conduct an in-depth assessment of HIV and STD prevention efforts that are taking place in one CDC-funded local education agency (LEA).

This data collection will provide data and reports for the LEA, and will allow the LEA to identify areas of the program that are working well and other areas that require improvement. In addition, the findings will allow CDC to determine the potential impact of currently recommended strategies and make changes to those recommendations if necessary.

The questionnaire will include questions on the following topics: Demographic information; HIV and STD risk behaviors; use of HIV and STD health services; experiences at school, including school connectedness, harassment and bullying, homophobia, support of Lesbian, Gay, Bisexual, Transgender, and Queer students; sexual orientation; receipt of referral for HIV and STD prevention health services; and health education.

The questionnaire will be administered in 2014 and 2016 to 16,500 students from seven high schools (grades 9–12) that are participating in the HIV/STD prevention project. Although some students may take the questionnaire in multiple years, this is not a longitudinal design and students' responses will not be tracked across the years. No personally identifiable information will be collected.

All students' parents will receive parental consent forms that provide them with an opportunity to opt their children out of the study. In addition, each student will be given an assent form that explains he or she may choose not to take the questionnaire or may skip any questions in the questionnaire with no penalty. Participation is completely voluntary.

The estimated burden per response ranges from 35–45 minutes. This variation in burden is due to the slight variability in skip patterns that may occur with certain responses and variations in the reading speed of students. The burden estimates presented here are based on the assumption of a 40-minute response time per response. Students in the 12th grade in fall 2014 will complete the questionnaire only once. It is estimated that students in the 9th, 10th, and 11th grade will complete the questionnaire in fall of 2014 and again in the spring of 2016 when they will be 10th, 11th, and 12th grade students. In addition, students who are in the 9th grade in spring of 2016 will also complete the questionnaire.

Annualizing this collection over three years results in an estimated annualized burden of 7,333 hours for respondents. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN

Respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Students in the grades 9–12	Youth Health and School Climate Questionnaire.	11,000	1	40/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–20099 Filed 8–22–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–0942]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to Leroy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

HIV Prevention among Latino MSM: Evaluation of a Locally Developed Intervention (OMB No. 0920–0942, expires 06/30/2015)—Extension—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Latinos are the largest and fastest growing ethnic minority group in the U.S. and have the second highest rate of HIV/AIDS diagnoses of all racial/ethnic groups in the country. From the beginning of the epidemic through 2007, Latinos accounted for 17% of all AIDS cases reported to the CDC. Among Latino males, male-to-male sexual contact is the single most important source of HIV infection, accounting for 46% of HIV infections in U.S.-born Latino men from 2001 to 2005, and for more than one-half of HIV infections among South American, Cuban, and Mexican-born Latino men in the U.S. (CDC, 2007a; 2007b). In 2006, male-to-male sex accounted for 72% of new HIV infections among Latino males. Relative to other men who have sex with men (MSM), the rate of HIV infection among Latino MSM is twice the rate recorded among whites (43.1 vs. 19.6 per 100,000).

Despite the high levels of infection risk that affect Latino MSM, no efficacious behavioral interventions to prevent infection by HIV and other sexually transmitted diseases (STDs) are available for this vulnerable population. CDC's Prevention Research Synthesis group, whose role is to identify HIV prevention interventions that have met rigorous criteria for demonstrating evidence of efficacy, has not identified any behavioral interventions for Latino MSM that meet current efficacy criteria, and no such interventions are listed in CDC's 2011 update of its Compendium of Evidence-Based HIV Behavioral Interventions (*http://www.cdc.gov/hiv/topics/research/prs/compendium-evidence-based-interventions.htm*). There is an urgent need for efficacious, culturally congruent HIV/STD prevention interventions for Latino MSM.

The purpose of this project is to test the efficacy of an HIV prevention intervention for reducing sexual risk among Latino men who have sex with men in North Carolina. The HOLA en Grupos intervention is a Spanish-language, small-group, 4-session intervention that is designed to increase consistent and correct condom use and HIV testing among Latino MSM and to affect other behavioral and psychosocial factors that can increase their vulnerability of HIV/STD infection. This study is using a randomized controlled trial design to assess the efficacy of the HOLA en Grupos intervention compared to a general health comparison intervention.

CDC is requesting a one-year extension to the existing Information Collection Request in order to collect information from 50 study participants. This will terminate data collection for the study. During the requested extension period, a six-month follow-up

assessment will be administered to a total 50 study participants. Information collection during the extension period will make it possible to measure intervention and comparison participants' socio-demographic characteristics, health seeking actions, HIV/STD and substance use-related risk behaviors, and psychosocial factors 6 months after they receive the HOLA en Grupos and comparison interventions, respectively, and to test the efficacy of the HOLA en Grupos intervention. Collection of the six-month follow-up assessment information will require about one hour per study participant.

There is no cost to participants other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number responses per respondent	Average burden per respondent (in hours)	Total annual burden in hours
Enrolled Study Participant	6-month follow-up assessment (att 3).	50	1	1	50
Total					50

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–20103 Filed 8–22–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–14AUI]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to Leroy A. Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

WISEWOMAN National Program Evaluation—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The CDC has supported the WISEWOMAN program (Well-Integrated Screening and Evaluation for Women Across the Nation) since 1995. The WISEWOMAN program is designed to serve low-income women ages 40–64 who have elevated risk factors for cardiovascular disease (CVD) and have no health insurance, or are underinsured for medical and preventive care services. Through the WISEWOMAN program, women have access to screening services for selected CVD risk factors such as elevated blood cholesterol, hypertension, and abnormal blood glucose levels; referrals to lifestyle programs; and referrals to medical care. WISEWOMAN participants must be co-enrolled in the CDC-sponsored National Breast and Cervical Cancer Early Detection Program (NBCCEDP).

The WISEWOMAN program is administered through cooperative agreements with state, territorial, or tribal health departments. At present, approximately two-thirds of program funding is provided by CDC with the other one-third supplied by the state, territory, or tribal organization. Each WISEWOMAN awardee submits to CDC an annual progress report that describes program objectives and activities, and semi-annual data reports (known as minimum data elements, or MDE) on the screening, assessment, and lifestyle program services offered to women who participate in the program (see WISEWOMAN Reporting System, OMB No. 0920–0612, exp. 12/31/2016). Participant-level MDE are de-identified prior to transmission to CDC.

In 2013, CDC released the fourth funding opportunity announcement (FOA) for the WISEWOMAN program (DP13–1302), which resulted in four-year cooperative agreements with 22 state, territorial, and tribal health departments, including 5 new and 17 continuing awardees from the previous FOA. Key program elements were retained (e.g., provision of screening services, promotion of healthy lifestyle behaviors, and linkage to community resources), but a number of changes were incorporated into the program at that time due to shifts in populations, systems, and community needs. The current FOA reflects increased emphasis on improving access to clinical systems of care and increased emphasis on

leveraging existing resources in the community. Lifestyle interventions have also been reframed to include lifestyle programs (LSPs) and health coaching (HC) sessions, and MDE have been updated to capture information about risk reduction counseling and participants' readiness to change. The current cooperative agreement also stresses monitoring and performance evaluation as key program dimensions. Additionally, more information is needed to augment that from previous evaluation efforts.

CDC seeks to conduct a one-time, multi-component evaluation to assess the effectiveness of the program on individual-, organizational-, and community-level outcomes. The in-depth assessment is designed to complement the routine progress and MDE information already being collected from WISEWOMAN program awardees. The new data collection will focus on obtaining qualitative and quantitative information at the organizational and community levels about process and procedures implemented, and barriers, facilitators, and other contextual factors that affect program implementation and participant outcomes. Data collection activities will include a Program Survey with all WISEWOMAN awardee programs, administered in the second and fourth program years; a Network Survey of WISEWOMAN awardees and partner organizations, also conducted in the second and fourth program years; and a one-time Site Visit to a subset of awardees across the second to fourth program years. During site visits, semi-structured interviews will be conducted with WISEWOMAN staff members who serve in diverse roles and are positioned to provide a variety of perspectives on program implementation.

OMB approval is requested for three years. Participation is voluntary and there are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
WISEWOMAN Awardee Administrators.	Program Survey	15	1	70/60	18
	Network Survey	15	1	50/60	13
	Site Visit Interview Guide	6	1	75/60	8
Awardee Partners	Network Survey	147	1	50/60	123
	Site Visit Interview Guide	12	1	45/60	9
Healthy Behavior Support staff	Site Visit Interview Guide	12	1	45/60	9
Clinical Providers	Site Visit Interview Guide	12	1	45/60	9
Total					189

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–20101 Filed 8–22–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

ICD–10 Coordination and Maintenance (C&M) Committee

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of public meeting.

National Center for Health Statistics (NCHS), Classifications and Public Health Data Standards Staff, announces the following meeting.

Name: ICD–10 Coordination and Maintenance (C&M) Committee meeting.

DATES: *Time and Date:* 9:00 a.m.–5:00 p.m., EDT, September 23–24, 2014.

Place: Centers for Medicare and Medicaid Services (CMS) Auditorium, 7500 Security Boulevard, Baltimore, Maryland 21244.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 240 people. We will be broadcasting the meeting live via Webcast at *http://www.cms.gov/live/.*

Security Considerations: Due to increased security requirements CMS has instituted stringent procedures for entrance into the building by non-government employees. Attendees will need to present valid government-issued picture identification, and sign-in at the security desk upon entering the building.

Attendees who wish to attend the September 23–24, 2014, ICD–10 C&M meeting must submit their name and organization by September 12, 2014, for inclusion on the visitor list. This visitor list will be maintained at the front desk of the CMS building and used by the guards to admit visitors to the meeting.

Participants who attended previous Coordination and Maintenance meetings will no longer be automatically added to the visitor list. You must request inclusion of your name prior to each meeting you wish attend.

Please register to attend the meeting on-line at: *http://www.cms.hhs.gov/apps/events/.*

Please contact Mady Hue (410–786–4510 or *Marilu.hue@cms.hhs.gov*), for questions about the registration process.

Purpose: The ICD–10 Coordination and Maintenance (C&M) Committee is a public forum for the presentation of proposed modifications to the International Classification of Diseases, Tenth Revision, Clinical Modification and ICD–10 Procedure Coding System.

Matters for Discussion: Tentative agenda items include:

September 23–24, 2014

ICD–10–PCS Topics:

Hip and Knee Replacements
Face Transplants
Hand Transplants
Laparoscopic-assisted Pull-Through (Swenson)
Administration of Ceftazidime-Avibactam
Drug Coated Balloon Angioplasty
Minimally Invasive Cardiac Valve Surgery
Addenda and Key Updates

ICD–10–CM Diagnosis Topics:

Observation and evaluation of newborns for suspected condition not found
Sarcopenia

Incontinence

Dyspareunia

Castleman Disease

Gestational Carrier

Third Degree Laceration

Ectopic Pregnancy

Initial Encounter and Surveillance for vaginal ring

hormonal contraceptive device and transdermal patch

hormonal contraceptive device

Ovarian Cyst Laterality

Supervision of Pregnancy with History of Ectopic or Molar Pregnancy

National Institute of Health Stroke Scale

Irritable Bowel Syndrome

Chronic Idiopathic Constipation

ICD–10–CM Addendum

Agenda items are subject to change as priorities dictate.

Note: CMS and NCHS will no longer provide paper copies of handouts for the meeting. Electronic copies of all meeting materials will be posted on the CMS and NCHS Web sites prior to the meeting at *http://www.cms.hhs.gov/ICD9ProviderDiagnosticCodes/03_meetings.asp#TopOfPage* and *http://www.cdc.gov/nchs/icd/icd9cm_maintenance.htm.*

Contact Persons for Additional Information: Donna Pickett, Medical Systems Administrator, Classifications and Public Health Data Standards Staff, NCHS, 3311 Toledo Road, Room 2413, Hyattsville, Maryland 20782, email *dfp4@cdc.gov,* telephone 301–458–4434 (diagnosis); Mady Hue, Health Insurance Specialist, Division of Acute Care, CMS, 7500 Security Boulevard, Baltimore, Maryland 21244, email *marilu.hue@cms.hhs.gov,* telephone 410–786–4510 (procedures).

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention, and the Agency for Toxic Substances and Disease Registry.

Gary Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–20067 Filed 8–22–14; 8:45 am]

BILLING CODE 4160–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–1856 and CMS–1893, and CMS–10380]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by September 24, 2014.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions:

OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR,* Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* (CMS–1856) Request for Certification in the Medicare and/or Medicaid Program to Provide Outpatient Physical Therapy and/or Speech Pathology Services, and (CMS–1893) Outpatient Physical Therapy—Speech Pathology Survey Report; *Use:* Form CMS–1856 is used as an application to be completed by providers of outpatient physical therapy and/or speech-language pathology services requesting participation in the Medicare and Medicaid programs. This form initiates the process for obtaining a decision as to whether the conditions of participation are met as a provider of outpatient physical therapy, speech-language pathology services, or both. It is used by the State agencies to enter new providers into the Automated Survey Process Environment (ASPEN). Form CMS–1893 is used by the State survey agency to record data collected during an on-site survey of a provider of outpatient physical therapy and/or speech-language pathology services, to determine compliance with the applicable conditions of participation, and to report this information to the Federal government. The form is

primarily a coding worksheet designed to facilitate data reduction and retrieval into the ASPEN system. The information needed to make certification decisions is available to us only through the use of information abstracted from the form.

Form Numbers: CMS–1856 and CMS–1893 (OMB control number: 0938–0065); *Frequency:* Annually, occasionally; *Affected Public:* Private sector—Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 700; *Total Annual Responses*: 700; *Total Annual Hours:* 613. (For policy questions regarding this collection contact James Cowher at 410–786–1948.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Reporting Requirements for Grants to States for Rate Review Cycle I, Cycle II, Cycle III, and Cycle IV and Effective Rate Review Program; *Use:* Under the section 1003 of the Affordable Care Act (ACA) (section 2794 of the Public Health Service Act), the Secretary, in conjunction with the states and territories, is required to establish a process for the annual review, beginning with the 2010 plan year, of unreasonable increases in premiums for health insurance coverage. Section 2794(c) requires the Secretary to establish the Rate Review Grant Program to states to assist states to implement this provision. In addition, section 2794(c) requires the Rate Review Grant Program to assist states in the establishment and enhancement of ''Data Centers'' that collect, analyze, and disseminate health care pricing data to the public.

Concurrent with this information collection request (ICR), HHS released Cycle IV of the Rate Review Grants, ''Grants to States to Support Health Insurance Rate Review and Increase Transparency in the Pricing of Medical Services.'' The purpose of Cycle IV of the Rate Review Grant Program is to continue the rate review successes of Cycles I, II, and III, as well as to provide greater support to Data Centers, thereby enhancing medical pricing transparency. States and territories that apply for funds are required to complete the grant application. States and territories that are awarded funds under this funding opportunity are required to provide the Secretary with rate review data, four quarterly reports, and one annual report per year until the end of the grant period detailing the state's progression towards a more comprehensive and effective rate review process. A final report is due at the end of the grant period. This information collection is required for effective monitoring of grantees and to fulfill statutory requirements under section 2794(b)(1)(A) of the ACA that requires grantees, as a condition of receiving a grant authorized under section 2794(c), to report to the Secretary information about premium increases.

On May 23, 2011, CMS published a final rule with comment period (76 FR 29964) to implement the annual review of unreasonable increases in premiums for health insurance coverage called for by section 2794. Under the regulation, if CMS determines that a state has an Effective Rate Review Program in a given market, using the criteria set forth in the rule, CMS will adopt that state's determinations regarding whether rate increases in that market are unreasonable, provided that the state reports its final determinations to CMS and explains the bases of its determinations. The final rule titled ''Patient Protection and Affordable Care Act; Health Insurance Market Rules; Rate Review'' (78 FR 13406; February 27, 2013) amends the standards under the Effective Rate Review Program. Currently, CMS relies on publicly available information and annual calls with individual states to obtain the information needed to evaluate whether a state has begun to or continues to satisfy the Effective Rate Review Program criteria. CMS is proposing to instead collect the information in writing from all states that would like to request effective status. No comments were received in response to the 60-day **Federal Register** notice published on June 2, 2014 (79 FR 31336). *Form Number:* CMS–10380 (OMB control number: 0938–1121); *Frequency:* Annually and On occasion; *Affected Public:* Public Sector and State and Territory Governments; *Number of Respondents:* 50; *Total Annual Responses:* 553; *Total Annual Hours:* 20,951. (For policy questions regarding this collection contact Susie Lorden at 301–492–4162.)

Dated: August 19, 2014.

Martique Jones,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–20041 Filed 8–22–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0501]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Third Party Disclosure and Recordkeeping Requirements for Reportable Food

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by September 24, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0643. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd.; COLE–14526, Silver Spring, MD 20993–0002 *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Third Party Disclosure and Recordkeeping Requirements for Reportable Food—21 U.S.C. 350f (OMB Control Number 0910–0643)—Extension

The Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Food and Drug Administration Amendments Act of 2007 (FDAAA) (Pub. L. 110–85) requires the establishment of a Reportable Food Registry (the Registry) by which instances of reportable food must be submitted to FDA by responsible parties and may be submitted by public health officials. Section 417 of the FD&C Act (21 U.S.C. 350f) defines ''reportable

food'' as an ''article of food (other than infant formula) for which there is a reasonable probability that the use of, or exposure to, such article of food will cause serious adverse health consequences or death to humans or animals.'' (Section 417(a)(2) of the FD&C Act). We believe that the most efficient and cost effective means to implement the Registry is by utilizing our electronic Safety Reporting Portal. The information collection provisions associated with the submission of reportable food reports has been approved under OMB control number 0910–0645.

In conjunction with the reportable foods requirements, section 417 of the FD&C Act also establishes third party disclosure and recordkeeping burdens. Specifically, we may require the responsible party to notify the immediate previous source(s) and/or immediate subsequent recipient(s) of a reportable food (sections 417(d)(6)(B)(i) and (ii) of the FD&C Act). Similarly, we may also require the responsible party that is notified (i.e., the immediate previous source and/or immediate subsequent recipient) to notify their own immediate previous source(s) and/or immediate subsequent recipient(s) of a reportable food (sections 417(d)(7)(C)(i) and (ii) of the FD&C Act).

Notification to the immediate previous source(s) and immediate subsequent recipient(s) of the article of food may be accomplished by electronic communication methods such as email, fax or text messaging or by telegrams, mailgrams, or first class letters. Notification may also be accomplished by telephone call or other personal contacts but we recommend that such notifications also be confirmed by one of the previous methods and/or documented in an appropriate manner. We may require that the notification include any or all of the following data elements: (1) The date on which the article of food was determined to be a reportable food; (2) a description of the article of food including the quantity or amount; (3) the extent and nature of the adulteration; (4) the results of any investigation of the cause of the adulteration if it may have originated with the responsible party, if known; (5) the disposition of the article of food, when known; (6) product information typically found on packaging including product codes, use-by dates, and the names of manufacturers, packers, or distributors sufficient to identify the article of food; (7) contact information for the responsible party; (8) contact information for parties directly linked in the supply chain and notified under section 417(d)(6)(B) or 417(d)(7)(C) of the FD&C Act, as applicable; (9) the information required by FDA to be included in the notification provided by the responsible party involved under sections 417(d)(6)(B) or 417(d)(7)(C) of the FD&C Act or required to report under sections 417(d)(7)(A) of the FD&C Act; and (10) the unique number described in section 417(d)(4) of the FD&C Act (sections 417(d)(6)(B)(iii)(I), (d)(7)(C)(iii)(I), and (e) of the FD&C Act). We may also require that the notification provides information about the actions that the recipient of the notification will perform and/or any other information we may require (sections 417(d)(6)(B)(iii)(II), (d)(6)(B)(iii)(III), (d)(7)(C)(iii)(II), and (d)(7)(C)(iii)(III) of the FD&C Act).

Section 417(g) of the FD&C Act requires that responsible persons maintain records related to reportable foods for a period of 2 years.

The congressionally identified purpose of the Registry is to provide ''a reliable mechanism to track patterns of adulteration in food [which] would support efforts by the Food and Drug Administration to target limited inspection resources to protect the public health'' (Pub. L. 110–85, section 1005(a)(4)). The reporting and recordkeeping requirements described previously are designed to enable FDA to quickly identify and track an article of food (other than infant formula) for which there is a reasonable probability that the use of or exposure to such article of food will cause serious adverse health consequences or death to humans or animals. We use the information collected under these regulations to help ensure that such products are quickly and efficiently removed from the market.

As required under section 1005(f) of FDAAA and to assist industry, we have issued the draft guidance document entitled, ''Questions and Answers Regarding the Reportable Food Registry as Established by the Food and Drug Administration Amendments Act of 2007 (Edition 2),'' which is available at *http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/RFR/ucm212793.htm*. The draft guidance contains questions and answers relating to the requirements under section 417 of the FD&C Act, including (1) how, when, and where to submit reports to FDA; (2) who is required to submit reports to FDA; (3) what is required to be submitted to FDA; and (4) what may be required when providing notifications to other persons in the supply chain of an article of food. The guidance also refers to previously approved collections of information found in FDA regulations. The collections of information in questions D5 and D6 of the guidance have been approved under OMB control number 0910–0249.

Description of Respondents: Mandatory respondents to this collection of information are the owners, operators, or agents in charge of a domestic or foreign facility engaged in manufacturing, processing, packing, or holding food for consumption in the United States (''responsible parties'') who have information on a reportable food. Voluntary respondents to this collection of information are Federal, State, and local public health officials who have information on a reportable food.

In the **Federal Register** of June 3, 2014 (79 FR 31946), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL THIRD PARTY DISCLOSURE BURDEN [1]

Activity/section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Notifying immediate previous source of the article of food under section 417(d)(6)(B)(i) of the FD&C Act (mandatory reporters only).	1,200	1	1,200	0.6 (36 minutes)	720
Notifying immediate subsequent recipient of the article of food under section 417(d)(6)(B)(ii) of the FD&C Act (mandatory reporters only).	1,200	1	1,200	0.6 (36 minutes)	720

TABLE 1—ESTIMATED ANNUAL THIRD PARTY DISCLOSURE BURDEN [1]—Continued

Activity/section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Notifying immediate previous source of the article of food under section 417(d)(7)(C)(i) of the FD&C Act (mandatory reporters only).	1,200	1	1,200	0.6 (36 minutes)	720
Notifying immediate subsequent recipient of the article of food under section 417(d)(7)(C)(ii) of the FD&C Act (mandatory reporters only).	1,200	1	1,200	0.6 (36 minutes)	720
Total	.....	.....	.....	.....	2,880

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Third Party Disclosure

We estimate that approximately 1,200 reportable food events with mandatory reporters will occur annually. Based on past FDA experiences, we estimate that we could receive 200 to 1,200 ''reportable'' food reports annually from 200 to 1,200 mandatory and voluntary users of the electronic reporting system. We utilized the upper-bound estimate of 1,200 for these calculations.

We estimate that notifying the immediate previous source(s) will take 0.6 hours per reportable food and notifying the immediate subsequent recipient(s) will take 0.6 hours per reportable food. We also estimate that it will take 0.6 hours for the immediate previous source and/or the immediate subsequent recipient to also notify their immediate previous source(s) and/or immediate subsequent recipient(s). The Agency bases its estimate on its experience with mandatory and voluntary reports submitted to FDA.

Although it is not mandatory under FDAAA section 1005 that responsible persons notify the sources and recipients of instances of reportable food, for purposes of the burden estimate we are assuming FDA would exercise its authority and require such notifications in all such instances for mandatory reporters. This notification burden will not affect voluntary reporters of reportable food events. Therefore, we estimate that the total burden of notifying the immediate previous source(s) and immediate subsequent recipient(s) under section 417(d)(6)(B)(i), (d)(6)(B)(ii), (d)(7)(C)(i), and (d)(7)(C)(ii) of the FD&C Act for 1,200 reportable foods will be 2,880 hours annually (1,200 × 0.6 hours) + (1,200 × 0.6 hours) + (1,200 × 0.6 hours) + (1,200 × 0.6 hours). This annual burden is shown in table 1.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity/section	Number of recordkeepers	Number of records per recordkeeping	Total annual records [2]	Average burden per record	Total hours
Maintenance of reportable food records under section 417(g) of the FD&C Act—Mandatory reports.	1,200	1	1,200	0.25 (15 minutes) ..	300
Maintenance of reportable food records under section 417(g) of the FD&C Act—Voluntary reports.	600	1	600	0.25 (15 minutes) ..	150
Total	.....	.....	.....	.....	450

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] For purposes of estimating number of records and hours per record, a ''record'' means all records kept for an individual reportable food by the responsible party or a voluntary reporter.

Recordkeeping

As noted previously, section 417(g) of the FD&C Act requires that responsible persons maintain records related to reportable foods reports and notifications under section 417 of the FD&C Act for a period of 2 years. Based on past FDA experiences, we estimate that each mandatory report and its associated notifications will require 30 minutes of recordkeeping for the 2-year period, or 15 minutes per record per year. The annual recordkeeping burden for mandatory reportable food reports and their associated notifications is thus estimated to be 300 hours (1,200 × 0.25 hours).

We do not expect that records will always be kept in relation to voluntary reportable food reports. Therefore, we estimate that records will be kept for 600 of the 1,200 voluntary reports we expect to receive annually. The recordkeeping burden associated with voluntary reports is thus estimated to be 150 hours annually (600 × 0.25 hours). The estimated total annual recordkeeping burden will be 450 hours annually (1,200 × 0.25 hours) + (600 × 0.25 hours). This annual burden is shown in table 2.

Dated: August 19, 2014.

Peter Lurie,

Associate Commissioner for Policy and Planning.

[FR Doc. 2014–20021 Filed 8–22–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0001]

Advisory Committee Renewals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the renewal of certain FDA advisory committees by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public interest to renew the

charters of the committees listed in the following table for an additional 2 years beyond charter expiration date. The new charters will be in effect until the dates of expiration listed in the following table.

DATES: Authority for these committees will expire on the dates indicated in the following table unless the Commissioner formally determines that renewal is in the public interest.

Name of committee	Date of expiration
Advisory Committee for Pharmaceutical Science and Clinical Pharmacology	January 22, 2016.
Gastrointestinal Drugs Advisory Committee	March 3, 2016.
Bone, Reproductive and Urologic Drugs Advisory Committee (formerly Reproductive Health Drugs Advisory Committee).	March 23, 2016.
Arthritis Advisory Committee	April 5, 2016.
Pharmacy Compounding Advisory Committee	April 25, 2016.
Anesthetic and Analgesic Drugs Advisory Committee	May 1, 2016.
Blood Products Advisory Committee	May 13, 2016.
Pulmonary-Allergy Drugs Advisory Committee	May 30, 2016.
Drug Safety and Risk Management Advisory Committee	May 31, 2016.
Science Advisory Board to the National Center for Toxicological Research	June 2, 2016.
Peripheral and Central Nervous System Drugs Advisory Committee	June 4, 2016.
Psychopharmacologic Drugs Advisory Committee	June 4, 2016.
Transmissible and Spongiform Encephalopathies Advisory Committee	June 9, 2016.
Science Board to the Food and Drug Administration	June 26, 2016.
Allergenic Products Advisory Committee.	July 9, 2016.

FOR FURTHER INFORMATION CONTACT: Michael Ortwerth, Director, Advisory Committee Oversight and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–443–0572 or 1–800–741–8138. For further information related to FDA advisory committees please visit us at: *http://www.fda.gov/AdvisoryCommittees/default.htm.*

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: August 19, 2014.

Peter Lurie,

Associate Commissioner for Policy and Planning.

[FR Doc. 2014–20017 Filed 8–22–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–P–0549]

Determination That SULAR (Nisoldipine) Extended-Release Tablets, 10 Milligrams, 20 Milligrams, 25.5 Milligrams, 30 Milligrams, and 40 Milligrams, Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined that SULAR (nisoldipine) extended-release tablets, 10 milligrams (mg), 20 mg, 25.5 mg, 30 mg, and 40 mg, were not withdrawn from sale for reasons of safety or effectiveness. This determination means that FDA will not begin procedures to withdraw approval of abbreviated new drug applications (ANDAs) that refer to these drug products, and it will allow FDA to approve ANDAs for nisoldipine extended-release tablets, 10 mg, 20 mg, 25.5 mg, 30 mg, and 40 mg, if all other legal and regulatory requirements are met.

FOR FURTHER INFORMATION CONTACT: Emily Gebbia, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6217, Silver Spring, MD 20993–0002, 240–402–0980.

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products with Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

SULAR (nisoldipine) extended-release tablets, 10 mg, 20 mg, 25.5 mg, 30 mg, and 40 mg, is the subject of NDA 20–356, held by Shionogi Inc., and initially approved on February 2, 1995. SULAR is indicated for the treatment of hypertension.

SULAR (nisoldipine) extended-release tablets, 10 mg, 20 mg, 25.5 mg, 30 mg, and 40 mg, are currently listed in the ''Discontinued Drug Product List'' section of the Orange Book. Emcure Pharmaceuticals USA, Inc., submitted a citizen petition dated April 28, 2014 (Docket No. FDA–2014–P–0549), under 21 CFR 10.30, requesting that the Agency determine whether SULAR (nisoldipine) extended-release tablets, 25.5 mg, was withdrawn from sale for

reasons of safety or effectiveness. Although the citizen petition did not address the 10 mg, 20 mg, 30 mg, and 40 mg strengths, those strengths have also been discontinued. On our own initiative, we have also determined whether those strengths were withdrawn for safety or effectiveness reasons.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that SULAR (nisoldipine) extended-release tablets, 10 mg, 20 mg, 25.5 mg, 30 mg, and 40 mg were not withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of SULAR (nisoldipine) extended-release tablets, 10 mg, 20 mg, 25.5 mg, 30 mg, and 40 mg from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have found no information that would indicate that these products were withdrawn from sale for reasons of safety or effectiveness. Moreover, the petitioner has identified no data or other information suggesting that SULAR (nisoldipine) extended-release tablets, 25.5 mg, was withdrawn for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list SULAR (nisoldipine) extended-release tablets, 10 mg, 20 mg, 25.5 mg, 30 mg, and 40 mg, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. FDA will not begin procedures to withdraw approval of the approved ANDAs that refer to SULAR (nisoldipine) extended-release tablets. Additional ANDAs that refer to SULAR (nisoldipine) extended-release tablets, 10 mg, 20 mg, 25.5 mg, 30 mg, and 40 mg, may be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: August 19, 2014.

Peter Lurie,

Associate Commissioner for Policy and Planning.

[FR Doc. 2014–20043 Filed 8–22–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0001]

Cellular, Tissue and Gene Therapies 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: Cellular, Tissue and Gene Therapies 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 November 6, 2014, from 9 a.m. to approximately 4:30 p.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993. Information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/default.htm;* under the heading ''Resources for You,'' click on ''Public Meetings at the FDA White Oak Campus.'' Please note that visitors to the White Oak Campus must enter through Building 1.

Contact Person: Gail Dapolito or Rosanna Harvey, Food and Drug Administration, Center for Biologics Evaluation and Research, 10903 New Hampshire Ave., Bldg. 71, Silver Spring, MD 20993, 240–402–8046 or 240–402–8072, email: *Gail.Dapolito@fda.hhs.gov* or *Roasanna.Harvey@fda.hhs.gov* 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 meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: The committee will discuss the draft guidance for industry entitled ''Design and Analysis of Shedding Studies for Virus or Bacteria-Based Gene Therapy and Oncolytic Products'' and the Dear Gene Therapy IND or Master File Sponsor Letter.

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 meeting 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 October 23, 2014. Oral presentations from the public will be scheduled between approximately 11:05 a.m. and 12:05 p.m. 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 October 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 October 16, 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 Gail Dapolito 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: August 19, 2014.

Peter Lurie,

Associate Commissioner for Policy and Planning.

[FR Doc. 2014–20016 Filed 8–22–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Office of Direct Service and Contracting Tribes; National Indian Health Outreach and Education

Announcement Type: Limited New and Competing Continuation.

Funding Announcement Number: HHS–2014–IHS–NIHOE–0001.

Catalog of Federal Domestic Assistance Number: 93.933.

Key Dates

Application Deadline Date: September 25, 2014.

Review Date: September 26, 2014.

Earliest Anticipated Start Date: September 30, 2014.

Proof of Non-Profit Status Due Date: September 25, 2014.

I. Funding Opportunity Description

Statutory Authority

The Indian Health Service (IHS) is accepting competitive cooperative agreement applications for the National Indian Health Outreach and Education (NIHOE) I limited competition cooperative agreement program. This award includes the following four components, as described in this announcement: ''Line Item 128 Health Education and Outreach funds,'' ''Health Care Policy Analysis and Review,'' ''Budget Formulation,'' and ''Tribal Leaders Diabetes Committee'' (TLDC). This program is authorized under the Snyder Act, codified at 25 U.S.C. 13. This program is described in the Catalog of Federal Domestic Assistance under 93.933.

Background

The NIHOE program carries out health program objectives in the American Indian and Alaska Native (AI/AN) community in the interest of improving Indian health care for all 566 Federally-recognized Tribes, including Tribal governments operating their own health care delivery systems through self-determination contracts with the IHS and Tribes that continue to receive health care directly from the IHS. This program addresses health policy and health program issues and disseminates educational information to all AI/AN Tribes and villages. This program requires that public forums be held at Tribal educational consumer conferences to disseminate changes and updates in the latest health care information. This program also requires that regional and national meetings be coordinated for information dissemination as well as the inclusion of planning and technical assistance and health care recommendations on behalf of participating Tribes to ultimately inform IHS based on Tribal input through a broad based consumer network.

Purpose

The purpose of this IHS cooperative agreement is to further IHS's mission and goals related to providing quality health care to the AI/AN community through outreach and education efforts with the sole outcome of improving Indian health care. This award includes the following four health services components: Line Item 128 Health Education and Outreach funds, Health Care Policy Analysis and Review, Budget Formulation, and Tribal Leaders Diabetes Committee (TLDC).

Limited Competition Justification

Competition for the award included in this announcement is limited to national Indian health care organizations with at least ten years of experience providing education and outreach on a national scale. This limitation ensures that the awardee will have: (1) A national information-sharing infrastructure which will facilitate the timely exchange of information between the Department of Health and Human Services (HHS) and Tribes and Tribal organizations on a broad scale; (2) a national perspective on the needs of AI/AN communities that will ensure that the information developed and disseminated through the projects is appropriate, useful and addresses the most pressing needs of AI/AN communities; and (3) established relationships with Tribes and Tribal organizations that will foster open and honest participation by AI/AN communities. Regional or local organizations will not have the mechanisms in place to conduct communication on a national level, nor will they have an accurate picture of the health care needs facing AI/ANs nationwide. Organizations with less experience will lack the established relationships with Tribes and Tribal organizations throughout the country that will facilitate participation and the open and honest exchange of information between Tribes and HHS. With the limited funds available for these projects, HHS must ensure that the education and outreach efforts described in this announcement reach the widest audience possible in a timely fashion, are appropriately tailored to the needs of AI/AN communities throughout the country, and come from a source that AI/ANs recognize and trust. For these reasons, this is a limited competition announcement.

II. Award Information

Type of Award

Cooperative Agreement.

Estimated Funds Available

The total amount of funding identified for the current fiscal year (FY) 2014 is approximately $766,000. Three hundred thousand dollars ($300,000) is estimated for outreach, education, and support to Tribes who have elected to leave their Tribal Shares with the IHS (this amount could vary based on Tribal Shares assumptions; Line Item 128 Health Education and Outreach funding will be awarded in partial increments based on availability and amount of funding); $200,000 for the Health Care Policy Analysis and Review; $16,000 for the Budget Formulation; and $250,000 associated with providing legislative education, outreach and communications support to the IHS TLDC and to facilitate Tribal consultation on the Special Diabetes Program for Indians (SDPI). The amount of funding available for both competing and continuation awards issued under this announcement is subject to the availability of appropriations and budgetary priorities of the Agency. The IHS is under no obligation to make awards that are selected for funding under this announcement.

Anticipated Number of Awards

One award will be issued under this program announcement comprised of the following four components: Line Item 128 Health Education and Outreach; Health Care Policy Analysis and Review; Budget Formulation; and TLDC.

Project Period

The project period will run for one year from September 30, 2014 through September 29, 2015.

Cooperative Agreement

Cooperative agreements awarded by HHS are administered under the same policies as a grant. The funding agency (IHS) is required to have substantial programmatic involvement in the project during the entire award segment. Below is a detailed description of the level of involvement required for both IHS and the grantee. IHS will be responsible for activities listed under section A and the grantee will be responsible for activities listed under section B as stated:

Substantial Involvement Description for Cooperative Agreement

A. IHS Programmatic Involvement

1. The IHS assigned program official will work in partnership with the awardee in all decisions involving strategy, hiring of personnel, deployment of resources, release of public information materials, quality assurance, coordination of activities, any training, reports, budget and evaluation. Collaboration includes data analysis, interpretation of findings and reporting.

2. The IHS assigned program official will monitor the overall progress of the awardee's execution of the requirements of the award noted below, as well as their adherence to the terms and conditions of the cooperative agreement. This includes providing guidance for required reports, development of tools, and other products, interpreting program findings and assistance with evaluation and overcoming any slippages encountered.

3. The IHS assigned program official will coordinate review and provide final approval of any deliverables, including printed materials, reports, testimony, and PowerPoint slides, prior to their distribution or dissemination to HHS, Tribes, or the public.

4. The IHS assigned program official will also coordinate the following:

- Discussion and release of any and all special grant conditions upon fulfillment.
- Monthly scheduled conference calls.
- Appropriate dissemination of required reports to each participating IHS program.

5. IHS will jointly with the awardee, plan and set an agenda for an annual conference that:

- Shares the outcomes of the outreach and health education training provided.
- Fosters collaboration amongst the participating IHS program offices.
- Increases visibility for the partnership between the awardee and IHS.
- HHS Conference Policy:

6. IHS will provide guidance in preparing articles for publication and/or presentations of program successes, lessons learned and new findings.

7. IHS staff will review articles concerning the HHS for accuracy and may, if requested by the awardee, provide relevant articles.

8. IHS will communicate, via monthly conference calls and meetings, individual or collective (all participating programs) site visits to the awardee.

9. IHS will provide technical assistance to the awardee as requested.

10. IHS staff may, at the request of the entity's board, participate on study groups, attend board meetings, and recommend topics for analysis and discussion.

B. Grantee Cooperative Agreement Award Activities

The awardee must obtain written IHS approval of all deliverables produced with award funds, including printed materials, reports, testimony, and PowerPoint slides, prior to their distribution or dissemination to HHS, Tribes, or the public.

The awardee must comply with relevant Office of Management and Budget (OMB) Circular provisions regarding lobbying, any applicable lobbying restrictions provided under other law and any applicable restriction on the use of appropriated funds for lobbying activities.

1. ''Pre-Conference Grant Requirements. The awardee is required to comply with the ''HHS Policy on Promoting Efficient Spending: Use of Appropriated Funds for Conferences and Meeting Space, Food, Promotional Items, and Printing and Publications,'' dated December 16, 2013 (''Policy''), as applicable to conferences funded by grants and cooperative agreements. The Policy is available at *http://www.hhs.gov/asfr/ogapa/acquisition/policies/promoting-efficient-conference-spending-policy-12-16-2013.html.*

The awardee is required to:

Provide a separate detailed budget justification and narrative for each conference anticipated. The cost categories to be addressed are as follows: (1) Contract/Planner, (2) Meeting Space/Venue, (3) Registration Web site, (4) Audio Visual, (5) Speakers Fees, (6) Non-Federal Attendee Travel, (7) Registration Fees, (8) Other (explain in detail and cost breakdown). For additional questions please contact Mr. Chris Buchanan on (301) 443–1104 or email him at *Chris.Buchanan@ihs.gov.*

2. Line Item 128 Health Education and Outreach Funding Is Utilized for Outreach, Health Education, and Support to Tribes—approximately $300,000 funding is available.

The awardee is expected to:

Meeting Responsibilities (Required)

Estimated Costs: The estimated costs for this activity shall not exceed $100,000. The awardee shall work with IHS/Office of Direct Service and Contracting Tribes (ODSCT) closely on this item. As the sponsoring agency, IHS meeting attendees will not incur registration fees.

a. Host an annual conference to disseminate changes and updates on health care information relative to AI/AN.

Meeting Responsibilities (Required)

Estimated Costs: The estimated costs for this activity shall not exceed $100,000. The awardee shall work with IHS/Office of Direct Service and Contracting Tribes (ODSCT) closely on this item. As the sponsoring agency, IHS meeting attendees will not incur registration fees.

b. Host a mid-year consumer conference(s) as appropriate to disseminate changes and updates on health care information relative to AI/AN.

Coordination, Dissemination, and Technical Assistance Responsibilities (Required)

Estimated Costs: The estimated costs for this activity shall not exceed $100,000. The awardee shall work with IHS/Office of Direct Service and Contracting Tribes (ODSCT) closely on this item.

c. Conduct regional and national meeting coordination as appropriate.

d. Conduct health care information dissemination as appropriate.

e. Coordinate planning and technical assistance needs on behalf of Tribes/Tribal Organizations (T/TO) to IHS.

f. Convey health care recommendations on behalf of T/TO to IHS.

3. Health Care Policy Analysis and Review:

This funding component requires the awardee to provide IHS with research and analysis of the impact of Centers for Medicare and Medicaid Services (CMS) programs on AI/AN beneficiaries and the health care delivery system that serves these beneficiaries. $200,000 funding is available for analysis of CMS programs that affect AI/AN beneficiaries.

The awardee will produce measurable outcomes to include:

a. Analytical reports, policy review and recommendation documents—The

products will be in the form of written (hard copy and/or electronic files) documents that contain analysis of relevant health care issues to be reported on a monthly or quarterly basis during the IHS and CMS ''All Tribes Calls'' and face-to-face meetings with hard copies submitted to the Director, Office of Resource, Access and Partnerships (ORAP)/IHS.

b. Educational and informational materials to be disseminated by the awardee and communicated to IHS and Tribal health program staff during monthly and quarterly conferences, the annual consumer conference, meetings and training sessions. This can be in the form of PowerPoint presentations, informational brochures, and/or handout materials.

The IHS will provide guidance and assistance as needed. Copies of all deliverables shall be submitted to the IHS/Office of Direct Service and Contracting Tribes (ODSCT) and ORAP/IHS.

4. Tribal Budget Consultation—Budget Formulation:

The Awardee will provide assistance to IHS, Tribes, the Budget Formulation Workgroup, and to the technical team, by performing the following activities in coordination and support of the IHS Tribal Budget Consultation. Budget consultation is required by the Indian Self-Determination and Education Assistance Act, 25 U.S.C. 450j–1(i). Approximately $16,000 funding is available.

National Budget Work Session—January 2015

Meeting Responsibilities (Required)

Estimated Costs: The estimated costs for this activity shall not exceed $6,500. The awardee shall work with IHS/Office of Finance and Accounting (OFA)/Division of Budget Formulation (DBF) closely on this item.

Recordation of Meeting—The awardee shall take minutes during the work session.

a. Minutes should be recorded in a clear and concise manner and identify all speakers including presenters and any individuals contributing comments or motions.

b. Minutes will be recorded in an objective manner.

c. Minutes shall include a record of any comments, votes, or recommendations made, as well as notation of any handouts and other materials referenced by speakers, documented by the speaker's name and affiliation.

d. Minutes shall document any written materials that were distributed at the meeting. These materials will be included with the submission of the transcription and the summary page outlining all key topics.

e. Minutes will include information regarding the next meeting, including the date, time and location and a list of topics to be addressed.

f. The minutes must be submitted to IHS/OFA for review and approval within five working days.

Further Instructions:

The awardee shall:

a. Package and distribute results of work session to IHS/OFA within five working days, which includes minutes and the final set of agreed upon national budget and health priorities; and

b. Provide final documents needed for IHS budget formulation Web site.

HHS TRIBAL Consultation—March 2015

Preparation and Meeting Responsibilities

Estimated Costs: The estimated costs for this activity shall not exceed $3,000. The awardee shall work with IHS/OFA/DBF closely on this item.

The Tribal testimony is a combined effort that is written and presented by the National Tribal Budget Formulation Workgroup. The testimony is presented to the Secretary of HHS and related staff as part of the Annual National U.S. Department of Health and Human Services Tribal Budget and Policy Consultation.

Assist the selected Tribal Budget Formulation Workgroup to prepare for the HHS Consultation meeting to:

a. Arrange a workgroup meeting;

b. Prepare testimony, and PowerPoint presentation with talking points, with the content of both based on input from the workgroup and technical team and with the awardee responsible for formatting and design of the products;

c. Submit testimony and draft PowerPoint presentation to IHS for review and approval;

d. Package and distribute final materials, once approval from IHS is obtained; and

e. Deliver final testimony to IHS Budget Formulation prior to the presentation for final printing.

Assist Tribal presenters as needed with rehearsal of the presentation.

Arrange working space for the workgroup to provide final input to the presentation and finalize presentation, if needed—not to exceed two days.

Budget Formulation Evaluation/Planning Meeting—May 2015

Meeting Responsibilities (Required)

Estimated Costs: The estimated costs for this activity shall not exceed $6,500. The awardee shall work with IHS/OFA/DBF closely on this item.

Recordation of Meeting—The awardee shall take minutes during the work session.

a. Minutes should be recorded in a clear and concise manner and identify all speakers including presenters and any individuals contributing comments or motions.

b. Minutes will be recorded in an objective manner.

c. Minutes shall include a record of any comments, votes, or recommendations made, as well as notation of any handouts and other materials referenced by speakers, documented by the speaker's name and affiliation.

d. Minutes shall document any written materials that were distributed at the meeting. These materials will be included with the submission of the transcription and the summary page outlining all key topics.

e. Minutes will include information regarding the next meeting, including the date, time and location and a list of topics to be addressed.

f. The minutes must be submitted to IHS/OFA for review and approval within five working days.

Further Instructions—

Package and distribute results of work session:

a. To OFA within five working days; and

b. Provide final documents needed for IHS budget formulation Web site.

Additionally:

- All expenses will be itemized.
- If costs exceed the estimated cost for any part of this Scope of Work, approval from IHS/OFA must be granted before any release of funds.
- Preapproval from IHS is required before any subcontract may be awarded at a price above the estimated cost.

5. Facilitate Tribal Consultation on SDPI, Provide Meeting Support for TLDC, and Provide Education, Outreach and Communications Support.

A total of $250,000 is available for tasks associated with providing meeting support for the TLDC and providing education, outreach and communications support on the activities of the TLDC, the SDPI grant program and related diabetes/chronic disease issues.

TLDC Meetings

Meeting Responsibilities (Required). Estimated Costs: The estimated costs for this activity shall not exceed $184,000 or $46,000 per quarterly meeting. The awardee shall work with DDTP closely on this item.

a. Arrange TLDC Meetings and Strategic Planning workgroup sessions

i. Face-to-Face TLDC Meetings (up to Quarterly)

1. Location to be determined by TLDC members and the IHS Director. Every effort will be made to utilize Federal meeting space for TLDC meetings.
2. Provide on-site logistical support for TLDC meetings, including coordination of meeting activities, room set-up, registration, services, and materials (e.g. badges, name tents, agendas and other meeting documents).

ii. TLDC Strategic Planning Workgroups

1. Schedule conference calls and/or webinars for four workgroups. Schedule of calls will be made in conjunction with TLDC members.

b. Develop TLDC workgroup session agendas with the Division of Diabetes Treatment Program (DDTP) and TLDC.

c. Record and provide minutes of TLDC meetings and workgroup sessions

i. Minutes will be completed as follows:

1. Minutes will be recorded in a clear and concise manner and identify all speakers including presenters and any individuals contributing comments or motions.
2. Minutes will be recorded in an objective manner.
3. Minutes shall include a record of any comments, votes, or recommendations made, as well as notation of any handouts and other materials referenced by speakers, documented by the speaker's name and affiliation.
4. Minutes shall document any written materials that were distributed at the meeting. These materials will be included with the submission of the transcription and the summary page outlining all key topics.
5. Minutes will include information regarding the next meeting, including the date, time and location and a list of topics to be addressed.
6. The minutes must be submitted to IHS/DDTP for review and approval within five working days after each TLDC general or workgroup meeting or teleconference.

ii. Provide final minutes and pertinent documents to IHS/DDTP within five working days of receiving IHS/DDTP's edits on the draft version.

d. Coordinate travel planning and travel/per diem reimbursement in accordance with the approved TLDC charter for 12 TLDC members (or their assigned alternate) and five technical advisors to attend up to four quarterly TLDC meetings

i. Travel planning and reimbursement process will include:

1. Direct communication with TLDC members (and alternates, as necessary) and technical advisors to assist in travel arrangements.
2. Provide logistical information to TLDC members and advisors for meeting location and lodging.
3. Prepare and distribute reimbursement forms with clear instructions in advance of the meeting and serve as the point of contact for communicating any additional travel information that is required.
4. Collect reimbursement forms and provide timely reimbursement of approved participants' expenses within 30 days of the receipt of the claim forms.
5. Provide a detailed travel reimbursement report to DDTP within 60 days of the TLDC meeting.
6. Maintain an active TLDC email directory in order to assist DDTP and TLDC with disseminating related meeting, travel and reimbursement information and soliciting related feedback.
7. Include identified DDTP staff on all email correspondence to TLDC members and technical advisors.

Provide Education, Outreach and Communications Support Education, Outreach and Communication Support Responsibilities (Required). Estimated Costs: The estimated cost for these activities is $66,000. The awardee shall work with DDTP closely on this item.

e. Communicate with Tribal leaders and Indian organizations about the activities of the TLDC, the SDPI grant program and related diabetes/chronic disease issues.

i. Provide factual information, review and analysis of legislative and policy issues that are relevant to diabetes and related chronic conditions in AI/ANs and on related health care disparities in written and e-file format for the purpose of keeping TLDC membership up-to-date on such information and for sharing with other Tribal leadership, Indian organizations and others.

ii. Coordinate sharing DDTP-approved information with national non-profit organizations such as the Juvenile Diabetes Research Foundation and the American Diabetes Association for strengthening outreach to Tribes and Tribal communities as well as education and outreach to non-Indian communities in the United States about AI/ANs living with diabetes and other chronic diseases.

iii. Support registration, presentation, and exhibit costs for up to five DDTP staff and assignees to potentially include a plenary and up to four workshop presentations on diabetes, SDPI and related chronic disease at meetings such as:

1. National Indian Health Board (NIHB) Public Health Summit and the NIHB Annual Consumer Conference; and
2. Other national Tribal health care conferences/meetings such as the National Congress of American Indians Annual Convention.

iv. Support exhibit opportunity for SDPI Community-directed and Diabetes Prevention/Health Heart Initiatives grant programs to display programmatic information at the 2015 NIHB Public Health Summit.

III. Eligibility Information

This is a limited competition announcement.

1. Eligibility

To be eligible for this ''New/Competing Continuation Announcement,'' an eligible applicant must be a 501(c)(3) national Indian organization that has demonstrated expertise as follows:

- Representing all Tribal governments and providing a variety of services to Tribes, Area Health Boards, Tribal organizations, and Federal agencies, and playing a major role in focusing attention on Indian health care needs, resulting in improved health outcomes for Tribes.
- Promoting and supporting Indian education and coordinating efforts to inform AI/AN of Federal decisions that affect Tribal government interests including the improvement of Indian health care.
- Administering national health policy and health programs.
- Maintaining a national AI/AN constituency and clearly supporting critical services and activities within the IHS mission of improving the quality of health care for AI/AN people.
- Supporting improved healthcare in Indian Country.
- Applicants must provide proof of non-profit status with the application, e.g. 501(c)(3).

The national Indian organization must have the infrastructure in place to accomplish the work under the proposed program.

2. Cost Sharing or Matching

The IHS does not require matching funds or cost sharing for grants or cooperative agreements.

3. Other Requirements

If application budgets exceed the highest dollar amount outlined under the ''Estimated Funds Available'' section within this funding announcement, the application will be considered ineligible and will not be reviewed for further consideration. If deemed ineligible, IHS will not return the application. The applicant will be notified by email by the Division of Grants Management (DGM) of this decision.

The following documentation is required:

Proof of Non-Profit Status

Organizations claiming non-profit status must submit proof. A copy of the 501(c)(3) Certificate must be received with the application submission by the Application Deadline Date listed under the Key Dates section on page one of this announcement.

Note: Please refer to Section IV.2 (Application and Submission Information/ Subsection 2, Content and Form of Application Submission) for additional proof of applicant status documents required such as the proof of non-profit status, etc.

An applicant submitting any of the above additional documentation after the initial application submission due date is required to ensure the information was received by the IHS by obtaining documentation confirming delivery (i.e. FedEx tracking, postal return receipt, etc.).

IV. Application and Submission Information

1. Obtaining Application Materials

The application package and detailed instructions for this announcement can be found at *http://www.Grants.gov* or *https://www.ihs.gov/dgm/index.cfm?module=dsp_dgm_funding*.

Questions regarding the electronic application process may be directed to Mr. Paul Gettys at (301) 443–2114.

2. Content and Form Application Submission

The applicant must include the project narrative as an attachment to the application package. Mandatory documents for all applicants include:

- Table of contents.
- Abstract (one page) summarizing the project.
- Application forms:
  - SF–424, Application for Federal Assistance.
  - SF–424A, Budget Information—Non-Construction Programs.
  - SF–424B, Assurances—Non-Construction Programs.
- Budget Justification and Narrative (must be single spaced and not exceed five pages).
- Project Narrative (must be single spaced and not exceed ten pages for each of the four components listed).
  - Background information on the organization.
  - Proposed scope of work, objectives, and activities that provide a description of what will be accomplished, including a one-page Timeframe Chart.
- Letter of Support from organization's Board of Directors.
- 501(c)(3) Certificate (if applicable).
- Position Descriptions for key personnel.
- Resumes of key personnel.
- Contractor/Consultant resumes or qualifications and scope of work.
- Disclosure of Lobbying Activities (SF–LLL).
- Certification Regarding Lobbying (GG-Lobbying Form).
- Copy of current Negotiated Indirect Cost rate (IDC) agreement (required) in order to receive IDC.
- Organizational Chart (optional).
- Documentation of current Office of Management and Budget (OMB) A–133 required Financial Audit (if applicable).

Acceptable forms of documentation include:

- Email confirmation from Federal Audit Clearinghouse (FAC) that audits were submitted; or
- Face sheets from audit reports. These can be found on the FAC Web site: *http://harvester.census.gov/sac/dissem/accessoptions.html?submit=Go+To+Database.*

Public Policy Requirements

All Federal-wide public policies apply to IHS grants and cooperative agreements with exception of the Discrimination policy.

Requirements for Project and Budget Narratives

A. Project Narrative: This narrative should be a separate Word document that is no longer than ten pages per each component and must: Be single-spaced, be type written, have consecutively numbered pages, use black type not smaller than 12 characters per one inch, and be printed on one side only of standard size 8½″ by 11″ paper.

Be sure to succinctly address and answer all questions listed under each part of the narrative and place all responses and required information in the correct section (noted below), or they shall not be considered or scored. These narratives will assist the Objective Review Committee (ORC) in becoming more familiar with the applicant's activities and accomplishments prior to this grant award. If the narrative exceeds the page limit, only the first ten pages of each of the four components will be reviewed. The ten pages per component page limit for the narrative does not include the work plan, standard forms, table of contents, budget, budget narrative justifications, and/or other appendix items.

There are three parts to the narrative: Part A—Program Information; Part B—Program Planning and Evaluation; and Part C—Program Report. See below for additional details about what must be included in the narrative.

Part A: Program Information (2 Page Limitation)

Section 1: Needs

Describe how the national Indian organization has the expertise to provide outreach and education efforts on a continuing basis regarding the pertinent changes and updates in health care for each of the four components listed herein.

Part B: Program Planning and Evaluation (6 Page Limitation)

Section 1: Program Plans

Describe fully and clearly how the national Indian organization plans to address the NIHOE requirements, including how the national Indian organization plans to demonstrate improved health education and outreach services to all 566 Federally-recognized Tribes for each of the four components described herein. Include proposed timelines as appropriate and applicable.

Section 2: Program Evaluation

Describe fully and clearly how the outreach and education efforts will impact changes in knowledge and awareness in Tribal communities. Identify anticipated or expected benefits for the Tribal constituency.

Part C: Program Report (2 Page Limitation)

Section 1: Describe major accomplishments over the last 24 months.

Please identify and describe significant program achievements associated with the delivery of quality health outreach and education services for each of the four components. Provide a comparison of the actual accomplishments to the goals

established for the project period, or if applicable, provide justification for the lack of progress.

Section 2: Describe major activities over the last 24 months. Please identify and summarize recent major health related project activities of the work done regarding each of the four components during the project period.

B. Budget Narrative: This narrative must include a line item budget with a narrative justification for all expenditures identifying reasonable and allowable costs necessary to accomplish the goals and objectives as outlined in the project narrative. The budget narrative should match the scope of work described in the project narrative. The page limitation should not exceed five pages.

3. Submission Dates and Times

Applications must be submitted electronically through Grants.gov by 12:00 a.m., midnight Eastern Time (ET) on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Any application received after the application deadline will not be accepted for processing, nor will it be given further consideration for funding. Grants.gov will notify the applicant via email if the application is rejected.

If technical challenges arise and assistance is required with the electronic application process, contact Grants.gov Customer Support via email to *support@grants.gov* or at (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays). If problems persist, contact Mr. Paul Gettys, DGM (*Paul.Gettys@ihs.gov*) at (301) 443–2114. Please be sure to contact Mr. Gettys at least ten days prior to the application deadline. Please do not contact the DGM until you have received a Grants.gov tracking number. In the event you are not able to obtain a tracking number, call the DGM as soon as possible.

If the applicant needs to submit a paper application instead of submitting electronically via Grants.gov, as waiver must be requested. Prior approval must be requested and obtained from Ms. Tammy Bagley, Acting Director of DGM, (see Section IV.6 below for additional information). The waiver must: (1) Be documented in writing (emails are acceptable), *before* submitting a paper application and (2) include clear justification for the need to deviate from the required electronic grants submission process. Written waiver request can be sent to *GrantsPolicy@ihs.gov* with a copy to *Tammy.Bagley@ihs.gov.* Once the waiver request has been approved, the applicant will receive a confirmation of approval and the mailing address to submit the application. Paper applications that are submitted without a copy of the signed waiver from the Acting Director of the DGM will not be reviewed or considered further for funding. The applicant will be notified via email of this decision by the Grants Management Officer of the DGM. Paper applications must be received by the DGM no later than 5:00 p.m., ET, on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Late applications will not be accepted for processing or considered for funding.

4. Intergovernmental Review

Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. Funding Restrictions

- Pre-award costs are not allowable.
- The available funds are inclusive of direct and appropriate indirect costs.
- Only one cooperative agreement will be awarded per applicant.
- IHS will not acknowledge receipt of applications.

6. Electronic Submission Requirements

All applications must be submitted electronically. Please use the *http://www.Grants.gov* Web site to submit an application electronically and select the ''Find Grant Opportunities'' link on the homepage. Download a copy of the application package, complete it offline, and then upload and submit the completed application via the *http://www.Grants.gov* Web site. Electronic copies of the application may not be submitted as attachments to email messages addressed to IHS employees or offices.

If the applicant receives a waiver to submit paper application documents, they must follow the rules and timelines that are noted below. The applicant must seek assistance at least ten days prior to the Application Deadline Date listed in the Key Dates section on page one of this announcement.

Applicants that do not adhere to the timelines for System for Award Management (SAM) and/or *http://www.Grants.gov* registration or that fail to request timely assistance with technical issues will not be considered for a waiver to submit a paper application.

Please be aware of the following:

- Please search for the application package in *http://www.Grants.gov* by entering the CFDA number or the Funding Opportunity Number. Both numbers are located in the header of this announcement.
- If you experience technical challenges while submitting your application electronically, please contact Grants.gov Support directly at: *support@grants.gov* or (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays).
- Upon contacting Grants.gov, obtain a tracking number as proof of contact. The tracking number is helpful if there are technical issues that cannot be resolved and a waiver from the agency must be obtained.
- If it is determined that a waiver is needed, the applicant must submit a request in writing (emails are acceptable) to *GrantsPolicy@ihs.gov* with a copy to *Tammy.Bagley@ihs.gov.* Please include a clear justification for the need to deviate from the standard electronic submission process.
- If the waiver is approved, the application should be sent directly to the DGM by the Application Deadline Date listed in the Key Dates section on page one of this announcement.
- Applicants are strongly encouraged not to wait until the deadline date to begin the application process through Grants.gov as the registration process for SAM and Grants.gov could take up to fifteen working days.
- Please use the optional attachment feature in Grants.gov to attach additional documentation that may be requested by the DGM.
- All applicants must comply with any page limitation requirements described in this Funding Announcement.
- After electronically submitting the application, the applicant will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The DGM will download the application from Grants.gov and provide necessary copies to the appropriate agency officials. Neither the DGM nor the ODSCT will notify the applicant that the application has been received.
- Email applications will not be accepted under this announcement.

Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS)

All IHS applicants and grantee organizations are required to obtain a DUNS number and maintain an active registration in the SAM database. The DUNS number is a unique 9-digit identification number provided by D&B which uniquely identifies each entity. The DUNS number is site specific; therefore, each distinct performance site may be assigned a DUNS number.

Obtaining a DUNS number is easy, and there is no charge. To obtain a DUNS number, please access it through *http://fedgov.dnb.com/webform,* or to expedite the process, call (866) 705–5711.

All HHS recipients are required by the Federal Funding Accountability and Transparency Act of 2006, as amended (''Transparency Act''), to report information on subawards. Accordingly, all IHS grantees must notify potential first-tier subrecipients that no entity may receive a first-tier subaward unless the entity has provided its DUNS number to the prime grantee organization. This requirement ensures the use of a universal identifier to enhance the quality of information available to the public pursuant to the Transparency Act.

System for Award Management (SAM)

Organizations that were not registered with Central Contractor Registration and have not registered with SAM will need to obtain a DUNS number first and then access the SAM online registration through the SAM home page at *https://www.sam.gov* (U.S. organizations will also need to provide an Employer Identification Number from the Internal Revenue Service that may take an additional 2–5 weeks to become active). Completing and submitting the registration takes approximately one hour to complete and SAM registration will take 3–5 business days to process. Registration with the SAM is free of charge. Applicants may register online at *https://www.sam.gov.*

Additional information on implementing the Transparency Act, including the specific requirements for DUNS and SAM, can be found on the IHS Grants Management, Grants Policy Web site: *https://www.ihs.gov/dgm/index.cfm?module=dsp_dgm_policy_topics.*

V. Application Review Information

The instructions for preparing the application narrative also constitute the evaluation criteria for reviewing and scoring the application. Weights assigned to each section are noted in parentheses. The ten page narrative allowed per each of the four components page narrative should include only the first year of activities. The narrative section should be written in a manner that is clear to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. Points will be assigned to each evaluation criteria adding up to a total of 100 points. A minimum score of 60 points is required for funding. Points are assigned as follows:

1. Criteria

A. Introduction and Need for Assistance (15 Points)

(1) Describe the organization's current health, education and technical assistance operations as related to the broad spectrum of health needs of the AI/AN community. Include what programs and services are currently provided (i.e., Federally-funded, State-funded, etc.), any memorandums of agreement with other National, Area or local Indian health board organizations. This could also include HHS agencies that rely on the applicant as the primary gateway organization to AI/AN communities that are capable of providing the dissemination of health information. Include information regarding technologies currently used (i.e., hardware, software, services, Web sites, etc.), and identify the source(s) of technical support for those technologies (i.e., in-house staff, contractors, vendors, etc.). Include information regarding how long the applicant has been operating and its length of association/partnerships with Area health boards, etc. [historical collaboration].

(2) Describe the organization's current technical assistance ability. Include what programs and services are currently provided, programs and services projected to be provided, memorandums of agreement with other national Indian organizations that deem the applicant as the primary source of health policy information for AI/AN, memorandums of agreement with other Area Indian health boards, etc.

(3) Describe the population to be served by the proposed projects.

(4) Identify all previous IHS cooperative agreement awards received, dates of funding and summaries of the projects' accomplishments. State how previous cooperative agreement funds facilitated education, training and technical assistance nationwide for AI/ANs and relate the progression of health care information delivery and development relative to the current proposed projects. (Copies of reports will not be accepted.)

(5) Describe collaborative and supportive efforts with national, Area and local Indian health boards.

(6) Explain the need/reason for your proposed projects by identifying specific gaps or weaknesses in services or infrastructure that will be addressed by the proposed projects. Explain how these gaps/weaknesses have been assessed.

(7) If the proposed projects include information technology (i.e., hardware, software, etc.), provide further information regarding measures taken or to be taken that ensure the proposed projects will not create other gaps in services or infrastructure (i.e., negatively or adversely affect IHS interface capability, Government Performance Results Act reporting requirements, contract reporting requirements, Information Technology compatibility, etc.), if applicable.

(8) Describe the effect of the proposed projects on current programs (i.e., Federally-funded, State-funded, etc.) and, if applicable, on current equipment (i.e., hardware, software, services, etc.). Include the effect of the proposed projects on planned/anticipated programs and/or equipment.

(9) Describe how the projects relate to the purpose of the cooperative agreement by addressing the following: Identify how the proposed projects will address outreach and education regarding each of the four components: Line Item 128 Health Education and Outreach funds, Health Care Policy Analysis and Review, Budget Formulation, and TLDC.

B. Project Objective(s), Work Plan and Approach (40 Points)

(1) Identify the proposed objective(s) for each of the four projects, as applicable. Objectives should be:

- Measurable and (if applicable) quantifiable.
- Results oriented.
- Time-limited.

Example: Issue four quarterly newsletters, provide alerts and quantify number of contacts with Tribes.

Goals must be clear and concise. Objectives must be measurable, feasible and attainable for each of the selected projects.

(2) Address how the proposed projects will result in change or improvement in program operations or processes for each proposed project objective for all of the projects. Also address what tangible products, if any, are expected from the projects, (i.e., policy analysis, annual conference, mid-year conferences, summits, etc.).

(3) Address the extent to which the proposed projects will provide, improve, or expand services that address the need(s) of the target population. Include a current strategic plan and business plan that includes the expanded services. Include the plan(s) with the application submission.

(4) Submit a work plan in the appendix which includes the following information:

- Provide the action steps on a timeline for accomplishing each of the projects' proposed objective(s).
- Identify who will perform the action steps.
- Identify who will supervise the action steps.
- Identify what tangible products will be produced during and at the end of the proposed projects' objective(s).
- Identify who will accept and/or approve work products during the duration of the proposed projects and at the end of the proposed projects.
- Include any training that will take place during the proposed projects and who will be attending the training.
- Include evaluation activities planned in the work plans.

(5) If consultants or contractors will be used during the proposed project, please include the following information in their scope of work (or note if consultants/contractors will not be used):

- Educational requirements.
- Desired qualifications and work experience.
- Expected work products to be delivered on a timeline.

If a potential consultant/contractor has already been identified, please include a resume in the Appendix.

(6) Describe what updates will be required for the continued success of the proposed projects. Include when these updates are anticipated and where funds will come from to conduct the update and/or maintenance.

C. Program Evaluation (20 Points)

Each proposed objective requires an evaluation component to assess its progression and ensure its completion. Also, include the evaluation activities in the work plan.

Describe the proposed plan to evaluate both outcomes and process. Outcome evaluation relates to the results identified in the objectives, and process evaluation relates to the work plan and activities of the project.

(1) For outcome evaluation, describe:

- What will the criteria be for determining success of each objective?
- What data will be collected to determine whether the objective was met?
- At what intervals will data be collected?
- Who will collect the data and their qualifications?
- How will the data be analyzed?
- How will the results be used?

(2) For process evaluation, describe:

- How will each project be monitored and assessed for potential problems and needed quality improvements?
- Who will be responsible for monitoring and managing each project's improvements based on results of ongoing process improvements and their qualifications?
- How will ongoing monitoring be used to improve the projects?
- Describe any products, such as manuals or policies, that might be developed and how they might lend themselves to replication by others.
- How will the organization document what is learned throughout each of the projects' periods?

(3) Describe any evaluation efforts planned after the grant period has ended.

(4) Describe the ultimate benefit to the AI/AN population that the applicant organization serves that will be derived from these projects.

D. Organizational Capabilities, Key Personnel and Qualifications (15 Points)

This section outlines the broader capacity of the organization to complete the project outlined in the work plan. It includes the identification of personnel responsible for completing tasks and the chain of responsibility for successful completion of the projects outlined in the work plan.

(1) Describe the organizational structure of the organization beyond health care activities, if applicable.

(2) Describe the ability of the organization to manage the proposed projects. Include information regarding similarly sized projects in scope and financial assistance, as well as other cooperative agreements/grants and projects successfully completed.

(3) Describe what equipment (i.e., fax machine, phone, computer, etc.) and facility space (i.e., office space) will be available for use during the proposed projects. Include information about any equipment not currently available that will be purchased through the cooperative agreement/grant.

(4) List key personnel who will work on the projects. Include title used in the work plans. In the appendix, include position descriptions and resumes for all key personnel. Position descriptions should clearly describe each position and duties, indicating desired qualifications and experience requirements related to the proposed projects. Resumes must indicate that the proposed staff member is qualified to carry out the proposed projects' activities. If a position is to be filled, indicate that information on the proposed position description.

(5) If personnel are to be only partially funded by this cooperative agreement, indicate the percentage of time to be allocated to the projects and identify the resources used to fund the remainder of the individual's salary.

E. Categorical Budget and Budget Justification (10 Points)

This section should provide a clear estimate of the projects' program costs and justification for expenses for the entire cooperative agreement period. The budgets and budget justifications should be consistent with the tasks identified in the work plans.

(1) Provide a categorical budget for each of the 12-month budget periods requested for each of the four projects.

(2) If indirect costs are claimed, indicate and apply the current negotiated rate to the budget. Include a copy of the rate agreement in the appendix.

(3) Provide a narrative justification explaining why each line item is necessary/relevant to the proposed project. Include sufficient cost and other details to facilitate the determination of cost allowability (i.e., equipment specifications, etc.).

Appendix Items

- Work plan, logic model and/or time line for proposed objectives.
- Position descriptions for key staff.
- Resumes of key staff that reflect current duties.
- Consultant or contractor proposed scope of work and letter of commitment (if applicable).
- Current Indirect Cost Agreement.
- Organizational chart.
- Additional documents to support narrative (i.e. data tables, key news articles, etc.).

2. Review and Selection

Each application will be prescreened by the DGM staff for eligibility and completeness as outlined in the funding announcement. Applications that meet the eligibility criteria shall be reviewed for merit by the ORC based on evaluation criteria in this funding announcement. The ORC could be composed of both Tribal and Federal reviewers appointed by the IHS program to review and make recommendations on these applications. The technical review process ensures selection of quality projects in a national competition for limited funding. Incomplete applications and applications that are non-responsive to the eligibility criteria will not be referred to the ORC. Applicants will be notified by DGM, via email, to outline minor missing components (i.e., budget

narratives, audit documentation, key contact form) needed for an otherwise complete application. All missing documents must be sent to DGM on or before the due date listed in the email of notification of missing documents required.

To obtain a minimum score for funding by the ORC, applicants must address all program requirements and provide all required documentation.

VI. Award Administration Information

1. Award Notices

The Notice of Award (NoA) is a legally binding document signed by the Grants Management Officer and serves as the official notification of the grant award. The NoA will be initiated by the DGM in our grant system, GrantSolutions (*https://www.grantsolutions.gov*). Each entity that is approved for funding under this announcement will need to request or have a user account in GrantSolutions in order to retrieve their NoA. The NoA is the authorizing document for which funds are dispersed to the approved entities and reflects the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the award, the effective date of the award, and the budget/project period.

Disapproved Applicants

Applicants who received a score less than the recommended funding level for approval, 60 points, and were deemed to be disapproved by the ORC, will receive an Executive Summary Statement from the IHS program office within 30 days of the conclusion of the ORC outlining the weaknesses and strengths of their application submitted. The IHS program office will also provide additional contact information as needed to address questions and concerns as well as provide technical assistance if desired.

Approved but Unfunded Applicants

Approved but unfunded applicants that met the minimum scoring range and were deemed by the ORC to be ''Approved,'' but were not funded due to lack of funding, will have their applications held by DGM for a period of one year. If additional funding becomes available during the course of FY 2014, the approved application may be re-considered by the awarding program office for possible funding. The applicant will also receive an Executive Summary Statement from the IHS program office within 30 days of the conclusion of the ORC.

Note: Any correspondence other than the official NoA signed by an IHS Grants Management Official announcing to the Project Director that an award has been made to their organization is not an authorization to implement their program on behalf of IHS.

2. Administrative Requirements

Cooperative agreements are administered in accordance with the following regulations, policies, and OMB cost principles:

A. The criteria as outlined in this Program Announcement.

B. Administrative Regulations for Grants:

- 45 CFR Part 92, Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Tribal Governments.
- 45 CFR Part 74, Uniform Administrative Requirements for Awards and Subawards to Institutions of Higher Education, Hospitals, and other Non-profit Organizations.

C. Grants Policy:

- HHS Grants Policy Statement, Revised 01/07.

D. Cost Principles:

- 2 CFR Part 225—Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A–87).
- 2 CFR Part 230—Cost Principles for Non-Profit Organizations (OMB Circular A–122).

E. Audit Requirements:

- OMB Circular A–133, Audits of States, Local Governments, and Non-profit Organizations.

3. Indirect Costs

This section applies to all grant recipients that request reimbursement of indirect costs (IDC) in their grant application. In accordance with HHS Grants Policy Statement, Part II–27, IHS requires applicants to obtain a current IDC rate agreement prior to award. The rate agreement must be prepared in accordance with the applicable cost principles and guidance as provided by the cognizant agency or office. A current rate covers the applicable grant activities under the current award's budget period. If the current rate is not on file with the DGM at the time of award, the IDC portion of the budget will be restricted. The restrictions remain in place until the current rate is provided to the DGM.

Generally, IDC rates for IHS grantees are negotiated with the Division of Cost Allocation (DCA) *https://rates.psc.gov/* and the Department of Interior (Interior Business Center) *http://www.doi.gov/ibc/services/Indirect_Cost_Services/index.cfm.* For questions regarding the indirect cost policy, please call (301) 443–5204 to request assistance.

4. Reporting Requirements

The grantee must submit required reports consistent with the applicable deadlines. Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) The imposition of special award provisions; and (2) the non-funding or non-award of other eligible projects or activities. This requirement applies whether the delinquency is attributable to the failure of the grantee organization or the individual responsible for preparation of the reports. Reports must be submitted electronically via GrantSolutions. Personnel responsible for submitting reports will be required to obtain a login and password for GrantSolutions. Please see the Agency Contacts list in section VII for the systems contact information.

The reporting requirements for this program are noted below.

A. Progress Reports

Program progress reports are required semi-annually. They must be uploaded to the GrantSolutions System by March 31, 2015. These reports must include a brief comparison of actual accomplishments to the goals established for the period, or, if applicable, provide sound justification for the lack of progress and other pertinent information as required. A final report must be submitted within 90 days of the expiration of the budget/project period.

B. Financial Reports

Federal Financial Report FFR (SF–425), Cash Transaction Reports are due 30 days after the close of every calendar quarter to the Division of Payment Management, HHS at: *http://www.dpm.psc.gov.* It is recommended that the applicant also send a copy of the FFR (SF–425) report to the Grants Management Specialist. Failure to submit timely reports may cause a disruption in timely payments to the organization.

Grantees are responsible and accountable for accurate information being reported on all required reports: The Progress Reports and Federal Financial Report.

C. Post Conference Grant Reporting

The following requirements were enacted in Section 3003 of the

Consolidated Continuing Appropriations Act, 2013, and Section 119 of the Continuing Appropriations Act, 2014; *Office of Management and Budget Memorandum M–12–12:* All HHS/IHS awards containing grants funds allocated for conferences will be required to complete a mandatory post award report for all conferences. Specifically: The total amount of funds provided in this award/cooperative agreement that were spent for ''Conference X'', must be reported in final detailed actual costs *within 15 days of the completion of the conference.* Cost categories to address should be: *(1) Contract/Planner, (2) Meeting Space/Venue, (3) Registration Web site, (4) Audio Visual, (5) Speakers Fees, (6) Non-Federal Attendee Travel, (7) Registration Fees, (8) Other.*

D. Federal Subaward Reporting System (FSRS)

This award may be subject to the Transparency Act subaward and executive compensation reporting requirements of 2 CFR Part 170.

The Transparency Act requires the OMB to establish a single searchable database, accessible to the public, with information on financial assistance awards made by Federal agencies. The Transparency Act also includes a requirement for recipients of Federal grants to report information about first-tier subawards and executive compensation under Federal assistance awards.

IHS has implemented a Term of Award into all IHS Standard Terms and Conditions, NoAs and funding announcements regarding the FSRS reporting requirement. This IHS Term of Award is applicable to all IHS grant and cooperative agreements issued on or after October 1, 2010, with a $25,000 subaward obligation dollar threshold met for any specific reporting period. Additionally, all new (discretionary) IHS awards (where the project period is made up of more than one budget period) and where: (1) The project period start date was October 1, 2010 or after and (2) the primary awardee will have a $25,000 subaward obligation dollar threshold during any specific reporting period will be required to address the FSRS reporting. For the full IHS award term implementing this requirement and additional award applicability information, visit the Grants Management Grants Policy Web site at: *https://www.ihs.gov/dgm/index.cfm?module=dsp_dgm_policy_topics.*

Telecommunication for the hearing impaired is available at: TTY (301) 443–6394.

VII. Agency Contacts

1. Questions on the programmatic issues may be directed to:

Mr. Chris Buchanan, Director, 801 Thompson Avenue, Suite 220, Rockville, MD 20852, Telephone: (301) 443–1104, Fax: (301) 443–4666, E-Mail: *Chris.Buchanan@ihs.gov.*

2. Questions on grants management and fiscal matters may be directed to:

Mr. John Hoffman, Grants Management Specialist, 801 Thompson Avenue, TMP Suite 360, Rockville, MD 20852, Telephone: (301) 443–5204, Fax: (301) 443–9602, Email: *John.Hoffman@ihs.gov.*

3. Questions on systems matters may be directed to:

Mr. Paul Gettys, Grant Systems Coordinator, 801 Thompson Avenue, TMP Suite 360, Rockville, MD 20852, Phone: (301) 443–2114; or the DGM main line (301) 443–5204, Fax: (301) 443–9602, Email: *Paul.Gettys@ihs.gov* .

VIII. Other Information

The Public Health Service strongly encourages all cooperative agreement and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of the facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the HHS mission to protect and advance the physical and mental health of the American people.

Dated: August 19, 2014.

Yvette Roubideaux,

Acting Director, Indian Health Service.

[FR Doc. 2014–20113 Filed 8–22–14; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Office of Direct Service and Contracting Tribes; National Indian Health Outreach and Education II Program; Correction

AGENCY: Indian Health Service, HHS.

ACTION: Notice; correction.

SUMMARY: The Indian Health Service published a document in the **Federal Register** on August 6, 2014 for the FY 2014 National Indian Health Outreach and Education II—Methamphetamine Suicide Prevention Intervention/Domestic Violence Prevention Initiative Program Announcement and Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome. The notice contained incorrect dates.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Buchanan, Director, Office of Direct Service and Contracting Tribes, Indian Health Service, 801 Thompson Avenue, Suite 220, Rockville, MD 20852, Telephone (301) 443–1104. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of August 6, 2014, in FR Doc. 2014–18531, on page 45817, in the first column, under the heading Key Dates, the correct dates should read as follows:

Application Deadline Date: September 6, 2014.

Review Date: September 8, 2014.

Earliest Anticipated Start Date: September 15, 2014.

Proof of Non-Profit Status Due Date: September 6, 2014.

Dated: August 16, 2014.

Yvette Roubideaux,

Acting Director, Indian Health Service.

[FR Doc. 2014–20108 Filed 8–22–14; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Office of Direct Service and Contracting Tribes; National Indian Health Outreach and Education Funding Opportunity

Announcement Type: New Limited Competition.

Funding Announcement Number: HHS–2014–IHS–NIHOE–0003.

Catalog of Federal Domestic Assistance Number: 93.933

Key Dates

Application Deadline Date: September 25, 2014.

Review Date: September 26, 2014.

Earliest Anticipated Start Date: September 30, 2014.

Proof of Non-Profit Status Due Date: September 25, 2014.

I. Funding Opportunity Description

Statutory Authority

The Indian Health Service (IHS) Office of Direct Service and Contracting Tribes (ODSCT) and the Office of Resource Access and Partnerships (ORAP) is accepting cooperative

agreement applications for the National Indian Health Outreach and Education (NIHOE) III funding opportunity that includes outreach and education activities on the following: The Patient Protection and Affordable Care Act, Public Law 111–148 (PPACA), as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111–152, collectively known as the Affordable Care Act (ACA), and the Indian Health Care Improvement Act (IHCIA), as amended. This program is authorized under: The Snyder Act, codified at 25 U.S.C. 13, and the Transfer Act, codified at 42 U.S.C. 2001(a). This program is described in the Catalog of Federal Domestic Assistance under 93.933.

Background

The NIHOE III programs carry out health program objectives in the American Indian/Alaska Native (AI/AN) community in the interest of improving the quality of and access to health care for all 566 Federally-recognized Tribes including Tribal governments operating their own health care delivery systems through self-determination contracts and compacts with the IHS and Tribes that continue to receive health care directly from the IHS, 25 U.S.C. 1603(29), which is not limited to organizations that are receiving funding from the IHS under the IHCIA. This program addresses health policy and health program issues and disseminates educational information to all AI/AN Tribes and villages. These awards require that public forums be held at Tribal educational consumer conferences to disseminate changes and updates on the latest health care information. These awards also require that regional and national meetings be coordinated for information dissemination as well as for the inclusion of planning and technical assistance and health care recommendations on behalf of participating Tribes to ultimately inform IHS and the Department of Health and Human Services (HHS) based on Tribal input through a broad based consumer network.

Purpose

The purpose of this IHS cooperative agreement announcement is to encourage national Indian organizations, IHS, and Tribal partners to work together to conduct ACA/IHCIA training and technical assistance throughout Indian Country. Under the Limited Competition NIHOE Cooperative Agreement program, the overall program objective is to improve Indian health care by conducting training and technical assistance across AI/AN communities to ensure that the Indian health care system and all AI/ANs are prepared to take advantage of the new health insurance coverage options which will improve the quality of and access to health care services, and increase resources for AI/AN health care. The goal of this program announcement is to coordinate and conduct training and technical assistance on a national scale for the 566 Federally-recognized Tribes and Tribal organizations on the changes, improvements and authorities of the ACA and IHCIA and the health insurance options available to AI/AN through the Health Insurance Marketplace.

Limited Competition Justification

Competition for the award included in this announcement is limited to national Indian organizations with at least ten years of experience providing training, education and outreach on a national scale. This limitation ensures that the awardee will have (1) a national information-sharing infrastructure which will facilitate the timely exchange of information between the HHS, Tribes, and Tribal organizations on a broad scale; (2) a national perspective on the needs of AI/AN communities that will ensure that the information developed and disseminated through the projects is culturally appropriate, useful and addresses the most pressing needs of AI/AN communities; and (3) established relationships with Tribes and Tribal organizations that will foster open and honest participation by AI/AN communities. Regional and local organizations will not have the mechanisms in place to conduct communication on a national level, nor will they have an accurate picture of the health care needs facing AI/ANs nationwide. Organizations with less experience will lack the established relationships with Tribes and Tribal organizations throughout the country that will facilitate participation and the open and honest exchange of information between Tribes and HHS. With the limited funds available for these projects, HHS must ensure that the training, education and outreach efforts described in this announcement reach the widest audience possible in a timely fashion, are appropriately tailored to the needs of AI/AN communities throughout the country, and come from a source that AI/ANs recognize and trust. For these reasons, this is a limited competition announcement.

II. Award Information

Type of Award

Cooperative Agreement.

The IHS will accept applications for either one of the following:

A. Two entities collaborating and applying as one entity.

B. Two entities applying separately to accomplish appropriately divided program activities.

Estimated Funds Available

The total amount of funding identified for the current fiscal year (FY) 2014 is approximately $600,000. Individual award amounts are anticipated to be $400,000 and $200,000, respectively if awarded to two entities applying separately; $600,000 if awarded to two entities applying as one entity. Further details are provided in the applicable section components. The amount of funding available for both competing and continuation awards issued under this announcement is subject to the availability of appropriations and budgetary priorities of the Agency. The IHS is under no obligation to make awards that are selected for funding under this announcement.

Optional approach allowed for applying for the $600,000:

1. First Option: If two entities are collaborating to apply for $600,000 as one entity, then funding will be divided as follows: One entity will be allowed $400,000. The second entity will be allowed $200,000 for carrying out the remainder of the activities.

2. Second Option: If two entities are applying separately, then one entity will apply for $400,000. The second entity will apply for the remaining $200,000.

Anticipated Number of Awards

Approximately one to two awards will be issued under this program announcement.

Project Period

The project period will be for one year and will run consecutively from September 30, 2014 to September 29, 2015.

Cooperative Agreement

Cooperative agreements awarded by HHS are administered under the same policies as a grant. The funding agency (IHS) is required to have substantial programmatic involvement in the project during the entire award segment. Below is a detailed description of the level of involvement required for both IHS and the grantee. IHS will be responsible for activities listed under section A and the grantee will be

responsible for activities listed under section B as stated:

Substantial Involvement Description for Cooperative Agreement

A. IHS Programmatic Involvement

(1) The IHS assigned program official will work in partnership with the awardee in all decisions involving strategy, hiring of consultants, deployment of resources, release of public information materials, quality assurance, coordination of activities, any training activities, reports, budget and evaluation. Collaboration includes data analysis, interpretation of findings and reporting.

(2) The IHS assigned program official will approve the training curriculum content, facts, delivery mode, pre- and post-assessments, and evaluation before any materials are printed and the training is conducted.

(3) The IHS assigned program official will review and approve all of the final draft products before they are published and distributed.

B. Grantee Cooperative Agreement Award Activities

The awardee must comply with relevant Office of Management and Budget (OMB) Circular provisions regarding lobbying, any applicable lobbying restrictions provided under other law, and any applicable restriction on the use of appropriated funds for lobbying activities.

(1) Foster collaboration across the Indian health care system to encourage and facilitate an open exchange of ideas and open communication regarding training and technical assistance on the ACA and IHCIA provisions.

(2) Conduct training and technical assistance on the ACA and IHCIA and the changes and requirements that will affect AI/ANs either independently or jointly via a partnership as described previously. The purpose of this IHS cooperative agreement announcement is to encourage national and regional Indian organizations and IHS and Tribal (I/T) partners to work together to conduct ACA/IHCIA training and technical assistance throughout Indian Country. The project goals are three-fold for the IHS and the selected entities:

(i) Materials—Develop and disseminate (upon IHS approval) training materials about the ACA/IHCIA impact on the Indian health care system including: Educating consumers on the health care insurance options available, educating the I/T system on the process for enrollment (with a special focus on the Certified Application Counselor (CAC) and Hardship Waiver requirements) and eligibility determinations, and maximizing revenue opportunities.

(ii) Training—Develop and implement an ACA/IHCIA implementation training plan and individual training sessions aimed at educating all Indian health care system stakeholders on health care system impact and changes, specifically implementation in the different types of Marketplaces, the role of Health Insurance Marketplace assisters (special emphasis on CAC), and the Hardship Waiver for AI/ANs. Collaborate and partner with other national organizations to identify ways to take full advantage of the health care coverage options offered through the Health Insurance Marketplace.

(iii) Technical Assistance—Provide technical assistance to I/T on the ACA/IHCIA implementation. Work with these entities to assess the training needs, identify innovations in ACA/IHCIA implementation, and promote the dissemination and replication of solutions to the challenges faced by I/T in implementing the ACA/IHCIA.

Summary of Tasks To Be Performed

The project will conduct the following major activities:

1. Develop a national coordination strategy for the project to ensure a shared vision and mission amongst all partners and convene partners on a regular basis;

2. Develop and implement a communications strategy to:

a. Educate AI/ANs on the available health coverage options under the ACA;

b. Educate Tribal leaders and Tribal employers on the health insurance options under the ACA including the Small Business Health Options Program (SHOP) and tribal self-insurance; and

c. Focus on the needs of Direct Services Tribes, including: Providing policy review and analysis of health care issues, training Tribal leaders on the health insurance options available under the ACA and sharing outreach and education best practices among Direct Services Tribes.

3. Develop a technical assistance plan and provide technical assistance to NIHOE partners, Tribal leaders, Tribal employers and Direct Services Tribes on ACA/IHCIA implementation across the Indian health care system.

4. Work with NIHOE partners and Direct Service Tribes to achieve economies of scale and reduce duplication of AI/AN training and outreach and education materials, including the development of cross-cutting ACA/IHCIA content specific to the Indian health care system.

5. Work with NIHOE partners and Direct Service Tribes to enhance collaboration with other Federal agency programs, local, state, Tribal and national partners.

The following key components need to be addressed in the work plan: Develop a national coordination strategy for the project to ensure a shared vision and mission amongst all partners and convene partners on a regular basis.

Applicants should describe plans for addressing the following:

Outreach and Education

- The awardee shall coordinate and develop a multiple strategy education and outreach training approach for I/T that reaches the widest audience possible in a timely fashion, appropriately tailored to the needs of AI/AN communities.
- The awardee shall conduct regional and national ACA/IHCIA education and outreach focusing on four consumer groups: (1) Consumers; (2) Tribal Leadership and Membership; (3) Tribal Employers; and (4) Indian Health Facility Administrators.
- The awardee shall provide measurable outcomes and performance improvement activities for ACA/IHCIA outreach and education actions.
- The awardee shall share information, innovative ideas, challenges and solutions, and provide progress reports.

Policy Analysis

- The awardee shall monitor and review ACA review metrics that provide indicators of AI/AN participation in Marketplace plans and I/T participation as network providers in the Marketplace and disseminate ACA policy information at National Conferences and through IHS Advisory Committees.
- The awardee shall review and coordinate ACA/IHCIA policy recommendations and strategies by the I/T.
- The awardee shall ensure the training curriculum content addresses all new regulations and operations for implementing the ACA/IHCIA requirements.

Information Sharing and Technical Assistance

- The awardee shall collaborate and coordinate to ensure training and educational materials are widely distributed for Tribal Leaders and frontline enrollment personnel.
- The awardee shall conduct and record monthly meetings with NIHOE national and regional principals to share information and provide progress reports.

• The awardee shall plan communication around key moments or events through the grant period to increase education efforts.

• The awardees shall identify I/T audiences that may have challenges with enrollments and tailor outreach efforts accordingly.

• The awardees shall develop communications vehicles to showcase positive impact stories of I/T with ACA/IHCIA.

• The awardee shall develop and provide templates for tribal, IHS, and community outreach and education.

• The awardee shall conduct workshops and/or presentations including, but not limited to, the successes of the ACA/IHCIA promising practices and/or best practices of I/T programs at three national conferences (venue and content of presentations to be agreed upon by the awardee and the IHS assigned program official).

• The awardee will provide postings on ACA/IHCIA outreach and education related information for appropriate Web site.

• The awardee will develop and/or maintain a comprehensive list of ACA/IHCIA outreach and education program development and business practice guidelines for use by I/T programs.

• The awardee shall act as a resource broker and identify subject matter experts to conduct trainings and technical assistance for implementation of the ACA enrollments.

• The awardee shall provide quarterly articles for I/T newsletters focusing on the successful impact and outcomes of ACA/IHCIA in Tribal communities, available resources, and funding opportunities.

• The awardee shall meet with stakeholders to identify their needs from a community level and access to education and outreach materials (i.e., pharmacy bags, palm cards, posters, payroll inserts, etc.).

Training

• The awardee shall re-evaluate all ACA/IHCIA training material available for AI/AN, shall present findings to IHS, and mutually decide on new materials.

• The awardee shall record training sessions and make available to the I/T and AI/AN community on the Web sites of the national Indian organizations and partners.

• The awardee shall provide focused ACA/IHCIA education that translates in everyday language explaining the benefits of the laws. The awardee, because involvement of community based partners and local leadership from all I/T levels is an important factor in the success of any enrollment process, shall develop modified training briefs for Tribal Health Directors, Chief Executive Officers, Health care professionals, and Tribal Leaders to assist with outreach efforts.

• The awardee shall provide ongoing AI/AN consumers training on tools developed for state Marketplace implementation.

Reporting

• The awardee shall provide semi-annual reports documenting and describing progress and accomplishment of the activities specified above, attaching any necessary documentation to adequately document accomplishments.

• The awardee shall attend regularly scheduled, in-person and conference call meetings with the IHS assigned program official team to discuss the awardee's services and outreach and education related issues. The awardee must provide meeting minutes that highlight the awardee's specific involvement and participation.

• The awardee shall obtain approval from the IHS assigned program official for all PowerPoint presentations, electronic content, and other materials, including mass emails, developed by awardee pursuant to this award and any supplemental awards prior to the presentation or dissemination of such materials to any party, allowing for a reasonable amount of time for IHS review.

• The awardee shall conduct and record monthly meetings with NIHOE national and regional principals to share information and provide progress reports.

• The awardee shall assess and provide measurable outcomes and performance improvement activities for ACA/IHCIA outreach and education actions both quantitative and qualitative.

1. The awardee shall monitor and track I/T facility enrollment data and identify challenges and opportunities for outreach and education activities.

2. Identify successes and gaps in enrollment and develop future enrollment campaigns.

Deliverables

1. Attendance at regularly scheduled meetings between awardee and the IHS assigned program official, evidenced by meeting minutes which highlight the awardee's specific involvement and participation.

2. Participation on outreach and education conference calls identified by the IHS assigned program official, evidenced by meeting agenda and minutes as needed.

3. Report of outcomes at conferences (meeting booths, workshops and/or presentations provided):

(a) National Advisory Committee conference calls and meetings

(b) IHS Area conference calls

(c) IHS Area and national webinars

(d) Other AI/AN national conferences

4. Completed programmatic reviews of semi and annual progress reports of Outreach and Education projects, in order to identify projects that require technical assistance. [**Note:** This review is not to replace IHS review of Outreach and Education programs. The programmatic reviews to be conducted by grantee are secondary reviews intended solely to identify programs in need of technical assistance.]

○ The awardee shall help the IHS assigned program official identify challenges faced by participating I/T and assist in developing solutions.

5. Copies of educational and practice-based information provided to I/T programs (electronic form and one hard copy).

6. Copies of all promotional and educational materials provided to I/T programs and other projects (electronic form and one hard copy).

7. Copies of all promotional materials provided to media and other outlets (electronic form and one hard copy).

8. Copies of all articles published (electronic form and one hard copy). Submit semi-annual and annual progress reports to ORAP and ODSCT, due no later than 30 days after the reporting cycle, attaching any necessary documentation. For example: Meeting minutes, correspondence with I/T/U programs, samples of all written materials developed including brochures, news articles, videos, and radio and television ads to adequately document accomplishments.

9. The awardee will submit a deliverable schedule to the program official not later than 30 days after the start date.

The IHS will provide guidance and assistance as needed. Copies of all deliverables must be submitted to the IHS ODSCT; IHS ORAP; and IHS Senior Advisor to the Director.

A. Collaboration and Coordination To Ensure Training and Materials Are Widely Distributed

1. Evaluate all available ACA/IHCIA training material available for AI/AN and create additional materials as needed that are related to ACA/IHCIA.

2. Record, track, and coordination information sharing activities (enrollments, trainings, information shared, meetings, updates, etc.) with IHS Offices: ODSCT, ORAP and 11 IHS

Area Offices including Albuquerque Area, Bemidji Area, Billings Area, California Area, Great Plains Area, Nashville Area, Navajo Area, Oklahoma Area, Phoenix Area, Portland Area and Tucson Area.

3. Record training sessions and describe how they will be made available on the Web sites of the national Indian organizations and partners.

4. Describe how to ensure the training curriculum content addresses all new regulations implementing the ACA and IHCIA requirements.

5. Participate in monthly meetings with NIHOE national and regional principals to share information and provide progress reports.

6. Provide ongoing training on tools developed for state Marketplace implementation.

7. Because involvement of community based partners and local leadership from all I/T levels is an important factor in the success of any enrollment process, develop modified training briefs for, and other community leaders to assist with outreach efforts.

B. Work Plan

1. Provide a Work Plan that describes the sequence of specific activities and steps that will be used to carry out each of the objectives, including updates about progress implementing the ACA.

2. Report the number of CAC staff trained and employed, network contracts, additional consumers enrolled in Medicaid, CHIP or Marketplace plan, and in network contracts with a QHP in the Marketplace using the QHP addendum. Describe outreach and enrollment activities, partnerships, and planning.

3. Include a detailed time line that links activities to project objectives for the 12-month budget period.

4. Identify challenges, both opportunities and barriers that are likely to be encountered in designing and implementing the activities and approaches that will be used to address such challenges.

5. Describe communication methods with partners.

C. Evaluation

1. Provide a plan for assessing the achievement of the project's objectives and for evaluating changes in the specific problems and contributing factors.

2. Identify performance measures by which the project will track its progress over time.

D. Budget

Provide a functional categorically itemized budget and program narrative justification that supports accomplishing the program objectives, activities, and outcomes within the timeframes specified.

III. Eligibility Information

1. Eligibility

Eligible applicants include 501(c)(3) non-profit entities who meet the following criteria.

Eligible applicants that can apply for this funding opportunity are national Indian organizations.

The national Indian organizations must have the infrastructure in place to accomplish the work under the proposed program.

Eligible entities must have demonstrated expertise in the following areas:

- Representing all Tribal governments and providing a variety of services to Tribes, Area health boards, Tribal organizations, and Federal agencies, and playing a major role in focusing attention on Indian health care needs, resulting in improved health outcomes for AI/ANs.
- Promoting and supporting Indian health care education, and coordinating efforts to inform AI/AN of Federal decisions that affect Tribal government interests including the improvement of Indian health care.
- Administering national health policy and health programs.
- Maintaining a national AI/AN constituency and clearly supporting critical services and activities within the IHS mission of improving the quality of health care for AI/AN people.
- Supporting improved health care in Indian Country.
- Providing education and outreach on a national scale (the applicant must provide evidence of at least ten years of experience in this area).

Note: Please refer to Section IV.2 (Application and Submission Information/ Subsection 2, Content and Form of Application Submission) for additional proof of applicant status documents required such as Tribal resolutions, proof of non-profit status, etc.

2. Cost Sharing or Matching

The IHS does not require matching funds or cost sharing for grants or cooperative agreements.

3. Other Requirements

If application budgets exceed the highest dollar amount outlined under the ''Estimated Funds Available'' section within this funding announcement, the application will be considered ineligible and will not be reviewed for further consideration. If deemed ineligible, IHS will not return the application. The applicant will be notified by email by the Division of Grants Management (DGM) of this decision.

Proof of Non-Profit Status

Organizations claiming non-profit status must submit proof. A copy of the 501(c)(3) Certificate must be received with the application submission by the Application Deadline Date listed under the Key Dates section on page one of this announcement.

An applicant submitting any of the above additional documentation after the initial application submission due date is required to ensure the information was received by the IHS by obtaining documentation confirming delivery (i.e. FedEx tracking, postal return receipt, etc.).

IV. Application and Submission Information

1. Obtaining Application Materials

The application package and detailed instructions for this announcement can be found at *http://www.Grants.gov* or *https://www.ihs.gov/dgm/index.cfm ?module=dsp_dgm_funding.*

Questions regarding the electronic application process may be directed to Mr. Paul Gettys at (301) 443–2114.

2. Content and Form Application Submission

The applicant must include the project narrative as an attachment to the application package. Mandatory documents for all applicants include:

- Table of contents.
- Abstract (one page) summarizing the project.
- Application forms:
  - SF–424, Application for Federal Assistance.
  - SF–424A, Budget Information—Non-Construction Programs.
  - SF–424B, Assurances—Non-Construction Programs.
- Budget Justification and Narrative (must be single spaced and not exceed five pages).
- Project Narrative (must be single spaced and not exceed ten pages for each of the two components).
  - Background information on the organization.
  - Proposed scope of work, objectives, and activities that provide a description of what will be accomplished, including a one-page Timeframe Chart.
- Tribal Letters of Support (Optional).
- Letter of Support from Organization's Board of Directors.
- 501(c)(3) Certificate (if applicable).

- Position Descriptions of Key Personnel.
- Resumes of Key Personnel.
- Contractor/Consultant resumes or qualifications and scope of work.
- Disclosure of Lobbying Activities (SF–LLL).
- Certification Regarding Lobbying (GG-Lobbying Form).
- Copy of current Negotiated Indirect Cost rate (IDC) agreement (required) in order to receive IDC.
- Organizational Chart (optional).
- Documentation of current OMB A–133 required Financial Audit (if applicable).

Acceptable forms of documentation include:

- Email confirmation from Federal Audit Clearinghouse (FAC) that audits were submitted; or
- Face sheets from audit reports. These can be found on the FAC Web site: *http://harvester.census.gov/sac/dissem/accessoptions.html?submit=Go+To+Database*

Public Policy Requirements

All Federal-wide public policies apply to IHS grants and cooperative agreements with exception of the Discrimination policy.

Requirements for Project and Budget Narratives

A. Project Narrative: This narrative should be a separate Word document that is no longer than ten pages for each of the two components for a total of 20 pages: $600,000 to conduct ACA/IHCIA Education and Outreach Training and Technical Assistance. Project narrative must: be single-spaced, be type written, have consecutively numbered pages, use black type not smaller than 12 characters per one inch, and be printed on one side only of standard size 8½″ by 11″ paper.

Be sure to succinctly address and answer all questions listed under the each part of the narrative and place all responses and required information in the correct section (noted below), or they shall not be considered or scored. These narratives will assist the Objective Review Committee (ORC) in becoming more familiar with the applicant's activities and accomplishments prior to this grant award. If the narrative exceeds the page limit, only the first ten pages of each component will be reviewed. The ten-page limit for each component of the narrative does not include the work plan, standard forms, table of contents, budget, budget justifications, narratives, and/or other appendix items.

There are three parts to the narrative: Part A—Program Information; Part B—Program Planning and Evaluation; and Part C—Program Report. See below for additional details about what must be included in the narrative.

Part A: Program Information (4 Page Limit for Each Component)

Section 1: Needs

Describe how national Indian organization(s) has the experience to provide outreach and education efforts regarding the pertinent changes and updates in health care listed herein.

Part B: Program Planning and Evaluation (4 Page Limit for Each Component)

Section 1: Program Plans

Describe fully and clearly the direction the national Indian organization plans to address the NIHOE III requirements, including how the national Indian organization plans to demonstrate improved health education and outreach services to all 566 Federally-recognized Tribes. Include proposed timelines as appropriate and applicable.

Section 2: Program Evaluation

Describe fully and clearly how the outreach and education efforts will impact changes in knowledge and awareness in Tribal to encourage appropriate changes by increasing knowledge and awareness resulting in informed choices. Identify anticipated or expected benefits for the Tribal constituency and/or urban communities.

Part C: Program Report (2 Page Limit for Each Component)

Section 1: Describe major accomplishments over the last 24 months. Identify and describe significant program achievements associated with the delivery of quality health outreach and education. Provide a comparison of the actual accomplishments to the goals established for the project period, or if applicable, provide justification for the lack of progress.

Section 2: Describe major activities over the last 24 months. Please provide an overview of significant program activities and impacts (meaningful changes made), associated with the delivery of quality health outreach and education. This section should address significant program activities and impacts including those related to the accomplishments listed in the previous section.

B. Budget Narrative: This narrative must describe the budget requested and match the scope of work described in the project narrative. The page limitation should not exceed five pages.

3. Submission Dates and Times

Applications must be submitted electronically through Grants.gov by 12:00 a.m. Eastern Daylight Time (EDT) on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Any application received after the application deadline will not be accepted for processing, nor will it be given further consideration for funding. Grants.gov will notify the applicant via email if the application is rejected.

If technical challenges arise and assistance is required with the electronic application process, contact Grants.gov Customer Support via email to *support@grants.gov* or at (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays). If problems persist, contact Mr. Paul Gettys, DGM (*Paul.Gettys@ihs.gov*) at (301) 443–2114. Please be sure to contact Mr. Gettys at least ten days prior to the application deadline. Please do not contact the DGM until you have received a Grants.gov tracking number. In the event you are not able to obtain a tracking number, call the DGM as soon as possible.

If the applicant needs to submit a paper application instead of submitting electronically via Grants.gov, a waiver must be requested. Prior approval must be requested and obtained from Ms. Tammy Bagley, Acting Director of DGM, (see Section IV.6 below for additional information). The waiver must: (1) Be documented in writing (emails are acceptable), *before* submitting a paper application and (2) include a clear justification for the need to deviate from the required electronic grants submission process. Written waiver request can be sent to *Tammy.Bagley@ihs.gov.* Once the waiver request has been approved, the applicant will receive a confirmation of approval and the mailing address to submit the application. Paper applications that are submitted without a copy of the signed waiver from the Acting Director of the DGM will not be reviewed or considered further for funding. The applicant will be notified via email of this decision by the Grants Management Officer of the DGM. Paper applications must be received by the DGM no later than 5:00 p.m., EDT, on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Late applications will not be accepted for processing or considered for funding.

4. Intergovernmental Review

Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. Funding Restrictions

- Pre-award costs are not allowable.
- The available funds are inclusive of direct and appropriate indirect costs.
- Only one grant/cooperative agreement will be awarded per applicant.
- IHS will not acknowledge receipt of applications.

6. Electronic Submission Requirements

All applications must be submitted electronically. Please use the *http://www.Grants.gov* Web site to submit an application electronically and select the ''Find Grant Opportunities'' link on the homepage. Download a copy of the application package, complete it offline, and then upload and submit the completed application via the *http://www.Grants.gov* Web site. Electronic copies of the application may not be submitted as attachments to email messages addressed to IHS employees or offices.

If the applicant receives a waiver to submit paper application documents, they must follow the rules and timelines that are noted below. The applicant must seek assistance at least ten days prior to the Application Deadline Date listed in the Key Dates section on page one of this announcement.

Applicants that do not adhere to the timelines for System for Award Management (SAM) and/or *http://www.Grants.gov* registration or that fail to request timely assistance with technical issues will not be considered for a waiver to submit a paper application.

Please be aware of the following:

- Please search for the application package in *http://www.Grants.gov* by entering the CFDA number or the Funding Opportunity Number. Both numbers are located in the header of this announcement.
- If you experience technical challenges while submitting your application electronically, please contact Grants.gov Support directly at: *support@grants.gov* or (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays).
- Upon contacting Grants.gov, obtain a tracking number as proof of contact. The tracking number is helpful if there are technical issues that cannot be resolved and a waiver from the agency must be obtained.
- If it is determined that a waiver is needed, the applicant must submit a request in writing (emails are acceptable) to *GrantsPolicy@ihs.gov* with a copy to *Tammy.Bagley@ihs.gov.* Please include a clear justification for the need to deviate from the standard electronic submission process.
- If the waiver is approved, the application should be sent directly to the DGM by the Application Deadline Date listed in the Key Dates section on page one of this announcement.
- Applicants are strongly encouraged not to wait until the deadline date to begin the application process through Grants.gov as the registration process for SAM and Grants.gov could take up to fifteen working days.
- Please use the optional attachment feature in Grants.gov to attach additional documentation that may be requested by the DGM.
- All applicants must comply with any page limitation requirements described in this Funding Announcement.
- After electronically submitting the application, the applicant will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The DGM will download the application from Grants.gov and provide necessary copies to the appropriate agency officials. Neither the DGM nor the ODSCT will notify the applicant that the application has been received.
- Email applications will not be accepted under this announcement.

Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS)

All IHS applicants and grantee organizations are required to obtain a DUNS number and maintain an active registration in the SAM database. The DUNS number is a unique 9-digit identification number provided by D&B which uniquely identifies each entity. The DUNS number is site specific; therefore, each distinct performance site may be assigned a DUNS number. Obtaining a DUNS number is easy, and there is no charge. To obtain a DUNS number, please access it through *http://fedgov.dnb.com/webform,* or to expedite the process, call (866) 705–5711.

All HHS recipients are required by the Federal Funding Accountability and Transparency Act of 2006, as amended (''Transparency Act''), to report information on subawards. Accordingly, all IHS grantees must notify potential first-tier subrecipients that no entity may receive a first-tier subaward unless the entity has provided its DUNS number to the prime grantee organization. This requirement ensures the use of a universal identifier to enhance the quality of information available to the public pursuant to the Transparency Act.

System for Award Management (SAM)

Organizations that were not registered with Central Contractor Registration (CCR) and have not registered with SAM will need to obtain a DUNS number first and then access the SAM online registration through the SAM home page at *https://www.sam.gov* (U.S. organizations will also need to provide an Employer Identification Number from the Internal Revenue Service that may take an additional 2–5 weeks to become active). Completing and submitting the registration takes approximately one hour to complete and SAM registration will take 3–5 business days to process. Registration with the SAM is free of charge. Applicants may register online at *https://www.sam.gov.*

Additional information on implementing the Transparency Act, including the specific requirements for DUNS and SAM, can be found on the IHS Grants Management, Grants Policy Web site: *https://www.ihs.gov/dgm/index.cfm?module=dsp_dgm_policy_topics.*

V. Application Review Information

The instructions for preparing the application narrative also constitute the evaluation criteria for reviewing and scoring the application. Weights assigned to each section are noted in parentheses. The ten page narrative for each component should include only one year of activities. The narrative section should be written in a manner that is clear to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. Points will be assigned to each evaluation criteria adding up to a total of 100 points. A minimum score of 60 points is required for funding. Points are assigned as follows:

1. Criteria

A. Introduction and Need for Assistance (15 Points)

1. Describe the individual entity's and/or partnering entities' (as applicable) current health, education and technical assistance operations as related to the broad spectrum of health needs of the AI/AN community. Include what programs and services are currently provided (i.e., Federally funded, State funded, etc.), any memorandums of agreement with other

National, Area or local Indian health board organizations, HHS' agencies that rely on the applicant as the primary gateway organization that is capable of providing the dissemination of health information, information regarding technologies currently used (i.e., hardware, software, services, etc.), and identify the source(s) of technical support for those technologies (i.e., in-house staff, contractors, vendors, etc.). Include information regarding how long the applicant has been operating and its length of association/partnerships with Area health boards, etc. [historical collaboration].

2. Describe the organization's current technical assistance ability. Include what programs and services are currently provided, programs and services projected to be provided, etc.

3. Describe the population to be served by the proposed project. Include a description of the number of Tribes and Tribal members who currently benefit from the technical assistance provided by the applicant.

4. State how previous cooperative agreement funds facilitated education, training and technical assistance nation-wide for AI/ANs and relate the progression of health care information delivery and development relative to the current proposed project. (Copies of reports will not be accepted.)

5. Describe collaborative and supportive efforts with national, Area and local Indian health boards.

6. Describe how the project relates to the purpose of the cooperative agreement by addressing the following: Identify how the proposed project will address the changes and requirements of the Acts.

B. Project Objective(s), Work Plan and Approach (45 Points)

1. Proposed project objectives must be:

a. Measurable and (if applicable) quantifiable.

b. Results oriented.

c. Time-limited.

2. Submit a work-plan in the appendix which includes the following information:

a. Provide the action steps on a timeline for accomplishing the proposed project objective(s).

b. Identify who will perform the action steps.

c. Identify who will supervise the action steps taken.

d. Identify what tangible products will be produced during and at the end of the proposed project objective(s).

e. Identify who will accept and/or approve work products during the duration of the proposed project and at the end of the proposed project.

f. Include any training that will take place during the proposed project and who will be attending the training.

g. Include evaluation activities planned.

3. If consultants or contractors will be used during the proposed project, please include the following information in their scope of work (or note if consultants/contractors will not be used):

a. Educational requirements.

b. Desired qualifications and work experience.

c. Expected work products to be delivered on a timeline.

d. If a potential consultant/contractor has already been identified, please include a resume in the Appendix.

C. Program Evaluation (15 Points)

Each proposed objective requires an evaluation component to assess its progression and ensure its completion. Also, include the evaluation activities in the workplan. Describe the proposed plan to evaluate both outcomes and process. Outcome evaluation relates to the results identified in the objectives, and process evaluation relates to the work-plan and activities of the project.

1. For outcome evaluation, describe:

a. What the criteria will be for determining success of each objective.

b. What data will be collected to determine whether the objective was met.

c. At what intervals will data be collected.

d. Who will collect the data and their qualifications.

e. How the data will be analyzed.

f. How the results will be used.

2. For process evaluation, describe:

a. How the project will be monitored and assessed for potential problems and needed quality improvements.

b. Who will be responsible for monitoring and managing project improvements based on results of ongoing process improvements and their qualifications.

c. How ongoing monitoring will be used to improve the project.

d. Any products, such as manuals or policies, that might be developed and how they might lend themselves to replication by others.

3. How the project will document what is learned throughout the project period. Describe any evaluation efforts that are planned to occur after the grant periods ends.

4. Describe the ultimate benefit for the AI/ANs that will be derived from this project.

D. Organizational Capabilities, Key Personnel and Qualifications (15 Points)

1. Describe the organizational structure of the organization.

2. Describe the ability of the organization to manage the proposed project. Include information regarding similarly sized projects in scope and financial assistance as well as other cooperative agreements/grants and projects successfully completed.

3. Describe what equipment (i.e., fax machine, phone, computer, etc.) and facility space (i.e., office space) will be available for use during the proposed project.

4. List key personnel who will work on the project. Include title used in the work-plan. In the appendix, include position descriptions and resumes for all key personnel. Position descriptions should clearly describe each position and duties, indicating desired qualifications and experience requirements related to the proposed project. Resumes must indicate that the proposed staff member is qualified to carry out the proposed project activities. If a position is to be filled, indicate that information on the proposed position description.

E. Categorical Budget and Budget Justification (10 Points)

1. Provide a categorical budget for 12-month budget period requested.

2. If indirect costs are claimed, indicate and apply the current negotiated rate to the budget. Include a copy of the rate agreement in the appendix.

3. Provide a narrative justification explaining why each line item is necessary/relevant to the proposed project. Include sufficient cost and other details to facilitate the determination of cost allowability (i.e., equipment specifications, etc.).

Appendix Items

- Work plan, logic model and/or time line for proposed objectives.
- Position descriptions for key staff.
- Resumes of key staff that reflect current duties.
- Consultant or contractor proposed scope of work and letter of commitment (if applicable).
- Current Indirect Cost Agreement.
- Organizational chart.
- Additional documents to support narrative (i.e. data tables, key news articles, etc.).

2. Review and Selection

Each application will be prescreened by the DGM staff for eligibility and completeness as outlined in the funding announcement. Applications that meet

the eligibility criteria shall be reviewed for merit by the ORC based on evaluation criteria in this funding announcement. The ORC could be composed of both Tribal and Federal reviewers appointed by the IHS Program to review and make recommendations on these applications. The technical review process ensures selection of quality projects in a national competition for limited funding. Incomplete applications and applications that are non-responsive to the eligibility criteria will not be referred to the ORC. Applicants will be notified by DGM, via email, to outline minor missing components (i.e., budget narratives, audit documentation, key contact form) needed for an otherwise complete application. All missing documents must be sent to DGM on or before the due date listed in the email of notification of missing documents required.

To obtain a minimum score for funding by the ORC, applicants must address all program requirements and provide all required documentation.

VI. Award Administration Information

1. Award Notices

The Notice of Award (NoA) is a legally binding document signed by the Grants Management Officer and serves as the official notification of the grant award. The NoA will be initiated by the DGM in our grant system, GrantSolutions (*https://www.grantsolutions.gov*). Each entity that is approved for funding under this announcement will need to request or have a user account in GrantSolutions in order to retrieve their NoA. The NoA is the authorizing document for which funds are dispersed to the approved entities and reflects the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the award, the effective date of the award, and the budget/project period.

Disapproved Applicants

Applicants who received a score less than the recommended funding level for approval, 60 points or more, and were deemed to be disapproved by the ORC, will receive an Executive Summary Statement from the IHS program office within 30 days of the conclusion of the ORC outlining the weaknesses and strengths of their application submitted. The IHS program office will also provide additional contact information as needed to address questions and concerns as well as provide technical assistance if desired.

Approved But Unfunded Applicants

Approved but unfunded applicants that met the minimum scoring range and were deemed by the ORC to be ''Approved'', but were not funded due to lack of funding, will have their applications held by DGM for a period of 1 year. If additional funding becomes available during the course of FY 2015, the approved application may be re-considered by the awarding program office for possible funding. The applicant will also receive an Executive Summary Statement from the IHS program office within 30 days of the conclusion of the ORC.

Note: Any correspondence other than the official NoA signed by an IHS Grants Management Official announcing to the Project Director that an award has been made to their organization is not an authorization to implement their program on behalf of IHS.

2. Administrative Requirements

Cooperative agreements are administered in accordance with the following regulations, policies, and OMB cost principles:

A. The criteria as outlined in this Program Announcement.

B. Administrative Regulations for Grants:

- 45 CFR Part 92, Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Tribal Governments.
- 45 CFR Part 74, Uniform Administrative Requirements for Awards and Subawards to Institutions of Higher Education, Hospitals, and other Non-profit Organizations.

C. Grants Policy:

- HHS Grants Policy Statement, Revised 01/07.

D. Cost Principles:

- 2 CFR Part 225—Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A–87).
- 2 CFR Part 230—Cost Principles for Non-Profit Organizations (OMB Circular A–122).

E. Audit Requirements:

- OMB Circular A–133, Audits of States, Local Governments, and Non-profit Organizations.

3. Indirect Costs

This section applies to all grant recipients that request reimbursement of indirect costs (IDC) in their grant application. In accordance with HHS Grants Policy Statement, Part II–27, IHS requires applicants to obtain a current IDC rate agreement prior to award. The rate agreement must be prepared in accordance with the applicable cost principles and guidance as provided by the cognizant agency or office. A current rate covers the applicable grant activities under the current award's budget period. If the current rate is not on file with the DGM at the time of award, the IDC portion of the budget will be restricted. The restrictions remain in place until the current rate is provided to the DGM.

Generally, IDC rates for IHS grantees are negotiated with the Division of Cost Allocation (DCA) *https://rates.psc.gov/* and the Department of Interior (Interior Business Center) *http://www.doi.gov/ibc/services/Indirect_Cost_Services/index.cfm.* For questions regarding the indirect cost policy, please call (301) 443–5204 to request assistance.

4. Reporting Requirements

The grantee must submit required reports consistent with the applicable deadlines. Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) The imposition of special award provisions; and (2) the non-funding or non-award of other eligible projects or activities. This requirement applies whether the delinquency is attributable to the failure of the grantee organization or the individual responsible for preparation of the reports. Reports must be submitted electronically via GrantSolutions. Personnel responsible for submitting reports will be required to obtain a login and password for GrantSolutions. Please see the Agency Contacts list in section VII for the systems contact information.

The reporting requirements for this program are noted below.

A. Progress Reports

Program progress reports are required semi-annually within 30 days after the budget period ends. These reports must include a brief comparison of actual accomplishments to the goals established for the period, or, if applicable, provide sound justification for the lack of progress, and other pertinent information as required. A final report must be submitted within 90 days of expiration of the budget/project period.

B. Financial Reports

Federal Financial Report FFR (SF–425), Cash Transaction Reports are due 30 days after the close of every calendar quarter to the Payment Management

Service, HHS at: *http://www.dpm.psc.gov.* It is recommended that the applicant also send a copy of the FFR (SF–425) report to the Grants Management Specialist. Failure to submit timely reports may cause a disruption in timely payments to the organization.

Grantees are responsible and accountable for accurate information being reported on all required reports: The Progress Reports and Federal Financial Report.

C. Federal Subaward Reporting System (FSRS)

This award may be subject to the Transparency Act subaward and executive compensation reporting requirements of 2 CFR Part 170.

The Transparency Act requires the OMB to establish a single searchable database, accessible to the public, with information on financial assistance awards made by Federal agencies. The Transparency Act also includes a requirement for recipients of Federal grants to report information about first-tier subawards and executive compensation under Federal assistance awards.

IHS has implemented a Term of Award into all IHS Standard Terms and Conditions, NoAs and funding announcements regarding the FSRS reporting requirement. This IHS Term of Award is applicable to all IHS grant and cooperative agreements issued on or after October 1, 2010, with a $25,000 subaward obligation dollar threshold met for any specific reporting period. Additionally, all new (discretionary) IHS awards (where the project period is made up of more than one budget period) and where: (1) the project period start date was October 1, 2010 or after and (2) the primary awardee will have a $25,000 subaward obligation dollar threshold during any specific reporting period will be required to address the FSRS reporting. For the full IHS award term implementing this requirement and additional award applicability information, visit the Grants Management Grants Policy Web site at: *https://www.ihs.gov/dgm/index.cfm?module=dsp_dgm_policy_topics.*

Telecommunication for the hearing impaired is available at: TTY (301) 443–6394.

VII. Agency Contacts

1. Questions on the programmatic issues may be directed to: Mr. Chris Buchanan, Director, ODSCT, 801 Thompson Avenue, Suite 220, Rockville, Maryland 20852, Telephone: (301) 443–1104, Fax: (301) 443–4666, email: *Chris.Buchanan@ihs.gov.*

2. Questions on grants management and fiscal matters may be directed to: Mr. John Hoffman, Grants Management Specialist, DGM, 801 Thompson Avenue, TMP Suite 360, Rockville, Maryland 20852, Telephone: (301) 443–5204, Fax: (301) 443–9602, email: *John.Hoffman@ihs.gov.*

3. Questions on systems matters may be directed to: Mr. Paul Gettys, Grant Systems Coordinator, DGM, 801 Thompson Avenue, TMP Suite 360, Rockville, MD 20852, Phone: (301) 443–2114; or the DGM main line (301) 443–5204, Fax: (301) 443–9602, email: *Paul.Gettys@ihs.gov.*

VIII. Other Information

The Public Health Service strongly encourages all cooperative agreement and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of the facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the HHS mission to protect and advance the physical and mental health of the American people.

Dated: August 19, 2014.

Yvette Roubideaux,

Acting Director, Indian Health Service.

[FR Doc. 2014–20109 Filed 8–22–14; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Best Pharmaceuticals for Children Act (BPCA) Priority List of Needs in Pediatric Therapeutics

AGENCY: *Eunice Kennedy Shriver* National Institute of Child Health and Human Development (NICHD), National Institutes of Health.

ACTION: Notice.

SUMMARY: The National Institutes of Health (NIH) hereby announces the Best Pharmaceuticals for Children Act (BPCA) Priority List of Needs in Pediatric Therapeutics for 2014. The BPCA, reauthorized in 2012 as part of the Food and Drug Safety and Innovation Act, seeks to improve the level of information on the safe and effective use of pharmaceuticals used to treat children. The BPCA requires that the NIH identify the drugs of highest priority for study in pediatric populations and publish a list of drugs/needs in pediatric therapeutics. This notice fulfills the requirement to publish that list.

SUPPLEMENTARY INFORMATION: The pediatric medical community, the public health community, and government agencies have recognized multiple gaps in knowledge regarding the use of therapeutics in children, including the correct dose, appropriate indications, side effects, and safety concerns of pharmaceuticals in the short and long term. These gaps have frequently resulted in inadequate labeling for pediatric use and in widespread off-label use of prescription drugs in children. Off-label use of a drug substantially limits the ability to gain clinical information of the drug product, such as appropriate dosing of a drug, changes in drug metabolism and response during growth and development, and important short- and long-term effects.

The NICHD is working with the Food and Drug Administration (FDA), other federal agencies, and various nonprofit and commercial organizations to address the knowledge gaps that exist in pediatric therapeutics and to promote an increase in evidence-based data about medications used in children.

Update on BPCA Prioritization

The BPCA requires that the NIH, in consultation with the FDA and experts in pediatric research, identify the drugs and therapeutic areas of highest priority for study in pediatric populations. The BPCA authorizes the NIH to establish a program for pediatric drug testing and development and to publish a list of drugs/needs in pediatric therapeutics. The BPCA program consists of a series of clinical trials in various therapeutic areas, which may be based on proposed pediatric study requests (PPSRs) submitted to the FDA and/or on written requests (WR) received from the FDA. The BPCA Priority List consists of key therapeutic needs in the medical treatment of children and adolescents that need further study. It is organized by therapeutic areas, which are general categories of conditions, diseases, settings of care, or populations with multiple therapeutic needs. The first priority list of off-patent drugs needing further study under the 2002 BPCA legislation was published in January 2003 in the **Federal Register** (FR Vol. 68, No. 13; Tuesday, January 21, 2003: 2789–2790). The most recent priority list was published October 24, 2012; all **Federal Register** Notices can be found on the BPCA Web site: *http://bpca.nichd.nih.gov/prioritization/*

status/Pages/status.aspx. The NIH is required by the BPCA to update the priority list every three years. This publication serves as an update to the BPCA priority list of needs in pediatric therapeutics.

The Obstetric and Pediatric Pharmacology and Therapeutics Branch of the NICHD developed a prioritization process for the determination of the needs in pediatric therapeutics. There are two main phases in this process. Phase I of the prioritization process entails identifying therapeutic areas, which are general categories of conditions, diseases, settings of care, or populations with multiple therapeutic needs. The NICHD solicits input from experts in the pediatric research, general pediatric and subspecialty care, and patient advocacy groups to determine these therapeutic areas that need further study. At the beginning of every year, the NICHD revisits the current list of needs in pediatric therapeutics, prioritizes three therapeutic areas of interest for that calendar year, and develops working groups in the prioritized areas. Recommendations from the therapeutic area working groups are then presented to the NICHD and the FDA at the end of the calendar year at the Institute's annual BPCA meeting. Previous meeting minutes can be found on the BPCA Web site: *http://bpca.nichd.nih.gov/prioritization/meetings/Pages/index.aspx.*

Phase II of the prioritization process entails an extensive review and ranking of all nominations received based on key criteria for prioritization, such as relevance, label gaps, affected population, and feasibility. Please visit the BPCA Web site for more details: (*http://bpca.nichd.nih.gov/prioritization/priority_list/Pages/priority_list.aspx*).

Below is an updated list of therapeutic areas and drugs that have been prioritized for study since the inception of the BPCA and a summary of the NICHD's plans and progress in all of these areas to date. The NICHD welcomes input from the pediatric medical community on additional gaps in pediatric therapeutics for future consideration. All nominations should be submitted to Dr. Perdita Taylor-Zapata (contact information below).

Priority List of Needs in Pediatric Therapeutics 2014

In accordance with the BPCA legislation, the list outlines priority needs in pediatric therapeutics for multiple therapeutic areas listed below. The complete list can be found on the BPCA Web site at the following address: *http://bpca.nichd.nih.gov.*

- *Table 1: Infectious Disease Priorities*
- *Table 2: Cardiovascular Disease Priorities*
- *Table 3: Respiratory Disease Priorities*
- *Table 4: Intensive Care Priorities*
- *Table 5: Bio-Defense Research Priorities*
- *Table 6: Pediatric Cancer Priorities*
- *Table 7: Psychiatric Disorder Priorities*
- *Table 8: Neurological Disease Priorities*
- *Table 9: Neonatal Research Priorities*
- *Table 10: Adolescent Research Priorities*
- *Table 11: Hematologic Disease Priorities*
- *Table 12: Endocrine Disease Priorities and Diseases With Limited Alternative Therapies*
- *Table 13: Dermatologic Disease Priorities*
- *Table 14: Gastrointestinal Disease Priorities*
- *Table 15: Renal Disease Priorities*
- *Table 16: Rheumatologic Disease Priorities*
- *Table 17: Special Considerations*

We would like for you to save the date of December 10, 2014, for our annual BPCA stakeholders meeting. The meeting will be held at the Natcher Auditorium on the NIH campus in Bethesda, Maryland, and will be streamed live via videocast for all non-local attendees.

FOR FURTHER INFORMATION CONTACT: Dr. Perdita Taylor-Zapata via email at *taylorpe@mail.nih.gov;* by phone at 301–496–9584; or by fax at 301–480–2897.

Dated: August 18, 2014.

Francis S. Collins,

Director, National Institutes of Health.

[FR Doc. 2014–20156 Filed 8–22–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases Cancellation of Meeting

Notice is hereby given of the cancellation of the National Institute of Allergy and Infectious Diseases Special Emphasis Panel, September 10, 2014, 10:00 a.m. to September 10, 2014, 12:00 p.m., National Institutes of Health, 6700B Rockledge Drive, Room 3124, Bethesda, MD 20817 which was published in the **Federal Register** on August 15, 2014, 79FR48173.

The Review Committee will not meet because the application was withdrawn.

Dated: August 19, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–20057 Filed 8–22–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; 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: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Ancillary Studies to the NIDDK IBDGC.

Date: October 16, 2014.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Dianne Camp, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 756, 6707, Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–7682, *campd@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases, Special Emphasis Panel, Small Grants for New Investigators to Promote Diversity.

Date: October 30, 2014.

Time: 12:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Barbara A. Woynarowska, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 754, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 402–7172, *woynarowskab@niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes,

Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: August 19, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–20058 Filed 8–22–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2014–0020; OMB No. 1660–0058]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before September 24, 2014.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 500 C Street, Washington, DC 20472–3100, facsimile number (202) 212–4701, or email address *FEMA-Information-Collections-Management@dhs.gov.*

SUPPLEMENTARY INFORMATION: FEMA published a 60-day **Federal Register** Notice inviting public comments on May 28, 2014, 79 FR 30633. FEMA received one comment from one respondent. The commenter stated that government funds should not be used for pre-fire activities but rather homeowners should be responsible and take necessary steps to avoid fires. The commenter did approve of funds being used for cleanup. They also stated that government should be smaller. FEMA appreciates receiving this comment although the comment is not directly related to the cost and hour burden. If a grant is approved, the funds only pay for minimum pre-fire activities and these must be pre-approved in order to be eligible for funding. The funds used for pre-fire activities pay for pre-positioning equipment and personnel so a fire can be more quickly mitigated and contained, which helps reduce government fire-fighting costs.

Collection of Information

Title: Fire Management Assistance Grant Program.

Type of information collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660–0058.

Form Titles and Numbers: FEMA Form 078–0–1, Request for Fire Management Assistance Declaration; FEMA Form 089–0–24, Request for Fire Management Sub-grant; FEMA Form 078–0–2, Principal Advisor's Report.

Abstract: The information collection is required to make grant eligibility determinations for the Fire Management Assistance Grant Program (FMAGP). These eligibility-based grants and subgrants provide assistance to any eligible State, Indian tribal government, or local government for the mitigation, management, and control of a fire on public or private forest land or grassland that is threatening such destruction as would constitute a major disaster. The data/information gathered in the forms is used to determine the severity of the threatening fire, current and forecast weather conditions, and associated factors related to the fire and its potential threat as a major disaster.

Affected Public: State, local, or Tribal Government.

Estimated Number of Respondents: 178.

Estimated Total Annual Burden Hours: 811 hours.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $42,626.16. There are no annual costs to respondents' operations and maintenance costs for technical services. There are no annual start-up or capital costs. The cost to the Federal Government is $532,814.00.

Dated: August 14, 2014.

Charlene D. Myrthil,

Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2014–20048 Filed 8–22–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2014–0019; OMB No. 1660–0103]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Property Acquisition and Relocation for Open Space

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before September 24, 2014.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 500 C Street, Washington, DC 20472–3100, facsimile number (202) 212–4701, or email address *FEMA-Information-Collections-Management@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Collection of Information

Title: Property Acquisition and Relocation for Open Space.

Type of information collection: Revision of a currently approved information collection.

OMB Number: 1660–0103.

Form Titles and Numbers: FEMA Form 086–0–31, Statement of Voluntary Participation for Acquisition of Property for Purpose of Open Space.

Abstract: FEMA and State and local recipients of FEMA mitigation grant programs will use the information collected to meet the Property Acquisition requirements to implement acquisition activities under the terms of grant agreements for acquisition and relocation activities. FEMA and State/local grant recipients will also use the information to monitor and enforce the open space requirements for all properties acquired with FEMA mitigation grants.

Affected Public: State, local or Tribal Government; Individuals or Households.

Estimated Number of Respondents: 2,296.

Estimated Total Annual Burden Hours: 11,225 hours.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $669,885.25. There are no annual costs to respondents operations and maintenance costs for technical services. There is no annual start-up or capital costs. The cost to the Federal Government is $870,374.00.

Dated: August 14, 2014.

Charlene D. Myrthil,

Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2014–20050 Filed 8–22–14; 8:45 am]

BILLING CODE 9110–13–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3371–EM; Docket ID FEMA–2014–0003]

Washington; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Washington (FEMA–3371–EM), dated July 23, 2014, and related determinations.

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

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective August 5, 2014.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–20160 Filed 8–22–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0002; Internal Agency Docket No. FEMA–B–1430]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR Part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster

Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR Part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of Letter of Map Revision	Effective date of modification	Community No.
California:						
Orange	City of Seal Beach (14–09–2974P).	The Honorable Gordon A. Shanks, Mayor, City of Seal Beach, 211 8th Street, Seal Beach, CA 90740.	211 8th Street, Seal Beach, CA 90740.	*http://www.msc.fema.gov/lomc.*	November 28, 2014	060233
Orange	Unincorporated Areas of Orange County (14–09–2974).	Mr. Michael B. Giancola, Executive Officer, Orange County, 333 West Santa Ana Boulevard, Santa Ana, CA 92701.	300 North Flower Street, Santa Ana, CA 92703.	*http://www.msc.fema.gov/lomc.*	November 28, 2014	060212
Connecticut: Litchfield.	Town of New Milford (14–01–0106P).	The Honorable Patricia A. Murphy, Mayor, Town of New Milford, 10 Main Street, New Milford, CT 06776.	Town Hall, 10 Main Street, New Milford, CT 06776.	*http://www.msc.fema.gov/lomc.*	November 24, 2014	090049
Indiana:						
Adams	Town of Geneva (13–05–6773P).	The Honorable Richard Clutters, Town Council President, Town of Geneva, 411 East Line Street, Geneva, IN 46740.	411 East Line Street, Geneva, IN 46740.	*http://www.msc.fema.gov/lomc.*	November 20, 2014	180002
Adams	Unincorporated Areas of Adams County (13–05–6773P).	The Honorable Doug Bauman, Commissioner, Adams County, 2510 West State Road 116, Geneva, IN 46740.	112 South Second Street, Decatur, IN 46733.	*http://www.msc.fema.gov/lomc.*	November 20, 2014	180424
Boone	Town of Zionsville (14–05–3105P).	The Honorable Jeff Papa, Town Council President, Town of Zionsville, 1100 West Oak Street, Zionsville, IN 46077.	Town Hall, 1100 West Oak Street, Zionsville, IN 46077.	*http://www.msc.fema.gov/lomc.*	December 4, 2014	180016
Minnesota: Polk	City of Crookston (13–05–7394P).	The Honorable David W. Genereux, Mayor, City of Crookston, 124 North Broadway, Crookston, MN 56716.	City Hall, 124 North Broadway, Crookston, MN 56716.	*http://www.msc.fema.gov/lomc.*	November 14, 2014	270364
Wisconsin:						
Kenosha	City of Kenosha (14–05–2047P).	The Honorable Keith G. Bosman, Mayor, City of Kenosha, 625 52nd Street, Room 300, Kenosha, WI 53140.	625 52nd Street, Room 308, Kenosha, WI 53140.	*http://www.msc.fema.gov/lomc.*	November 4, 2014	550209
Ozaukee	City of Mequon (14–05–4216P).	The Honorable Dan Abendroth, Mayor, City of Mequon, 11333 North Cedarburg Road, Mequon, WI 53092.	11333 North Cedarburg Road, Mequon, WI 53092.	*http://www.msc.fema.gov/lomc.*	November 28, 2014	555564

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: August 4, 2014.

Roy E. Wright,

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

[FR Doc. 2014–20147 Filed 8–22–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: New or modified Base (1% annual-chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or the regulatory floodway (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard determinations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

These new or modified flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

These new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
New Jersey:					
Morris, (FEMA Docket No.: B–1408).	Township of Hanover (14–02–0085P).	The Honorable Ronald F. Francioli, Mayor, Township of Hanover, P.O. Box 250, Whippany, NJ 07981.	Hanover Township Municipal Building, 1000 Route 10, Whippany, NJ 07981.	July 10, 2014	340343
New Mexico:					
Bernalillo, (FEMA Docket No.: B–1416).	City of Albuquerque (13–06–2113P).	The Honorable Richard J. Berry, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, NM 87103.	Development and Review Services Division, 600 2nd Street Northwest, Room 201, Albuquerque, NM 87102.	July 10, 2014	350002
Santa Fe, (FEMA Docket No.: B–1408).	City of Santa Fe (13–06–3570P).	The Honorable Javier M. Gonzales, Mayor, City of Santa Fe, 200 Lincoln Avenue, Santa Fe, NM 87501.	200 Lincoln Avenue, Santa Fe, NM 87501.	July 7, 2014	350070
Oklahoma:					
Kay, (FEMA Docket No.: B–1408).	City of Ponca City (13–06–3801P).	The Honorable Homer Nicholson, Mayor, City of Ponca City, 516 East Grand Avenue, Ponca City, OK 74601.	City Hall, 516 East Grand Avenue, Ponca City, OK 74601.	July 10, 2014	400080
Pottawatomie, (FEMA Docket No.: B–1408).	City of Shawnee (13–06–4706P).	Mr. Brian McDougal, Manager, City of Shawnee, 16 West 9th Street, Shawnee, OK 74801.	City Hall, 16 West 9th Street, Shawnee, OK 74801.	June 30, 2014	400178
Texas:					
Bexar, (FEMA Docket No.: B–1408).	City of San Antonio (13–06–2351P).	The Honorable Julian Castro, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Department of Public Works, Storm Water Engineering, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	July 16, 2014	480045
Bexar, (FEMA Docket No.: B–1408).	City of San Antonio (14–06–0360P).	The Honorable Julian Castro, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Department of Public Works, Storm Water Engineering, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	July 14, 2014	480045
Brazos, (FEMA Docket No.: B–1408).	City of Bryan (13–06–2606P).	The Honorable Jason Bienski, Mayor, City of Bryan, 300 South Texas Avenue, Bryan, TX 77803.	City Hall, 300 South Texas Avenue, Bryan, TX 77803.	July 7, 2014	480082
Collin, (FEMA Docket No.: B–1408).	City of McKinney (13–06–3699P).	The Honorable Brian Loughmiller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	City Hall, 222 North Tennessee Street, McKinney, TX 75069.	June 30, 2014	480135
Denton, (FEMA Docket No.: B–1416).	City of Sanger (13–06–4010P).	The Honorable Thomas Muir, Mayor, City of Sanger, P.O. Box 1729, Sanger, TX 76266.	City Hall, 201 Bolivar Street, Sanger, TX 76266.	July 11, 2014	480786
Harris, (FEMA Docket No.: B–1408).	Unincorporated areas of Harris County (14–06–0260P).	The Honorable Ed M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County, 10555 Northwest Freeway, Houston, TX 77092.	July 7, 2014	480287

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Hays, (FEMA Docket No.: B–1408).	City of Kyle (13–06–3638P).	The Honorable Todd Webster, Mayor, City of Kyle, P.O. Box 40, Kyle, TX 78640.	Building Department, 100 West Center Street, Kyle, TX 78640.	July 10, 2014	481108
Rockwall, (FEMA Docket No.: B–1405).	City of McLendon-Chisholm (13–06–2902P).	The Honorable Gary L. Moody, Mayor, City of McLendon-Chisholm, 1248 South State Highway 205, McLendon-Chisholm, TX 75032.	City Hall, 1248 South State Highway 205, McLendon-Chisholm, TX 75032.	June 6, 2014	480546
Webb, (FEMA Docket No.: B–1416).	City of Laredo (14–06–0556P).	The Honorable Raul G. Salinas, Mayor, City of Laredo, 1110 Houston Street, Laredo, TX 78040.	1120 San Bernardo Avenue, Laredo, TX 78040.	July 3, 2014	480651
Webb, (FEMA Docket No.: B–1416).	Unincorporated areas of Webb County (14–06–0556P).	The Honorable Danny Valdez, Webb County Judge, 1000 Houston Street, 3rd Floor, Laredo, TX 78040.	Webb County, 1110 Washington Street, Suite 302, Laredo, TX 78040.	July 3, 2014	481059
West Virginia:					
Raleigh, (FEMA Docket No.: B–1408).	Unincorporated areas of Raleigh County (13–03–2399P).	The Honorable David L. Tolliver, President, Raleigh County Commission, 116 1/2 North Heber Street, Beckley, WV 25801.	Raleigh County Commission, 116 1/2 North Heber Street, Beckley, WV 25801.	July 14, 2014	540169

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: August 4, 2014.

Roy E. Wright,

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

[FR Doc. 2014–20146 Filed 8–22–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4189–DR; Docket ID FEMA–2014–0003]

Tennessee; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Tennessee (FEMA–4189–DR), dated August 13, 2014, and related determinations.

DATES: *Effective Date:* August 13, 2014.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 13, 2014, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Tennessee resulting from severe storms, tornadoes, straight-line winds, and flooding during the period of June 5–10, 2014, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Tennessee.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, W. Michael Moore, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Tennessee have been designated as adversely affected by this major disaster:

Anderson, Bledsoe, Carroll, Decatur, Henry, Hickman, Houston, Lawrence, Lewis, Madison, Marion, Maury, McNairy, Moore, Perry, Roane, Sequatchie, and Tipton Counties for Public Assistance.

All areas in the State of Tennessee are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–20145 Filed 8–22–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4187–DR; Docket ID FEMA–2014–0003]

Iowa; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Iowa (FEMA–4187–DR), dated August 5, 2014, and related determinations.

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

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 5, 2014, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Iowa resulting from severe storms, tornadoes, straight-line winds, and flooding during the period of June 26 to July 7, 2014, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Iowa.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Michael L. Parker, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Iowa have been designated as adversely affected by this major disaster:

Audubon, Black Hawk, Butler, Cedar, Des Moines, Grundy, Hamilton, Hardin, Ida, Iowa, Jackson, Jasper, Johnson, Jones, Keokuk, Lee, Linn, Mahaska, Muscatine, Poweshiek, Tama, and Washington Counties for Public Assistance.

All counties within the State of Iowa are eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–20142 Filed 8–22–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4188–DR; Docket ID FEMA–2014–0003]

Washington; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Washington (FEMA–4188–DR), dated August 11, 2014, and related determinations.

DATES: Effective date: August 11, 2014.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 11, 2014, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Washington resulting from wildfires during the period of July 9 to August 5, 2014, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Washington.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Direct Federal assistance is authorized. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Michael J. Hall, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Washington have been designated as adversely affected by this major disaster:

Okanogan County and the Confederated Tribes of the Colville Reservation for Public Assistance, including direct federal assistance.

All areas within the State of Washington are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–20150 Filed 8–22–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4184–DR; Docket ID FEMA–2014–0003]

Iowa; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Iowa (FEMA–4184–DR), dated July 24, 2014, and related determinations.

DATES: *Effective Date:* August 11, 2014.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Iowa is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of July 24, 2014.

Sac and Fox Tribe of the Mississippi in Iowa for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–20143 Filed 8–22–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4182–DR; Docket ID FEMA–2014–0003]

Minnesota; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Minnesota (FEMA–4182–DR), dated July 21, 2014, and related determinations.

DATES: *Effective Date:* July 31, 2014.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Minnesota is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of July 21, 2014.

Beltrami, Blue Earth, Brown, Carver, Dodge, Faribault, Koochiching, La Qui Parle, Lake of the Woods, Le Sueur, Marshall, Martin, McLeod, Nicollet, Redwood, Rice, Roseau, Scott, Sibley, Steele, Todd, Wadena, Waseca, and Yellow Medicine Counties and the Red Lake Band of Chippewa and Prairie Island Indian Community Tribes for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–20162 Filed 8–22–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4182–DR; Docket ID FEMA–2014–0003]

Minnesota; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Minnesota (FEMA–4182–DR), dated July 21, 2014, and related determinations.

DATES: *Effective date:* August 13, 2014.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Minnesota is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of July 21, 2014.

Lyon, Watonwan, and Wright Counties and the Bois Forte Band of Chippewa within Koochiching County for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–20151 Filed 8–22–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0026]

National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers, Availability of FY 2015 Arrangement

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Each year, the Federal Emergency Management Agency (FEMA) is required by the Write-Your-Own (WYO) Program Financial Assistance/Subsidy Arrangement (Arrangement) to notify private insurance companies (Companies) and to make available to the Companies the terms for subscription or re-subscription to the Arrangement. In keeping with that requirement, this notice provides the terms to the Companies to subscribe or re-subscribe to the Arrangement.

FOR FURTHER INFORMATION CONTACT: Edward L. Connor, Deputy Associate Administrator for Federal Insurance, Federal Insurance and Mitigation Administration, DHS/FEMA, 1800 South Bell Street, Room 720, Arlington, VA 20598–3020, 202–646–3429 (phone), 202–646–3445 (facsimile), or *Edward.Connor@fema.dhs.gov* (email).

SUPPLEMENTARY INFORMATION: Under the Write-Your-Own (WYO) Program Financial Assistance/Subsidy Arrangement (Arrangement), 82 (as of August 2014) private sector property insurers sell flood insurance policies and adjust flood insurance claims under their own names based on an Arrangement with the Federal Insurance and Mitigation Administration (FIMA) published at 44 CFR Part 62, Appendix A.

The WYO insurers retain an expense allowance and remit the remaining premium to the Federal Government. The WYO insurers pay flood losses and pay loss adjustment expenses based on a fee schedule through the regulated access of federal funds. In addition, under certain circumstances reimbursement for litigation costs, including court costs, attorney fees, judgments, and settlements, are paid by FEMA based on documentation submitted by the WYO insurers.

The complete Arrangement is published in 44 CFR Part 62, Appendix A. Each year, FEMA is required to publish in the **Federal Register** and make available to the Companies the terms for subscription or re-subscription to the Arrangement. 44 CFR Part 62, Appendix A, Article V.B.

Signatory Companies should remain aware that all requirements of the Arrangement, including, but not limited to, financial accounting in issues involving all transactions, must be met. As set forth in Article II.A.1. of Appendix A to Part 62—Federal Emergency Management Agency, Federal Insurance Administration, Financial Assistance/Subsidy Arrangement, the Company is responsible for meeting all fiduciary responsibilities for control and disbursement of funds in connection with policy administration. This includes ensuring that all accounting for policy administration is correct. If errors are made in policy administration, the Company shall be responsible for reimbursing any incorrect allocations, assessment or other moneys compensated to that company by the Federal Government.

The Company is responsible for ensuring that all activities meet the requirements of this Arrangement and of the NFIP Financial Control Plan, 44 CFR Part 62, Appendix B. The NFIP WYO Standards Committee may take remedial action in the event any such conduct is not corrected.

FEMA will send a copy of the offer for the FY 2015 Arrangement, together with related materials and submission instructions, to all private insurance companies participating under the current FY 2014 Arrangement.

Any private insurance company not currently participating in the WYO Program but wishing to consider FEMA's offer for FY 2015 may request a copy by writing: DHS/FEMA, Federal Insurance and Mitigation Administration, Attn: Edward L. Connor, Deputy Associate Administrator for Federal Insurance, Federal Insurance and Mitigation Administration, DHS/FEMA, 1800 South Bell Street, Room 720, Arlington, VA 20598–3020, or contact Edward Connor at 202–646–3445 (facsimile), or *Edward.Connor@fema.dhs.gov* (email).

Dated: August 8, 2014.

David L. Miller,

Associate Administrator, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2014–20068 Filed 8–22–14; 8:45 am]

BILLING CODE 9110–11–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0002; Internal Agency Docket No. FEMA–B–1434]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before November 24, 2014.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1434, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

I. Watershed-based studies:

Community	Community map repository address
Kent County, Rhode Island (All Jurisdictions)	
Narragansett HUC8 Watershed	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
City of Warwick	Planning Department, 3275 Post Road, Warwick, RI 02886.
Town of Coventry	Department of Public Works, 1675 Flat River Road, Coventry, RI 02816.
Town of East Greenwich	Department of Public Works, 111 Pierce Street, East Greenwich, RI 02818.
Town of West Warwick	Town Hall, 1170 Main Street, West Warwick, RI 02893.
Providence County, Rhode Island (All Jurisdictions)	
City of Central Falls	City Hall, 580 Broad Street, Central Falls, RI 02863.
City of Cranston	City Hall, 869 Park Avenue, Cranston, RI 02910.
City of East Providence	City Hall, 145 Taunton Avenue, East Providence, RI 02914.
City of Pawtucket	Department of Planning and Development, 175 Main Street, Pawtucket, RI 02860.
City of Providence	City Administration Building, 444 Westminster Street, Providence, RI 02903.
Town of Cumberland	Department of Public Works, 45 Broad Street, Cumberland, RI 02864.
Town of Johnston	Town Hall, 1385 Hartford Avenue, Johnston, RI 02919.
Town of Lincoln	Town Hall, 100 Old River Road, Lincoln, RI 02865.
Town of North Providence	Department of Public Works, Two Mafalda Street, North Providence, RI 02911.
Town of North Smithfield	Town Hall, One Main Street, Slatersville, RI 02876.
Town of Scituate	Town Hall, 195 Danielson Pike, Scituate, RI 02857.
Town of Smithfield	Town Hall, 64 Farnum Pike, Smithfield, RI 02917.
Lower Wisconsin Watershed	
Columbia County, Wisconsin, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
City of Columbus	City Hall, 105 North Dickason Boulevard, Columbus, WI 53925.
City of Lodi	City Hall, 130 South Main Street, Lodi, WI 53555.
City of Portage	City Hall, 115 West Pleasant Street, Portage, WI 53901.
City of Wisconsin Dells	City Hall, 300 La Crosse Street, Wisconsin Dells, WI 53965.
Unincorporated Areas of Columbia County	Carl C. Frederick Administration Building, 400 DeWitt Street, Portage, WI 53901.

Community	Community map repository address
Village of Cambria	Village Hall, 111 West Edgewater Street, Cambria, WI 53923.
Village of Doylestown	Village Hall, W3005 Railroad Street, Doylestown, WI 53928.
Village of Fall River	Village Hall, 641 South Main Street, Fall River, WI 53932.
Village of Pardeeville	Village Hall, 114 Lake Street, Pardeeville, WI 53954.
Village of Poynette	Village Hall, 106 South Main Street, Poynette, WI 53955.
Village of Wyocena	Village Hall, 165 East Dodge Street, Wyocena, WI 53969.
Crawford County, Wisconsin, and Incorporated Areas	
City of Prairie du Chien	City Hall, 214 East Blackhawk Avenue, Prairie du Chien, WI 53821.
Unincorporated Areas of Crawford County	Administration Building, 225 North Beaumont Road, Prairie du Chien, WI 53821.
Village of Bell Center	Village Hall, 430 Bell Center Road, Bell Center, WI 54631.
Village of De Soto	Village Hall, 115 South Houghton Street, De Soto, WI 54624.
Village of Ferryville	Village Hall, 170 Pine Street, Ferryville, WI 54628.
Village of Gays Mills	Village Hall, 16381 State Highway 131, Gays Mills, WI 54631.
Village of Lynxville	Village Hall, 475 Bench Street, Lynxville, WI 54626.
Village of Soldiers Grove	Village Hall, 102 Passive Sun Drive, Soldiers Grove, WI 54655.
Village of Steuben	Village Hall, 123 Midway Street, Steuben, WI 54657.
Village of Wauzeka	Village Hall, 213B East Front Street, Wauzeka, WI 53826.
Grant County, Wisconsin, and Incorporated Areas	
City of Boscobel	City Hall, 1006 Wisconsin Avenue, Boscobel, WI 53805.
City of Lancaster	City Hall, 206 South Madison Street, Lancaster, WI 53813.
City of Platteville	City Hall, 75 North Bonson Street, Platteville, WI 53818.
Unincorporated Areas of Grant County	Tax Listers Office, 111 South Jefferson Street, Lancaster, WI 53813.
Village of Bagley	Village Hall, 400 South Jackley Lane, Bagley, WI 53801.
Village of Bloomington	Village Hall, 453 Canal Street, Bloomington, WI 53804.
Village of Blue River	Village Hall, 201 Clinton Street, Blue River, WI 53518.
Village of Mount Hope	Village Hall, 127 East Main Street, Mount Hope, WI 53816.
Village of Muscoda	Village Hall, 206 North Wisconsin Avenue, Muscoda, WI 53573.

II. Non-Watershed-based studies:

Community	Community map repository address
Schuyler County, Illinois, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Unincorporated Areas of Schuyler County	Schuyler County Highway Department, 121 Henninger Drive, Rushville, IL 62681.
Butler County, Ohio, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
City of Fairfield	City Hall, 5350 Pleasant Avenue, Fairfield, OH 45014.
City of Hamilton	Planning Department, 345 High Street, Suite 370, Hamilton, OH 45011.
City of Middletown	City Hall, One Donham Plaza, Middletown, OH 45042.
City of Monroe	City Hall, 233 South Main Street, Monroe, OH 45050.
City of Oxford	City Hall, Building Department, 101 East High Street, Oxford, OH 45056.
City of Trenton	City Hall, 11 East State Street, Trenton, OH 45067.
Unincorporated Areas of Butler County	Butler County Administrative Center, Building and Zoning Department, 130 High Street, 1st Floor, Hamilton, OH 45011.
Village of Millville	Village Hall, 2860 Ross Hanover Road, Millville, OH 45013.
Village of New Miami	Village Hall, 268 Whitaker Avenue, New Miami, OH 45011.
Village of Seven Mile	Village Hall, 201 High Street, Seven Mile, OH 45062.
Village of Somerville	Village Hall, 146 Main Street, Somerville, OH 45064.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: August 4, 2014.

Roy E. Wright,

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

[FR Doc. 2014–20144 Filed 8–22–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0002: Internal Agency Docket No. FEMA–B–1433]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before November 24, 2014.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1433, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

I. Watershed-based studies:

Community	Community map repository address
Lower Levisa Watershed	
Floyd County, Kentucky, and Incorporated Areas	
Maps Available for Inspection Online at: *www.fema.gov/preliminaryfloodhazarddata*	
City of Allen	City Hall, 22 Main Street, Allen, KY 41601.
City of Martin	City Hall, 11729 Main Street, Martin, KY 41649.
City of Prestonsburg	Municipal Building, 200 North Lake Drive, Prestonsburg, KY 41653.
City of Wayland	City Hall, 2643 King Kelly Coleman Highway, Wayland, KY 41666.
City of Wheelwright	City Hall, 1479 Kentucky Route 306, Wheelwright, KY 41669.
Unincorporated Areas of Floyd County	Courthouse Annex, 313 Westminster Street, Prestonsburg, KY 41653.
Johnson County, Kentucky, and Incorporated Areas	
Maps Available for Inspection Online at: *www.fema.gov/preliminaryfloodhazarddata*	

Community	Community map repository address
City of Paintsville	City Offices, 340 Main Street, Paintsville, KY 41240.
Unincorporated Areas of Johnson County	Johnson County Judge's Office, 908 3rd Street, Paintsville, KY 41240.
Knott County, Kentucky, and Incorporated Areas	
Maps Available for Inspection Online at: *www.fema.gov/preliminaryfloodhazarddata*	
City of Pippa Passes	Knott County Emergency Management, 40 Center Street, Hindman, KY 41822.
Unincorporated Areas of Knott County	Knott County Emergency Management, 40 Center Street, Hindman, KY 41822.
Lawrence County, Kentucky, and Incorporated Areas	
Maps Available for Inspection Online at: *www.fema.gov/preliminaryfloodhazarddata*	
City of Louisa	City Hall, 215 North Main Cross Street, Louisa, KY 41230.
Unincorporated Areas of Lawrence County	Lawrence County Judge's Office, 122 South Main Cross Street, 2nd Floor, Louisa, KY 41230.
Magoffin County, Kentucky, and Incorporated Areas	
Maps Available for Inspection Online at: *www.fema.gov/preliminaryfloodhazarddata*	
Unincorporated Areas of Magoffin County	Magoffin County Courthouse, Judge's Office, 201 East Maple Street, Salyersville, KY 41465.
Morgan County, Kentucky, and Incorporated Areas	
Maps Available for Inspection Online at: *www.fema.gov/preliminaryfloodhazarddata*	
Unincorporated Areas of Morgan County	Morgan County Courthouse, 450 Prestonsburg Street, West Liberty, KY 41472.
Pike County, Kentucky, and Incorporated Areas	
Maps Available for Inspection Online at: *www.fema.gov/preliminaryfloodhazarddata*	
Unincorporated Areas of Pike County	Pike County Courthouse, 146 Main Street, Pikeville, KY 41501.
Tug Fork Watershed	
Martin County, Kentucky, and Incorporated Areas	
Maps Available for Inspection Online at: *www.fema.gov/preliminaryfloodhazarddata*	
City of Inez	Martin County Disaster Emergency Services, 100 Main Street, Inez, KY 41224.
Town of Warfield	Martin County Disaster Emergency Services, 100 Main Street, Inez, KY 41224.
Unincorporated Areas of Martin County	Martin County Disaster Emergency Services, 100 Main Street, Inez, KY 41224.
Lawrence County, Kentucky, and Incorporated Areas	
Maps Available for Inspection Online at: *www.fema.gov/preliminaryfloodhazarddata*	
City of Louisa	City Hall, 215 North Main Cross Street, Louisa, KY 41230.
Unincorporated Areas of Lawrence County	Lawrence County Judge's Office, 122 South Main Cross Street, 2nd Floor, Louisa, KY 41230.
Pike County, Kentucky, and Incorporated Areas	
Maps Available for Inspection Online at: *www.fema.gov/preliminaryfloodhazarddata*	
Unincorporated Areas of Pike County	Pike County Courthouse, 146 Main Street, Pikeville, KY 41501.

II. Non-watershed-based studies:

Community	Community map repository address
Contra Costa County, California, and Incorporated Areas	
Maps Available for Inspection Online at: *www.fema.gov/preliminaryfloodhazarddata*	
City of Antioch	Engineering and Development, Services Division, 200 H Street, Antioch, CA 94509.
City of Hercules	Engineering Department, 111 Civic Drive, Hercules, CA 94547.
City of Martinez	Engineering Department, 525 Henrietta Street, Martinez, CA 94553.
City of Oakley	Public Works and Engineering, 3231 Main Street, Oakley, CA 94561.
City of Pinole	Public Works Department, 2131 Pear Street, Pinole, CA 94564.
City of Pittsburg	Engineering Record Section, City Hall, 65 Civic Avenue, Pittsburg, CA 94565.
City of Richmond	Engineering Division, 450 Civic Center Plaza, Richmond, CA 94804.
City of San Pablo	Planning/Zoning, 13831 San Pablo Ave., San Pablo, CA 94806.
Unincorporated Areas of Contra Costa County	Public Works Department, 255 Glacier Drive, Martinez, CA 94553.
Traill County, North Dakota, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Township of Belmont	Traill County Courthouse, 114 West Caledonia Avenue, Hillsboro, ND 58045.
Township of Bingham	Traill County Courthouse, 114 West Caledonia Avenue, Hillsboro, ND 58045.
Township of Caledonia	Traill County Courthouse, 114 West Caledonia Avenue, Hillsboro, ND 58045.
Township of Elm River	Traill County Courthouse, 114 West Caledonia Avenue, Hillsboro, ND 58045.
Township of Herberg	Traill County Courthouse, 114 West Caledonia Avenue, Hillsboro, ND 58045.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: August 4, 2014.

Roy E. Wright,

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

[FR Doc. 2014–20040 Filed 8–22–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0002; Internal Agency Docket No. FEMA–B–1431]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before November 24, 2014.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1431, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are

used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Community	Community Map Repository Address
Washington County, Pennsylvania (All Jurisdictions)	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Borough of Allenport	Borough Building, 1850 Main Street, Allenport, PA 15412.
Borough of Beallsville	Borough Building, 82A South Street, Beallsville, PA 15313.
Borough of Bentleyville	Borough Building, 900 Main Street, Suite 101, Bentleyville, PA 15314.
Borough of Burgettstown	Borough Administration Building, 1509 Main Street, Burgettstown, PA 15021.
Borough of California	Borough Zoning Office, 225 Third Street, California, PA 15419.
Borough of Canonsburg	Borough Building, 68 East Pike Street, Canonsburg, PA 15317.
Borough of Centerville	Centerville Borough Office, 100 East End Road, Brownsville, PA 15417.
Borough of Charleroi	Borough Municipal Building, 334 Fallowfield Avenue, Charleroi, PA 15022.
Borough of Coal Center	Borough Building, 132 Water Street, Coal Center, PA 15423.
Borough of Cokeburg	Borough Building, 99 Washington Street, Cokeburg, PA 15324.
Borough of Deemston	Deemston Borough Municipal Building, 1622 Morey Road, Frederick-town, PA 15333.
Borough of Donora	Borough Building, 603 Meldon Avenue, Donora, PA 15033.
Borough of Dunlevy	Borough Building, 2 Walnut Street, Dunlevy, PA 15432.
Borough of Elco	Borough Building, Route 88, Elco, PA 15434.
Borough of Ellsworth	Borough Building, 23 Main Street, Ellsworth, PA 15331.
Borough of Finleyville	Borough Building, 3515 Washington Avenue, Finleyville, PA 15332.
Borough of Green Hills	Green Hills Borough Office, 2755 Park Avenue, Washington, PA 15301.
Borough of Houston	Borough Building, 42 Western Avenue, Houston, PA 15342.
Borough of Long Branch	Long Branch Borough Building, 440 Mount Tarbor Road, Coal Center, PA 15423.
Borough of Marianna	Borough Building, 1 Procasky Road, Marianna, PA 15345.
Borough of Midway	Borough Office, 304 Noblestown Road, Midway, PA 15060.
Borough of New Eagle	Borough Building, 157 Main Street, New Eagle, PA 15067.
Borough of North Charleroi	Borough Building, 555 Walnut Avenue, North Charleroi, PA 15022.
Borough of Roscoe	Borough Municipal Building, 500 Arthur Avenue, Roscoe, PA 15477.
Borough of Speers	Speers Borough Hall, 300 Phillips Street, Charleroi, PA 15022.
Borough of Stockdale	Borough Office, 402 Locust Street, Stockdale, PA 15483.
Borough of Twilight	Twilight Borough Building, 8 Chestnut Road, Charleroi, PA 15022.
Borough of West Brownsville	Municipal Building, 235 Main Street, West Brownsville, PA 15417.
Borough of West Middletown	Borough Office, 18 West Main Street, West Middletown, PA 15379.
City of Monongahela	City Hall, 449 West Main Street, Monongahela, PA 15063.
City of Washington	City Hall, 55 West Maiden Street, Washington, PA 15301.
Township of Amwell	Amwell Township Municipal Building, 885 Amity Ridge Road, Amity, PA 15311.
Township of Blaine	Blaine Township Municipal Building, 40 Main Street, Taylorstown, PA 15365.
Township of Buffalo	Buffalo Township Office, 400 Buffalo Center Lane, Washington, PA 15301.
Township of Canton	Canton Township Municipal Building, 655 Grove Avenue, Washington, PA 15301.
Township of Carroll	Carroll Township Hall, 130 Baird Street, Monongahela, PA 15063.
Township of Cecil	Township Office, 3599 Millers Run Road, Suite 101, Cecil, PA 15321.
Township of Chartiers	Chartiers Township Municipal Center, 2 Buccaneer Drive, Houston, PA 15342.
Township of Cross Creek	Cross Creek Township Municipal Building, 28 Clark Avenue, Avella, PA 15312.

Community	Community Map Repository Address
Township of Donegal	Donegal Township Municipal Office, 34 North Liberty Street, West Alexander, PA 15376.
Township of East Bethlehem	East Bethlehem Township Office, 36 Water Street, Fredericktown, PA 15333.
Township of East Finley	East Finley Township Office Building, 1394 East Finley Drive, Claysville, PA 15323.
Township of Fallowfield	Fallowfield Township Building, 9 Memorial Drive, Charleroi, PA 15022.
Township of Hanover	Hanover Township Hall, 11 Municipal Drive, Burgettstown, PA 15021.
Township of Hopewell	Hopewell Township Building, 20 Parkview Road, Avella, PA 15312.
Township of Independence	Independence Township Building, 34 Campbell Street, Avella, PA 15312.
Township of Jefferson	Jefferson Township Building, 670 Cedar Grove Road, Burgettstown, PA 15021.
Township of Morris	Morris Township Municipal Building, 473 Sparta Road, Prosperity, PA 15329.
Township of Mount Pleasant	Mount Pleasant Township Building, 31 McCarrell Road, Hickory, PA 15340.
Township of North Bethlehem	North Bethlehem Township Municipal Building, 2178 East National Pike, Scenery Hill, PA 15360.
Township of North Franklin	North Franklin Township Municipal Building, 620 Franklin Farms Road, Washington, PA 15301.
Township of North Strabane	North Strabane Township Municipal Building, 1929 Route 519 South, Canonsburg, PA 15317.
Township of Nottingham	Nottingham Township Municipal Building, 909 Sugar Run Road, Eighty Four, PA 15330.
Township of Peters	Peters Township Municipal Building, 610 East McMurray Road, McMurray, PA 15317.
Township of Robinson	Robinson Township Office, 8400 Noblestown Road, McDonald, PA 15057.
Township of Smith	Smith Township Building, 1848 Smith Township State Road, Slovan, PA 15078.
Township of Somerset	Somerset Township Municipal Building, 615 Vanceville Road, Eighty Four, PA 15330.
Township of South Franklin	South Franklin Township Building, 100 Municipal Road, Washington, PA 15301.
Township of South Strabane	South Strabane Township Building, 550 Washington Road, Washington, PA 15301.
Township of Union	Union Township Municipal Building, 3904 Finleyville-Elrama Road, Finleyville, PA 15332.
Township of West Bethlehem	West Bethlehem Township Municipal Building, 247 Jefferson Avenue, Marianna, PA 15345.
Township of West Finley	West Finley Township Office, 401 Beham Ridge Road, West Alexander, PA 15376.
Township of West Pike Run	West Pike Run Township Municipal Building, 238 Pike Run Drive, Daisytown, PA 15427.
James City County, Virginia, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
City of Williamsburg (Independent City)	Planning Department, 401 Lafayette Street, Williamsburg, VA 23185.
Unincorporated Areas of James City County	James City County Planning Department, 101–A Mounts Bay Road, Williamsburg, VA 23185.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: August 4, 2014.

Roy E. Wright,

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

[FR Doc. 2014–20046 Filed 8–22–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX14EN05ESB0500]

Advisory Committee on Climate Change and Natural Resource Science Meeting

AGENCY: U.S. Geological Survey, Interior.

ACTION: Meeting notice.

SUMMARY: In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. App. 2, we announce that the Advisory Committee on Climate Change and Natural Resource Science will hold a meeting.

DATES: *Meeting:* The meeting will be held as follows: Wednesday, September 17, 2014, from 9:00 a.m. to 5:00 p.m.; and Thursday, September 18, 2014 from 8:30 a.m. to 4 p.m. (All times Pacific Daylight Time).

ADDRESSES: 911 Federal Building, 911 NE 11th Avenue, Portland, Oregon 97232, Floor B1, Conference Room C.

FOR FURTHER INFORMATION CONTACT: Mr. Robin O'Malley, Designated Federal Officer, Policy and Partnership Coordinator, National Climate Change and Wildlife Science Center, U.S.

Geological Survey, 12201 Sunrise Valley Drive, Mail Stop 400, Reston, VA 20192, *romalley@usgs.gov,* (703) 648–4086.

SUPPLEMENTARY INFORMATION: Chartered in May 2013, the Advisory Committee on Climate Change and Natural Resource Science (ACCCNRS) advises the Secretary of the Interior on the establishment and operations of the U.S. Geological Survey (USGS) National Climate Change and Wildlife Science Center (NCCWSC) and the Department of the Interior (DOI) Climate Science Centers (CSCs). ACCCNRS members represent federal agencies; state and local governments; American Indian tribes and other Native American entities; nongovernmental organizations; academic institutions; and the private sector. Duties of the committee include: (A) Advising on the contents of a national strategy identifying key science priorities to advance the management of natural resources in the face of climate change; (B) advising on the nature, extent, and quality of relations with and engagement of key partners at the regional/CSC level; (C) advising on the nature and effectiveness of mechanisms to ensure the identification of key priorities from management partners and to effectively deliver scientific results in useful forms; (D) advising on mechanisms that may be employed by the NCCWSC to ensure high standards of scientific quality and integrity in its products, and to review and evaluate the performance of individual CSCs, in advance of opportunities to re-establish expiring agreements; and (E) coordinating as appropriate with any Federal Advisory Committee established for the DOI Landscape Conservation Cooperatives. More information about the ACCCNRS is available at *https://nccwsc.usgs.gov/acccnrs.*

Meeting Agenda: The objectives of this meeting are to: (1) Provide input on the NCCWSC Science Plan and national science priorities; (2) learn about the Northwest Climate Science Center's science and stakeholder engagement efforts; (3) review, provide input on, and achieve a level of consensus on draft ACCCNRS recommendations and report to the Secretary of the Interior; and (4) review and update the ACCCNRS work plan for 2014–15. The final agenda will be posted on *https://nccwsc.usgs.gov/acccnrs* prior to the meeting.

Public Input: All Committee meetings are open to the public. Interested members of the public may present, either orally or through written comments, information for the Committee to consider during the public meeting. The public will have approximately 15–30 minutes to make comment on both Wednesday, September 17, 2014, between 9:00 a.m. to 5:00 p.m. and Thursday, September 18, 2014 between 8:30 a.m. to 4:00 p.m. (all times Pacific Daylight Time).

Individuals or groups requesting to make comment at the public Committee meeting will be limited to 2 minutes per speaker. The Committee will endeavor to provide adequate opportunity for all speakers, within available time limits. Speakers who wish to expand upon their oral statements, or those who had wished to speak, but could not be accommodated during the public comment period, are encouraged to submit their comments in written form to the Committee after the meeting.

Written comments should be submitted, prior to, during, or after the meeting, to Mr. Robin O'Malley, Designated Federal Officer, by U.S. Mail to: Mr. Robin O'Malley, Designated Federal Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive, Mail Stop 400, Reston, VA 20192, or via email, at *romalley@usgs.gov.*

The meeting location is open to the public. When entering the 911 Federal Building, federal employees will be able to bypass security by showing a federal identification badge. Non-federal employees and visitors will be required to show a government issued photo identification card and pass through a metal detector. Non-federal employees and visitors will have access to the first floor of the building with a temporary badge, issued by the building security. Non-federal employees and visitors must be escorted by a federal employee to access all other floors of the building, including floor B1. Space is limited, so all interested in attending should pre-register. Please submit your name, estimate time of arrival, email address and phone number to Mr. Robin O'Malley via email at *romalley@usgs.gov,* or by phone at (703) 648–4086, by close of business on September 10, 2014. Persons with disabilities requiring special services, such as an interpreter for the hearing impaired, should contact Mr. O'Malley at (703) 648–4086 at least seven calendar days prior to the meeting. We will do our best to accommodate those who are unable to meet this deadline.

Robin O'Malley,

Designated Federal Officer.

[FR Doc. 2014–20148 Filed 8–22–14; 8:45 am]

BILLING CODE 4311–AM–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–511 and 731–TA–1246–1247 (Final)]

Certain Crystalline Silicon Photovoltaic Products From China and Taiwan; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701–TA–511 and 731–TA–1246–1247 (Final) under sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)) (the Act) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of certain crystalline silicon photovoltaic products from China and Taiwan that are being sold at less than fair value and subsidized by the Government of China.[1]

[1] For purposes of these investigations, the Department of Commerce has defined the subject merchandise as ''crystalline silicon photovoltaic cells, and modules, laminates and/or panels consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including building integrated materials.

For purposes of these investigations, subject merchandise also includes modules, laminates and/or panels assembled in the subject country consisting of crystalline silicon photovoltaic cells that are completed or partially manufactured within a customs territory other than that subject country, using ingots that are manufactured in the subject country, wafers that are manufactured in the subject country, or cells where the manufacturing process begins in the subject country and is completed in a non-subject country.

Subject merchandise includes crystalline silicon photovoltaic cells of thickness equal to or greater than 20 micrometers, having a p/n junction formed by any means, whether or not the cell has undergone other processing, including, but not limited to, cleaning, etching, coating, and/or addition of materials (including, but not limited to, metallization and conductor patterns) to collect and forward the electricity that is generated by the cell.

Excluded from the scope of these investigations are thin film photovoltaic products produced from amorphous silicon (a-Si), cadmium telluride (CdTe), or copper indium gallium selenide (CIGS).

Also excluded from the scope of these investigations are any products covered by the existing antidumping and countervailing duty orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China.

Also excluded from the scope of these investigations are crystalline silicon photovoltaic cells, not exceeding 10,000 mm^2 in surface area, that are permanently integrated into a consumer good whose function is other than power generation

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

DATES: *Effective Date:* July 31, 2014.

FOR FURTHER INFORMATION CONTACT: Christopher J. Cassise (202–708–5408), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—The final phase of these investigations is being scheduled as a result of affirmative preliminary determinations by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in China of certain crystalline silicon photovoltaic products, and that such products from China and Taiwan are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigations were requested in a petition filed on December 31, 2013, by SolarWorld America Industries, Inc., Hillsboro, OR.

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. § 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on November 20, 2014, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on December 8, 2014, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before December 1, 2014. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference, if deemed necessary, to be held at 9:30 a.m. on December 3, 2014, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is December 1, 2014. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is December 15, 2014. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before December 15, 2014. On January 12, 2015, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before January 14, 2015, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on E-Filing,* available on the Commission's Web site at *http://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules,

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and that consumes the electricity generated by the integrated crystalline silicon photovoltaic cell. Where more than one cell is permanently integrated into a consumer good, the surface area for purposes of this exclusion shall be the total combined surface area of all cells that are integrated into the consumer good.

Merchandise covered by these investigations is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 8501.61.0000, 8507.20.8030, 8507.20.8040, 8507.20.8060, 8507.20.8090, 8541.40.6020, 8541.40.6030 and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of these investigations is dispositive.''

See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order, 77 FR 73018 (December 7, 2012); *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Countervailing Duty Order,* 77 FR 73017 (December 7, 2012).

each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: August 19, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–20069 Filed 8–22–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection 2014 National Survey of Tribal Court Systems (NSTCS–14)

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Statistics (BJS) will submit the following information collection to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** Volume 79, Number 57, pages 16375–16376 on March 25, 2014, allowing a 60-day comment period. Following publication of the 60-day notice, the Bureau of Justice Statistics received and responded to multiple requests for a copy of the proposed information collection instrument and instructions. BJS received comments for questionnaire improvements and suggestions for important items to be included from the Office of Justice Services, at the Bureau of Indian Affairs; the American Probation and Parole Association; the Tribal Law and Policy Institute; Indian Country Justice Partners; the Pretrial Justice Institute (PJI); and the National Highway Traffic Safety Administration of Texas and the BIA Indian Highway Safety Program.

DATES: Comments are encouraged and will be accepted for an additional ''thirty days'' until September 24, 2014.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Steven W. Perry, Statistician, Bureau of Justice Statistics, 810 Seventh St. NW., Washington, DC 20531 (email *Steven.W.Perry@usdoj.gov;* telephone 202–307–0765). Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions use;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New statistical data collection.

(2) *Title of the Form/Collection:* National Survey of Tribal Court Systems (NSTCS).

(3) *Agency form number:* The form labels include NSTCS–14L48; NSTCS–14AK; and NSTCS–14CFR. Bureau of Justice Statistics, Office of Justice Programs, United States Department of Justice.

(4) *Affected public who will be asked to respond, as well as a brief abstract:* Primary: This information collection is a census of tribal court systems that operated in Indian country or on tribal lands during 2014. The Bureau of Justice Statistics (BJS) proposes to implement a National Survey of Tribal Courts (NSTCS). Tribal courts are diverse, with some being extensively elaborate in their development, some based on traditional or indigenous customs, and others are just beginning to develop a contemporary justice system. Over the past decade, legislation such as the Violence against Women Reauthorization Act of 2013, the Tribal Law and Order Act of 2010, and the Adam Walsh Child Protection and Safety Act of 2006 (PL 109–248) have sought to improve public safety in Indian country through expanded jurisdiction over non-Indians for domestic violence cases, increased sentencing authority for tribal courts, and tracking of active protection orders and sex offenders through a registry or database systems. In addition, TLOA specifically requires the Bureau of Justice Statistics (BJS) to (1) establish and implement a comprehensive tribal crime data collection system; (2) support tribal participation in national records and information systems (P.L. 111–211, 124 Stat. 2258, § 251(b)); and (3) report to Congress annually the data collected and analyzed in accordance with the act. Existing information on tribal courts is extremely dated or was conducted with a narrow focus and did not include all of the distinctive areas or types of tribal courts that operate in the U.S.—the lower 48 States, Alaska, and the Courts of Indian Offenses. No reliable and recurring data are collected on the volume and types of criminal and civil cases handle in tribal courts annually, as well as the types of justice programs and services rendered in tribal communities. Hence, the NSTCS will fill these gaps and provide national level statistics on the administration and operation of trial and appellate courts in Indian country. The NSTCS is designed to provide BJS and other interested stakeholders with current empirical information on tribal court systems. A goal of the NSTCS is to obtain national statistics on the types of tribal forums, including joint jurisdictional tribal-state courts; staffing and qualifications; budgets; prosecution; public defense and civil legal services; pretrial, probation and reentry programs; juvenile justice cases; domestic violence and protection orders; enhanced sentencing and expanded jurisdiction capacity; and criminal justice information database access and reporting. These data will help BJS generate aggregate statistics on the organizational structure of the tribal

court system, the magnitude and types of cases handled, as well establish baseline measures for comparisons in future iterations. Information will be collected for calendar year 2014.

(5) *An estimate of the total number of respondents and the amount of time needed for an average respondent to respond:* BJS estimates 595 respondents are eligible to complete this survey. BJS will submit the NSTCS to the 426 tribal courts identified in the lower 48 states and Alaska, the 29 Courts of Federal Regulation, and to the estimated 140 federally recognized tribal governments for which the current existence of a tribal court is unknown. BJS will conduct a complete census of each tribal court, by location and type. Based on pilot testing an average of 2 hours each is needed to complete the form appropriate for the respective tribal systems: NSTCS–14L48, NSTCS–14AK, or NSTCS–14CFR. The NSTCS respondent burden of 2 hours is calculated using an estimate of per respondent by tribe, location or type of court. The burden hours were calculated as follows: (a) NSTCS–14L48 has an average respondent burden of 2 hours and 15 minutes and 336 tribal courts and/or tribes are located in the lower 48 states that will be sent this version of the survey (336 Lower 48 Courts/tribes * 2.25 = 756 hours); (b) NSTCS–14AK has an average respondent burden of 2 hours and about 220 tribal courts and/or tribes located in Alaska will be sent this version of the survey (220 Alaska Courts * 2 = 460 hours); and c) NSTCS–14CFR has an average respondent burden of 1 hour and 30 minutes and about 29 CFR courts will be sent this version of the survey (29 CFR Courts * 1.5 = 43.5 hours). The combined estimated respondent burden for completion of all three questionnaire versions is 1259.5 hours. BJS added 7% or about 86.5 additional burden hours for the non-response follow-up and data validation (1259.5 + 86.5 =1,350 hours). The estimated combined range of burden for all respondents is between 1.5 to 2.5 hours for completion. The following factors were considered when creating the burden estimate: The total number of identified tribal courts, the number of tribes for which the existence of a tribal court or traditional justice forum is unknown, the ability of tribal courts to access or gather the data, and the case management and information system capabilities generally found within Indian country. BJS estimates that nearly all of the approximately 595 respondents will fully complete the questionnaire, either reporting their tribal court systems data and/or confirming the tribe does not operate any form of court system.

(6) *An estimate of the total public burden (in hours) associated with the collection:* BJS has estimated the total respondent burden for the proposed 2014 NSTCS at 1,350 hours. This estimated total burden includes the time for completion by each federally recognized tribe and/or tribal court tribal courts, Courts of federal regulations, and subsequent time for non-response follow-up or validation. This new estimate of respondent burden has increased from the 300 burden hours noted in the 60 day notice, because BJS has since confirmed the name of 426 tribal courts or traditional forums and will implement a strategy to reduce any coverage error for any potentially unknown tribal court systems.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: August 19, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–20064 Filed 8–22–14; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Residential Lead-Based Paint Hazard Reduction Act

Notice is hereby given that on August 19, 2014 a proposed Consent Decree in *United States* v. *Meyer Management, Inc.,* Civil Action No. 1:14–cv–664 was lodged with the United States District Court for the Southern District of Ohio.

The consent decree settles claims against the owner and manager of 224 housing units in 136 separate properties located in or near Cincinnati, Ohio. The claims were brought on behalf of the Environmental Protection Agency and the Department of Housing and Urban Development under the Residential Lead-Based Paint Hazard Reduction Act, 42 U.S.C. 4851 et seq. (''Lead Hazard Reduction Act''). The United States alleged in the complaint that the Defendant failed to make one or more of the disclosures or to complete one or more of the disclosure activities required by the Lead Hazard Reduction Act.

Under the Consent Decree, the Defendant will certify that it is complying with residential lead paint notification requirements. The Defendant will submit a plan for window replacement work and will replace all windows known to or believed to contain lead-based paint in these 224 housing units owned or managed by Defendant that are not certified lead-based paint free. In addition, Defendant will abate lead-based paint hazards on friction and impact surfaces, stabilize other lead-based paint hazards, and pay an administrative penalty of $7,500.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Meyer Management, Inc.,* D.J. Ref. #90–5–1–1–10787. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General U.S. DOJ—ENRD P.O. Box 7611 Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $10.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Maureen Katz

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–20124 Filed 8–22–14; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–378]

Final Adjusted Aggregate Production Quotas for Schedule I and II Controlled Substances and Assessment of Annual Needs for the List I Chemicals Ephedrine, Pseudoephedrine, and Phenylpropanolamine for 2014

AGENCY: Drug Enforcement Administration (DEA), Department of Justice (DOJ).

ACTION: Notice.

SUMMARY: This notice establishes the final adjusted 2014 aggregate production quotas for controlled substances in schedules I and II of the Controlled Substances Act (CSA) and the assessment of annual needs for the List I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine, as well as the 2014 aggregate production quotas for three recently temporarily controlled substances.

DATES: Effective August 25, 2014.

FOR FURTHER INFORMATION CONTACT: Imelda Paredes, Executive Assistant, Office of Diversion Control, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152, Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION:

Background

Section 306 of the Controlled Substances Act (CSA) (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for each basic class of controlled substance listed in schedules I and II and for ephedrine, pseudoephedrine, and phenylpropanolamine. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration (DEA) through 28 CFR 0.100(b). The Administrator, in turn, has redelegated this function to the Deputy Administrator, pursuant to 28 CFR pt. 0 subpt. R, App.

The DEA published the 2014 established aggregate production quotas for controlled substances in schedules I and II and for the assessment of annual needs for the List I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine in the **Federal Register** (78 FR 55099) on September 9, 2013. That notice stated that the Deputy Administrator would adjust, as needed, the established aggregate production quotas in 2014 in accordance with 21 CFR 1303.13 and 21 CFR 1315.13. The 2014 proposed adjusted aggregate production quotas for controlled substances in schedules I and II and assessment of annual needs for the List I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine were subsequently published in the **Federal Register** on June 12, 2014 (79 FR 33780) in consideration of the outlined criteria. All interested persons were invited to comment on or object to the proposed adjusted aggregate production quotas and assessment of annual needs on or before July 14, 2014.

Analysis for Final Adjusted 2014 Aggregate Production Quotas and Assessment of Annual Needs

Consideration has been given to the criteria outlined in the June 12, 2014, notice of proposed adjusted aggregate production quotas and assessment of annual needs, in accordance with 21 CFR 1303.13 and 21 CFR 1315.13. Five companies submitted timely comments regarding a total of 11 schedule I and II controlled substances. Comments received proposed that the aggregate production quotas for 4-anilino-phenethyl-4-piperidine (ANPP), codeine (for sale), diphenoxylate, hydromorphone, levorphanol, morphine (for conversion), oripavine, oxycodone (for sale), oxymorphone (for conversion), oxymorphone (for sale), and tetrahydrocannabinols were insufficient to provide for the estimated medical, scientific, research, and industrial needs of the United States, for export requirements, and for the establishment and maintenance of reserve stocks. The DEA did not receive any comments for the proposed adjustments to the 2014 assessment of annual needs for ephedrine, pseudoephedrine, and phenylpropanolamine.

The DEA has taken into consideration the above comments along with the relevant 2013 year-end inventories, initial 2014 manufacturing and import quotas, 2014 export requirements, actual and projected 2014 sales, research and product development requirements, and the additional applications received. Based on all of the above, the Deputy Administrator has determined that the proposed adjusted 2014 aggregate production quotas and assessment of annual needs for opium tincture, oripavine, and ephedrine (for sale) required additional consideration and hereby further adjusts the 2014 aggregate production quota and assessment of annual needs for these substances. Regarding 4-anilino-phenethyl-4-piperidine (ANPP), codeine (for sale), diphenoxylate, hydromorphone, levorphanol, morphine (for conversion), oxycodone (for sale), oxymorphone (for conversion), oxymorphone (for sale), and tetrahydrocannabinols the Deputy Administrator hereby determines that the proposed adjusted 2014 aggregate production quotas and assessment of annual needs for these substances and List I chemicals as published on June 12, 2014 (79 FR 33780) are sufficient to meet the current 2014 estimated medical, scientific, research, and industrial needs of the United States and to provide for adequate reserve stock.

As described in the previously published notice establishing the 2014 aggregate production quotas and assessment of annual needs, the DEA has specifically considered that inventory allowances granted to individual manufacturers may not always result in the availability of sufficient quantities to maintain an adequate reserve stock pursuant to 21 U.S.C. 826(a), as intended. *See* 21 CFR 1303.24. This would be concerning if a natural disaster or other unforeseen event resulted in substantial disruption to the amount of controlled substances available to provide for legitimate public need. As such, the DEA has included in all proposed revised schedule II aggregate production quotas, and certain schedule I aggregate production quotas, an additional 25% of the estimated medical, scientific, and research needs as part of the amount necessary to ensure the establishment and maintenance of reserve stocks. The resulting revised established aggregate production quota will reflect these included amounts. This action will not affect the ability of manufacturers to maintain inventory allowances as specified by regulation. The DEA expects that maintaining this reserve in certain established aggregate production quotas will mitigate adverse public effects if an unforeseen event results in the substantial disruption to the amount of controlled substances available to provide for legitimate public need, as determined by the DEA. The DEA does not anticipate utilizing the reserve in the absence of these circumstances.

Pursuant to the above, the Deputy Administrator hereby finalizes the 2014 aggregate production quotas for the following schedule I and II controlled substances and the 2014 assessment of annual needs for the List I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine, expressed in grams of anhydrous acid or base, as follows:

Basic class	Final adjusted 2014 quotas (g)
Schedule I	
(1-Pentyl-1*H*-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (UR–144)	15
[1-(5-Fluoro-pentyl)-1*H*-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone (XLR11)	15
1-(1,3-Benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone)	15
1-(1,3-Benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone)	15
1-(1-Phenylcyclohexyl)pyrrolidine	10
1-(5-Fluoropentyl)-3-(1-naphthoyl)indole (AM2201)	45
1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole (AM694)	45
1-[1-(2-Thienyl)cyclohexyl]piperidine	15
1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH–200)	45
1-Butyl-3-(1-naphthoyl)indole (JWH–073)	45
1-Cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR–18 and RCS–8)	45
1-Hexyl-3-(1-naphthoyl)indole (JWH–019)	45
1-Methyl-4-phenyl-4-propionoxypiperidine	2
1-Pentyl-3-(1-naphthoyl)indole (JWH–018 and AM678)	45
1-Pentyl-3-(2-chlorophenylacetyl)indole (JWH–203)	45
1-Pentyl-3-(2-methoxyphenylacetyl)indole (JWH–250)	45
1-Pentyl-3-(4-chloro-1-naphthoyl)indole (JWH–398)	45
1-Pentyl-3-(4-methyl-1-naphthoyl)indole (JWH–122)	45
1-Pentyl-3-[(4-methoxy)-benzoyl]indole (SR–19, RCS–4)	45
1-Pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH–081)	45
2-(2,5-Dimethoxy-4-*n*-propylphenyl)ethanamine (2C–P)	30
2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C–E)	30
2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C–D)	30
2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C–N)	30
2-(2,5-Dimethoxyphenyl)ethanamine (2C–H)	30
2-(4-Bromo-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine (25B–NBOMe; 2C–B–NBOMe; 25B; Cimbi-36)	15
2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C–C)	30
2-(4-Chloro-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine (25C–NBOMe; 2C–C–NBOMe; 25C; Cimbi-82)	15
2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C–I)	30
2-(4-Iodo-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine (25I–NBOMe; 2C–I–NBOMe; 25I; Cimbi-5)	15
2-(Methylamino)-1-phenylpentan-1-one (pentedrone)	15
2,5-Dimethoxy-4-ethylamphetamine (DOET)	25
2,5-Dimethoxy-4-*n*-propylthiophenethylamine	25
2,5-Dimethoxyamphetamine	25
2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C–T–2)	30
2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C–T–4)	30
3,4,5-Trimethoxyamphetamine	25
3,4-Methylenedioxyamphetamine (MDA)	55
3,4-Methylenedioxymethamphetamine (MDMA)	50
3,4-Methylenedioxy-*N*-ethylamphetamine (MDEA)	40
3,4-Methylenedioxy-*N*-methylcathinone (methylone)	50
3,4-Methylenedioxypyrovalerone (MDPV)	35
3-Fluoro-*N*-methylcathinone (3–FMC)	15
3-Methylfentanyl	2
3-Methylthiofentanyl	2
4-Bromo-2,5-dimethoxyamphetamine (DOB)	25
4-Bromo-2,5-dimethoxyphenethylamine (2–CB)	25
4-Fluoro-*N*-methylcathinone (4–FMC)	15
4-Methoxyamphetamine	100
4-Methyl-2,5-dimethoxyamphetamine (DOM)	25
4-Methylaminorex	25
4-Methyl-*N*-ethylcathinone (4–MEC)	15
4-Methyl-*N*-methylcathinone (mephedrone)	45
4-Methyl-α-pyrrolidinopropiophenone (4-MePPP)	15
5-(1,1-Dimethylheptyl)-2-[(1*R*,3*S*)-3-hydroxycyclohexyl]-phenol	68
5-(1,1-Dimethyloctyl)-2-[(1*R*,3*S*)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP–47,497 C8-homolog)	53
5-Methoxy-3,4-methylenedioxyamphetamine	25
5-Methoxy-*N,N*-diisopropyltryptamine	25
5-Methoxy-*N,N*-dimethyltryptamine	25
Acetyl-*alpha*-methylfentanyl	2
Acetyldihydrocodeine	2
Acetylmethadol	2
Allylprodine	2
Alphacetylmethadol	2
alpha-Ethyltryptamine	25
Alphameprodine	2
Alphamethadol	2
alpha-Methylfentanyl	2

Basic class	Final adjusted 2014 quotas (g)
alpha-Methylthiofentanyl	2
alpha-Methyltryptamine (AMT)	25
alpha-Pyrrolidinobutiophenone (α-PBP)	15
alpha-Pyrrolidinopentiophenone (α-PVP)	15
Aminorex	25
Benzylmorphine	2
Betacetylmethadol	2
beta-Hydroxy-3-methylfentanyl	2
beta-Hydroxyfentanyl	2
Betameprodine	2
Betaprodine	2
Bufotenine	3
Cathinone	70
Codeine methylbromide	5
Codeine-N-oxide	200
Desomorphine	5
Diethyltryptamine	25
Difenoxin	50
Dihydromorphine	3,990,000
Dimethyltryptamine	35
Dipipanone	5
Fenethylline	5
gamma-Hydroxybutyric acid	70,250,000
Heroin	25
Hydromorphinol	2
Hydroxypethidine	2
Ibogaine	5
Lysergic acid diethylamide (LSD)	35
Marihuana	650,000
Mescaline	25
Methaqualone	10
Methcathinone	25
Methyldesorphine	2
Methyldihydromorphine	2
Morphine methylbromide	5
Morphine methylsulfonate	5
Morphine-N-oxide	175
N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide (AKB48)	15
N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (ADB–PINACA)	15
N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (AB–FUBINACA)	15
N,N-Dimethylamphetamine	25
Naphthylpyrovalerone (naphyrone)	15
N-Benzylpiperazine	25
N-Ethyl-1-phenylcyclohexylamine	5
N-Ethylamphetamine	24
N-Hydroxy-3,4-methylenedioxyamphetamine	24
Noracymethadol	2
Norlevorphanol	52
Normethadone	2
Normorphine	18
para-Fluorofentanyl	2
Parahexyl	5
Phenomorphan	2
Pholcodine	2
Properidine	2
Psilocybin	40
Psilocyn	50
Quinolin-8-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate (5-fluoro-PB–22; 5F–PB–22)	15
Quinolin-8-yl 1-pentyl-1*H*-indole-3-carboxylate (PB–22; QUPIC)	15
Tetrahydrocannabinols	491,000
Thiofentanyl	2
Tilidine	10
Trimeperidine	2
Schedule II	
1-Phenylcyclohexylamine	3
1-Piperidinocyclohexanecarbonitrile	3
4-Anilino-*N*-phenethyl-4-piperidine (ANPP)	2,687,500
Alfentanil	17,625
Alphaprodine	3

Basic class	Final adjusted 2014 quotas (g)
Amobarbital	9
Amphetamine (for conversion)	18,375,000
Amphetamine (for sale)	49,000,000
Carfentanil	19
Cocaine	240,000
Codeine (for conversion)	68,750,000
Codeine (for sale)	46,125,000
Dextropropoxyphene	19
Dihydrocodeine	100,750
Diphenoxylate	1,288,750
Ecgonine	174,375
Ethylmorphine	3
Fentanyl	2,108,750
Glutethimide	3
Hydrocodone (for conversion)	137,500
Hydrocodone (for sale)	99,625,000
Hydromorphone	6,750,000
Isomethadone	5
Levo-alphacetylmethadol (LAAM)	4
Levomethorphan	195
Levorphanol	4,625
Lisdexamfetamine	23,750,000
Meperidine	6,250,000
Meperidine Intermediate-A	6
Meperidine Intermediate-B	11
Meperidine Intermediate-C	6
Metazocine	19
Methadone (for sale)	31,875,000
Methadone Intermediate	38,875,000
Methamphetamine	2,811,375
[1,250,000 grams of *levo*-desoxyephedrine for use in a non-controlled, non-prescription product; 1,500,000 grams for methamphetamine mostly for conversion to a schedule III product; and 61,375 grams for methamphetamine (for sale)]	
Methylphenidate	96,750,000
Morphine (for conversion)	91,250,000
Morphine (for sale)	62,500,000
Nabilone	30,375
Noroxymorphone (for conversion)	17,500,000
Noroxymorphone (for sale)	1,262,500
Opium (powder)	112,500
Opium (tincture)	780,000
Oripavine	30,625,000
Oxycodone (for conversion)	9,250,000
Oxycodone (for sale)	149,375,000
Oxymorphone (for conversion)	25,000,000
Oxymorphone (for sale)	7,750,000
Pentobarbital	35,000,000
Phenazocine	6
Phencyclidine	19
Phenmetrazine	3
Phenylacetone	45,750,000
Racemethorphan	3
Remifentanil	5,875
Secobarbital	215,003
Sufentanil	6,255
Tapentadol	17,500,000
Thebaine	145,000,000
List I Chemicals	
Ephedrine (for conversion)	1,000,000
Ephedrine (for sale)	4,200,000
Phenylpropanolamine (for conversion)	44,800,000
Phenylpropanolamine (for sale)	5,300,000
Pseudoephedrine (for conversion)	5,000
Pseudoephedrine (for sale)	224,500,000

Aggregate production quotas for all other schedule I and II controlled substances included in 21 CFR 1308.11 and 1308.12 remain at zero.

Dated: August 15, 2014.

Thomas M. Harrigan,

Deputy Administrator.

[FR Doc. 2014–20137 Filed 8–22–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: CATALENT CTS, LLC; Correction

ACTION: Notice of correction.

In the Tuesday, June 17, 2014, **Federal Register** document number 2014–14123, Vol. 79, No. 116, page 34551, third column, the second paragraph, remove the first sentence from the paragraph: ''In reference to drug code 7360, the company plans to import a synthetic cannabidiol.''

Dated: August 19, 2014.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2014–20119 Filed 8–22–14; 8:45 am]

BILLING CODE 4410–09–P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 14–05]

Report on Countries That Are Candidates for Millennium Challenge Account Eligibility in Fiscal Year 2015 and Countries That Would Be Candidates But for Legal Prohibitions

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: Section 608(d) of the Millennium Challenge Act of 2003 requires the Millennium Challenge Corporation to publish a report that identifies countries that are ''candidate countries'' for Millennium Challenge Account assistance during FY 2015. The report is set forth in full below.

Dated: August 19, 2014.

Thomas G. Hohenthaner,

Acting VP/General Counsel and Corporate Secretary, Millennium Challenge Corporation.

Report on Countries That Are Candidates for Millennium Challenge Account Eligibility for Fiscal Year 2015 and Countries That Would Be Candidates but for Legal Prohibitions

Summary

This report to Congress is provided in accordance with section 608(a) of the Millennium Challenge Act of 2003, as amended, 22 U.S.C. 7701, 7707(a) (the Act).

The Act authorizes the provision of Millennium Challenge Account (MCA) assistance for countries that enter into a Millennium Challenge Compact with the United States to support policies and programs that advance the progress of such countries to achieve lasting economic growth and poverty reduction. The Act requires the Millennium Challenge Corporation (MCC) to take a number of steps in selecting countries with which MCC will seek to enter into a compact, including determining the countries that will be eligible for MCA assistance for fiscal year (FY) 2015 based on (a) a country's demonstrated commitment to (i) just and democratic governance, (ii) economic freedom, and (iii) investments in its people; and (b) considering the opportunity to reduce poverty and generate economic growth in the country; and (c) the availability of funds to MCC. These steps include the submission of reports to the congressional committees specified in the Act and the publication of notices in the **Federal Register** that identify:

The countries that are ''candidate countries'' for MCA assistance for FY 2015 based on their per capita income levels and their eligibility to receive assistance under U.S. law and countries that would be candidate countries but for specified legal prohibitions on assistance (section 608(a) of the Act);

The criteria and methodology that the MCC Board of Directors (Board) will use to measure and evaluate the relative policy performance of the ''candidate countries'' consistent with the requirements of subsections (a) and (b) of section 607 of the Act in order to determine ''eligible countries'' from among the ''candidate countries'' (section 608(b) of the Act); and

The list of countries determined by the Board to be ''eligible countries'' for FY 2015, identification of such countries with which the Board will seek to enter into compacts, and a justification for such eligibility determination and selection for compact negotiation (section 608(d) of the Act).

This report is the first of three required reports listed above.

Candidate Countries for FY 2015

The Act requires the identification of all countries that are candidates for MCA assistance for FY 2015 and the identification of all countries that would be candidate countries but for specified legal prohibitions on assistance. Under the terms of the Act, sections 606(a) and (b) set forth the two income tests countries must satisfy to be candidates for MCA assistance.[1] However for FY 2014, those categories are defined by MCC's FY 2014 appropriations act, the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014, Public Law 113–76, Div. K (the FY 2014 SFOAA). Specifically, the FY 2014 SFOAA used the same definitions that have been used since the FY 2012 appropriations act and defines low income candidate countries as the 75 poorest countries as identified by the World Bank and provided that a country that changes during the fiscal year from low income to lower middle income (or vice versa) will retain its candidacy status in its former income category for the fiscal year and two subsequent fiscal years. Assuming these definitions will be used again in FY 2015, MCC is using them for purposes of this report.[2]

Under the redefined categories, a country will be a candidate for MCA assistance for FY 2015 if it:

Meets one of the following tests:

Has a per capita income that is not greater than the World Bank's lower middle income country threshold for such fiscal year ($4,125 GNI per capita for FY 2015); and is among the 75

[1] Sections 606(a) and (b) of the Act provide that a country will be a candidate for MCA assistance if it (1) has a per capita income equal to or less than the historical ceiling of the International Development Association eligibility for the fiscal year involved (the ''low income category'') or (2) is classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and has an income greater than the historical ceiling for International Development Association eligibility for the fiscal year involved (the ''lower middle income category''); and is not ineligible to receive U.S. economic assistance under part I of the Foreign Assistance Act of 1961, as amended (the Foreign Assistance Act), by reason of the application of the Foreign Assistance Act or any other provision of law.

[2] If the language relating to the definition of low income candidate countries is not enacted or is changed for MCC's FY 2015 appropriations act, MCC will revisit the selection process once the FY 2015 appropriations act is enacted and will conduct the selection process in accordance with the Act and applicable provisions for FY 2015.

lowest per capita income countries, as identified by the World Bank; or

Has a per capita income that is not greater than the World Bank's lower middle income country threshold for such fiscal year ($4,125 GNI per capita for FY 2015); but is *not* among the 75 lowest per capita income countries as identified by the World Bank;

And

Is not ineligible to receive U.S. economic assistance under part I of the Foreign Assistance Act of 1961, as amended (the Foreign Assistance Act), by reason of the application of the Foreign Assistance Act or any other provision of law.

Due to the provisions requiring countries to retain their former income classification for three fiscal years, changes from the low income to lower middle income categories or vice versa for FY 2015 will go into effect for FY 2018. Countries transitioning to the upper middle income category do not retain their former income classification.[3]

Pursuant to section 606(c) of the Act, the Board identified the following countries as candidate countries under the Act for FY 2015. In so doing, the Board referred to the prohibitions on assistance to countries for FY 2014 under the FY 2014 SFOAA.

Candidate Countries: Low Income Category

Afghanistan
Bangladesh
Benin
Bhutan
Burkina Faso
Burundi
Cameroon
Central African Republic
Chad
Comoros
Congo, Democratic Republic of
Congo, Republic of the
Cote d'Ivoire
Djibouti
Egypt[4]
Ethiopia
Gambia, The
Georgia
Ghana
Guatemala
Guinea
Guinea-Bissau
Haiti
Honduras
India
Indonesia
Kenya
Kiribati
Kyrgyz Republic
Laos
Lesotho
Liberia
Madagascar
Malawi
Mali
Mauritania
Micronesia
Moldova
Mongolia
Mozambique
Nepal
Nicaragua
Niger
Nigeria
Pakistan
Papua New Guinea
Philippines
Rwanda
Sao Tome and Principe
Senegal
Sierra Leone
Solomon Islands
Somalia
South Sudan
Sri Lanka
Swaziland
Tajikistan
Tanzania
Timor-Leste
Togo
Uganda
Uzbekistan
Vanuatu
Vietnam
Yemen
Zambia

Candidate Countries: Lower Middle Income Category

Armenia
Cabo Verde
El Salvador
Guyana
Kosovo
Morocco
Paraguay
Samoa
Ukraine

Countries That Would Be Candidate Countries but for Legal Provisions That Prohibit Assistance

Countries that would be considered candidate countries for FY 2015 but are ineligible to receive United States economic assistance under part I of the Foreign Assistance Act by reason of the application of any provision of the Foreign Assistance Act or any other provision of law are listed below. This list is based on legal prohibitions against economic assistance that apply as of July 22, 2014.

Prohibited Countries: Low Income Category

Bolivia is subject to foreign assistance restrictions pursuant to section 706(3) of the Foreign Relations Authorization Act, 2003 (Pub. L. 107–228), relating to international drug control certification procedures.

Burma is subject to foreign assistance restrictions, including restrictions pursuant to section 570 of the FY 1997 Foreign Operations, Export Financing, and Related Programs Appropriations Act (Pub. L. 104–208) which prohibits assistance to the government of Burma until it makes measurable and substantial progress in improving human rights practices and implementing democratic governance.

Cambodia is subject to foreign assistance restrictions pursuant to section 7043(c)(2) of the SFOAA, which prohibits assistance to the central government of Cambodia unless the Secretary of State makes certain certifications relating the government of Cambodia's investigation into recent parliamentary elections in Cambodia.

Eritrea is subject to foreign assistance restrictions, including restrictions due to its status as a Tier III country under the Trafficking Victims Protection Act of 2000, as amended, 22U.S.C. 7101 *et seq.*

North Korea is subject to foreign assistance restrictions, including restrictions pursuant to section 7007 of the SFOAA, which prohibits direct assistance to the government of North Korea.

Sudan is subject to foreign assistance restrictions, including restrictions pursuant to section 7042(j) of the SFOAA, which prohibits assistance to the government of Sudan.

Syria is subject to foreign assistance restrictions, including restrictions pursuant to section 7007 of the SFOAA, which prohibits direct assistance to the government of Syria.

Zimbabwe is subject to foreign assistance restrictions, including restrictions pursuant to section 7042(n) of the SFOAA, which prohibits assistance (except for health and education, and macroeconomic growth assistance) for the central government of Zimbabwe unless the Secretary of State determines that the government of Zimbabwe is implementing transparent fiscal policies, including public disclosure of revenues from the extraction of natural resources.

Countries identified above as candidate countries, as well as countries that would be considered candidate

[3] In FY 2014, the World Bank revised its estimates for Iraq's gross domestic product per capita and more than doubled its previous estimate. This caused Iraq to transition from a low income country to an upper middle income country without the benefit of gradual reclassification. The removal of Iraq from the both the low income and lower middle income categories means that, as a result, there are only 74 low income countries for FY 2015.

[4] MCA assistance to Egypt would be provided to the extent it is deemed to be consistent with the law.

countries but for the applicability of legal provisions that prohibit U.S. economic assistance, may be the subject of future statutory restrictions or determinations, or changed country circumstances, that affect their legal eligibility for assistance under part I of the Foreign Assistance Act by reason of application of the Foreign Assistance Act or any other provision of law for FY 2015.

[FR Doc. 2014–20045 Filed 8–20–14; 8:45 am]

BILLING CODE 9211–03–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Reinstatement of a Previously Approved Collection; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Public Law 104–13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public. Part 704 of the NCUA Rules and Regulations direct corporate credit unions to maintain certain records and to comply with various regulatory requirements.

DATES: Comments will be accepted until October 24, 2014.

ADDRESSES: Interested parties are invited to submit written comments to the NCUA Contact and the OMB Reviewer listed below:

NCUA Contact: Tracy Crews, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–837–2861, Email: *OCIOPRA@ncua.gov.*

OMB Contact: Office of Management and Budget, ATTN: Desk Officer for the National Credit Union Administration, Office of Information and Regulatory Affairs, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information, a copy of the information collection request, or a copy of submitted comments should be directed to Tracy Crews at the National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428, or at (703) 518–6444.

SUPPLEMENTARY INFORMATION:

I. Abstract and Request for Comments

NCUA is reinstating the collection for 3133–0129. Part 704 of the NCUA Rules and Regulations, established the regulatory framework for corporate credit unions. This includes various reporting requirements as well as safety and soundness standards. The burden for this collection has decreased from the previously approved submission as the number of corporate credit unions has declined from 27 to 15. However, the remaining corporate credit unions tend to be more complex and approved for expanded authorities.

The NCUA requests that you send your comments on this collection to the location listed in the addresses section. Your comments should address: (a) The necessity of the information collection for the proper performance of NCUA, including whether the information will have practical utility; (b) the accuracy of our estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) ways we could minimize the burden of the collection of the information on the respondents such as through the use of automated collection techniques or other forms of information technology. It is NCUA's policy to make all comments available to the public for review.

II. Data

Title: Corporate Credit Unions.

OMB Number: 3133–0129.

Form Number: None.

Type of Review: Reinstatement of a previously approved collection.

Description: Part 704 of the NCUA Rules and Regulations.

Respondents: Federal and State Chartered Corporate Credit Unions.

Estimated No. of Respondents/Recordkeepers: 15.

Estimated Burden Hours per Response: Various.

Frequency of Response: Various.

Estimated Total Annual Burden Hours: 2,081 hours.

Estimated Total Annual Cost: 104,050.

By the National Credit Union Administration Board.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2014–20121 Filed 8–22–14; 8:45 am]

BILLING CODE 7535–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2014–0110]

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on May 16, 2014.

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* NRC Form 241, ''Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters.''

3. *Current OMB approval number:* 3150–0013.

4. *The form number if applicable:* NRC Form 241.

5. *How often the collection is required:* NRC Form 241 must be submitted each time an Agreement State licensee wants to engage in or revise its activities involving the use of radioactive byproduct material in a non-Agreement State, areas of exclusive Federal jurisdiction, or offshore waters. The NRC may waive the requirements for filing additional copies of NRC Form 241 during the remainder of the calendar year following receipt of the initial form.

6. *Who will be required or asked to report:* Any licensee who holds a specific license from an Agreement State and wants to conduct the same activity in non-Agreement States, areas of exclusive Federal jurisdiction, or offshore waters under the general license in § 150.20 of Title 10 of the *Code of Federal Regulations* (10 CFR).

7. *An estimate of the number of annual responses:* 1,562 responses.

8. *The estimated number of annual respondents:* 153 respondents.

9. *An estimate of the total number of hours needed annually to complete the requirement or request:* 293.25 hours (76.5 hours for initial submission + 201.25 hours for changes + 15.5 hours for clarifications).

10. *Abstract:* Any Agreement State licensee who engages in the use of radioactive material in non-Agreement States, areas of exclusive Federal jurisdiction, or offshore waters, under the general license in 10 CFR 150.20, is required to file, with the NRC Regional Administrator for the Region in which the Agreement State that issues the license is located, a copy of NRC Form 241 (''Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters''), a copy of its Agreement State specific license, and the appropriate fee as prescribed in 10 CFR 170.31 at least 3 days before engaging in such activity. This mandatory notification permits the NRC to schedule inspections of the activities to determine whether the activities are being conducted in accordance with requirements for protection of the public health and safety.

The public may examine and have copied for a fee publicly-available documents, including the final supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The OMB clearance requests are available at the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/.* The document will be available on the NRC's home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by September 24, 2014. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Danielle Y. Jones, Desk Officer, Office of Information and Regulatory Affairs (3150–0013) NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be emailed to *Danielle_Y_Jones@omb.eop.gov* or submitted by telephone at 202–395–1741.

The NRC Clearance Officer is Tremaine Donnell, telephone: 301–415–6258.

Dated at Rockville, Maryland, this 19th day of August, 2014.

For the U.S. Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2014–20055 Filed 8–22–14; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Notice—September 10, 2014 Public Hearing

TIME AND DATE: 2 p.m., Wednesday, September 10, 2014.

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue, NW., Washington, DC.

STATUS: Hearing OPEN to the Public at 2 p.m.

PURPOSE: Public Hearing in conjunction with each meeting of OPIC's Board of Directors, to afford an opportunity for any person to present views regarding the activities of the Corporation

PROCEDURES: Individuals wishing to address the hearing orally must provide advance notice to OPIC's Corporate Secretary no later than 5 p.m. Wednesday, September 3, 2014. The notice must include the individual's name, title, organization, address, and telephone number, and a concise summary of the subject matter to be presented.

Oral presentations may not exceed ten (10) minutes. The time for individual presentations may be reduced proportionately, if necessary, to afford all participants who have submitted a timely request an opportunity to be heard.

Participants wishing to submit a written statement for the record must submit a copy of such statement to OPIC's Corporate Secretary no later than 5 p.m. Wednesday, September 3, 2014. Such statement must be typewritten, double spaced, and may not exceed twenty-five (25) pages.

Upon receipt of the required notice, OPIC will prepare an agenda, which will be available at the hearing, that identifies speakers, the subject on which each participant will speak, and the time allotted for each presentation.

A written summary of the hearing will be compiled, and such summary will be made available, upon written request to OPIC's Corporate Secretary, at the cost of reproduction.

Written summaries of the projects to be presented at the September 18, 2014 Board meeting will be posted on OPIC's Web site.

CONTACT PERSON FOR INFORMATION: Information on the hearing may be obtained from Connie M. Downs at (202) 336–8438, via facsimile at (202) 408–0297, or via email at *Connie.Downs@opic.gov.*

Dated: August 21, 2014.

Connie M. Downs,

OPIC Corporate Secretary.

[FR Doc. 2014–20294 Filed 8–21–14; 4:15 pm]

BILLING CODE 3210–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2014–40 and CP2014–73; Order No. 2159]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an addition of Priority Mail Contract 90 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:* August 26, 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
II. Notice of Commission Action
III. Ordering Paragraphs

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 90 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.

[1] Request of the United States Postal Service to Add Priority Mail Contract 90 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, August 18, 2014 (Request).

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. MC2014–40 and CP2014–73 to consider the Request pertaining to the proposed Priority Mail Contract 90 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 August 26, 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. MC2014–40 and CP2014–73 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 August 26, 2014.
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–20051 Filed 8–22–14; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2014–39 and CP2014–72; Order No. 2161]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an addition of Priority Mail Contract 89 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:* August 27, 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
II. Notice of Commission Action
III. Request for Supplemental Information
IV. Ordering Paragraphs

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 89 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. MC2014–39 and CP2014–72 to consider the Request pertaining to the proposed Priority Mail Contract 89 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 August 27, 2014. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Curtis Kidd to serve as Public Representative in these dockets.

III. Request for Supplemental Information

The public portion of the contract submitted with the Request states the quarterly average volumes will be based on the total number of quarters from the Effective Date (as defined in Section II below) of this contract divided by the total number of Contract Packages. (Emphasis supplied.) *Id.,* Attachment B at 2. Rather, it appears the quarterly average volumes should be calculated using the total number of quarters divided into the total number of contract packages. The Postal Service is requested to clarify how quarterly average volumes will be calculated under the contract and, if necessary, file an amendment to the contract. The Postal Service response is due no later than August 25, 2014.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2014–39 and CP2014–72 to consider the matters raised in each docket.
2. Pursuant to 39 U.S.C. 505, Curtis Kidd is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).
3. The Postal Service's response to the request for supplemental information as described in the body of this Notice is due no later than August 25, 2014.
4. Comments are due no later than August 27, 2014.
5. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–20052 Filed 8–22–14; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

[1] Request of the United States Postal Service to Add Priority Mail Contract 89 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, August 18, 2014 (Request).

Extension:

Rule 0–1; OMB Control No. 3235–0531, SEC File No. 270–472.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 350l *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previous approved collection of information discussed below.

The Investment Company Act of 1940 (the ''Act'')[1] establishes a comprehensive framework for regulating the organization and operation of investment companies (''funds''). A principal objective of the Act is to protect fund investors by addressing the conflicts of interest that exist between funds and their investment advisers and other affiliated persons. The Act places significant responsibility on the fund board of directors in overseeing the operations of the fund and policing the relevant conflicts of interest.[2]

In one of its first releases, the Commission exercised its rulemaking authority pursuant to sections 38(a) and 40(b) of the Act by adopting rule 0–1 (17 CFR 270.0–1).[3] Rule 0–1, as subsequently amended on numerous occasions, provides definitions for the terms used by the Commission in the rules and regulations it has adopted pursuant to the Act. The rule also contains a number of rules of construction for terms that are defined either in the Act itself or elsewhere in the Commission's rules and regulations. Finally, rule 0–1 defines terms that serve as conditions to the availability of certain of the Commission's exemptive rules. More specifically, the term ''independent legal counsel,'' as defined in rule 0–1, sets out conditions that funds must meet in order to rely on any of ten exemptive rules (''exemptive rules'') under the Act.[4]

The Commission amended rule 0–1 to include the definition of the term ''independent legal counsel'' in 2001.[5] This amendment was designed to enhance the effectiveness of fund boards of directors and to better enable investors to assess the independence of those directors. The Commission also amended the exemptive rules to require that any person who serves as legal counsel to the independent directors of any fund that relies on any of the exemptive rules must be an ''independent legal counsel.'' This requirement was added because independent directors can better perform the responsibilities assigned to them under the Act and the rules if they have the assistance of truly independent legal counsel.

If the board's counsel has represented the fund's investment adviser, principal underwriter, administrator (collectively, ''management organizations'') or their ''control persons''[6] during the past two years, rule 0–1 requires that the board's independent directors make a determination about the adequacy of the counsel's independence. A majority of the board's independent directors are required to reasonably determine, in the exercise of their judgment, that the counsel's prior or current representation of the management organizations or their control persons was sufficiently limited to conclude that it is unlikely to adversely affect the counsel's professional judgment and legal representation. Rule 0–1 also requires that a record for the basis of this determination is made in the minutes of the directors' meeting. In addition, the independent directors must have obtained an undertaking from the counsel to provide them with the information necessary to make their determination and to update promptly that information when the person begins to represent a management organization or control person, or when he or she materially increases his or her representation. Generally, the independent directors must re-evaluate their determination no less frequently than annually.

Any fund that relies on one of the exemptive rules must comply with the requirements in the definition of ''independent legal counsel'' under rule 0–1. We assume that approximately 3751 funds rely on at least one of the exemptive rules annually.[7] We further assume that the independent directors of approximately one-third (1250) of those funds would need to make the required determination in order for their counsel to meet the definition of independent legal counsel.[8] We estimate that each of these 1250 funds would be required to spend, on average, 0.75 hours annually to comply with the recordkeeping requirement associated with this determination, for a total annual burden of approximately 938 hours. Based on this estimate, the total annual cost for all funds' compliance with this rule is approximately $196,907. To calculate this total annual cost, the Commission staff assumed that approximately two-thirds of the total annual hour burden (625 hours) would be incurred by a compliance manager with an average hourly wage rate of $283 per hour,[9] and one-third of the annual hour burden (313 hours) would be incurred by compliance clerk with an average hourly wage rate of $64 per hour.[10]

These burden hour estimates are based upon the Commission staff's experience and discussions with the fund industry. The estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act. These estimates are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules.

Compliance with the collection of information requirements of the rule is mandatory and is necessary to comply with the requirements of the rule in general. 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 control number.

The public may view the background documentation for this information collection at the following Web site,

[1] 15 U.S.C. 80a.

[2] For example, fund directors must approve investment advisory and distribution contracts. *See* 15 U.S.C. 80a–15(a), (b), and (c).

[3] Investment Company Act Release No. 4 (Oct. 29, 1940) (5 FR 4316 (Oct. 31, 1940)). Note that rule 0–1 was originally adopted as rule N–1.

[4] The relevant exemptive rules are: rule 10f–3 (17 CFR 270.10f–3), rule 12b–1 (17 CFR 270.12b–1), rule 15a–4(b)(2) (17 CFR 270.15a–4(b)(2)), rule 17a–7 (17 CFR 270.17a–7), rule 17a–8 (17 CFR 270.17a–8), rule 17d–1(d)(7) (17 CFR 270.17d–1(d)(7)), rule 17e–1(c) (17 CFR 270.17e–1(c)), rule 17g–1 (17 CFR 270.17g–1), rule 18f–3 (17 CFR 270.18f–3), and rule 23c–3 (17 CFR 270.23c–3).

[5] *See* Role of Independent Directors of Investment Companies, Investment Company Act Release No. 24816 (Jan. 2, 2001) (66 FR 3735 (Jan. 16, 2001)).

[6] A ''control person'' is any person—other than a fund—directly or indirectly controlling, controlled by, or under common control, with any of the fund's management organizations. *See* 17 CFR 270.01(a)(6)(iv)(B).

[7] Based on statistics compiled by Commission staff, we estimate that there are approximately 4168 funds that could rely on one or more of the exemptive rules. Of those funds, we assume that approximately 90 percent (3751) actually rely on at least one exemptive rules annually.

[8] We assume that the independent directors of the remaining two-thirds of those funds will choose not to have counsel, or will rely on counsel who has not recently represented the fund's management organizations or control persons. In both circumstances, it would not be necessary for the fund's independent directors to make a determination about their counsel's independence.

[9] The estimated hourly wages used in this PRA analysis were derived from reports prepared by the Securities Industry and Financial Markets Association. See Securities Industry and Financial Markets Association, Report on Management and Professional Earnings in the Securities Industry—2013 (2013), modified to account for an 1800-hour work year and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead; and Securities Industry and Financial Markets Association, Office Salaries in the Securities Industry—2013 (2013), modified to account for an 1800-hour work year and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead.

[10] (625 × $283/hour) + (313 × $64/hour) = $196,907.

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, Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: August 19, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20084 Filed 8–22–14; 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 FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 10b–17; SEC File No. 270–427, OMB Control No. 3235–0476.

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 10b–17 (17 CFR 240.10b–17), under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).

Rule 10b–17 requires any issuer of a class of securities publicly traded by the use of any means or instrumentality of interstate commerce or of the mails or of any facility of any national securities exchange to give notice of the following specific distributions relating to such class of securities: (1) A dividend or other distribution in cash or in kind other than interest payments on debt securities; (2) a stock split or reverse stock split; or (3) a rights or other subscription offering. Notice shall be either given to the Financial Industry Regulatory Authority, Inc. as successor to the National Association of Securities Dealers, Inc. or in accordance with the procedures of the national securities exchange upon which the securities are registered. The Commission may exempt an issuer of over-the-counter (but not listed) securities from the notice requirement. The requirements of 10b–17 do not apply to redeemable securities of registered open-end investment companies or unit investment trusts.

The information required by Rule 10b–17 is necessary for the execution of the Commission's mandate under the Securities Exchange Act of 1934 to prevent fraudulent, manipulative, and deceptive acts and practices. The Commission has found that not requiring formal notices of the types of distributions covered by Rule 10b–17 has led to a number of abuses including purchasers not being aware of their rights to such distributions. It is only through formal notice of the distribution, including the date of the distribution, that current holders, potential buyers, or potential sellers of the securities at issue will know their rights to the distribution. Therefore, it is only through formal notice that investors can make an informed decision as to whether to buy or sell a security.

There are approximately 6,668 respondents per year. These respondents make approximately 22,354 responses per year. Each response takes approximately 10 minutes to complete. Thus, the total compliance burden per year is 3,726 burden hours. The total internal labor cost of compliance for the respondents, associated with producing and filing the reports, is approximately $254,038.68.

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: *http://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: August 19, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20086 Filed 8–22–14; 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 FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 18f–3; OMB Control No. 3235–0441, SEC File No. 270–385.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''Paperwork Reduction Act''), the Securities and Exchange Commission (''the Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Rule 18f–3 (17 CFR 270.18f–3) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) exempts from section 18(f)(1) a fund that issues multiple classes of shares representing interests in the same portfolio of securities (a ''multiple class fund'') if the fund satisfies the conditions of the rule. In general, each class must differ in its arrangement for shareholder services or distribution or both, and must pay the related expenses of that different arrangement. The rule includes one requirement for the collection of information. A multiple class fund must prepare, and fund directors must approve, a written plan setting forth the separate arrangement and expense allocation of each class, and any related conversion features or exchange privileges (''rule 18f–3 plan''). Approval of the plan must occur before the fund issues any shares of multiple classes and whenever the fund materially amends the plan. In approving the plan, the fund board, including a majority of the independent directors, must determine that the plan is in the best interests of each class and the fund as a whole.

The requirement that the fund prepare and directors approve a written rule 18f–3 plan is intended to ensure that the fund compiles information relevant to the fairness of the separate arrangement and expense allocation for each class, and that directors review and approve the information. Without a blueprint

that highlights material differences among classes, directors might not perceive potential conflicts of interests when they determine whether the plan is in the best interests of each class and the fund. In addition, the plan may be useful to Commission staff in reviewing the fund's compliance with the rule.

Based on an analysis of fund filings, the Commission estimates that there are approximately 5,831 multiple class funds offered by 969 registrants. The Commission estimates that each of the 969 registrants will make an average of 0.5 responses annually to prepare and approve a written 18f-3 plan.[1] The Commission estimates each response will take 6 hours, requiring a total of 3 hours per registrant per year.[2] Thus the total annual hour burden associated with these requirements of the rule is approximately 2,907 hours.[3]

Estimates of the average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms. The collection of information under rule 18f-3 is mandatory. The information provided under rule 18f-3 will not be kept confidential. 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 the 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, Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: August 19, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20087 Filed 8–22–14; 8:45 am]

BILLING CODE 8011–01–P

[1] The Commission estimates that each registrant prepares and approves a rule 18f-3 plan every two years when issuing a new fund or new class or amending a plan (or that 484.5 of all 969 registrants prepare and approve a plan each year).

[2] 0.5 responses per registrant × 6 hours per response = 3 hours per registrant.

[3] 3 hours per registrant per year × 969 registrants = 2,907 hours per year.

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 3a–8;OMB Control No. 3235–0574, SEC File No. 270–516.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (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 extension of the previously approved collection of information discussed below.

Rule 3a–8 (17 CFR 270.3a–8) of the Investment Company Act of 1940 (15 U.S.C. 80a) (the ''Act''), serves as a nonexclusive safe harbor from investment company status for certain research and development companies (''R&D companies'').

The rule requires that the board of directors of an R&D company seeking to rely on the safe harbor adopt an appropriate resolution evidencing that the company is primarily engaged in a non-investment business and record that resolution contemporaneously in its minute books or comparable documents.[1] An R&D company seeking to rely on the safe harbor must retain these records only as long as such records must be maintained in accordance with state law.

Rule 3a–8 contains an additional requirement that is also a collection of information within the meaning of the PRA. The board of directors of a company that relies on the safe harbor under rule 3a–8 must adopt a written policy with respect to the company's capital preservation investments. We expect that the board of directors will base its decision to adopt the resolution discussed above, in part, on investment guidelines that the company will follow to ensure its investment portfolio is in compliance with the rule's requirements.

The collection of information imposed by rule 3a–8 is voluntary because the rule is an exemptive safe harbor, and therefore, R&D companies may choose whether or not to rely on it. The purposes of the information collection requirements in rule 3a–8 are to ensure that: (i) The board of directors of an R&D company is involved in determining whether the company should be considered an investment company and subject to regulation under the Act, and (ii) adequate records are available for Commission review, if necessary. Rule 3a–8 would not require the reporting of any information or the filing of any documents with the Commission.

Commission staff estimates that there is no annual recordkeeping burden associated with the rule's requirements. Nevertheless, the Commission requests authorization to maintain an inventory of one burden hour for administrative purposes.

Commission staff estimates that approximately 48,393 R&D companies may take advantage of rule 3a–8.[2] Given that the board resolutions and investment guidelines will generally need to be adopted only once (unless relevant circumstances change),[3] the Commission believes that all the R&D companies that existed prior to the adoption of rule 3a–8 adopted their board resolutions and established written investment guidelines in 2003 when the rule was adopted. We expect that R&D companies formed subsequent to the adoption of rule 3a–8 would adopt the board resolution and investment guidelines simultaneously with their formation documents in the ordinary course of business.[4] Therefore, we estimate that rule 3a–8 does not impose additional burdens.

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 control number.

The public may view the 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, Chief Information Officer,

[1] Rule 3a–8(a)(6) (17 CFR 270.3a–8(6)).

[2] *See* National Science Foundation/Division of Science Resources Statistics, Business Research and Development and Innovation Survey: 2010 (results published September 18, 2013).

[3] In the event of changed circumstances, the Commission believes that the board resolution and investment guidelines will be amended and recorded in the ordinary course of business and would not create additional time burdens.

[4] In order for these companies to raise sufficient capital to fund their product development stage, Commission staff believes that they will need to present potential investors with investment guidelines. Investors generally want to be assured that the company's funds are invested consistent with the goals of capital preservation and liquidity.

Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: August 19, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20085 Filed 8–22–14; 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 FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Form 24F–2;OMB Control No. 3235–0456, SEC File No. 270–399.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Rule 24f–2 (17 CFR 270.24f–2) under the Investment Company Act of 1940 (15 U.S.C. 80a) requires any open-end management companies (''mutual funds''), unit investment trusts (''UITs'') or face-amount certificate companies (collectively, ''funds'') deemed to have registered an indefinite amount of securities to file, not later than 90 days after the end of any fiscal year in which it has publicly offered such securities, Form 24F–2 (17 CFR 274.24) with the Commission. Form 24F–2 is the annual notice of securities sold by funds that accompanies the payment of registration fees with respect to the securities sold during the fiscal year.

The Commission estimates that 6946 funds file Form 24F–2 on the required annual basis. The average annual burden per respondent for Form 24F–2 is estimated to be two hours. The total annual burden for all respondents to Form 24F–2 is estimated to be 13,892 hours. The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules.

Compliance with the collection of information required by Form 24F–2 is mandatory. The Form 24F–2 filing that must be made to the Commission is available to the public. 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 control number.

The public may view the 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, Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: August 19, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20089 Filed 8–22–14; 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 FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 31a–1; OMB Control No. 3235–0178; SEC File No. 270–173.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Rule 31a–1 (17 CFR 270.31a–1) under the Investment Company Act of 1940 (the ''Act'') (15 U.S.C. 80a) is entitled ''Records to be maintained by registered investment companies, certain majority-owned subsidiaries thereof, and other persons having transactions with registered investment companies.'' Rule 31a–1 requires registered investment companies (''funds''), and every underwriter, broker, dealer, or investment adviser that is a majority-owned subsidiary of a fund, to maintain and keep current accounts, books, and other documents which constitute the record forming the basis for financial statements required to be filed pursuant to section 31 of the Act (15 U.S.C. 80a–30) and of the auditor's certificates relating thereto. The rule lists specific records to be maintained by funds. The rule also requires certain underwriters, brokers, dealers, depositors, and investment advisers to maintain the records that they are required to maintain under federal securities laws. The Commission periodically inspects the operations of funds to insure their compliance with the provisions of the Act and the rules thereunder. The books and records required to be maintained by rule 31a–1 constitute a major focus of the Commission's inspection program.

There are approximately 4132 investment companies registered with the Commission, all of which are required to comply with rule 31a–1. For purposes of determining the burden imposed by rule 31a–1, the Commission staff estimates that each fund is divided into approximately four series, on average, and that each series is required to comply with the recordkeeping requirements of rule 31a–1. Based on conversations with fund representatives, it is estimated that rule 31a–1 imposes an average burden of approximately 1750 hours annually per series for a total of 7000 annual hours per fund. The estimated total annual burden for all 4132 funds subject to the rule therefore is approximately 28,924,000 hours. Based on conversations with fund representatives, however, the Commission staff estimates that even absent the requirements of rule 31a–1, 90 percent of the records created pursuant to the rule are the type that generally would be created as a matter of normal business practice and to prepare financial statements. Thus, the Commission staff estimates that the total annual burden associated with rule 31a–1 is 2,892,400 hours.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study. The collection of information required by rule 31a–1 is mandatory. Responses will not be kept confidential. The records required by rule 31a–1 are required to be preserved pursuant to rule 31a–2 under the Investment Company Act (17 CFR 270.31a–2). Rule 31a–2 requires that certain of these records be preserved permanently, and that others be preserved six years from the end of the fiscal year in which any transaction

occurred. In both cases, the records should be kept in an easily accessible place for the first two years. 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 the 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, Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: August 19, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20088 Filed 8–22–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–31217; File No. 812–14288]

American Fidelity Assurance Company, et al.; Notice of Application

August 19, 2014.

AGENCY: Securities and Exchange Commission (the ''Commission'').

ACTION: Notice of application for an order approving the substitution of certain securities pursuant to Section 26(c) of the Investment Company Act of 1940, as amended (the ''1940 Act'').

APPLICANTS: American Fidelity Assurance Company (the ''Insurance Company''), American Fidelity Separate Account A, American Fidelity Separate Account B, and American Fidelity Separate Account C (the ''Separate Accounts'').

SUMMARY: *Summary of Application:* The Applicants seek an order pursuant to Section 26(c) of the 1940 Act permitting the substitution of securities issued by a registered investment company currently held by the Separate Accounts (the ''Substitution''), which securities support the Separate Accounts' variable annuity contracts that are issued by the Insurance Company (the ''Contracts'').

DATES: *Filing Date:* The application was filed on March 12, 2014, and amended and restated applications were filed on June 27, 2014 and August 19, 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 Secretary of the Commission and serving the 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 September 15, 2014, and should be accompanied by proof of service on the Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the requester'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 Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: American Fidelity Assurance Company, Attn: Christopher T. Kenney, 2000 N. Classen, Oklahoma City, Oklahoma 73106.

FOR FURTHER INFORMATION CONTACT: Mark N. Zaruba, Senior Counsel at (202) 551–6878, or Mary Kay Frech, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

Applicants' Representations

1. The Insurance Company is a stock life insurance company incorporated under the laws of Oklahoma. The Insurance Company is the depositor of the Separate Accounts and the investment adviser of the Existing Fund (defined below).

2. Each of the Separate Accounts is a segregated asset account of the Insurance Company, and each Separate Account is registered with the Commission as a unit investment trust. The separate accounts are used by the Insurance Company to issue Contracts. Interests under the Contracts are registered under the Securities Act of 1933. The application sets forth the registration statement file numbers for the Contracts and the Separate Accounts.

3. The American Fidelity Dual Strategy Fund, Inc. (the ''Existing Fund'') is a registered investment company that is an affiliate of the Applicants because it is advised by the Insurance Company. The Existing Fund is available exclusively through the purchase of one of the Contracts from one of the Separate Accounts. The Existing Fund is not an investment option in any other annuity contracts. In addition, the Existing Fund retains four sub-advisors, each with different principal investment strategies.

4. The Vanguard Variable Insurance Fund Total Stock Market Index Portfolio (the ''Replacement Fund'') is a member of The Vanguard Group. The Replacement Fund allocates its assets by investing in two separate Vanguard funds—the Vanguard Extended Market Index Fund and the Vanguard Variable Insurance Fund Equity Index Portfolio.

5. The Insurance Company organized Separate Account A to hold the assets that underlie the AFPrime Growth® Variable Annuity contracts. Separate Account A's Contract is issued as a group contract, and Separate Account A's assets are invested 100% in the Existing Fund, with no other investment options available to the Separate Account A participants. The prospectus for the Contract offered by Separate Account A contains provisions reserving the Insurance Company's right to replace the Existing Fund with a comparable fund if the Existing Fund is not available as an investment option. Because Separate Account A offers only one investment option, the Separate Account A Contract does not permit a contract owner or participant in a group account (each, a ''Contract Owner'') to transfer the Contract value from one sub-account to another sub-account.

6. The Insurance Company established Separate Account B to hold the assets that underlie the AFAdvantage® Variable Annuity contracts and established Separate Account C to hold the assets that underlie the AFMaxx® 457(b) Group Variable Annuity contracts. Separate Account B offers individual contracts, and Separate Account C offers group contracts. Separate Accounts B and C are divided into 16 sub-accounts, and each sub-account invests in the securities of a single underlying mutual fund, including the Existing Fund. The Replacement Fund currently is not an investment option in Separate Account B or C. The prospectuses for the Separate Account B and C Contracts contain provisions reserving the Insurance Company's right to substitute

another eligible investment option for any one of the portfolios available under the Contract. Each Separate Account B and C Contract permits the Contract Owner to transfer Contract value from one subaccount to another subaccount available under the Contract at any time, subject to certain restrictions and charges described in the prospectuses for the Contracts, none of which will apply in connection with the Substitution.

7. The Applicants request an order from the Commission pursuant to Section 26(c) of the 1940 Act approving the proposed Substitutions of shares of the Existing Fund held by the Separate Accounts with shares of the Replacement Fund. Comparisons of the investment objectives, investment strategies, principal risks and prior performance of the Existing Fund and the Replacement Fund are included in the application.

8. The following table compares the fees and expenses of the Existing Fund and the Replacement Fund, as of December 31, 2013.

	Existing fund	Replacement fund
Management Fees.	0.50%	0.18%.
12b-1 Fees	None	None.
Administrative Fees.	None	None.
Other Expenses	None	None.
Total Annual Expenses.	0.50%	0.18%.
Expense Waivers.	None	None.
Net Annual Expenses.	0.50%	0.18%.

9. The Applicants propose the Substitution as part of a continued and overall business plan by the Insurance Company to make its Contracts more attractive to both existing and prospective Contract Owners. Applicants expect that the Substitution will provide significant benefits to Contract Owners, because the Applicants represent that the Replacement Fund generally has a better performance record and lower total expenses than the Existing Fund.

10. The Applicants represent that the Substitution is in response to the continuing decline of sales in Separate Account A and the minimal allocations to the Existing Fund in Separate Accounts B and C. The Applicants submit that, without the Substitution, the Insurance Company would be compelled to increase its investment advisory fee in order to cover the escalating costs of managing the Existing Fund's portfolio investments, which would adversely affect the Contract Owners that are invested in the Existing Fund.

11. The Separate Account B and C Contract Owners will continue to be able to select among a large number of investment options, with a full range of investment objectives, investment strategies and managers. Although Separate Account A offers only one investment option, the Applicants have determined that the objectives and strategies of the Replacement Fund are sufficiently similar to the objectives and strategies of the Existing Fund so that the essential objectives and risk expectations of the Separate Account A Contract Owners that are invested in the Existing Fund will continue to be met after the Substitution. As a result of the Substitution, the number of investment options offered under each of the Contracts will not change.

12. Contract Owners with Contract value allocated to the Existing Fund will experience lower fund net annual operating expenses after the Substitutions as prior to the Substitutions. The Replacement Fund has a management fee that is less than that of the Existing Fund. The overall expenses of the Replacement Fund are less than those of the Existing Fund. Applicants believe that, because the Replacement Fund will be offered over a substantially larger asset base than the Existing Fund, there is a potential that affected Contract Owners will, over time, continue to realize the benefits of additional economies of scale with respect to the advisory fees. Neither the Replacement Fund nor the Existing Fund has a 12b–1 fee.

13. The Substitution is designed to provide Contract Owners with the ability to continue their investment in a similar investment option without interruption and at no additional cost to them. In this regard, the Insurance Company has agreed to bear all expenses incurred in connection with the Substitutions and related filings and notices, including legal, accounting, brokerage, and other fees and expenses. The Contract values of the Contract Owners impacted by the Substitution will not change on the date of the Substitution as a result of the Replacement Fund replacing the Existing Fund.

14. The proposed Substitution will be described in supplements to the Contracts' prospectuses (the ''Supplements''), which will be filed with the Commission and delivered to all affected Contract Owners at least 45 days before the date on which the Substitution is to occur (the ''Substitution Date'').[1] All of the affected Contract Owners will receive the relevant Supplement and the prospectus for the Replacement Fund before the Substitution Date. New purchasers of the Contracts will be provided the relevant Supplement, the relevant Separate Account prospectus and the prospectus for the Replacement Fund in accordance with all applicable legal requirements. Prospective purchasers of the Contracts will be provided the relevant Supplement and the relevant Separate Account prospectus.

15. The Separate Account A Supplement will (a) notify the Separate Account A Contract Owners that the Insurance Company has requested and received an order from the Commission authorizing it to engage in the Substitution, (b) indicate the Insurance Company's intent to implement the Substitution, (c) state the anticipated Substitution Date, (d) advise the Contract Owners that all Contract values in the Existing Fund will be transferred to the Replacement Fund on the Substitution Date, and (e) advise Contract Owners that the Substitution will take place at relative net asset value.

16. The Separate Account B and C Supplements will advise Separate Account B and C Contract Owners that, from the date of the Supplements until the Substitution Date, Contract Owners are permitted to transfer their Contract values out of the Existing Fund sub-account to any other sub-account(s) offered under the Contract or to a certain fixed investment option that is part of the Insurance Company's general account without the transfer being treated as a transfer for purposes of transfer limitations and fees that would otherwise be applicable under the terms of the Contract. The Separate Account B and C Supplements also will (a) instruct Contract Owners how to submit transfer requests in light of the proposed Substitution, (b) advise Contract Owners that any Contract value remaining in the Existing Fund subaccount on the Substitution Date will be transferred to the Replacement Fund sub-account, (c) advise Contract Owners that the Substitution will take place at relative net asset value, (d) inform Contract Owners that for at least 30 days following the Substitution Date, the Insurance Company will permit Contract Owners to make transfers of Contract value out of the Replacement Fund sub-account to any other sub-account(s) offered under the Contract without the transfer being treated as a

[1] The Applicants are targeting November 28, 2014 as the Substitution Date.

transfer for purposes of transfer limitations and fees that would otherwise be applicable under the terms of the Contract, and (e) inform Contract Owners that, except in connection with market timing/short-term trading, the Insurance Company will not exercise any rights reserved by it under the Contracts to impose additional restrictions on transfers out of the Replacement Fund for at least 30 days after the Substitution Date.

17. In addition to the Supplements distributed to Contract Owners, within five business days after the Substitution Date, Contract Owners whose assets are allocated to the Replacement Fund as part of the Substitution will be sent a written notice (the ''Confirmation'') informing them that the Substitution was completed. With regard to the Separate Account B and C Contract Owners whose assets are allocated to the Replacement Fund as part of the Substitution, a notice accompanying the Confirmation also will reiterate the information set forth in the Supplement to the effect that (a) for at least 30 days after the Substitution Date, Contract Owners may make free transfers out of the Replacement Fund to one or more other investment options, and (b) inform Contract Owners that, except in connection with market timing/short-term trading, the Insurance Company will not exercise any rights reserved by it under the Contracts to impose additional restrictions on transfers out of the Replacement Fund for at least 30 days after the Substitution Date.

18. Applicants will effect the Substitution after the issuance of the requested order. As of the Substitution Date, shares of the Existing Fund will be redeemed for cash. The Insurance Company, on behalf of the Separate Accounts, will simultaneously place a redemption request with the Existing Fund and a purchase order with the Replacement Fund so that the purchase of the Replacement Fund shares will be for the exact amount of the redemption proceeds. Thus, the Contract values will remain fully invested at all times. The proceeds of the redemption will be used to purchase the appropriate number of shares of the Replacement Fund.

19. The Substitution will take place at relative net asset value, with no change in the amount of any affected Contract Owner's account value or death benefit, or in the dollar value of his or her investment in the applicable Separate Account. No brokerage commissions, fees or other remuneration will be paid by either the Existing Fund or the Replacement Fund or by affected Contract Owners in connection with the Substitution. The Substitution will not result in an increase in contract fees and expenses, including mortality and expense risk fees and administration and distribution fees charged by the Separate Accounts. Additionally, the Substitution will result in decreased net expense ratios. All expenses incurred in connection with the proposed Substitutions, including any brokerage, legal, accounting, and other fees and expenses, will be paid by the Insurance Company. In addition, the Substitutions will not result in adverse tax consequences to Contract Owners and will not alter any tax benefits associated with the Contracts.

Legal Analysis

1. The Applicants request that the Commission issue an order pursuant to Section 26(c) of the 1940 Act approving the proposed Substitution. Section 26(c) of the 1940 Act makes it unlawful for the depositor of a registered unit investment trust that invests in the securities of a single issuer to substitute another security for such security without Commission approval. Section 26(c) further states that the Commission shall issue an order approving such a substitution ''if the evidence establishes that it is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title.''

2. As discussed above, the Applicants have reserved the right under the each of the Separate Account's Contracts to substitute shares of another underlying mutual fund for one of the current underlying mutual funds offered as an investment option under the Contracts. The Contract prospectuses disclose this right.

3. The Replacement Fund and the Existing Fund have sufficiently similar investment objectives and policies to make the Replacement Fund an appropriate candidate as a substitute. The Insurance Company considered the performance history of the Existing Fund and the Replacement Fund and determined that no contract holder would be materially adversely affected as a result of the Substitution.

4. The Substitution will not result in an increase in contract fees and expenses, including mortality and expense risk fees and administration and distribution fees charged by the Separate Accounts. Additionally, the Substitution will result in decreased net expense ratios. After the Substitution, neither the Insurance Company nor any of its affiliates will receive compensation from the charges to the Separate Accounts related to the Contracts or from Rule 12b–1 fees or revenue sharing from the Replacement Fund. Thus, the Substitution protects the Contract Owners who are invested in the Existing Fund by providing a replacement fund that (a) is similar to the Existing Fund, and (b) reduces net operating expense.

5. Because Separate Account A offers only one investment option, the Separate Account A Contract Owners do not have the discretion to re-allocate their Contract values to another investment option if they do not wish to invest in the Replacement Fund. Instead, if the Separate Account A Contract Owners were dissatisfied with the Substitution, the only relief available would be to redeem their interests in Separate Account A and reinvest the proceeds in another unit investment trust or in an open-end company, in which case the Contract Owners could be subject to a new sales load. Accordingly, with regard to Separate Account A, the proposed Substitution is the type of substitution that Congress envisioned when it amended Section 26(c) to require SEC approval of the substitution of one security for another security by the depositor of a registered unit investment trust holding securities of a single issuer. However, although Separate Account A offers only one investment option, the Applicants have determined that the objectives and strategies of the Replacement Fund are sufficiently similar to the objectives and strategies of the Existing Fund that the essential objectives and risk expectations of the Separate Account A Contract Owners will continue to be met after the Substitution.

6. With regard to Separate Accounts B and C, the proposed Substitution is not of the type that Section 26 was designed to prevent. The Separate Account B and C Contracts provide Contract Owners with investment discretion to allocate and reallocate their Contract values among the available sub-accounts that invest in the underlying mutual fund investment options. This flexibility provides Separate Account B and C Contract Owners with the ability to reallocate their assets at any time—either before the Substitution Date or after the Substitution Date—if they do not wish to invest in the Replacement Fund. The likelihood of being invested in an undesired underlying mutual fund is minimized, with the discretion remaining with the Contract Owners, and the Separate Account B and C Contract Owners will continue to be able to select among a large number of investment options, with a full range of investment objectives, investment strategies and managers. As a result of the Substitution, the number of

investment options offered under the Separate Account B and C Contracts will not change. The Substitution, therefore, will not result in the type of costly forced redemption that Section 26(c) was designed to prevent.

7. With regard to all three of the Separate Accounts, the proposed Substitution is unlike the type of substitution that Section 26(c) was designed to prevent in that by purchasing the Contracts, Contract Owners select much more than a particular investment company in which to invest their Contract values. They also select the specific type of coverage offered by the Insurance Company under the Contracts, as well as numerous other rights and privileges set forth in the Contracts. The Substitution has no impact on these aspects of the Contracts.

Conclusion

For the reasons set forth in the application, the Applicants submit that the proposed Substitutions and related transactions meet the standards of Section 26(c) of the 1940 Act and that the requested orders should be granted.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20090 Filed 8–22–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31218; 812–14251]

Persimmon Capital Management LP and Northern Lights Fund Trust III; Notice of Application

August 19, 2014.

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from section 15(a) of the Act and rule 18f–2 under the Act.

SUMMARY OF APPLICATION: Applicants request an order that would permit them to enter into and materially amend subadvisory agreements without shareholder approval.

APPLICANTS: Persimmon Capital Management LP (the ''Adviser'') and Northern Lights Fund Trust III (the ''Trust'').

FILING DATES: The application was filed on December 16, 2013 and amended on April 17, 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 September 15, 2014, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: The Trust: Northern Lights Fund Trust III, 17605 Wright Street, Omaha, NE 68130; The Adviser: Persimmon Capital Management LP, 1777 Sentry Parkway West, Gwynedd Hall, Suite 102, Blue Bell, PA 19422.

FOR FURTHER INFORMATION CONTACT: Kieran G. Brown, Senior Counsel, at (202) 551–6773, or James M. Curtis, Branch Chief, at (202) 551–6712 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust is organized as a Delaware statutory trust and is registered as an open-end management investment company with multiple series. Each series of the Trust has its own investment objective, policies and restrictions, and each is managed by various advisers and subadvisers.[1]

2. The Adviser is a Delaware limited partnership registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act''). The Adviser serves as the investment adviser of the Persimmon Fund. The Adviser provides investment management services to the Persimmon Fund pursuant to an investment advisory agreement with the Trust (the ''Advisory Agreement'').[2] The terms of the Advisory Agreement comply with section 15(a) of the Act. The Advisory Agreement was approved by the board of trustees of the Trust (the ''Board''; the term ''Board'' also includes the board of trustees or directors of a future Fund), including by a majority of the trustees who are not ''interested persons'' (as defined in section 2(a)(19) of the Act) of the Trust or Adviser (the ''Independent Trustees''), and was approved by the initial shareholder of the Persimmon Fund in the manner required by sections 15(a) and (c) of the Act and rule 18f–2 thereunder.[3]

3. Under the terms of the Advisory Agreement, the Adviser is responsible for the overall management of the Persimmon Fund's business affairs and selecting investments in accordance with the Persimmon Fund's investment objectives, policies and restrictions. For the investment management services that it provides to the Funds, the Adviser receives the fee specified in the Advisory Agreements. In addition, pursuant to the Advisory Agreement, the Adviser may retain one or more subadvisers (each, a ''Subadviser'') for the purpose of managing all or a portion of the assets of the Persimmon Fund. Pursuant to its authority under the Advisory Agreements, the Adviser intends to enter into subadvisory agreements (the ''Subadvisory Agreements'') with certain unaffiliated

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[1] The Persimmon Long/Short Fund (the ''Persimmon Fund'') is a series of the Trust and is the only existing Fund (defined below) that currently intends to rely on the requested order. Applicants also request relief with respect to any existing or future registered open-end management investment company or series thereof that (a) is advised by the Adviser, including the Adviser's successors and any entity controlling, controlled by or under common control with the Adviser (included in the term ''Adviser''); (b) uses the manager-of-managers structure (''Manager of Managers Structure'') described in the application; and (c) complies with the terms and conditions of the application (together with the Persimmon Fund, the ''Funds'' and each, individually, a ''Fund''). The only existing investment company that currently intends to rely on the requested order, the Trust, is named as an applicant. For purposes of the requested order, ''successor'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of organization.

[2] The Adviser will enter into substantially similar investment advisory agreements to provide investment management services to future Funds (''Future Advisory Agreements''). The terms of Future Advisory Agreements will comply with Section 15(a) of the Act, and Future Advisory Agreements will be approved by shareholders and by the Board, including a majority of the Independent Trustees, in the manner required by Sections 15(a) and 15(c) of the Act and rule 18f–2 thereunder. Applicants are not seeking any exemptions with respect to Future Advisory Agreements. References to any Advisory Agreement or Advisory Agreements include Future Advisory Agreements as they pertain to future Funds.

[3] Applicants are not seeking any exemptions with respect to the Advisory Agreements.

Subadvisers to provide investment advisory services to the Funds. Each Subadvisory Agreement will be approved by the Board, including by a majority of the Independent Trustees in accordance with Sections 15(a) and 15(c) of the Act. In addition, the Subadvisory Agreements will comply fully with the requirements of Sections 15(a) and 15(c) of the Act other than the shareholder approval required under Section 15(a). Each Subadviser to a Fund will be an ''investment adviser,'' as defined in section 2(a)(20)(B) of the Act, and registered as an investment adviser under the Advisers Act or will not be subject to registration under such Act.[4]

4. The Adviser will supervise the management and investment programs and operations of the Funds and evaluate the abilities and performance of other money management firms in order to identify appropriate Subadvisers for the Fund's investment strategy. After a Subadviser is selected, the Adviser will continuously supervise and monitor the Subadviser's performance and periodically recommend to the Board which Subadvisers should be retained or released. Neither the Trust nor the Funds will be responsible for paying subadvisory fees to any Subadviser. The Adviser will compensate the Subadvisers for a Fund out of the advisory fees that are paid to the Adviser under the applicable Advisory Agreement.

5. Applicants request an order to permit the Adviser, subject to the approval of the Board), to do the following without obtaining shareholder approval: (a) Select certain unaffiliated Subadvisers to manage all or a portion of the assets of the Persimmon Fund or future Funds pursuant to Subadvisory Agreements, and (b) materially amend Subadvisory Agreements with the Subadvisers. Each Fund's prospectus has contained or will contain, at all times following the approval of the Manager of Managers Structure, the disclosure required by condition 2 below.

6. The requested relief will not extend to any subadviser that is an affiliated person, as defined in section 2(a)(3) of the Act, of the Trust, a Fund or the Adviser (other than by reason of serving as a subadviser to one or more Funds) (''Affiliated Subadviser'').

7. The Funds will inform shareholders of the hiring of a new Subadviser pursuant to the following procedures (''Modified Notice and Access Procedures''): (a) Within 90 days after a new Subadviser is hired for any Fund, that Fund will send its shareholders either a Multi-manager Notice or a Multi-manager Notice and Multi-manager Information Statement, as applicable;[5] and (b) the Fund will make the Multi-manager Information Statement available on the Web site identified in the Multi-manager Notice no later than when the Multi-manager Notice (or Multi-manager Notice and Multi-manager Information Statement) is first sent to shareholders, and will maintain it on that Web site for at least 90 days.

Applicants' Legal Analysis

1. Section 15(a) of the Act provides, in relevant part, that it is unlawful for any person to act as an investment adviser to a registered investment company except pursuant to a written contract that has been approved by the vote of a majority of the company's outstanding voting securities. Rule 18f–2 under the Act provides that each series or class of securities in a series investment company affected by a matter must approve that matter if the Act requires shareholder approval.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or from any rule thereunder, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants state that the requested relief meets this standard for the reasons discussed below.

3. Applicants assert that the requested relief is consistent with the protection of investors. Primary responsibility for management of the Funds, including the selection and supervision of the Subadvisers, is vested in the Adviser, subject to the oversight of the Board. Applicants state that from the perspective of the investor, the role of the Subadvisers with respect to the Funds is substantially equivalent to the role of the individual portfolio managers employed by the Adviser for a Fund's assets managed by the Adviser. Both the portfolio managers and the Subadvisers are concerned principally with the selection of portfolio investments in accordance with each Fund's respective investment objectives and policies and have no significant supervisory, management or administrative responsibilities with respect to the Funds. Applicants state that requiring shareholder approval of each Subadvisory Agreement would impose costs and unnecessary delays on the Funds, and may preclude the Adviser from acting promptly in a manner considered advisable by the Board. Applicants note that the Advisory Agreements and any subadvisory agreement with an Affiliated Subadviser will remain subject to sections 15(a) and (c) of the Act and rule 18f–2 thereunder.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Before a Fund may rely on the requested order, the operation of the Fund in the manner described in the application will be approved by a majority of the Fund's outstanding voting securities, as defined in the Act, or in the case of a Fund whose public shareholders purchase shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below, by the initial shareholder(s) before offering shares of that Fund to the public.

2. Each Fund relying on the requested order will disclose in its prospectus the existence, substance, and effect of any order granted pursuant to the application. Each Fund will hold itself out to the public as utilizing the Manager of Managers Structure. The prospectus will prominently disclose that the Adviser has ultimate responsibility (subject to oversight by the Board) to oversee the Subadvisers and recommend their hiring, termination, and replacement.

3. Funds will inform shareholders of the hiring of a new Subadviser within 90 days after the hiring of the new Subadviser pursuant to the Modified Notice and Access Procedures.

4. The Adviser will not enter into a subadvisory agreement with any

[4] If the name of any Fund contains the name of a Subadviser, the name of the Adviser will precede the name of the Subadviser.

[5] The ''Multi-manager Notice'' will be modeled on a Notice of Internet Availability as defined in rule 14a–16 under the Securities Exchange Act of 1934 (''Exchange Act''), and specifically will, among other things: (a) Summarize the relevant information regarding the new Subadviser; (b) inform shareholders that the Multi-manager Information Statement is available on a Web site; (c) provide the Web site address; (d) state the time period during which the Multi-manager Information Statement will remain available on that Web site; (e) provide instructions for accessing and printing the Multi-manager Information Statement; and (f) instruct the shareholder that a paper or email copy of the Multi manager Information Statement may be obtained, without charge, by contacting the Funds. A ''Multi-manager Information Statement'' will meet the requirements of Regulation 14C, Schedule 14C and Item 22 of Schedule 14A under the Exchange Act for an information statement. Multi-manager Information Statements will be filed electronically with the Commission via the EDGAR system.

Affiliated Subadviser without such agreement, including the compensation to be paid thereunder, being approved by the shareholders of the applicable Fund.

5. At all times, at least a majority of the Board will be Independent Trustees, and the nomination of new or additional Independent Trustees will be placed within the discretion of the then-existing Independent Trustees.

6. Whenever a subadviser change is proposed for a Fund with an Affiliated Subadviser, the Board, including a majority of the Independent Trustees, will make a separate finding, reflected in the Board minutes, that such change is in the best interests of the Fund and its shareholders, and does not involve a conflict of interest from which the Adviser or the Affiliated Subadviser derives an inappropriate advantage.

7. The Adviser will provide general management services to each Fund, including overall supervisory responsibility for the general management and investment of each Fund's assets and, subject to review and approval of the Board, will: (a) Set each Fund's overall investment strategies; (b) evaluate, select and recommend Subadvisers to manage all or a part of each Fund's assets; (c) allocate and, when appropriate, reallocate each Fund's assets among one or more Subadvisers; (d) monitor and evaluate the performance of Subadvisers; and (e) implement procedures reasonably designed to ensure that the Subadvisers comply with each Fund's investment objective, policies and restrictions.

8. No trustee or officer of the Trust or a Fund, or director, manager, or officer of the Adviser, will own, directly or indirectly (other than through a pooled investment vehicle that is not controlled by such person), any interest in a Subadviser, except for (a) ownership of interests in the Adviser or any entity that controls, is controlled by, or is under common control with the Adviser or (b) ownership of less than 1% of the outstanding securities of any class of equity or debt of any publicly traded company that is either a Subadviser or an entity that controls, is controlled by, or is under common control with a Subadviser.

9. Any new Subadvisory Agreement or any amendment to an existing Advisory Agreement or Subadvisory Agreement that directly or indirectly results in an increase in the aggregate advisory fee rate payable by the Fund will be submitted to the Fund's shareholders for approval.

10. In the event the Commission adopts a rule under the Act providing substantially similar relief to that in the order requested in the application, the requested order will expire on the effective date of that rule.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20091 Filed 8–22–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72864; File No. SR–NYSEArca–2014–86]

Self-Regulatory Organizations; NYSEArca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 6.70 to Make the Rule Applicable to All Transactions on the Exchange

August 19, 2014.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that August 11, 2014, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to proposes to [sic] amend Rule 6.70 to make the rule applicable to all transactions on the Exchange. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 6.70 to make the rule applicable to all transactions on the Exchange.

Rule 6.70 currently provides that the price at which a non-electronic order is executed shall be binding notwithstanding that an erroneous report in respect thereto may have been rendered, or no report rendered. The rule further provides that a report shall not be binding if a non-electronic order was not actually executed but was in error reported to have been executed. For example, if a report is issued that an non-electronic execution occurred, when in fact it did not, that report is not binding. This rule is relevant because OTP Holders rely on reports from the Exchange to determine whether they have engaged in a transaction on the Exchange. Commentary .02 to Rule 6.70 further provides that the terms of the rule apply only to transactions occurring on the floor of the Exchange and does not apply to transactions occurring on the NYSE Arca electronic trading system.

The Exchange proposes to amend Rule 6.70 to make it applicable to all reports on the Exchange, including reports relating to transactions occurring on the NYSE Arca electronic trading system. As proposed, if the Exchange issues a report of an electronic transaction to an OTP Holder when in fact that execution did not occur, that report of an execution would not be binding. The Exchange believes the proposed rule change would enable the Exchange to apply the same rule to all reports of executions, regardless of whether it is an electronic transaction. To effect this change, the Exchange proposes to delete the term ''non electronic'' in the first and second sentences of the rule text and delete Commentary .02 to the rule. The Exchange notes that the proposed rule change would harmonize the rules of the Exchange with the rules of NYSE MKT LLC (''NYSE MKT''), which operates NYSE Amex Options LLC, as well as the rules of the Chicago Board Options Exchange Incorporated (''CBOE''), International Securities Exchange, LLC (''ISE''), BATS Exchange,

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

Inc. (''BATS''), and Miami International Securities Exchange, LLC (''MIAX'').[4]

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5),[6] 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.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and national market system and promote a fair and orderly market because it would govern all reports regarding transactions that execute at the Exchange, regardless of whether the transaction occurred on the Floor or electronically. Accordingly, the proposed rule change would remove impediments to and perfect the mechanism of free and open market by ensuring that Rule 6.70 governs all reports similarly, and not just those relating to non-electronic transactions. The proposed rule change would also remove impediments to and perfect the mechanism of a free and open market and national market system because it would promote harmonization among options exchange market rules for rules of similar meaning. Specifically, only the NYSE Arca version of the rule limits its application to non-electronic transactions. By contrast, NYSE MKT and CBOE, which both operate trading floors, do not limit their versions of the same rule to non-electronic transactions. Moreover, options exchanges that only trade electronically have in place similar rules.[7]

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 proposed rule change is pro-competitive because it would align the Exchange's rules with the rules of other markets, including CBOE, NYSE MKT, ISE and MIAX.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[8] and Rule 19b–4(f)(6) thereunder.[9] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[10] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[11] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[12] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2014–86 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca-2014–86 This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2014–86, and should be submitted on or before September 15, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

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[4] *See* NYSE MKT Rule 958NY, CBOE Rule 6.52, ISE Rule 719, BATS Rule 21.11, and MIAX Rule 522. The Exchange notes that ISE, BATS, and MIAX operate all-electronic options exchanges, accordingly, the rule is not limited on other markets to solely floor-based transactions.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] *Supra* n. 3.

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] 15 U.S.C. 78s(b)(2)(B).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72867; File No. SR–NYSEArca–2014–56]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Instituting Proceedings to Determine Whether To Approve or Disapprove Proposed Rule Change Relating to Listing and Trading of Shares of the PIMCO Income Exchange-Traded Fund Under NYSE Arca Equities Rule 8.600

August 19, 2014.

On May 1, 2014, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the PIMCO Income Exchange-Traded Fund (''Fund'') under NYSE Arca Equities Rule 8.600. The proposed rule change was published for comment in the **Federal Register** on May 21, 2014.[3] On June 24, 2014, the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[4] The Commission received no comments on the proposed rule change. This Order institutes proceedings under Section 19(b)(2)(B) of the Act [5] to determine whether to approve or disapprove the proposed rule change.

I. Description of the Proposal

The Exchange proposes to list and trade Shares of the Fund pursuant to NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares on the Exchange. The Shares will be offered by PIMCO ETF Trust (''Trust''), a statutory trust organized under the laws of the State of Delaware and registered with the Commission as an open-end management investment company.[6]

The investment manager to the Fund will be Pacific Investment Management Company LLC (''PIMCO'' or ''Adviser''). PIMCO Investments LLC will serve as the distributor for the Fund. State Street Bank & Trust Co. will serve as the custodian and transfer agent for the Fund. The Exchange represents that, while the Adviser is not registered as a broker-dealer, the Adviser is affiliated with a broker-dealer and will implement a fire wall with respect to its broker-dealer affiliate regarding access to information concerning the composition and changes to the portfolio.[7]

The Exchange has made the following representations and statements describing the Fund and its investment strategy, including portfolio holdings and investment restrictions.[8]

Characteristics of the Fund

In selecting investments for the Fund, PIMCO will develop an outlook for interest rates, currency exchange rates, and the economy, will analyze credit and call risks, and will use other investment selection techniques. The proportion of the Fund's assets committed to investment in securities with particular characteristics (such as quality, sector, interest rate, or maturity) will vary based on PIMCO's outlook for the U.S. economy and the economies of other countries in the world, the financial markets, and other factors.

In seeking to identify undervalued currencies, PIMCO may consider many factors, including, but not limited to, longer-term analysis of relative interest rates, inflation rates, real exchange rates, purchasing power parity, trade account balances, and current account balances, as well as other factors that influence exchange rates such as flows, market technical trends, and government policies. With respect to fixed income investing, PIMCO will attempt to identify areas of the bond market that are undervalued relative to the rest of the market. PIMCO will identify these areas by grouping fixed income investments into sectors such as money markets, governments, corporates, mortgages, asset-backed, and international. Sophisticated proprietary software will then assist in evaluating sectors and pricing specific investments. Once investment opportunities are identified, PIMCO will shift assets among sectors depending upon changes in relative valuations, credit spreads, and other factors.

Fixed Income Instruments

Among other investments described in more detail herein, the Fund may invest in Fixed Income Instruments, which include:

- Securities issued or guaranteed by the U.S. Government, its agencies or government-sponsored enterprises;
- corporate debt securities of U.S. and non-U.S. issuers, including convertible securities and corporate commercial paper; [9]
- mortgage-backed and other asset-backed securities; [10]
- inflation-indexed bonds issued both by governments and corporations; [11]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 72170 (May 15, 2014), 79 FR 29231 (''Notice'').

[4] *See* Securities Exchange Act Release No. 72458, 79 FR 36849 (June 30, 2014). The Commission determined that it was appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission designated August 19, 2014 as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[5] 15 U.S.C. 78s(b)(2)(B).

[6] The Trust is registered under the Investment Company Act of 1940 (''1940 Act''). According to the Exchange, on January 27, 2014, the Trust filed an amendment to its registration statement on Form N–1A under the Securities Act of 1933 and the 1940 Act relating to the Fund (File Nos. 333–155395 and 811–22250) (''Registration Statement''). In addition, the Exchange represents that the Trust has obtained certain exemptive relief under the 1940 Act. *See* Investment Company Act Release No. 28993 (November 10, 2009) (File No. 812–13571).

[7] *See* Commentary .06 to NYSE Arca Equities Rule 8.600. The Exchange represents that in the event (a) the Adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, such Adviser, new adviser, or new sub-adviser will implement a fire wall with respect to its relevant personnel or its broker-dealer affiliate, as applicable, regarding access to information concerning the composition and changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding such portfolio.

[8] Additional information regarding the Trust, the Fund, and the Shares, investment strategies, investment restrictions, risks, net asset value (''NAV'') calculation, creation and redemption procedures, fees, portfolio holdings, disclosure policies, distributions, and taxes, among other information, is included in the Notice and the Registration Statement, as applicable. *See* Notice and Registration Statement, *supra* notes 3 and 6, respectively.

[9] With respect to the Fund, while non-emerging markets corporate debt securities (excluding commercial paper) generally must have $100 million or more par amount outstanding and significant par value traded to be considered as an eligible investment for the Fund, at least 80% of issues of such securities held by the Fund must have $100 million or more par amount outstanding (aggregated by issuer or group of related issuers) at the time of investment. *See also infra* note 21.

[10] Mortgage-related and other asset-backed securities include collateralized mortgage obligations (''CMOs''), commercial mortgage-backed securities, mortgage dollar rolls, CMO residuals, stripped mortgage-backed securities, and other securities that directly or indirectly represent a participation in, or are secured by and payable from, mortgage loans on real property. A to-be-announced (''TBA'') transaction is a method of trading mortgage-backed securities. In a TBA transaction, the buyer and seller agree upon general trade parameters such as agency, settlement date, par amount, and price. The actual pools delivered generally are determined two days prior to the settlement date.

[11] Inflation-indexed bonds (other than municipal inflation-indexed bonds and certain corporate inflation-indexed bonds) are fixed income securities whose principal value is periodically adjusted according to the rate of inflation (*e.g.,* Treasury Inflation Protected Securities (TIPS)). Municipal inflation-indexed securities are municipal bonds that pay coupons based on a fixed rate, plus the Consumer Price Index for All Urban Consumers

• structured notes, including hybrid or ''indexed'' securities and event-linked bonds; [12]
• bank capital and trust preferred securities; [13]
• loan participations and assignments; [14]
• delayed funding loans and revolving credit facilities;
• bank certificates of deposit, fixed time deposits, and bankers' acceptances;
• repurchase agreements on Fixed Income Instruments and reverse repurchase agreements on Fixed Income Instruments;
• debt securities issued by states or local governments and their agencies, authorities, and other government-sponsored enterprises (''Municipal Bonds'');
• obligations of non-U.S. governments or their subdivisions, agencies, and government-sponsored enterprises; and
• obligations of international agencies or supranational entities.

Use of Derivatives by the Fund

The Fund's investments in derivative instruments will be made in accordance with the 1940 Act and consistent with the Fund's investment objective and policies. With respect to the Fund, derivative instruments primarily will include forwards,[15] exchange-traded and over-the-counter options contracts, exchange-traded futures contracts, swap agreements, and options on futures contracts and swap agreements. Generally, derivatives are financial contracts, the values of which depend upon, or are derived from, the value of an underlying asset, reference rate, or index, and may relate to stocks, bonds, interest rates, currencies or currency exchange rates, commodities, and related indexes. The Fund may, but is not required to, use derivative instruments for risk management purposes or as part of its investment strategies.

According to the Exchange, the Fund will typically use derivative instruments as a substitute for taking a position in the underlying asset and/or as part of a strategy designed to reduce exposure to other risks, such as interest rate or currency risk. The Fund may also use derivative instruments to enhance returns. To limit the potential risk associated with such transactions, the Fund will segregate or ''earmark'' assets determined to be liquid by PIMCO in accordance with procedures established by the Trust's Board of Trustees (''Board'') and in accordance with the 1940 Act (or, as permitted by applicable regulation, enter into certain offsetting positions) to cover its obligations under derivative instruments. These procedures have been adopted consistent with Section 18 of the 1940 Act and related Commission guidance. In addition, the Fund will include appropriate risk disclosure in its offering documents, including leveraging risk. Leveraging risk is the risk that certain transactions of the Fund, including the Fund's use of derivatives, may give rise to leverage, causing the Fund to be more volatile than if it had not been leveraged.[16] Because the markets for certain securities, or the securities themselves, may be unavailable or cost prohibitive as compared to derivative instruments, suitable derivative transactions may be an efficient alternative for the Fund to obtain the desired asset exposure.

The Exchange states that derivatives can be an economically attractive substitute for an underlying physical security that the Fund would otherwise purchase. For example, the Fund could purchase Treasury futures contracts instead of physical Treasuries or could sell credit default protection on a corporate bond instead of buying a physical bond. Economic benefits include potentially lower transaction costs or attractive relative valuation of a derivative versus a physical bond (*e.g.,* differences in yields).

The Exchange further states that derivatives can be used as a more liquid means of adjusting portfolio duration as well as targeting specific areas of yield curve exposure, with potentially lower transaction costs than the underlying securities (*e.g.,* interest rate swaps may have lower transaction costs than physical bonds). Similarly, money market futures can be used to gain exposure to short-term interest rates in order to express views on anticipated changes in central bank policy rates. In addition, derivatives can be used to protect client assets through selectively hedging downside (or tail risks) in the Fund.

The Fund also can use derivatives to increase or decrease credit exposure. Index credit default swaps (CDX) can be used to gain exposure to a basket of credit risk by ''selling protection'' against default or other credit events, or to hedge broad market credit risk by ''buying protection.'' Single name credit default swaps (CDS) can be used to allow the Fund to increase or decrease exposure to specific issuers, saving investor capital through lower trading costs. The Fund can use total return swap contracts to obtain the total return of a reference asset or index in exchange for paying a financing cost. A total return swap may be much more efficient than buying underlying securities of an index, potentially lowering transaction costs.[17]

The Exchange states that the use of derivatives will allow the Fund to selectively add diversifying sources of return from selling options. Option purchases and sales can also be used to hedge specific exposures in the portfolio, and can provide access to return streams available to long-term investors, such as the persistent difference between implied and realized volatility. Option strategies can generate income or improve execution prices (*i.e.,* covered calls).

(CPI). With regard to municipal inflation-indexed bonds and certain corporate inflation-indexed bonds, the inflation adjustment is reflected in the semi-annual coupon payment.

[12] The Fund may obtain event-linked exposure by investing in ''event-linked bonds'' or ''event-linked swaps'' or by implementing ''event-linked strategies.'' Event-linked exposure results in gains or losses that typically are contingent, or formulaically related to defined trigger events. Examples of trigger events include hurricanes, earthquakes, weather-related phenomena, or statistics relating to such events. Some event-linked bonds are commonly referred to as ''catastrophe bonds.'' If a trigger event occurs, the Fund may lose a portion or its entire principal invested in the bond or notional amount on a swap.

[13] There are two common types of bank capital: Tier I and Tier II. Bank capital is generally, but not always, of investment grade quality. According to the Exchange, Tier I securities often take the form of trust preferred securities. Tier II securities are commonly thought of as hybrids of debt and preferred stock, are often perpetual (with no maturity date), callable, and, under certain conditions, allow for the issuer bank to withhold payment of interest until a later date. However, such deferred interest payments generally earn interest.

[14] The Fund may invest in fixed- and floating-rate loans, which investments generally will be in the form of loan participations and assignments of portions of such loans.

[15] Forwards are contracts to purchase or sell securities for a fixed price at a future date beyond normal settlement time (forward commitments).

[16] To mitigate leveraging risk, the Adviser will segregate or ''earmark'' liquid assets or otherwise cover the transactions that may give rise to such risk.

[17] The Fund will seek, where possible, to use counterparties whose financial status is such that the risk of default is reduced; however, the risk of losses resulting from default is still possible. PIMCO's Counterparty Risk Committee evaluates the creditworthiness of counterparties on an ongoing basis. In addition to information provided by credit agencies, PIMCO credit analysts evaluate each approved counterparty using various methods of analysis, including company visits, earnings updates, the broker-dealer's reputation, PIMCO's past experience with the broker-dealer, market levels for the counterparty's debt and equity, the counterparty's liquidity, and its share of market participation. According to the Exchange, the Fund has adopted procedures that are consistent with Section 18 of the 1940 Act and related Commission guidance, which require that a fund's derivative instruments be fully collateralized by liquid assets of the fund.

Principal Investments of the Fund

The Fund will seek to maximize current income, and long-term capital appreciation will be a secondary objective. The Fund will seek to maintain a high and consistent level of dividend income by investing in a broad array of fixed income sectors and utilizing income efficient implementation strategies. The capital appreciation sought by the Fund generally will arise from decreases in interest rates or improving credit fundamentals for a particular sector or security.

The Fund will seek to achieve its investment objective by investing, under normal circumstances,[18] at least 65% of its total assets in a multi-sector portfolio of Fixed Income Instruments of varying maturities, which may be represented by derivatives based on Fixed Income Instruments (''65% policy''). The average portfolio duration [19] of the Fund normally will vary from zero to eight years based on PIMCO's forecast for interest rates.

The Fund will generally allocate its assets among several investment sectors, without limitation, which may include: (i) High yield securities (''junk bonds'') and investment grade corporate bonds of issuers located in the United States and non-U.S. countries, including emerging market countries; (ii) fixed income securities issued by the U.S. and non-U.S. governments (including emerging market governments), their agencies, and instrumentalities; (iii) mortgage-related and other asset backed securities; and (iv) foreign currencies, including those of emerging market countries. The Fund, however, will not be required to gain exposure to any one investment sector, and the Fund's exposure to any one investment sector will vary over time.

The Fund may invest up to 50% of its total assets in high yield securities rated below investment grade, but rated at least Caa by Moody's Investors Service, Inc. (''Moody's''), or equivalently rated by Standard & Poor's Ratings Services (''S&P'') or Fitch, Inc. (''Fitch''), or if unrated, determined by PIMCO to be of comparable quality [20] (except such limitation shall not apply to the Fund's investments in mortgage- and asset-backed securities).

The Fund may invest up to 20% of its total assets in securities and instruments that are economically tied to emerging market countries.[21]

The Fund may invest in securities and instruments that are economically tied to foreign (non-U.S.) countries.[22] The Fund may invest, without limitation, in securities denominated in foreign currencies. The Fund will normally limit its foreign currency exposure (from non-U.S. dollar-denominated securities or currencies) to 10% of its total assets.

In furtherance of the 65% policy, or with respect to the Fund's other investments, the Fund may invest in derivative instruments, subject to applicable law and any other restrictions described herein.

The Fund may invest up to 25% of its assets in mortgage-related and other asset-backed securities, although this 25% limitation does not apply to securities issued or guaranteed by Federal agencies and/or U.S. government sponsored instrumentalities.

The Fund may engage in foreign currency transactions on a spot (cash) basis and forward basis and invest in foreign currency futures and options contracts. The Fund may enter into these contracts to hedge against foreign exchange risk, to increase exposure to a foreign currency, or to shift exposure to foreign currency fluctuations from one currency to another. Suitable hedging transactions may not be available in all circumstances, and there can be no assurance that the Fund will engage in such transactions at any given time or from time to time.

The Fund may, without limitation, seek to obtain market exposure to the securities in which it primarily invests by entering into a series of purchase and sale contracts or by using other investment techniques (such as buy backs or dollar rolls).

[18] The term ''under normal circumstances'' includes, but is not limited to, the absence of extreme volatility or trading halts in the fixed income markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as a systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption, or any similar intervening circumstance.

[19] Duration is a measure used to determine the sensitivity of a security's price to changes in interest rates. The longer a security's duration, the more sensitive it will be to changes in interest rates.

[20] Securities rated Ba or lower by Moody's, or equivalently rated by S&P or Fitch, are sometimes referred to as ''high yield securities'' or ''junk bonds'' while securities rated Baa or higher are referred to as ''investment grade.'' Unrated securities may be less liquid than comparable rated securities and involve the risk that the Fund's portfolio manager may not accurately evaluate the security's comparative credit rating. To the extent that the Fund invests in unrated securities, the Fund's success in achieving its investment objective may depend more heavily on the portfolio manager's creditworthiness analysis than if that Fund invested exclusively in rated securities. In determining whether a security is of comparable quality, the Adviser will consider, for example, whether the issuer of the security has issued other rated securities; whether the obligations under the security are guaranteed by another entity and the rating of such guarantor (if any); whether and (if applicable) how the security is collateralized; other forms of credit enhancement (if any); the security's maturity date; liquidity features (if any); relevant cash flow(s); valuation features; other structural analysis; macroeconomic analysis; and sector or industry analysis.

[21] PIMCO will generally consider an instrument to be economically tied to an emerging market country if the security's ''country of exposure'' is an emerging market country, as determined by the criteria set forth in the Registration Statement. Alternatively, such as when a ''country of exposure'' is not available or when PIMCO believes the following tests more accurately reflect which country the security is economically tied to, PIMCO may consider an instrument to be economically tied to an emerging market country if the issuer or guarantor is a government of an emerging market country (or any political subdivision, agency, authority, or instrumentality of such government), if the issuer or guarantor is organized under the laws of an emerging market country, or if the currency of settlement of the security is a currency of an emerging market country. With respect to derivative instruments, PIMCO will generally consider such instruments to be economically tied to emerging market countries if the underlying assets are currencies of emerging market countries (or baskets or indices of such currencies), or instruments or securities that are issued or guaranteed by governments of emerging market countries or by entities organized under the laws of emerging market countries. While emerging markets corporate debt securities (excluding commercial paper) generally must have $200 million or more par amount outstanding and significant par value traded to be considered as an eligible investment for the Fund, at least 80% of issues (aggregated by issuer or group of related issuers) of such securities held by the Fund must have $200 million or more par amount outstanding at the time of investment.

PIMCO will have broad discretion to identify countries that it would consider to qualify as emerging markets. In making investments in emerging market securities, the Fund will emphasize those countries with relatively low gross national product per capita and with the potential for rapid economic growth. Emerging market countries are generally located in Asia, Africa, the Middle East, Latin America, and Eastern Europe. PIMCO will select the country and currency composition based on its evaluation of relative interest rates, inflation rates, exchange rates, monetary and fiscal policies, trade and current account balances, legal and political developments, and any other specific factors it believes to be relevant.

[22] PIMCO will generally consider an instrument to be economically tied to a non-U.S. country if the issuer is a foreign government (or any political subdivision, agency, authority, or instrumentality of such government), or if the issuer is organized under the laws of a non-U.S. country. In the case of certain money market instruments, such instruments will be considered economically tied to a non-U.S. country if either the issuer or the guarantor of such money market instrument is organized under the laws of a non-U.S. country. With respect to derivative instruments, PIMCO will generally consider such instruments to be economically tied to non-U.S. countries if the underlying assets are foreign currencies (or baskets or indexes of such currencies), or instruments or securities that are issued by foreign governments or issuers organized under the laws of a non-U.S. country (or if the underlying assets are certain money market instruments, if either the issuer or the guarantor of such money market instruments is organized under the laws of a non-U.S. country).

Other (Non-Principal) Investments of the Fund

The Fund may invest up to 10% of its total assets in preferred stocks, convertible securities, and other equity-related securities.[23]

The Fund may invest in variable and floating rate securities, which are securities that pay interest at rates that adjust whenever a specified interest rate changes and/or that reset on predetermined dates (such as the last day of a month or calendar quarter). The Fund may invest in floating rate debt instruments (floaters) and inverse floating rate debt instruments (inverse floaters) and may engage in credit spread trades.

The Fund may also invest in trade claims,[24] privately placed and unregistered securities, and structured products, including credit-linked securities, commodity-linked notes, and structured notes. The Fund may invest in Brady Bonds, which are securities created through the exchange of existing commercial bank loans to sovereign entities for new obligations in connection with a debt restructuring.

The Fund may purchase or sell securities which the Fund is eligible to purchase or sell on a when-issued basis, may purchase and sell such securities for delayed delivery, and may make contracts to purchase or sell such securities for a fixed price at a future date beyond normal settlement time (forward commitments). The Fund may make short sales as part of its overall portfolio management strategies or to offset a potential decline in value of a security.

The Fund may enter into repurchase agreements, in which the Fund purchases a security from a bank or broker-dealer, which agrees to purchase the security at the Fund's cost, plus interest within a specified time. Repurchase agreements maturing in more than seven days and which may not be terminated within seven days at approximately the amount at which the Fund has valued the agreements will be considered illiquid securities. The Fund may enter into reverse repurchase agreements and dollar rolls subject to the Fund's limitations on borrowings.[25] Reverse repurchase agreements and dollar rolls may be considered borrowing for some purposes. The Fund will segregate or ''earmark'' assets determined to be liquid by PIMCO in accordance with procedures established by the Board to cover its obligations under reverse repurchase agreements and dollar rolls.

The Fund may invest, without limit, for temporary or defensive purposes, in U.S. debt securities, including taxable securities and short-term money market securities, if PIMCO deems it appropriate to do so. If PIMCO believes that economic or market conditions are unfavorable to investors, the Fund may temporarily invest up to 100% of its assets in certain defensive strategies, including holding a substantial portion of its assets in cash, cash equivalents, or other highly rated short-term securities, including securities issued or guaranteed by the U.S. government, its agencies, or instrumentalities.

To the extent permitted by Section 12(d)(1)(A) of the 1940 Act, the Fund may invest in other affiliated and unaffiliated funds, such as open-end or closed-end management investment companies, including other exchange traded funds, provided that the Fund's investment in units or shares of investment companies and other open-end collective investment vehicles will not exceed 10% of the Fund's total assets. The Fund may invest securities lending collateral in one or more money market funds to the extent permitted by Rule 12d1–1 under the 1940 Act, including series of PIMCO Funds, affiliated open-end management investment companies managed by PIMCO.

Investment Restrictions

The Fund's investments, including investments in derivative instruments, will be subject to all of the restrictions under the 1940 Act, including restrictions with respect to investments in illiquid securities, that is, the limitation that a fund may hold up to an aggregate amount of 15% of its net assets in illiquid securities (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser, in accordance with Commission guidance.[26] The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid securities. Illiquid securities include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

The Fund is non-diversified, which means that it may invest its assets in a smaller number of issuers than a diversified fund, will include a minimum of 13 non-affiliated issuers, and intends to qualify annually and elect to be treated as a regulated investment company under Subchapter M of the Internal Revenue Code. In addition, the Fund will not concentrate its investments in a particular industry, as that term is used in the 1940 Act, and as interpreted, modified, or otherwise permitted by regulatory authority having jurisdiction from time to time. The Fund's investments, including derivatives, will be consistent with the Fund's investment objective, and the Fund's use of derivatives may be used to enhance leverage. However, the Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*i.e.,* 2Xs and 3Xs) of the Fund's broad-based securities market index (as defined in Form N–1A).[27]

[23] Convertible securities are generally preferred stocks and other securities, including fixed income securities and warrants, that are convertible into or exercisable for common stock at a stated price or rate. Equity-related investments may include investments in small-capitalization (''small-cap''), mid-capitalization (''mid-cap''), and large-capitalization (''large-cap'') companies. A small-cap company will be defined as a company with a market capitalization of up to $1.5 billion, a mid-cap company will be defined as a company with a market capitalization of between $1.5 billion and $10 billion, and a large-cap company will be defined as a company with a market capitalization above $10 billion. Not more than 10% of the net assets of the Fund in the aggregate shall consist of non-U.S. equity securities, including non-U.S. stocks into which a convertible security is converted, whose principal market is not a member of the Intermarket Surveillance Group or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement.

[24] Trade claims are non-securitized rights of payment arising from obligations that typically arise when vendors and suppliers extend credit to a company by offering payment terms for products and services. If the company files for bankruptcy, payments on these trade claims stop, and the claims are subject to compromise along with the other debts of the company. Trade claims may be purchased directly from the creditor or through brokers.

[25] A reverse repurchase agreement involves the sale of a security by the Fund and its agreement to repurchase the instrument at a specified time and price. A dollar roll is similar except that the counterparty is not obligated to return the same securities as those originally sold by the Fund but only securities that are substantially identical.

[26] In reaching liquidity decisions, the Adviser may consider the following factors: The frequency of trades and quotes for the security; the number of dealers willing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and the nature of the marketplace trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers, and the mechanics of transfer).

[27] The Exchange states that the Fund's broad-based securities market index will be identified in a future amendment to the Registration Statement

Continued

The Exchange represents that the Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.600. Consistent with NYSE Arca Equities Rule 8.600(d)(2)(B)(ii), the Fund's Reporting Authority will implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material, non-public information regarding the actual components of the Fund's portfolio. The Exchange represents that, for initial and/or continued listing, the Fund will be in compliance with Rule 10A–3 under the Act,[28] as provided by NYSE Arca Equities Rule 5.3. A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio (as defined in NYSE Arca Equities Rule 8.600) will be made available to all market participants at the same time.

II. Proceedings To Determine Whether To Approve or Disapprove SR–NYSEArca–2014–56 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act [29] to determine whether the proposed rule change should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[30] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade,'' and ''to protect investors and the public interest.'' [31]

III. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the information described in the Notice,[32] as summarized above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Section 6(b)(5) or any other provision of the Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[33]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by September 15, 2014. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by September 29, 2014.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2014–56 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 Numbers SR–NYSEArca–2014–56. 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 these filings also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2014–56 and should be submitted on or before September 15, 2014. Rebuttal comments should be submitted by September 29, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20083 Filed 8–22–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72866; File No. SR–CBOE–2014–050]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Withdrawal of Proposed Rule Change Relating to Trade Nullification and Price Adjustment

August 19, 2014.

On June 3, 2014, Chicago Board Options Exchange, Incorporated (''CBOE'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 [1] and Rule 19b–4 thereunder [2] to add new Rule 6.19, ''Trade Nullification and Price

following the Fund's first full calendar year of performance.

[28] 17 CFR 240.10A–3.

[29] 15 U.S.C. 78s(b)(2)(B).

[30] *Id.*

[31] 15 U.S.C. 78f(b)(5).

[32] *See supra* note 3.

[33] Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[34] 17 CFR 200.30–3(a)(57).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Adjustment Procedure,'' and to make certain conforming administrative changes to streamline the rules governing trade nullification and adjustments. The proposed rule change was published for comment in the **Federal Register** on June 19, 2014.[3] The Commission received no comments on the proposal. On July 31, 2014, CBOE extended the time period for Commission action to August 18, 2014.

On August 15, 2014, CBOE withdrew the proposed rule change (SR–CBOE–2014–050).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[4]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20082 Filed 8–22–14; 8:45 am]

BILLING CODE 8011–01–P

[3] Securities Exchange Act Release No. 72390 (June 13, 2014), 79 FR 35198.

[4] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72865; File No. SR–NYSEMKT–2014–67]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Amex Options Fee Schedule

August 19, 2014.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on August 8, 2014, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to proposes to amend the NYSE Amex Options Fee Schedule (''Fee Schedule''). The proposed changes will be operative on August 8, 2014. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule as described below. The proposed changes will be operative on August 8, 2014.

The Exchange proposes to add language that excludes certain Customer-to-Customer activity from qualifying for any rebate under the Customer Electronic Complex Order ADV Tier rebate schedule. Presently, the Exchange pays rebates to Order Flow Providers (''OFP's'') according to the table shown below.

Customer Electronic Complex Order ADV Tiers	Rebate per contract for all customer electronic Complex orders (retroactive to the first contract traded during the month)
35,000 to 49,999	$0.04
50,000 to 69,999	0.06
70,000 to 109,999	0.08
110,000 and greater	0.10

The Exchange is proposing to add language that would exclude certain types of activity from counting towards any portion of the rebate, to include both volume associated with the activity and any per contract rebate associated with the activity. Specifically, the Exchange proposes to exclude volume from any Customer to Customer Electronic Complex executions. Therefore, the Exchange proposes to amend the fee schedule to read as follows:[4]

Customer Electronic Complex Order ADV Tiers—*excludes volume from customer to customer electronic complex executions*	Rebate per contract for [all] customer electronic complex orders *excluding customer to customer electronic complex executions* (retroactive to the first contract traded during the month)
35,000 to 49,999	$0.04
50,000 to 69,999	0.06
70,000 to 109,999	0.08
110,000 and greater	0.10

As this fee is being filed for immediate effectiveness on August 8, 2014, for the month of August only, the Exchange will exclude Customer to Customer Electronic Complex Executions from the calculation of the proposed rebate only during the remaining trading days of August (*i.e.,* excluding August 1,4–7—the first five trading days) and any such volume executed prior to August 8, 2014 will apply to a Customer's potential rebate.[5] By calculating the August 2014 proposed rebate in this fashion, the Exchange believes that Customers seeking to meet the volume metric would have an opportunity to do so and would not be disadvantaged if trading volume prior to the effective date of this rule change did not meet the volume metric.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b)[6] of the Act, in general, and Section 6(b)(4) and (5)[7] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers, or dealers.

The Exchange believes that the proposal to exclude certain activity from counting towards or earning the rebate paid under the existing Customer Electronic Complex Order ADV Tiers is reasonable, equitable and not unfairly discriminatory for the following

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Text that the Exchange proposes to delete appears in brackets; text that the Exchange proposes to add appears underscored.

[5] For example, if a OFP on behalf of a Customer achieved 50,000 contracts or greater volume of Customer to Customer Electronic Complex Executions during the first five trading days in August 2014 only, that activity will apply to that any potential rebate for August 2014. As proposed, Customer to Customer Electronic Complex Executions from August 8, 2014 forward will not apply to any potential rebate.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4) and (5).

reasons. First, the specific type of activity being excluded does not generate transaction fee revenue for the Exchange as Customers are charge a rate of $0.00 per contract. As a result, the Customers who are engaging in the activity—Customer to Customer Electronic Complex Order executions—are not being charged transaction fees. The Exchange believes it is reasonable, equitable and not unfairly discriminatory to refrain from paying a rebate for activity that is already free for the participants involved. The Exchange also believes that the proposal is reasonable, equitable, and not unfairly discriminatory because it applies to all Customers equally. Finally, because the rebate only applies to Customer activity, the elimination of the rebate as proposed puts Customers on the same competitive footing for the excluded orders as other market participants, and therefore is reasonable, equitable and not unfairly discriminatory.

With respect to the proposed fee being applicable to the balance of August 2014, the Exchange believes the fee is reasonable because Customers are on notice of the proposed fee and the rebate would be based only on the volume executed during the remaining trading days of August.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposed fee change is reasonably designed to be fair and equitable, and therefore, will not unduly burden any particular group of market participants trading on the Exchange vis-à-vis another group. The Exchange notes that the rebate only applies to Customers and therefore the elimination of the rebate in the described situation puts Customers on the same competitive footing as other market participants. As such, no market participant would be entitled to a credit for these types of transactions. As noted above, the proposed fee change applies equally to all Customers, thus the proposed fee change does not pose an undue burden among Customers. 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 the proposed change only applies to trading on the Exchange.

The Exchange operates in a highly competitive market, comprised of many options exchanges, in which market participants can easily and readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or rebates to be inadequate. Accordingly, the fees that are assessed and the rebates paid by the Exchange described in the above proposal are influenced by these robust market forces and therefore must remain competitive with fees charged and rebates paid by other venues and therefore must continue to be reasonable and equitably allocated to those ATP Holders that opt to direct orders to the Exchange rather than competing venues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [8] of the Act and subparagraph (f)(2) of Rule 19b–4 [9] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [10] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2014–67 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2014–67. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2014–67, and should be submitted on or before September 15, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20081 Filed 8–22–14; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(2).

[10] 15 U.S.C. 78s(b)(2)(B).

[11] 17 CFR 200.30–3(a)(12).

OFFICE OF SPECIAL COUNSEL

Agency Information Collection Activities, Request for Comment

AGENCY: Office of Special Counsel.

ACTION: Second Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the U.S. Office of Special Counsel (OSC), plans to request

approval from the Office of Management and Budget (OMB) for use of an expanded version of an approved information collection consisting of an electronic customer survey form. OSC is required by law to conduct an annual survey of those who seek its assistance. The information collection is used to carry out that mandate. However, the additional questions for the survey cover a category of complaint, whistleblower disclosures, whose inclusion in the survey is not statutorily required, but rather is being done voluntarily by our agency. The 6 specific questions to be added are: ''Did the agency against which you filed the disclosure inform you about your right to make whistleblower disclosures, and the channels for making such disclosures?'' ''Did you obtain the action that you wanted from OSC?'' ''What reason did OSC give for closing your disclosure matter?'' (Check all that apply.)'' ''Did you agree with the reason OSC gave for closing your disclosure matter?'' ''If you answered ''no'' to the question in number 4 above, could you please elaborate? [below which is a free field text box].'' ''How would you rate the service provided by OSC in each of the following areas?'' The current OMB approval for this collection of information [without the new questions for the Disclosure Unit] does not expire until 10/31/2015.

Current and former Federal employees, employee representatives, other Federal agencies, state and local government employees, and the general public are invited for a second time to comment on this information collection. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of OSC functions, including whether the information will have practical utility; (b) the accuracy of OSC's estimate of the burden of the proposed collections of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments should be received by September xx, 2014.

FOR FURTHER INFORMATION CONTACT: Karl Kammann, Director of Finance, at 1730 M St. NW., Suite 300, Washington, DC 20036, or by facsimile at (202) 254–3711.

SUPPLEMENTARY INFORMATION: OSC is an independent agency responsible for, among other things, (1) investigation of allegations of prohibited personnel practices defined by law at *5 U.S.C. 2302*(b), protection of whistleblowers, and certain other illegal employment practices under titles 5 and 38 of the U.S. Code, affecting current or former Federal employees or applicants for employment, and covered state and local government employees; and (2) the interpretation and enforcement of Hatch Act provisions on political activity in chapters 15 and 73 of title 5 of the U.S. Code, and implementing regulations concerning the controlling of paperwork burdens on the public, found at *5 CFR part 1320.*

Title of Collection: Office of Special Counsel (OSC) Annual Survey; OMB Control Number 3255–0003.

OSC is required to conduct an annual survey of individuals who seek its assistance. Section 13 of 103 (1994), codified at *5 U.S.C. 1212* note, states, in part: ''[T]he survey shall—(1) Determine if the individual seeking assistance was fully apprised of their rights; (2) determine whether the individual was successful either at the Office of Special Counsel or the Merit Systems Protection Board; and (3) determine if the individual, whether successful or not, was satisfied with the treatment received from the Office of Special Counsel.'' The same section also provides that survey results are to be published in OSC's annual report to Congress. Copies of prior years' annual reports are available on OSC's Web site, at *http://www.osc.gov/RR_AnnualReportsToCongress.htm* or by calling OSC at (202) 254–3600.

The survey form for the collection of information is available for review by calling OSC at (202) 254–3600.

Affected Public: Current and former Federal employees, applicants for Federal employment, state and local government employees, and their representatives, and the general public.

Respondent's Obligation: Voluntary.

Estimated Annual Number of Survey Form Respondents: 415.

Frequency of Survey Form Use: Annual.

Estimated Average Amount of Time for a Person To Respond to Survey: 12 minutes.

Estimated Annual Survey Burden: 141 hours.

This survey form is used to survey current and former Federal employees and applicants for Federal employment who have submitted allegations of possible prohibited personnel practices or other prohibited activity for investigation and possible prosecution by OSC, and whose matter has been closed or otherwise resolved during the prior fiscal year, on their experience at OSC. Specifically, the survey asks questions relating to whether the respondent was: (1) Apprised of his or her rights; (2) successful at the OSC or at the Merit Systems Protection Board; and (3) satisfied with the treatment received at the OSC.

Dated: August 18, 2014.

Carolyn N. Lerner,

Special Counsel.

[FR Doc. 2014–20056 Filed 8–22–14; 8:45 am]

BILLING CODE 7405–01–P

DEPARTMENT OF STATE

[Public Notice: 8845]

Culturally Significant Objects Imported for Exhibition Determinations: ''Bartholomeus Spranger: Splendor and Eroticism in Imperial Prague'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Bartholomeus Spranger: Splendor and Eroticism in Imperial Prague,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Metropolitan Museum of Art, New York, NY, from on or about November 4, 2014, until on or about February 1, 2015, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: August 15, 2014.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–20169 Filed 8–22–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 8846]

Shipping Coordinating Committee; Notice of Committee Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 9:30 a.m. on Wednesday, October 1st, 2014, in Coast Guard Headquarters, Room 6i10–01–c, Washington, DC. The primary purpose of the meeting is to prepare for the sixty-seventh Session of the International Maritime Organization's (IMO) Marine Environment Protection Committee to be held at the IMO Headquarters, United Kingdom, October 13–17, 2014.

The agenda items to be considered include:

- Adoption of the agenda
- Harmful aquatic organisms in ballast water
- Recycling of ships
- Air pollution and energy efficiency
- Further technical and operational measures for enhancing energy efficiency of international shipping
- Reduction of GHG emissions from ships
- Consideration and adoption of amendments to mandatory instruments
- Review of nitrogen and phosphorous removal standards in the 2012 Guidelines on the implementation of effluent standards and performance tests for sewage treatment plants
- Mandatory Code for ships operating in polar waters
- Identification and protection of Special Areas and PSSAs
- Inadequacy of reception facilities
- Reports of sub-committees
- Work of other bodies
- Promotion of implementation and enforcement of MARPOL and related instruments
- Technical cooperation activities for the protection of the marine environment
- Work programme of the Committee and subsidiary bodies
- Application of the Committees' Guidelines
- Election of the Chairman and Vice-Chairman for 2015
- Any other business
- Consideration of the report of the Committee

Members of the public may attend this meeting up to the seating capacity of the room. Upon request, members of the public may also participate via teleconference, up to the capacity of the teleconference phone line. The access number for this teleconference line will be posted online at *http://www.uscg.mil/imo/mepc/default.asp* at least 2 working days in advance. Physical access to the meeting, or participation via the teleconference line, requires that all attendees respond to the meeting coordinator not later than September 17, 2014, 10 working days prior to the meeting. The meeting coordinator, Mr. John Morris, may be contacted by email at *John.C.Morris@uscg.mil* or by phone at 202–372–1433. Responses made after September 23, 2014, might result in the requester not being able to participate in the meeting. A request for reasonable accommodation should be made to Mr. Morris, at the same email address, prior to September 23. Requests made after that date might not be possible to fulfill.

Please note that due to security considerations, two valid, government issued photo identifications must be presented to gain entrance to the Coast Guard Headquarters building. The Coast Guard Headquarters building is accessible by public transportation or taxi. Additional information regarding this and other IMO SHC public meetings may be found at: *www.uscg.mil/imo.*

In case of severe weather or other emergency in the Washington, DC area, attendees should check with the Office of Personnel Management at *http://www.opm.gov* or (202) 606–1900 for the operating status of federal agencies. If federal agencies are closed, this meeting will not be rescheduled, but the Shipping Coordinating Committee will publish a separate **Federal Register** notice to announce an electronic docket to receive public comments.

Dated: August 12, 2014.

Marc Zlomek,

Executive Secretary, Shipping Coordinating Committee, Department of State

[FR Doc. 2014–20174 Filed 8–22–14; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2013–0013]

Notice of Issuance of Final Circular: Guidance on Joint Development

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice—Issuance of Joint Development Circular.

SUMMARY: The Federal Transit Administration (FTA) has issued and placed in the docket and on its Web site final Agency guidance, in the form of a circular, on joint development. This circular provides guidance to recipients of FTA financial assistance on how to use FTA funds or FTA-funded real property, for joint development. This circular: (1) Defines the term ''joint development''; (2) explains how a joint development project can qualify for FTA assistance; (3) describes the legal requirements applicable to the acquisition, use, and disposition of real property acquired with FTA assistance; (4) outlines the most common crosscutting requirements applicable to FTA-assisted joint developments; and (5) describes FTA's process for reviewing a joint development project proposal. This circular incorporates provisions of the Moving Ahead for Progress in the 21st Century Act (MAP–21), Public Law 112–141 (2012), advances the goals of 49 U.S.C. 5315 by informing FTA recipients of opportunities for private sector participation in public transportation projects, and includes the most current guidance for the Federal public transportation program. This final circular is the result of the notice issued by FTA that appeared in the **Federal Register** on March 6, 2013, entitled ''Joint Development: Proposed Circular''.

DATES: The effective date of the circular is October 1, 2014. Projects for which sponsors have executed joint development agreements with third parties before October 1, 2014 will be considered according to FTA's existing guidance and statements of policy.

FOR FURTHER INFORMATION CONTACT: For legal questions, contact Christopher T. Hall, Office of Chief Counsel, Federal Transit Administration, 1200 New Jersey Avenue Southeast, Room E54–413, Washington, DC 20590–0001. For policy questions, contact Sharon Pugh, Office of Budget and Policy, Federal Transit Administration, 1200 New Jersey Avenue Southeast, Room E52–322, Washington, DC 20590–0001. For program questions, contact the appropriate FTA Regional Office.

SUPPLEMENTARY INFORMATION: This notice does not contain a copy of the final circular. A copy of the final circular and comments and material received from the public, as well as any documents indicated in the preamble as being available in the docket, are part of docket number FTA–2013–0013. For

access to the DOT docket, please go to *www.regulations.gov* at any time or to Docket Operations, M–30, U.S. Department of Transportation, 1200 New Jersey Avenue Southeast, Room W12–140, Washington, DC 20590–0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The final circular is also available on the FTA Web site at *http://www.fta.dot.gov/about/13716.html.*

This Notice is organized in the following sections:

I. Introduction
II. Chapter Summary
III. Response to Comments Received

I. Introduction

It is FTA's policy to maximize the utility of FTA-assisted projects and to encourage recipients to generate program income through joint development. One of the primary benefits of joint development is revenue generation for the transit system, such as income derived from rental or lease payments, as well as private-sector contributions to public infrastructure. Other benefits include shared costs, efficient land use, reduced distance between transportation and other activities, economic development, increased transit ridership, and improved transit connectivity. The revenue a recipient receives from an FTA-assisted joint development project is treated as program income and may be used towards eligible capital and operating expenses of providing transit services.

This final circular is intended to guide interested parties through the FTA program and policy requirements that must be considered when pursuing a joint development project that is FTA-assisted or that will make use of real property that was previously acquired with FTA assistance. In the past, FTA has appended its guidance on joint development to its circulars 5010.1D, 9030.1D, and 9300.1B, guidance for Grant Management Requirements, Urbanized Area Formula Program, and Capital Investment Program (New/Small Starts), respectively, and has published **Federal Register** Notices of Final Agency Guidance on the Eligibility of Joint Development Improvements Under Federal Transit Law (72 FR 5788, Feb. 7, 2007) and Policy on Transit Joint Development (62 FR 12266, Mar. 14, 1997). FTA has decided to consolidate these references into a single circular to provide guidance to its grantees on how to use FTA assistance or FTA-assisted real property for joint development.

A summary of the final circular follows. The final circular itself is not included in this notice; an electronic version may be found on FTA's Web site at *www.fta.dot.gov/* or on the Docket at *www.regulations.gov* as part of docket number FTA–2013–0013. Paper copies of the final circular may be obtained by contacting FTA's Administrative Services Help Desk at (202) 366–4865.

II. Chapter Summary

A. Chapter I—Introduction and Background

Chapter I is an introductory chapter. It defines terms used throughout the circular, provides a brief background of FTA's authorizing legislation, the effect of the circular, and instructions for how to contact FTA.

B. Chapter II—Circular Overview

Chapter II introduces the substance of the circular. It describes joint development as a concept and distinguishes between it and the related concepts of transit-oriented development (TOD), pedestrian and bicycle projects, and public private partnerships (PPP or P3). It also lists several elements of a joint development capital project, including the funding sources, project eligibility criteria, crosscutting Federal requirements, and restrictions on the use of real property acquired with Federal assistance.

C. Chapter III—FTA Assistance for Planning and Capital Projects

Chapter III describes the eligibility requirements for an FTA-assisted joint development capital project or planning activity.

FTA planning grants are available to assist States, metropolitan planning organizations, local governments, transit agencies, and others to plan public transportation projects, including joint development.

FTA program funds may be used to support capital projects. MAP–21 provides the most recent authorization for FTA programs. MAP–21 explicitly includes joint development within the definition of capital project. This circular describes the MAP–21 provisions on joint development, and explains each element of the statutory eligibility criteria, all of which must be satisfied. Chapter III is largely based on previously published guidance on the eligibility of joint development activities for FTA funding (72 FR 5788, Feb. 7, 2007).

D. Chapter IV—Real Property Considerations

Chapter IV reviews the requirements applicable to the acquisition, use, and disposition of real property acquired with FTA assistance. Chapter IV gives special attention to the circumstances that are most likely to be part of an FTA-assisted joint development project, including conveyance of real property for joint development purposes, protection of the Federal government's interest in how the real property is used, the maintenance of satisfactory continuing control of real property in the context of a joint development project, and the incidental use of real property for non-transit purposes. Chapter IV also discusses considerations for the adaptation and/or reuse of FTA-assisted parking facilities for joint development purposes.

E. Chapter V—Cross-Cutting Federal Requirements

Chapter V reviews Federal cross-cutting requirements that are not unique to joint development projects, but which have application to all FTA-assisted projects, including joint development projects funded by FTA or using real property acquired with FTA assistance.

F. Chapter VI—Joint Development Project Review Process

Chapter VI describes FTA's process for reviewing a joint development project proposal. This chapter documents and discusses the framework FTA uses for analyzing a proposed joint development project, including how it assesses the four eligibility criteria. The chapter also discusses how and what the grantee should submit as a proposal to FTA for review.

This chapter was not included in the proposed circular. Rather, FTA stated its intent to include in the final circular a chapter on FTA's review process and sought stakeholder input on the same in the notice of availability of the proposed circular. FTA has considered that stakeholder input in composing the final Chapter VI.

III. Response to Comments Received

On March 6, 2013, FTA published in the **Federal Register** a Notice of Availability of Proposed Circular and Request for Comments (notice of proposed joint development circular) (78 FR 14020). In its notice of proposed joint development circular, FTA stated its intent to guide interested parties through the FTA program and policy requirements that must be considered when pursuing a joint development project using FTA assistance or FTA-assisted real property. The notice itself included a chapter summary of the proposed circular, as the proposed circular itself was not included in the notice; instead, information on

obtaining an electronic version of the proposed circular was provided.

Twenty-four parties submitted comments in response to FTA's March 6, 2013, notice of proposed joint development circular. FTA hereby responds to these comments by topic and in the following order: (a) Notice of Proposed Circular Generally; (b) Fair Share of Revenue; and (c) FTA Review Process.

(a) Notice of Proposed Circular Generally

The intended purpose of FTA's notice of proposed joint development circular was to provide guidance to recipients of FTA financial assistance on how to use FTA funds or FTA-assisted real property for joint development. The circular: (1) defined the term ''joint development''; (2) explained how a joint development project can qualify for FTA funding; (3) described the legal requirements applicable to the acquisition, use, and disposition of FTA-assisted real property; and (4) outlined the most common crosscutting Federal requirements.

FTA received twenty-one general comments covering a wide range of subjects, including affordable housing, applicability, car sharing, eligibility criteria, FTA policy, program income, real property, TOD, and value capture. Several commenters addressed multiple and overlapping subjects within the general category. Most commenters requested clarification of subjects discussed or specific terminology used in the circular. Across the board, commenters were receptive to FTA providing consolidated and comprehensive guidance concerning joint development.

Seventeen commenters addressed concerns regarding real property, including disposition, incidental use, mandatory contractual provisions, parking, satisfactory continuing control, shared use, subordination, and transfers. Thirteen commenters sought clarification on application of the eligibility criteria, and distinguishing between activities eligible for FTA assistance as joint development and other capital transit projects. Ten commenters asked FTA to clarify application of the guidance concerning non-FTA-assisted property, joint development application to all modes of public transportation rather than just to rail, and application of the ''originally authorized purpose''. Six commenters questioned the focus of FTA's stated joint development policy. Six commenters addressed FTA's stated position on the concept of value capture. Five commenters asked FTA to explicitly designate affordable housing development as a type of joint development, commensurate to the recognition given in the Capital Investment Program (New/Small Starts). Three commenters sought clarification on program income. Two commenters addressed distinguishing between FTA's usage of the terms *joint development* and *TOD* and the usage employed by the transit industry. One commenter requested FTA to provide specific categorical exclusions for joint development under the National Environmental Policy Act (NEPA). Another commenter requested FTA to consider car-sharing as a transit mode eligible for joint development. One commenter requested requiring more safety training for commercial drivers.

FTA Response: FTA is pleased by the positive and supportive responses provided by the majority of commenters to its proposed circular. The questions and comments received identified several topics for which FTA has provided additional clarification in the final circular. Some comments, however, addressed subjects that are beyond the scope of this circular, but will be useful in development of FTA programs and guidance in the future. This circular consolidates all of the existing FTA guidance on joint development, and supersedes any FTA guidance on joint development contained in other sources. Thus, this circular supersedes, in their entirety, discrete previously issued guidance on joint development, including FTA's 2007 guidance and 1997 policy described above. This circular does not supersede in entirety any existing FTA circulars that include guidance on joint development, but rather only supersedes the specific joint development guidance contained therein. Affected circulars will be amended according to their regular update cycles.

Joint development may be undertaken in conjunction with any mode of public transportation, e.g., bus, bus rapid transit, transit malls, light rail, heavy rail, commuter rail, or ferry. Federal transit law explicitly includes stations and terminals used by intercity bus and intercity passenger rail systems, except that provided by Amtrak, for joint development eligibility. Car sharing services, even if located in close proximity to a transit facility, are not considered to be public transportation as they are not open to the general public or a segment of the general public defined by age, disability, or low income.

Joint development is an eligible capital transit project by statute, and is considered to be within the scope of all capital grants unless expressly prohibited by a specific term or condition of the grant. Under the terms of FTA's Master Agreement, joint development is considered an ''originally authorized purpose'' of prior grants made for real property acquisition.

The terms ''joint development'' and ''transit-oriented development'' (TOD) are often used interchangeably within the transit industry. Whereas FTA distinguishes between them, FTA recognizes that some recipients consider TOD as joint development and vice versa. FTA considers a transit operator to be a direct partner or participant in joint development projects. While a transit operator may be a stakeholder in TOD, FTA considers TOD to have a broader, community-sized scope. This circular is not applicable to all joint development projects undertaken by FTA grantees. This circular applies only to joint development projects that use either FTA-assisted real property or FTA funds in the joint development project itself, and, therefore, have a Federal interest. FTA realizes that its grantees may undertake transit-oriented development or joint development without any Federal interest. This final circular does not apply to such projects. FTA reserves further discussion on TOD for a future document.

FTA's policy is to maximize the utility of FTA-assisted projects and to encourage the generation of program income through joint development. Benefits of joint development primarily include revenue generation for transit, as well as efficient land use, economic development, increased transit ridership, shared project costs, and improved transit connectivity. The siting and development of transit service adds to property values near transit stations, and that colocation of residential, commercial, and retail establishments with the transit system enhances social and economic returns for the community. FTA's treatment of joint development revenues as program income enables a grantee to apply such revenues to the operating or capital costs of the transit system. Therefore, joint development projects should be planned and undertaken to generate revenue for the transit system from the added value it creates, and project sponsors should negotiate project benefits, whenever possible, on the basis of the value added to the property by the joint development. Joint development is among the value capture strategies most commonly used to fund and/or finance transit, although other value capture strategies are also utilized.

Although joint development is intended to realize value capture from transit, FTA acknowledges that many transit agencies have incorporated affordable housing goals into their joint development policies. FTA does not wish to interfere with local policy goals relative to joint development. Accordingly, FTA does not designate the types of joint development projects that a grantee may undertake or give preference to any particular types of joint development projects.

Section 5302(3)(G) of title 49, United States Code, establishes the following criteria for determining whether a joint development improvement is eligible as an FTA-assisted project under Federal transit law. An eligible joint development project must: (1) Either enhance economic development or incorporate private investments, such as commercial and residential development; (2) either enhance the effectiveness of public transportation and be related physically or functionally to public transportation, or establish new or enhanced coordination between public transportation and other transportation; (3) provide a fair share of revenue that will be used for public transportation; and (4) provide that a person occupying space in a joint development facility shall pay a fair share of the costs of the facility through rental payments or other means. No new criteria have been established, although this final circular imposes constraints on the fair share of revenue criterion. All four criteria must be satisfied for a joint development project to be eligible for FTA assistance. The final circular provides additional information concerning satisfying these criteria.

Grantees often undertake joint development, not as an FTA-assisted activity, but as an incidental use of property that was previously acquired using FTA assistance. FTA-assisted real property may be used for joint development provided that the joint development is compatible with the approved purposes of the property and the recipient will retain satisfactory continuing control of the property to ensure that the Federal interest is protected and the property continues to serve its transit purpose. FTA must concur in any incidental uses of FTA-assisted property.

Interests in real property that was acquired with FTA assistance may be conveyed or encumbered for the purpose of joint development. The final circular provides additional discussion of satisfactory continuing control and mechanisms for preserving the use of FTA-assisted real property for its transit purpose. The final circular also clarifies the mandatory contractual provisions necessary to protect the Federal interest when FTA-assisted real property is conveyed to a third party for the purpose of joint development.

The final circular provides additional information to clearly distinguish between a conveyance of real property for the purpose of joint development and the disposition of excess real property no longer needed for transit purposes. Once FTA-assisted real property is disposed of, the Federal interest in the property is extinguished, and that property may not be used in an FTA-assisted joint development project. In contrast, FTA retains an interest in the use of real property that has been conveyed for the purpose of joint development. Additionally, the final circular clarifies the distinction between incidental use and shared use, and considerations for the modification of FTA-assisted parking facilities for joint development purposes.

FTA does not provide a specific funding program for joint development. Rather, joint development is considered a kind of capital project and may be funded by most FTA capital programs. Because the joint development project may take a variety of forms and be funded by multiple programs, the applicable Federal requirements will vary. Requirements of the specific FTA funding program used must be adhered to for FTA-assisted joint development.

NEPA categorical exclusions are a category of actions that, based on past experience with similar actions, do not individually or cumulatively have a significant effect on the environment. FTA's categorical exclusions are set out at 23 CFR 771.118(c). The exclusion at 23 CFR 771.118(c)(10) is often referred to as the joint development exclusion and most FTA-assisted joint development projects should qualify under this exclusion. However, even actions that would normally be classified as categorically excluded may require environmental review under certain circumstances, and a project sponsor should work with its FTA regional office to determine what level of environmental review is required for a project.

The comment regarding commercial driver's licenses is beyond the scope of this circular.

(b) Fair Share of Revenue

In the notice of availability of the proposed joint development circular, FTA invited comments specifically concerning the ''fair share of revenue'' criterion. FTA did not expressly define the term ''fair share of revenue'' or set a monetary threshold for the same. Instead, FTA proposed to reserve the right to decline funding for a joint development project if the project would not generate a meaningful amount of revenue. FTA sought comment on how it should assess whether a project will generate a ''fair share of revenue,'' including any measures or criteria FTA should use.

FTA received sixteen comments, most of which were opposed to FTA's proposal. Of particular concern was the change in policy regarding FTA's deference to grantee decisions concerning the fair share of revenue determination and FTA's right to decline funding for the joint development if a meaningful amount of revenue is not generated, expressed by ten commenters. Another major concern, raised by ten commenters, was the lack of consideration for all benefits that accrue to transit from a joint development project, beyond solely the revenue generated by the joint development. Additional concerns raised regarded FTA's proposal not to treat increased fare box receipts attributable to the joint development as ''revenue'' for purposes of the ''fair share of revenue'' criterion. Further, FTA's refusal to include fare box receipts as ''revenue'' for this criterion was considered as a barrier to partnerships in joint development and other transit infrastructure development given the constrained financial environment in which local match requirements are made.

A few commenters suggested that FTA should adopt standards, provide financial criteria, and establish parameters and required documentation for fair share of revenue determinations. Some commenters recommended use of a cost-benefit analysis or a ratio of transit share relative to project revenues, including careful examination of market conditions, in determining a fair share of revenue. While no comments proffered definitions for either ''fair share of revenue'' or ''meaningful,'' several commenters requested that FTA define these terms. One commenter endorsed FTA's proposal, noting that FTA should consider maximizing competition and ensuring a high return-on-investment in capturing the value of transit improvements, and should actually determine the fair share of revenue for projects at the Federal level.

FTA Response: The fair share of revenue criterion is not new for joint development. Historically, FTA has taken the position that questions, such as what is a fair share, and what form it should take, would be negotiated between the parties involved in the joint development. FTA's 2007 guidance on

joint development emphasized deference to the decisions of the project sponsor, negotiating and contracting at arm's length with third parties, to determine what constitutes a fair share of revenue. However, constraints on the availability of transit funding at all levels of government mandate that transit systems take advantage of innovative funding strategies, including value capture. Accordingly, FTA seeks to ensure that recipients are fairly remunerated for the use of FTA assistance for joint development projects. The final circular establishes as a minimum threshold for the amount of revenue that a recipient cumulatively receives from a joint development project the amount of the original Federal investment in the joint development project. This is a minimum threshold for revenues received from an FTA-assisted joint development project; it is anticipated that grantees will generally negotiate at a higher level the amount of revenue they will receive from the joint development.

There is no ''one-size-fits-all'' fair share of revenue determination, just as there is no ''one-size-fits all'' joint development project. Inherent to the negotiating process are considerations for the type of project to be undertaken and priorities that the transit agency and local government seek to advance through the joint development project. Beyond the minimum threshold described above, the fair share of revenue should reflect the respective goals and priorities of the parties involved in the joint development. While it is possible to project the potential revenue production from a joint development project, it is difficult, from an economic perspective, for FTA to determine the precise share any party should receive. This is due to many factors that are difficult to quantify, such as market power, local development priorities (social, economic, or a mix of both), agglomeration effects, and other influences.

In determining the fair share of revenue it should receive, the project sponsor must rely on market analyses and other due diligence examinations. Although it is reasonable to presume that these types of efforts are standard practice on the part of grantees, the final circular makes conduct of such analyses a requirement. Appended to the final circular are documentation to be completed by the grantee in identifying pertinent project financial information and certifying conduct of the required due diligence.

Some commenters proposed that FTA should consider a joint development project's non-revenue benefits to transit in addition to the potential for revenue generation. FTA does consider such benefits to transit under the second criterion. The second criterion concerns overall benefits to transit provided by the joint development, including enhanced effectiveness and enhanced intermodal transportation. FTA also gives consideration for increased fare box receipts generated as a result of the joint development under this transit benefit criterion rather than under the fair share of revenue criterion. To be eligible for FTA's participation, a joint development must satisfy each of the statutory criteria, and while non-revenue benefits to transit are considered, they cannot satisfy the statutory requirement for a fair share of revenue.

(c) FTA Review Process

The proposed circular did not include a chapter on the process FTA will follow to review and approve a proposed joint development project. FTA sought comments for consideration in preparing the chapter for inclusion in the final circular.

Eleven commenters submitted to the docket on the FTA review process. Six commenters requested FTA to modify the current checklist approach to grant automatic approval if there is indication that the criteria will be satisfied. Five commenters recommended that FTA establish a mechanism to modify joint development agreements throughout the grantee's negotiations with developers to reflect changes. Five commenters raised concerns of the timeliness and consistency of FTA reviews across its regions, and requested that the process be clear, simple and flexible, and include graphics. One commenter requested FTA to coordinate its review with the U.S. Department of Housing and Urban Development for projects incorporating affordable housing. Another commenter asked that FTA provide examples of approved projects and their associated financial information. One commenter requested that FTA make the new chapter available for public comment.

FTA Response: The majority of commenters acknowledge the ease of using the current Joint Development Checklist for submitting joint development proposals for FTA review. As a checklist, it is a rote exercise by the grantee to indicate that statutory criteria have been met. It is, therefore, understandable that FTA should be asked to provide automatic approval when the grantee has indicated meeting all of the criteria, with the grantee retaining supporting documentation should FTA request it. Because it is merely a checklist, however, it provides limited information to FTA on the substance and design of the project. Therefore, FTA has broadened the checklist, including some parameters, to identify pertinent information about the proposed joint development project. The new document, Joint Development Project Request Form, is intended to facilitate discussion between the grantee and FTA concerning the joint development proposal by reflecting those considerations that the grantee and its partners may find most useful during the project development process. Additionally, this form requires the grantee to identify documentation used to justify its submission.

FTA recognizes that joint development negotiations require considerable exchanges and deliberations between parties, and that development of the joint development agreement undergoes a rigorous process. Adding to this difficulty is the imposition of certain Federal requirements on the grantee's joint development partners. To account for changing circumstances over the course of the project's development, FTA has established a tiered approach to reviewing joint development proposals. Project sponsors may, and are strongly encouraged to, submit a preliminary proposal for FTA review to frame how eligibility criteria may be satisfied relative to specific elements of the proposed joint development, and to identify explicit terms and conditions to which the joint development partners must agree.

The final circular provides additional guidance to all stakeholders to consider for a joint development proposal. A primary objective of the circular is to clarify FTA joint development requirements and their compliance. Accordingly, it is FTA's expectation that the circular will improve the efficiency of the grantee's submission and of FTA's review.

Joint development is frequently used to provide or retain affordable housing in local communities. As such, it promotes community livability and sustainability by providing transportation options for those served by the transit system. FTA has been an active participant in the Administration's Partnership for Sustainable Communities, and continues to strive to overcome barriers imposed by Federal requirements. To the extent appropriate, FTA will coordinate joint development with

Federal housing programs to achieve procedural efficiencies.

FTA sought examples of joint development projects that illustrate the many issues that are encountered; none were received. While FTA cannot include actual projects in its guidance, it does provide illustrative examples of specific elements of joint development projects in the final circular.

Therese W. McMillan,

Acting Administrator.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2012–0166; Notice 2]

Mercedes-Benz USA, LLC and Daimler AG, Denial of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of petition denial.

SUMMARY: Mercedes-Benz USA, LLC (MBUSA) on behalf of itself and its parent company Daimler AG (DAG), has determined that certain model year (MY) 2013 Mercedes-Benz GLK-Class (X204 platform) multipurpose passenger vehicles (MPVs), do not fully comply with paragraph S5.1.1.6 [1] of Federal Motor Vehicle Safety Standards (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment.* MBUSA filed an appropriate report dated October 9, 2012 pursuant to 49 CFR Part 573 *Defect and Noncompliance Responsibility and Reports.* MBUSA then filed a petition for exemption from the notification and remedy requirements of 49 U.S.C. 30118 on the basis that the defect is inconsequential to motor vehicle safety. We are denying this petition because we believe that the noncompliant parking lamp is not inconsequential to motor vehicles safety.

ADDRESSES: For further information on this decision contact Mike Cole, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–2334, facsimile (202) 366–5930.

SUPPLEMENTARY INFORMATION:

I. MBUSA's petition: Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR Part 556, MBUSA has petitioned 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.

Notice of receipt of the petition was published, with a 30-day public comment period, on August 9, 2013, in the **Federal Register** (78 FR 448769). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *http://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2012–0166.''

II. Vehicles involved: Affected are approximately 2,951 MY 2013 Mercedes-Benz GLK-Class (X204 platform) MPVs manufactured from January 1, 2012 through August 15, 2012.

III. Noncompliance: MBUSA explains that the subject vehicles contain parking lamps that exceed the maximum designated candlepower output level provided in FMVSS No. 108 paragraph S5.1.1.6; id. Figure 1b (listing maximum candlepower value of 125 cd for parking lamps). Due to a programming issue in the electronic control unit, the voltage in the parking lamp circuit is 12.8 volts which is higher than the design voltage specification of 7 volts in the affected vehicles. This higher voltage causes the lamps to exceed the maximum value listed in FMVSS No. 108.

IV. Rule Text: Paragraph S5.1.1.6 of FMVSS No. 108 requires in pertinent part:

S5.1.1.6 Instead of the photometric values specified in Table 1 of SAE Standards J222 December 1970, or J585e September 1977, a parking lamp or tail lamp, respectively, shall meet the minimum percentage specified in Figure 1a of the corresponding minimum allowable value specified in Figure 1b. The maximum candlepower output of a parking lamp shall not exceed that prescribed in Figure 1b, or of a taillamp, that prescribed in Figure 1b at H or above. If the sum of the percentages of the minimum candlepower measured at the test points is not less than that specified for each group listed in Figure 1c, a parking lamp or taillamp is not required to meet the minimum photometric value at each test point specified in SAE Standards J222 or J585e respectively.

V. Summary of MBUSA's Analyses: MBUSA stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

Although the parking lamps in the subject vehicles exceed the candlepower limits of FMVSS No. 108, the level of brightness of the lamps is very low. As explained below, to evaluate the impact on motor vehicle safety in actual use, MBUSA analyzed the brightness of the lamps in use and has confirmed that the potential exceedance is minimal, and below the level perceptible to the human eye during night-time driving operations which would be pertinent to determining potential safety relevance.

MBUSA claims that the agency should consider how the non-compliance affects how drivers perceive the lower beam headlamp and the parking lamp together at night because FMVSS No. 108 requires both lamps to be illuminated at the same time. As noted above, the output limit for parking lamps is 125 cd. The maximum output value for lower beam headlamps is 1,000 cd at 0.5U—1.5L to L test points (0.5 degrees up from the H-point and from 1.5 degrees left of the vertical centerline to the end of the leftward measurements) and 700 cd for 1 U—1.5L to L test points (1 degree up from the H-point and from 1.5 degrees left of the vertical centerline to the end of the leftward measurements). See FMVSS No. 108 paragraph S7.7; id. Figure 17–2 (photometric test point values for lower beams). Thus, the maximum output for the combined parking lamp and lower beam headlamp is 1,125 cd (125 cd + 1,000 cd) for the 0.5U test points and 825 cd (125 cd + 700 cd) for the 1U test points.

MBUSA measured the output of the combined parking lamp and lower beam headlamp on the subject vehicles using two different headlamp samples. Two samples were used to evaluate the impact of normal part to part production variations on light output. In order to provide a complete overview of the brightness of the lights, measurements were done every 10 cm on the two horizontal lines at 0.5U and 1U, from 20 to 100 cm from the vertical centerline to the left, measured at a distance of 25 meters. (This is the same method used for certification testing for lower beam headlamps.)

With the first sample headlamp, all candlepower measurements were below 1,125 cd (for the 0.5U test points) and below 825 cd (for the 1U test points). Thus, for this headlamp, there were no exceedances of the combined brightness standard. For the second headlamp, the candlepower measurements were below 1,125 cd at all measurements for the 0.5U test points, and below 825 cd for half of the 1U test point measurements. The candlepower measurement was slightly above 825 cd (840–920 cd) for five of the 1U test point measurements with the second headlight. Thus, even the maximum measurement of 920 cd for the worst-case measurement location is only 11% above the reference value

[1] As published in the 2011 version of 49 CFR 571.108.

of 825 cd. Overall, the testing indicates that due to these normal production variations in lower beam headlamps, in many cases, there will be no exceedance of the combined parking lamp/lower beam headlamp maximum candlepower, even with the parking lamp over-voltage. The testing indicated that even in the worst-case measurement locations, with the worst-case lower beam headlamp sample, there was the potential for only an 11% exceedance of the combined lamp brightness, which is below the human detection threshold.

MBUSA is not aware of any incidents or customer complaints related to the subject noncompliant parking lamps.

MBUSA also notes that NHTSA has granted petitions (55FR37601 and 59FR65428) for non-compliance from the maximum intensity requirements for other lamps required by FMVSS No. 108 in the past that MBUSA believes are similar to this petition. Specifically, MBUSA cited 55 FR 37601 (incorrectly cited as 53 FR 37601) and 59 FR 65428.

MBUSA has informed NHTSA that it has corrected the noncompliance so that all future production vehicles will comply with FMVSS No. 108.

In summation, MBUSA believes that the described noncompliance of its vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt 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.

VI. NHTSA's Analysis of MBUSA's Arguments: NHTSA has reviewed MBUSA's petition and has determined that the noncompliance is not inconsequential to motor vehicle safety. The agency believes that the noncompliant parking lamp will be noticeably brighter than a compliant lamp and potentially glaring to oncoming drivers, and will mask to some extent the output of the front turn signal lamps, and that this is consequential to safety.

MBUSA argues that if the parking lamp output were to be combined with the lower beam headlamp output, then the combination would only exceed the combined theoretical maximum photometry requirement by 11% for the worst case scenario, and that this amount would be below the human detection threshold. To support this assertion, MBUSA referenced two prior inconsequentiality petitions that were granted when candela values exceeded the maximum required values by less than 20% and 25%.

Regarding MBUSA's reference to 55 FR 37601, this notice granted an inconsequentiality petition to Hella Inc., for taillamps that exceeded the maximum candlepower upwards of 20% at certain test points. Hella argued that: (1) As installed on the vehicle, the taillamps are driven by a lower voltage than the laboratory test voltage and would have a photometric output less than that seen in NHTSA testing; (2) that studies have established that the human eye cannot detect a change in intensity unless it is more than a 25% increase or decrease; (3) that the intensity of the lamps does not present a safety hazard because of glare; and (4) that Hella was not aware of any complaints, accidents, or injuries related to the noncompliance.

Regarding MBUSA's reference to 59 FR 65428, this notice granted an inconsequentiality petition to General Motors for center high mounted stop lamps (CHMSLs) whose photometric output was partially obscured by a painted section of glazing. In general, with the largest obscuration and lowest performing lamps tested, the CHMSL output failed to meet the minimum photometry requirements by less than 20%.

In both cases, the agency agreed that because the photometric output was within 20% of the required output at the individual test points, that this was not discernable by the naked eye. In fact, the agency stated that up to 25% is a reasonable criterion for use in inconsequentiality decisions.

We are aware of a University of Michigan Transportation Research Institute (UMTRI) report titled ''Just Noticeable Differences for Low-Beam Headlamp Intensities'' (UMTRI–97–4, February 1997). This report concludes that drivers in oncoming vehicles will not notice differences in the intensity of headlamps that are less than 25 percent. We believe, however, that it would not be appropriate to use this study to judge the merits of MBUSA's application. This is based on two factors.

First, the study focuses only on the lower beam of a headlamp system. The MBUSA vehicles do not comply with the parking lamp photometry requirements. We cannot presume that a study which examines light intensity associated with the lower beam mode would also apply to the light intensity of a lower beam lamp in combination with a parking lamp. Plus, a lower beam lamp in actual use is susceptible to poor aiming and increased voltage which could increase the lower beam intensity significantly and thus become its own source of glare to oncoming drivers in addition to the noncompliant parking lamp.

Second, the research finds that the just noticeable differences, under controlled conditions, are between 11 and 19 percent. UMTRI concludes that, in real world conditions, the just noticeable differences would be somewhat larger due to the rather simple and uncluttered environment of a controlled study. In a controlled study, observers can devote much more attention to small differences due to the lack of other distractions that are common during driving. This leads UMTRI to conclude that 25 percent is a reasonable value upon which to judge inconsequential noncompliance applications. However, we have noticed in the many complaints received that consumers are very aware of and sensitive to the glare produced by oncoming drivers' headlamps. This public sensitivity leads us to believe that glare in the ''real-world'' is not necessarily like that in laboratory studies. Many of these complaints can be found at *http://www.regulations.gov* (see dockets: NHTSA–1998–4820; NHTSA–2001–8885; and NHTSA–2002–13957). This demonstrates that glare is of great significance to the public.

Furthermore, the agency previously rejected the argument that other lamps can compensate for noncompliant lamps in two denials of inconsequentiality petitions to Nissan in 1997 (62 FR 63416) and GM in 2004 (69 FR 1778).

We are also aware of a NHTSA sponsored study titled ''Driver Perception of Just Noticeable Difference[s] in [of Automotive] Signal Lamp Intensities.'' [DOT HS 808 209, September 1994] This study demonstrated that a change in luminous intensity of 25 percent or less is not noticeable by most drivers. In applying the just noticeable differences research to the maximums of a parking lamp, 25% would equate to 156cd (for the 125cd maximum requirement) or 312cd (for the 250cd maximum requirement).

In this case, MBUSA did not provide the photometric data for the noncompliant lamp. Rather, it combined the requirements of the parking lamp and the lower beam headlamp to create a theoretical requirement, and argues that the failure of the combined light output is less than 20% of the theoretical requirement. By combining the lower beam and parking lamps to create a theoretical requirement, MBUSA appears to be inflating the ''25%'' range that the agency would use to evaluate its petition.

To learn more about the performance of the noncompliant parking lamp, the agency requested photometry data from

MBUSA. (the data provided by MBUSA is included in Docket NHTSA–2012–0166) In reviewing the information, the data shows that the noncompliant parking lamp exceeded the maximum photometric requirements at 12 of 18 test points. The overages ranged from 16% to 504% with the majority (7 out of 12) of failures being over 200%. As such, the actual performance of the noncompliant parking lamps is far beyond what the agency would consider to be within the range of the just noticeable differences research and we believe that it will be noticeably brighter than a compliant lamp and potentially glaring to oncoming drivers.

Further, MBUSA did not provide any information regarding the proximity of the noncompliant parking lamp to the front turn signal lamp. FMVSS No. 108 requires that any front turn signal lamp that is within a certain distance of any lamp (such as an auxiliary lower beam or fog lamp used to supplement the lower beam headlamp), to meet higher intensities in order to comply with the standard. For instance, if the front turn signal lamp is within 60mm of the lighted edge of the auxiliary lamp, then the turn signal must be 2.5 times brighter than the ''base'' turn signal lamp photometric requirements. Other requirements exist as well depending on the proximity of the turn signal lamp to the lighted edge of the auxiliary lamp, however no information was provided by the petitioner on the noncompliant lamp's key relationship to other lamps for the agency to evaluate. Because the performance of these noncompliant parking lamps approaches the performance of a fog lamp and the close proximity of these lamps to the front turn signal lamps, the agency is concerned that the noncompliant parking lamp may mask the output of a ''base'' front turn signal lamp. To address our concerns, the agency requested information regarding the certification of the front turn signal lamps. MBUSA responded that the front turn signal lamps were indeed certified to the base photometric requirements.

VII. NHTSA Decision: In consideration of the foregoing, NHTSA has decided that MBUSA has not met its burden of persuasion and that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, MBUSA's petition is hereby denied, and MBUSA must notify owners, purchasers and dealers pursuant to 49 U.S.C. 30118 and provide a remedy in accordance with 49 U.S.C. 30120.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Nancy Lummen Lewis,

Associate Administrator for Enforcement.

[FR Doc. 2014–20140 Filed 8–22–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2014–0076; Notice 1]

Chrysler Group, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of Petition.

SUMMARY: Chrysler Group, LLC (Chrysler), a wholly owned subsidiary of Fiat S.p.A., has determined that certain model year (MY) 2014 RAM 2500 trucks do not fully comply with paragraph S4.3 of Federal Motor Vehicle Safety Standard (FMVSS) No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less,* and certain MY 2014 RAM 3500 trucks do not fully comply with paragraph S5.3 of FMVSS No. 120, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds).* Chrysler filed an appropriate report dated May 6, 2014, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports* and amended that report on June 10, 2014.

DATES: The closing date for comments on the petition is September 24, 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 must 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. Chrysler's Petition: Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Chrysler 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 Chrysler'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: The affected vehicles include approximately 198 MY 2014 RAM 2500 trucks and 87 MY 2014

RAM 3500 trucks that were produced from March 4, 2014 through March 6, 2014.

III. Noncompliance: Chrysler explains that due to the absence of the designated rim size and type on the 49 CFR part 567 certification labels, the subject vehicles do not fully comply with paragraph S4.3 of FMVSS No. 110 (RAM 2500 trucks) and paragraph S5.3 of FMVSS No. 120 (RAM 3500 trucks).

IV. Rule Text: Paragraph S4.3 of FMVSS No. 110 requires in pertinent part:

* * * S4.3.3 Additional labeling information for vehicles other than passenger cars. Each vehicle shall show the size designation and, if applicable, the type designation of rims (not necessarily those on the vehicle) appropriate for the tire appropriate for use on that vehicle, including the tire installed as original equipment on the vehicle by the vehicle manufacturer, after each GAWR listed on the certification label required by § 567.4 or § 567.5 of this chapter. This information shall be in the English language, lettered in block capitals and numerals not less than 2.4 millimeters high and in the following format: * * *

Paragraph S5.3 of FMVSS No. 120 requires in pertinent part:

* * * S5.3.1 Tires. The size designation (not necessarily for the tires on the vehicle) and the recommended cold inflation pressure for those tires such that the sum of the load ratings of the tires on each axle (when the tires' load carrying capacity at the specified pressure is reduced by diving by 1.10, in the case of a tire subject to FMVSS No. 109) is appropriate for the GAWR as calculated in accordance with S5.1.2.

S5.3.2 Rim. The size designation and, if applicable, the type designation of Rims (not necessarily those on the vehicle) appropriate for those tires. * * *

V. Summary of Chrysler's Analyses: Chrysler stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

1. Tire size and pressure information is located on the Tire Inflation Pressure label which is located in the same door opening as the certification label.

a. Certification label is located on the driver door.

b. Tire placard is located on the forward edge of the driver's B-pillar.

2. Tire size and inflation pressure can be found on each tire.

3. Tire and rim information can be found in the vehicle owner's manual.

4. Rim/wheel size can be derived using the tire information printed on the Tire Inflation Pressure label or the tire sidewall information.

5. Chrysler is not aware of any warranty claims, field reports, customer complaints, legal claims or any incidents or injuries related to the subject condition.

6. Chrysler also stated its belief that NHTSA has previously granted petition similar in nature.

Chrysler has additionally informed NHTSA that it has corrected the noncompliance so that all future production of these vehicles will fully comply with FMVSS Nos. 110 and 120.

In summation, Chrysler believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt 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 noncompliant vehicles that Chrysler 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 Chrysler 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 Giuseppe,

Acting Director, Office of Vehicle Safety Compliance.

[FR Doc. 2014–20037 Filed 8–22–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35831 (Sub–No. 1)]

Grainbelt Corporation—Trackage Rights Exemption—BNSF Railway Company and Stillwater Central Railroad, LLC

AGENCY: Surface Transportation Board, DOT.

ACTION: Partial revocation of exemption.

SUMMARY: Under 49 U.S.C. 10502, the Board partially revokes the class exemption as it pertains to the trackage rights described in Docket No. FD 35831 [1] to permit the trackage rights to expire on February 1, 2023, in accordance with the agreements of the parties, subject to the employee protective conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979).

DATES: This decision is effective on September 24, 2014. Petitions to stay must be filed by September 4, 2014. Petitions for reconsideration must be filed by September 15, 2014.

ADDRESSES: Send an original and 10 copies of all pleadings, referring to Docket No. FD 35831 (Sub-No. 1) to: Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Eric M. Hocky, Clark Hill, PLC, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103.

FOR FURTHER INFORMATION CONTACT: Valerie Quinn, (202) 245–0382. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877–8339.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV.*''

Decided: August 20, 2014.

By the Board, Chairman Elliott, Vice Chairman Miller, and Commissioner Begeman.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2014–20141 Filed 8–22–14; 8:45 am]

BILLING CODE 4915–01–P

[1] In that docket, on May 27, 2014, Grainbelt Corporation (GNBC) filed a verified notice of exemption under the Board's class exemption procedures at 49 C.F.R. 1180.2(d)(7). The notice addressed agreements in which BNSF Railway Company (BNSF) and Stillwater Central Railroad, LLC, f/k/a Stillwater Central Railroad, Inc. (SLWC) each agreed to grant amended trackage rights to GNBC, which together will allow GNBC to provide local service to a grain shuttle facility in Eldorado, Okla. (between Altus and Quanah). Specifically, BNSF has amended its trackage rights with GNBC to permit local service over the connecting line between the connection with SLWC east of Long (milepost 668.73) and Quanah (milepost 723.30). SLWC has amended its trackage rights with GNBC to permit local service between Snyder Yard (milepost 664.00) and its connection with BNSF east of Long (milepost 668.73). *Grainbelt Corp.—Trackage Rights Exemption—BNSF Ry. & Stillwater Cent. R.R.,* FD 35831 (STB served June 12, 2014).

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Manufacturers Excise Taxes on Sporting Goods and Firearms and Other Administrative Provisions of Special Application To Manufacturers and Retailers Excise Taxes.

DATES: Written comments should be received on or before October 24, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to, R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to, LaNita Van Dyke, Internal Revenue Service, Room 6517, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *LaNita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Manufacturers Excise Taxes on Sporting Goods and Firearms and Other Administrative Provisions of Special Application To Manufacturers and Retailers Excise Taxes.

OMB Number: 1545–0723.

Regulation Project Number: T.D. 8043.

Abstract: Chapters 31 and 32 of the Internal Revenue Code impose excise taxes on the sale or use of certain articles. Code section 6416 allows a credit or refund of the tax to manufacturers in certain cases. Code sections 6420, 6421, and 6427 allow credits or refunds of the tax to certain users of the articles. This regulation contains reporting and recordkeeping requirements that enable the IRS and taxpayers to verify that the proper amount of tax is reported or excluded.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals, business or other for-profit organizations, not-for-profit institutions, farms, and state, local, or tribal governments.

Estimated Number of Respondents: 1,500,000.

Estimated Time per Respondent: 19 minutes.

Estimated Total Annual Burden Hours: 475,000.

The following paragraph applies to all of the collections of information covered by this notice:

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 OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the performance of the functions of the agency, including whether the information shall have practical utility; (b) accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 14, 2014.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. 2014–20163 Filed 8–22–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). The IRS is soliciting comments concerning collection requirements related to disclosure of relative values of optional forms of benefit.

DATES: Written comments should be received on or before October 24, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to LaNita Van Dyke at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Disclosure of Relative Values of Optional Forms of Benefit.

OMB Number: 1545–0928.

Regulation Project Number: T.D. 9099.

Abstract: This document contains final regulations that consolidate the content requirements applicable to explanations of qualified joint and survivor annuities and qualified preretirement survivor annuities payable under certain retirement plans, and specify requirements for disclosing the relative value of optional forms of benefit that are payable from certain retirement plans in lieu of a qualified joint and survivor annuity. These regulations affect plan sponsors and administrators, and participants in and beneficiaries of, certain retirement plans.

Current Actions: There are no changes to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Responses: 3,000,000.

Estimated Total Annual Reporting Burden: 385,000.

The following paragraph applies to all of the collections of information covered by this notice:

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 OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (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 estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 14, 2014.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. 2014–20166 Filed 8–22–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project.

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). The IRS is soliciting comments concerning information collection requirements related to new technologies in retirement plans.

DATES: Written comments should be received on or before October 24, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to LaNita Van Dyke at Internal Revenue Service, Room 6517, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: New Technologies in Retirement Plans.

OMB Number: 1545–1632.

Regulation Project Number: T.D. 8873.

Abstract: This document contains amendments to the regulations governing certain notices and consents required in connection with distributions from retirement plans. Specifically, these regulations set forth applicable standards for the transmission of those notices and consents through electronic media and modify the timing requirements for providing certain distribution-related notices. The regulations provide guidance to plan sponsors and administrators by interpreting the notice and consent requirements in the context of the electronic administration of retirement plans. The regulations affect retirement plan sponsors, administrators, and participants.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Responses: 11,700,000.

Estimated Total Burden Hours: 477,563.

The following paragraph applies to all of the collections of information covered by this notice:

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 OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103. Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (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 estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 14, 2014.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. 2014–20168 Filed 8–22–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2005–41

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Guidance Regarding Qualified Intellectual Property Contributions.

DATES: Written comments should be received on or before October 24, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of notice should be directed to LaNita Van Dyke at Internal Revenue Service, Room 6517, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Guidance Regarding Qualified Intellectual Property Contributions.

OMB Number: 1545–1937.

Notice Number: Notice 2005–41.

Abstract: Notice 2005–41 explains new rules governing charitable contributions of intellectual property made after June 3, 2004. The notice explains the method by which a donor of qualified intellectual property may notify the donee that the donor intends to treat the contribution as a qualified donation under section 170(m). Donors of qualified intellectual property will use the required notification as evidence that they have satisfied the section 170(m) notification requirement.

Current Actions: There are no changes being made to the notice at this time.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 30.

Estimated Average Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 30.

The following paragraph applies to all of the collections of information covered by this notice:

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 OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (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 estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 14, 2014.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. 2014–20170 Filed 8–22–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revision of Income Tax Regulations under Sections 897, 1445, and 6109 to require use of Taxpayer Identifying Numbers on Submission under the Section 897 and 1445 regulations.

DATES: Written comments should be received on or before October 24, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Sara Covington at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Revision of Income Tax Regulations under Section 897, 1445, and 6109 to require use of Taxpayer Identifying Numbers on Submission under the Section 897 and 1445 regulations.

OMB Number: 1545–1797.

Regulation Project Number: REG–106876–00 (TD 9082).

Abstract: The collection of information relates to applications for withholding certificates under Treas. Reg–1.1445–3 to be filed with the IRS with respect to (1) dispositions of U.S. real property interests that have been used by foreign persons as a principle residence within the prior 5 years and excluded from gross income under section 121 and (2) dispositions of U.S. real property interests by foreign persons in deferred like kind exchanges that qualify for nonrecognition under section 1031.

Current Actions: There are no changes to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households and Business or other for-profit.

Estimated Number of Respondents: 150.

Estimated Total Annual Reporting Burden: 600.

Estimated Average Annual Burden per Respondent: 4.

The following paragraph applies to all of the collections of information covered by this notice:

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 OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (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 estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 18, 2014.

R. Joseph Durbala,

IRS Supervisory Tax Analyst.

[FR Doc. 2014–20173 Filed 8–22–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8878–A

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8878–A, IRS e-file Electronic Funds Withdrawal Authorization for Form 7004.

DATES: Written comments should be received on or before October 24, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Sara Covington, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: IRS e-file Electronic funds Withdrawal Authorization for Form 7004.

OMB Number: 1545–1927.

Form Number: 8878–A.

Abstract: Form 8878–A is used by a corporate officer or agent and an electronic return originator (ERO) to use a personal identification number (PIN) to authorize an electronic funds withdrawal for a tax payment made with a request to extend the filing due date for a corporate income tax return.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 140,000.

Estimated Time per Respondent: 3 hours, 37 minutes.

Estimated Total Annual Burden Hours: 505,400.

The following paragraph applies to all of the collections of information covered by this notice:

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 OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (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 estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 18, 2014.

R. Joseph Durbala,

IRS Supervisory Tax Analyst.

[FR Doc. 2014–20176 Filed 8–22–14; 8:45 am]

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Part II

Department of Transportation

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 171, 172, 173, et al.

Hazardous Materials: Harmonization With International Standards (RRR); Proposed Rule

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 171, 172, 173, 175, 176, 178, and 180

[Docket Nos. PHMSA–2013–0260 (HM–215M)]

RIN 2137–AF05

Hazardous Materials: Harmonization With International Standards (RRR)

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: PHMSA proposes to amend the Hazardous Materials Regulations to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. These revisions are necessary to harmonize the Hazardous Materials Regulations with recent changes made to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, the United Nations Recommendations on the Transport of Dangerous Goods—Model Regulations and subsequently address three petitions for rulemaking.

DATES: Comments must be received by October 24, 2014.

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

Federal Rulemaking Portal: http://www.regulations.gov. Follow the on-line instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management System; U.S. Department of Transportation, Dockets Operations, M–30, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

Hand Delivery: To U.S. Department of Transportation, Dockets Operations, M–30, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001 between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays.

Instructions: Include the agency name and docket number PHMSA–2014–2013–0260 (HM–215M) or RIN 2137–AF05 for this rulemaking at the beginning of your comment. Note that all comments received will be posted without change to *http://www.regulations.gov* including any personal information provided. If sent by mail, comments must be submitted in duplicate. Persons wishing to receive confirmation of receipt of their comments must include a self-addressed stamped postcard.

Privacy Act: Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit *http://www.regulations.gov*.

Docket: You may view the public docket through the Internet at *http://www.regulations.gov* or in person at the Docket Operations office at the above address (See **ADDRESSES**).

FOR FURTHER INFORMATION CONTACT: Steven Webb, Office of Hazardous Materials Standards or Vincent Babich, International Standards, telephone (202) 366–8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., 2nd Floor, Washington, DC, 20590–0001.

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I. Executive Summary

PHMSA proposes to amend the HMR to maintain alignment with international regulations and standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. This rulemaking project is part of our ongoing biennial process to harmonize the Hazardous Materials Regulations (HMR; 49 CFR parts 171 to 180) with international regulations and standards.

Federal law and policy strongly favor the harmonization of domestic and international standards for hazardous materials transportation. The Federal hazardous materials transportation law (Federal hazmat law; 49 U.S.C. 5101 et seq.) permits PHMSA to depart from international standards to promote safety or other overriding public interest, but otherwise requires PHMSA to align the HMR with international transport standards and requirements to the extent practicable (see 49 U.S.C. 5120).

Harmonization facilitates international trade by minimizing the costs and other burdens of complying with multiple or inconsistent safety requirements for transportation of hazardous materials to and from the United States and becomes increasingly important as the volume of hazardous materials transported in international commerce grows. By facilitating compliance, harmonization also tends to enhance safety for international movements, but only if the international standards provide an appropriate level of safety. PHMSA actively participates in the development of international standards for the transportation of hazardous materials, frequently advocating the adoption in international standards of particular HMR requirements.

When considering the adoption of international standards under the HMR, we review and consider each amendment on its own merit, on the basis of its overall impact on transportation safety, and the economic implications associated with its adoption into the HMR. Our goal is to harmonize without diminishing the level of safety currently provided by the HMR and without imposing undue burdens on the regulated community.

This NPRM proposes to amend the HMR to maintain alignment with various international standards. The following are some of the more noteworthy proposals in this NPRM:

• *Incorporate Revised Standards:* PHMSA proposes to incorporate by reference the newest versions of various international hazardous materials standards including the 2015–2016 International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO TI), Amendment 37–14 to the International Maritime Dangerous Goods Code (IMDG Code), the

International Atomic Energy Agency (IAEA) Safety Standards for Protecting People and the Environment; Regulations for the Safe Transport of Radioactive Material, No. SSR–6, (IAEA Regulations), 2012 Edition, and the 18th Revised Edition of the United Nations Recommendations on the Transport of Dangerous Goods (UN Model Regulations). Additionally, we are proposing to update our incorporation by reference of the Canadian Transportation of Dangerous Goods Regulations to include Amendment 8 (SOR/2011–239) published November 9, 2011; Amendment 9 (SOR/2011–60) published March 16, 2011; Amendment 10 (SOR/2011–210) published October 12, 2011; and Amendment 11 (SOR/2012–245) published November 9, 2012. Finally, in this NPRM, PHMSA is proposing the adoption of updated International Standards Organization (ISO) standards.

• *Revise HMT Entries:* In this NPRM, PHMSA proposes amendments to the § 172.101 Hazardous Materials Table (HMT) to add, revise, or remove certain proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, bulk packaging requirements, passenger and cargo aircraft maximum quantity limits. The proposed changes to the HMT mirror recent changes in the Dangerous Goods list of the 18th Revised Edition of the UN Model Regulations, the IMDG Code, and the ICAO TI.

• *Provide Exceptions for Marine Pollutants:* PHMSA is proposing an exception from the HMR for marine pollutants up to 5 l (1.3 gal) for liquids or 5 kg (11 lbs.) for solids when these materials are packaged in accordance with the general packaging requirements of §§ 173.24 and 173.24a. The proposed amendment would exempt small packages of hazardous material from the HMR that are regulated only because of the presence of one or more marine pollutants. Materials in these quantities pose a low risk in transport and this proposal simplifies the current exceptions for marine pollutants and reduces impediments to multi-modal transport of these goods. The proposed changes to the HMT mirror recent changes in the Dangerous Goods list of the 18th Revised Edition of the UN Model Regulations, the IMDG Code, and the ICAO TI.

• *Modification of the Marine Pollutant List:* PHMSA is proposing to modify the list of marine pollutants in Appendix B to 172.101. The HMR maintain a list as the basis for regulating substances toxic to the aquatic environment and allow use of the criteria in the IMDG Code if a listed material does not meet the criteria for a marine pollutant. PHMSA periodically updates its list based on changes to the IMDG Code and evaluation of listed materials.

• *Clarify Hazard Communication Size Requirements:* PHMSA is proposing to add minimum sizes for the OVERPACK and SALVAGE markings. These markings would be characters at least 12 mm (.47 inches) high. There is no minimum size for these marks currently in the HMR, and the information is not always readily visible. Further, the HMR already prescribe specific size requirements for the ''UN'' or ''NA'' markings and package specification markings. This proposal is a logical extension of existing requirements. To offset any increased cost associated with the proposed size requirements, PHMSA will propose to permit a permanently marked salvage package or overpack to remain in service with its existing marks regardless of whether the identification number markings meet the minimum size requirements.

• *Revise Vessel Stowage Requirements:* PHMSA is proposing to revise and add vessel stowage codes listed in column 10B of the HMT and segregation requirements in § 176.83 consistent with the IMDG Code. These changes would harmonize the HMR with the IMDG Code and would provide additional guidance on the loading and stowage of various materials. Additionally, we propose to increase the required segregation distances between Division 4.3 dangerous when wet material (i.e. materials liable to give off a flammable or toxic gas in contact with water) and Class 3 flammable liquids and Division 2.1 flammable gases.

• *Addition of Entries for Adsorbed Gases in the Hazardous Materials Table:* Consistent with amendments adopted into the UN Model Regulations, PHMSA is proposing to revise the Hazardous Materials Table (HMT) in § 172.101 to include seventeen new entries for adsorbed gases. Additionally we propose to add into the HMR a definition for adsorbed gas, authorized packagings, and safety requirements including but not limited to quantity limitations and filling limits.

• *Harmonized Requirements for Lithium Batteries:* PHMSA proposes harmonization with the latest version of the ICAO Technical Instructions to ensure that the information currently authorized by the HMR to be provided by means of an alternative document be included on a shipping paper for batteries transported under the provisions of 49 CFR 173.185(c)(4)(v)—equivalent to Section IB of ICAO Packing Instructions 965 and 968. PHMSA also proposes to harmonize with the latest version of the ICAO Technical Instructions by requiring a ''CARGO AIRCRAFT ONLY'' label on packages containing small lithium metal batteries not packed in or with equipment.

• *Definition of Non-Bulk Packaging:* PHMSA proposes to revise the HMR definition of non-bulk packaging by adding a new paragraph (4) to include bags and boxes conforming to the applicable requirements for specification packagings in subpart L of part 178 of this subchapter, if they have a maximum net mass of 400 kg (882 pounds) or less. The UN Model regulations were revised to remove the volumetric limit for certain packaging types considered in Part 6 of the UN Model Regulations that would be considered non-bulk packagings under the HMR. This change was based on recognition by the UN Transport of Dangerous Goods Sub-Committee that there are packagings suitable for the transportation of high volume, low mass materials (e.g., airbags).

If the amendments in this proposed rule are not adopted in the HMR by January 1, 2015, the date most of the international standards above take effect, U.S. companies, including numerous small entities competing in foreign markets, will be at an economic disadvantage. These companies will be forced to comply with a dual system of regulations. The amendments proposed in this rulemaking are intended to avoid this result.

If adopted in a final rule, the amendments proposed in this NPRM will result in minimal burdens on the regulated community. The benefits resulting from the adoption of the amendments include enhanced transportation safety resulting from the consistency of domestic and international hazard communication and continued access to foreign markets by U.S. manufacturers of hazardous materials. The majority of amendments in this NPRM should result in cost savings and ease the regulatory compliance burden for shippers engaged in domestic and international commerce, including trans-border shipments within North America.

PHMSA solicits comments on the need for these amendments and others proposed in this NPRM. Specifically, PHMSA requests comments on the benefits and costs of international harmonization, including the impact on safety and any other relevant concerns regarding the amendments proposed in this NPRM. In addition, PHMSA solicits comment from the regulated community regarding approaches to reducing the

costs of this rule while maintaining or increasing the benefits. In its preliminary analysis, PHMSA concluded that the aggregate benefits justify the aggregate costs as a result of the amendments proposed in this NPRM. Nonetheless, PHMSA solicits public comment on specific changes (for example, greater flexibility with regard to a particular amendment) that might improve the rule.

II. Background

In a final rule published December 21, 1990 (Docket HM–181; 55 FR 52402), the Research and Special Programs Administration (RSPA), the predecessor agency to PHMSA, comprehensively revised the HMR to harmonize U.S. hazardous materials transportation requirements with the UN Model Regulations. The UN Model Regulations constitute a set of recommendations issued by the United Nations Subcommittee of Experts (UNSCOE) on the Transport of Dangerous Goods and the Globally Harmonized System of Classification and Labelling of Chemicals (GHS). The UN Model Regulations are amended and updated biennially by the UNSCOE and serve as the basis for national, regional, and international modal regulations, including the IMDG Code and the ICAO TI.

Since publication of the 1990 rule, PHMSA has issued ten additional international harmonization rulemakings under Dockets: HM–215A [59 FR 67390]; HM–215B [62 FR 24690]; HM–215C [64 FR 10742]; HM–215D [66 FR 33316]; HM–215E [68 FR 44992]; HM–215G [69 FR 76044]; HM–215I [71 FR 78595]; HM–215J [74 FR 2200]; HM–215K [76 FR 3308]; and HM–215L [78 FR 987]. These rulemakings were based on biennial updates of the UN Model Regulations, the IMDG Code, and the ICAO TI.

Federal law and policy strongly favor the harmonization of domestic and international standards for hazardous materials transportation. The Federal hazardous materials transportation law (Federal hazmat law; 49 U.S.C. 5101 *et seq.*) directs PHMSA to participate in relevant international standard-setting bodies and encourages alignment of the HMR with international transport standards to the extent practicable while recognizing that deviations may at times be necessary to ensure safety or be consistent with the public interest (see 49 U.S.C. 5120). Harmonization facilitates international trade by minimizing the costs and other burdens of complying with multiple or inconsistent safety requirements for transportation of hazardous materials. Harmonization has also become increasingly important as the volume of hazardous materials transported in international commerce grows. By facilitating compliance, harmonization enhances safety. PHMSA actively participates in relevant international standard-setting bodies and promotes the adoption of standards consistent with the high safety standards set by the HMR.

When considering alignment of the HMR with international standards, we review and evaluate each amendment on its own merit, on the basis of its overall impact on transportation safety, and the on the basis of the economic implications associated with its adoption into the HMR. Our goal is to harmonize without diminishing the level of safety currently provided by the HMR or imposing undue burdens on the regulated community.

Based on this review and evaluation, in this NPRM PHMSA is proposing to revise the HMR to incorporate changes from the 18th Revised Edition of the UN Model Regulations, Amendment 37–14 to the IMDG Code, and the 2015–2016 Edition of the ICAO Technical Instructions, which become effective January 1, 2015 (The IMDG Code is effective January 1, 2015; however, the previous amendment may continue to be used until January 1, 2016).

In addition, PHMSA proposes to incorporate by reference the newest editions of various international standards. These standards incorporated by reference are authorized for use, under specific circumstances, in Subpart C of Part 171 of the HMR. This proposed rule is necessary to incorporate revisions to the international standards and, if adopted in the HMR, will be effective January 1, 2015.

Possible Interim Final Rule

If the changes in this proposed rule are not adopted by January 1, 2015, U.S. companies, including numerous small entities competing in foreign markets, would be at an economic disadvantage because these companies would be forced to comply with a dual system of regulations (specifically, the U.S. HMR, UN Model Regulations, and ICAO Technical Instructions). As previously noted, the changes to the international standards will take effect on January 1, 2015. Therefore, it is essential that a final rule incorporating these standards by reference be published no later than December 31, 2014 with an effective date of January 1, 2015. To this end, if it appears a final rule under this docket will not be published prior to January 1, 2015, PHMSA will publish a bridging document in the form of an interim final rule to amend the HMR by incorporating the 18th Revised Edition of the UN Recommendations and the 2015–2016 Edition of the ICAO Technical Instructions.

With regard to Amendment 37–14 of the IMDG Code, the International Maritime Organization approved an implementation date of January 1, 2016. The current edition of the IMDG Code (Amendment 36–12) remains in effect through 2015 and, therefore, the newest version of the IMDG Code will not be included in any bridging document. The proposed incorporation by reference of the newest edition of the IMDG Code and all other changes proposed in this NPRM would be addressed in a subsequent final rule also under this Docket, PHMSA–2013–0260 (HM–215M). Accordingly, any interim final rule will only incorporate by reference editions of the international standards that become effective on January 1, 2015.

III. Harmonization Proposals in This NPRM

In addition to various other revisions to the HMR, in this NPRM, PHMSA is proposing the following amendments to harmonize the HMR with the most recent revisions to the UN Model Regulations, ICAO TI, and the IMDG Code:

Hazardous Materials Table (HMT)

In this NPRM, PHMSA proposes amendments to the HMT to add, revise, or remove certain proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, bulk packaging requirements, vessel stowage and segregation requirements, and passenger and cargo aircraft maximum quantity limits.

Incorporation by Reference

In this NPRM, PHMSA proposes to incorporate by reference the latest editions of various international transport standards including the 2015–2016 Edition of the ICAO Technical Instructions, Amendment 37–14 of the IMDG Code, and the 18th Revised Edition of the UN Model Regulations. Additionally, we are proposing to update our incorporation by reference of the Canadian Transportation of Dangerous Goods Regulations to include Amendment 8 (SOR/2011–239) published November 9, 2011; Amendment 9 (SOR/2011–60) published March 16, 2011; Amendment 10 (SOR/2011–210) published October 12, 2011; and Amendment 11 (SOR/2012–245) published November 9, 2012.

This incorporation by reference augments the broad reciprocity provided in § 171.12 where the HMR allow the use of the Canadian TDG Regulations under certain conditions when transporting hazardous materials to or from Canada by highway or rail. Finally, PHMSA is proposing the incorporation by reference of new and updated International Standards Organization (ISO) standards.

Petitions for Rulemaking: In this NPRM, PHMSA is addressing three petitions for rulemaking:

Alignment of the HMR With the ICAO TI To Remove the Segregation Requirements in § 175.630 (P–1631)

In a petition for rulemaking (P–1631), UPS, Inc. requests that PHMSA align with the ICAO TI by removing the § 175.630 provisions requiring Division 6.1 and 6.2 packages to be segregated from materials marked as or known to be a foodstuff, feed, or any other edible material intended for consumption by humans or animals.

Section 175.630 imposes special segregation requirements for Division 6.1 (toxic) material and Division 6.2 (infectious substance) materials when transported by aircraft. Paragraph (a) requires that a package required to bear a POISON, POISON INHALATION HAZARD, or INFECTIOUS SUBSTANCE label may not be carried in the same compartment of an aircraft with material which is marked as or known to be a foodstuff, feed, or any other edible material intended for consumption by humans or animals unless:

(1) The Division 6.1 or Division 6.2 material and the foodstuff, feed, or other edible material are loaded in separate unit load devices which, when stowed on the aircraft, are not adjacent to each other; or

(2) The Division 6.1 or Division 6.2 material are loaded in one closed unit load device and the foodstuff, feed or other material is loaded in another closed unit load device.

The petitioner notes that during 2012–2013 biennium, the ICAO Dangerous Goods Panel (DGP) determined that the high quality of packaging for Division 6.1 and 6.2 material required by the ICAO TI justified removal of the segregation requirements applied to Division 6.1 or Division 6.2 material and foodstuffs. The petitioner states that the alignment of the HMR with the ICAO TI on the matter of operator requirements is of great value for aircraft operators. In addition, the petitioner states that this amendment has the potential to introduce efficiencies for air carriers, including UPS. In this context, with the deletion of ICAO TI Part 7, Section 2.9, the petitioner recommends and requests that PHMSA remove the corresponding requirements of § 175.630.

PHMSA is in agreement with the petitioner and in this NPRM, is proposing to delete the special segregation requirements for Division 6.1 and Division 6.2 material. This action would harmonize the HMR with recent amendments that will appear in the 2015–2016 Edition of the ICAO TI. These segregation requirements are no longer necessary, and we propose to harmonize with ICAO because of: (1) The relative rarity of releases of toxic and infectious substances; (2) the small quantities released when a spill actually occurs; (3) the robust nature of combination packagings used for toxic and infectious substances; (4) the acceptance checks required by operators prior to loading hazardous materials aboard aircraft; (5) the lack of evidence of contamination of other packages by a release of toxic or infectious substances; and (6) the coverage by the hazard communication system already in place in the event of a release.

Passenger Notification Programs for Tickets Issued by Phone (P–1623)

In a petition for rulemaking (P–1623), the Council on Safe Transportation of Hazardous Articles (COSTHA) requests that PHMSA remove the applicability of passenger notifications in § 175.25(b) to telephone transactions.

In a final rule published January 19, 2011 under Docket No. PHMSA–2009–0126 (HM–215K); 76 FR 3308, PHMSA aligned with the ICAO TI by adding new requirements for certain information to be presented to passengers regarding what hazardous materials they may check-in or carry-on a flight. This information is to be provided at points of ticket sale and at automated or remote passenger check-in. On March 7, 2013, PHMSA received a request for a letter of interpretation (Reference 13–00058) from COSTHA pointing out that the January 19, 2011 final rule in § 175.25 (b) includes the word ''phone'' which is not in Part 7; 5.1.1 of the ICAO TI, nor is it part of the current scope of passenger notification programs. COSTHA requested clarification as to whether or not PHMSA intended the § 175.25(b) requirement to be applicable to passenger notification by telephone. In the July 11, 2013 response, PHMSA stated that § 175.25(b) explicitly references purchase by telephone as a means of purchasing a ticket remotely. Therefore, as written, the § 175.25(b) passenger notification and acknowledgement requirements apply when purchasing a ticket by telephone and this is generally consistent with Part 7; 5.1.1 of the ICAO TI. This petition was submitted in response to the letter of interpretation issued by PHMSA on July 11, 2013 (Reference 13–0058).

In its petition, COSTHA states that they strongly disagree with PHMSA's position that inclusion of the term ''phone'' in § 175.25(b) is ''generally consistent'' with the language adopted in Part 7; 5.1.1 of the ICAO TI, and that PHMSA has not fully recognized or accounted for the significant costs such an interpretation would impose on industry and the competitive disadvantage that would result for U.S. passenger air carriers. The petitioner notes that the issue of ticket purchase and check-in on line was discussed within a working group of the ICAO DGP (May 2009) and that the discussion only pertained to electronic transactions, not telephone transactions. The report from the meeting specifically states ''when purchasing tickets or checking in electronically.'' The report includes comments from DGP members questioning who would enforce the requirement against internet-based travel agencies. There is no reference to ticket purchases made via telephone. At the 22nd meeting of the ICAO DGP (October 2009), ICAO adopted modifications to Part 7; 5.1 to bolster communication to passengers who purchase tickets or check-in electronically. Paragraph 2.8.2.1 from the DGP 22 report states:

> A proposal to strengthen the requirements for the provision of information to passengers in respect of dangerous goods in baggage was discussed. It was suggested the use of the Internet to purchase tickets, to check in, and the use of automated check-in machines at the airport or by telephone made traditional methods of providing information to passengers obsolete. New text in Part 7;5.1 was developed to address this.

The petitioner notes that DGP 23 report contains the first reference to the use of telephones, and in this case it is in reference to passenger check-ins, not ticket purchase. Further revisions to the ICAO TI text resulted in mandatory requirements. However, the context of these discussions was again regarding electronic transactions, not via the telephone. The petitioner states based on the information contained in the ICAO reports that it was not the intention of ICAO to require extensive hazard communication during telephonic ticket purchases.

The petitioner states that by extending the application of notification to passengers to telephonic ticket purchases, PHMSA is imposing

significant training and implementation costs on industry and that these costs may not have been fully considered. In the petition, COSTHA includes estimated costs from three member air carriers for providing passenger notification via telephonic communication. One carrier estimated an annual cost increase of $17 million, another $750,000, and the third $450,000 a year for every second added to talk time. These figures do not include employee training costs. In addition, these three airlines provided data that between 3% and 5.1% of tickets are purchased over the phone. The petitioner points out that the vast majority of tickets are purchased on-line, and when purchased in this manner, passengers are notified about hazardous materials at the time of purchase, during check-in, and again via an announcement at the gate. The petitioner states that extending these requirements to telephone transactions will significantly increase costs to industry while reaching only 5% of passengers purchasing tickets.

In this NPRM, PHMSA is proposing to grant this petition by adopting into the HMR the revisions made to the passenger notification provisions of Part 7;5.1 of the ICAO TI adopted at the 24th meeting of ICAO DGP (October 2013). Paragraph 2.7.3.1 from the DGP 24 report states:

> It was suggested that text which had existed in Part 7;5.1 prior to the 2011–2012 Edition of the Technical Instructions had been inadvertently removed and should be reinstated. Part 7;5.1 was amended in the 2011–2012 Edition to address the increasing use of the internet for flight bookings and check-in, the use of telephones and kiosks at airports for check-in. It was suggested, however, that the new text did not address cases when a passenger might make a booking over the telephone with the operator providing the dangerous goods information with a booking confirmation by post or email.

Specifically, PHMSA is proposing to revise § 175.25(b) for consistency with the ICAO TI to clarify that for ticket purchases the hazardous materials notification must be presented at the point of ticket purchase or, if this not practical, made available in another manner to passengers prior to the check-in process. This will allow an operator to provide the hazardous materials notification verbally, with the ticket or ticket receipt, or using another equally suitable method. In addition, PHMSA is proposing to remove the words ''regardless if the process is completed remotely (e.g., via the Internet and Phone) or when completed at the airport, with or without assistance from another person (e.g., automated check in facility)'' as examples of ticket purchases to fully harmonize § 175.25(b) with the ICAO TI, and to clarify that the hazardous materials notification must be given with every ticket purchase. Finally, it is proposed to insert the words ''provided via the internet'' into the second sentence of § 175.25(b) to clarify that passenger acknowledgement is only required when the ticket is purchased through the internet without assistance from another person. All of these proposed changes taken together will address the COSTHA petition and bring the HMR into full alignment with the ICAO TI.

Compliance Date Extension for Passenger Notification Programs (P–1633)

In a petition for rulemaking (P–1633), COSTHA requests that PHMSA extend the transitional compliance date for ''hazardous materials notifications to passengers at time of ticket purchase,'' which was adopted in a January 19, 2011 final rule (Docket No. PHMSA–2009–0126 (HM–215K); 76 FR 3308) and extended to January 1, 2015 in a final rule published January 7, 2013 (Docket No. PHMSA–2009–0126 (HM–215K); 78 FR 1108). Specifically, COSTHA requests the current compliance date for passenger notifications requirements in § 175.25 be extended from January 1, 2015 until 12 months from the effective date of the HM–215M final rule publication, or January 1, 2016, whichever is later.

The petitioner states on April 30, 2013, the Federal Aviation Administration (FAA) chartered an Aviation Rulemaking Committee (ARC) on Passenger Notification of Hazardous Materials Regulations with a mission to develop consistent and effective messages for disseminating hazardous materials information to passengers and provide air carriers additional clarity to ensure regulatory compliance. The FAA timeline for the ARC and publication of the draft advisory circular was developed to provide air carriers eight months to implement the recommendations, employee training, program changes and to make necessary technology updates. Due to additional amendments to the passenger notification requirements of the ICAO TI the implementation and subsequent consideration for harmonization under this proposed rule the timeline established by the FAA was delayed. Given this delay, air carriers will not be provided sufficient time to implement changes necessary to comply with the modified § 175.25.

In this NPRM, PHMSA is proposing to revise § 175.25(b) for consistency with recent amendments to the ICAO TI to clarify that for ticket purchases made via the telephone, the hazardous materials notification must be provided to the passenger but can be done so using any suitable method prior to the check-in. Due to this revision, the extension requested in this petition is unnecessary. The requirement for air carrier reservation agents to verbally provide passenger notification at the time of purchase by telephone was the basis for the effective date extension granted in the January 7, 2013 final rule (HM–215K). By removing the telephonic acknowledgement requirement, the previous effective date of January 1, 2015 will be waived as of publication. Other than the telephonic acknowledgement requirement, PHMSA is unaware of any additional new requirement imposed under HM–215K that has posed difficulty in implementation that would merit providing additional compliance date relief. Further, proposed amendments to § 175.25 in this rulemaking are eligible for the one year delayed compliance.

IV. Amendments Not Being Considered for Adoption in this NPRM

This NPRM proposes changes to the HMR based on amendments adopted in the 18th Revised Edition of the UN Model Regulations, the 2015–2016 Edition of the ICAO Technical Instructions, and Amendment 37–14 to the IMDG Code. We are not, however, proposing to adopt all the amendments made to the various international standards into the HMR.

In many cases, amendments to the international recommendations and regulations have not been adopted because the framework or structure of the HMR makes adoption unnecessary. In other cases, we have addressed, or will address, the amendments in separate rulemaking proceedings. If we have inadvertently omitted an amendment in this NPRM, we will attempt to include the omission in the final rule. However, our ability to make changes in a final rule is limited by requirements of the Administrative Procedure Act (5 U.S.C. 553). In some instances, we can adopt a provision inadvertently omitted in the NPRM if it is clearly within the scope of changes proposed in the notice. Otherwise, in order to provide opportunity for notice and comment, the change must first be proposed in an NPRM.

One of the goals of this rulemaking is to continue to maintain consistency between the HMR and the international requirements. We are not striving to make the HMR identical to the international regulations but rather to

remove or avoid potential barriers to international transportation.

The following is a list of significant amendments to the international regulations that we are not proposing to adopt in this NPRM, with a brief explanation of why the amendment was not included:

Damaged, Defective, and Waste Lithium Batteries

The 18th Revised Edition of the UN Model Regulations adopted transportation provisions for damaged, defective, and waste lithium batteries. In this NPRM, PHMSA is not proposing to adopt changes to the domestic requirements for the treatment of these lithium batteries, as we believe existing HMR requirements sufficiently address shipments of this nature.

Dimensions on Hazard Communication Examples

The 18th Revised Edition of the UN Model Regulations adopted modifications to example figures of markings, labels, and placards to note minimum dimensions for the appropriate hazard communication example pictograms. In this NPRM, PHMSA is not proposing to adopt the changes to example markings, labels, and placards found in the HMR. We believe the addition of dimensions to the example pictograms does not add significant value because these dimensions are described in the text of the HMR. These amendments to the international recommendations and regulations are not being adopted because the regulatory text associated with the various figures in the HMR depicting package markings, labels and placards adequately describes the item without adding minimum dimensions to the example figures.

Flash Composition

The 18th Revised Edition of the UN Model Regulations amended a note before the default fireworks classification table in 2.1.3.5.5. This amendment changed the criteria used in the meaning of ''flash composition'' from 8 ms for .5 g of pyrotechnic substance in the HSL Flash Composition Test in Appendix 7 of the Manual of Tests and Criteria, to 6 ms for .5 g of pyrotechnic substance. In this NPRM, PHMSA is not adopting this change as work on this test is ongoing.

Radioactive Materials Transportation Requirements

The 18th Revised Edition of the UN Model Regulations, the 2015–2016 Edition of the ICAO Technical Instructions, and Amendment 37–14 to the IMDG Code amended various radioactive transportation requirements to harmonize their regulations with the International Atomic Energy Agency (IAEA) Safety Standards for Protecting People and the Environment; Regulations for the Safe Transport of Radioactive Material, No. SSR–6. While PHMSA is proposing to incorporate by reference this document (see § 171.7) and adopt the new proper shipping name and associated shipping requirements for UN 3507, Uranium hexafluoride, radioactive material, excepted package, we are not proposing to harmonize the HMR with the remainder of the changes made by the various international regulations in this NPRM. Any further domestic radioactive harmonization issues will be addressed in a future rulemaking in conjunction with the Nuclear Regulatory Commission.

Discarded Packages

The 18th Revised Edition of the UN Model Regulations adopted a new proper shipping name and UN number for Packaging discarded, empty, uncleaned, UN 3509. This new proper shipping name was brought in to allow, with competent authority approval, packagings, large packagings or intermediate bulk containers, or parts thereof, which have contained hazardous materials, other than radioactive material to be transported for disposal, recycling or recovery of their material, other than reconditioning, repair, routine maintenance, remanufacturing or reuse, and which have been emptied to the extent that only residues of dangerous goods adhering to the packaging parts are present when they are presented for transport. This change was made primarily to address European land transport of packages that are no longer within appropriate package specifications. The ICAO DGP did not incorporate this entry into the ICAO TI dangerous goods list, and the IMDG Code has adopted very limited allowance for the use of this entry on short sea voyages.

PHMSA is not proposing to include a hazardous materials table entry for UN 3509 Packaging discarded, empty, uncleaned. We believe that the shipment of empty uncleaned packaging is adequately addressed by HMR under existing empty packaging provisions in § 173.29 and additional sections. Use of this description in the UN Model Regulations requires authorization by the competent authority, which can still be obtained from PHMSA via a special permit.

Used Medical Devices

In the 2015–2016 Edition of the ICAO TI a note was added to an exception for used medical devices which excepts medical devices or equipment that have been drained of free liquid to the extent practicable; and clarifying that any capability requirement in the ICAO TI can be determined through testing a sample package as prepared for transport, or through alternative means such as non-destructive testing, engineering analysis, testing with an article of similar mass and size, or other equivalent means. PHMSA is not making any corresponding amendments to § 173.134, as we believe the existing HMR satisfactorily addresses the hazards presented by used medical devices in transportation.

Coolants, Conditioners, and Asphyxiates

The 18th Revised Edition of the UN Model Regulations contains various editorial amendments applicable to packages and cargo transport units containing substances presenting a risk of asphyxiation when used for cooling or conditioning purposes. PHMSA did not adopt requirements for these shipments instituted in the 17th Revised Edition of the UN Model Regulations, and will not be adopting any of the editorial amendments incorporated into the 18th UN Model Regulations either. PHMSA believes that the current requirements for shipments of dry ice and other potential coolants adequately address the hazards associated with the use of these hazardous materials as coolants or conditioners.

Gas Cartridge and Fuel Cell Testing

The 18th Revised Edition of the UN Model Regulations was amended to authorize alternatives to the water bath test for gas cartridges and fuel cells. PHMSA believes that the current requirements provided by the HMR for testing these items adequately address the hazards associated with their use.

V. Section-by-Section Review

The following is a section-by-section review of the amendments proposed in this NPRM:

Part 171

Section 171.4 prohibits the transportation of materials meeting the definition of a marine pollutant except in accordance with HMR requirements. Paragraph (c) provides that marine pollutants transported in non-bulk packagings are excepted from the HMR unless the transportation is by vessel. In this NPRM, PHMSA proposes a new exception from the HMR for marine

pollutants up to 5 l (1.3 gallons) for liquids or 5 kg (11 lbs) for solids when these materials are packaged in accordance with the general packaging requirements of §§ 173.24 and 173.24a. This proposed amendment, applicable to all modes, would exempt small packages of hazardous material from the HMR that are regulated only because of the presence of one or more marine pollutants. Materials in these quantities pose a low risk in transport and this proposal simplifies the current exceptions for marine pollutants and reduces impediments to multi-modal transport of these goods.

Section 171.7

The ''National Technology Transfer and Advancement Act of 1996'' directs agencies to use voluntary consensus standards. According to the Office of Management and Budget (OMB), Circular A–119, ''Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities,'' government agencies must use voluntary consensus standards wherever practical in the development of regulations. Agency adoption of industry standards promotes productivity and efficiency in government and industry, expands opportunities for international trade, conserves resources, improves health and safety, and protects the environment.

To these ends, PHMSA actively participates in the development and updating of consensus standards through representation on more than 20 consensus standard bodies. PHMSA regularly reviews updated consensus standards and considers their merit for inclusion in the HMR.

Section 171.7 provides a listing of all standards incorporated by reference into the HMR. For this rulemaking, we evaluated updated international consensus standards pertaining to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements and determined that the revised standards provide an enhanced level of safety without imposing significant compliance burdens. These standards have a well-established and documented safety history and their adoption will maintain the high safety standard currently achieved under the HMR. Therefore, we propose to update by adding and revising the incorporation by reference materials for the following organizations:

Paragraph (s)(1) which incorporates the *International Atomic Energy Agency* (*IAEA*) Regulations for the Safe Transport of Radioactive Material 1996 edition would be revised to incorporate the SSR–6 2012 Edition. To address concerns over domestic and international differences in the transport conditions applicable to shipments of excepted fissile materials, PHMSA is proposing to add additional requirements to § 171.23 to ensure domestic concerns are addressed. Please see the discussion in the Section-by-Section Review under § 171.23 for a summary of proposed changes.

Paragraph (t)(1) which incorporates the *International Civil Aviation Organization* Technical Instructions for the Safe Transport of Dangerous Goods by Air, 2013–2014 Edition would be revised to incorporate the 2014–2015 Edition.

Paragraph (v)(2), which incorporates the *International Maritime Organization* International Maritime Dangerous Goods Code, 2012 Edition, Incorporating Amendment 36–12, English Edition, Volumes 1 and 2, would be revised to incorporate the 2014 Edition, Amendment 37–14.

In paragraph (w) various *International Organization for Standardization (ISO)* entries which contain standards for the specifications, design, construction, testing and use of gas cylinders are proposed for incorporation by reference.

In paragraph (bb)(1), the *Transport Canada,* Transportation of Dangerous Goods Regulations, including Clear Language Amendments 1 through 7 sub-paragraphs (ix), (x), (xi), and (xii), would be added to include Amendment 8 (SOR/2011–239) which was published on November 9, 2011; Amendment 9 (SOR/2011–60) published March 16, 2011; Amendment 10 (SOR/2011–210) published October 12, 2011; and Amendment 11 (SOR/2012–245) published November 9, 2012 respectively. In the preamble of our January 7, 2013 final rule (HM215–L [78 FR 987]) we indicated we were adopting Amendments 8, 9 and 10 of the Transportation of Dangerous Goods Regulations, however this adoption inadvertently did not appear in the published regulatory text. To correct this oversight, we are again proposing the adoption of Amendments 8, 9 and 10, along with the proposed adoption of the most recent, Amendment 11.

Paragraph (dd)(1), the *United Nations* Recommendations on the Transport of Dangerous Goods—Model Regulations, 17th Revised Edition (2011), Volumes I and II, would be revised to incorporate the 18th Revised Edition (2013), Volumes I and II.

Paragraph (dd)(2), the *United Nations* Recommendations on the Transport of Dangerous Goods—Manual of Tests and Criteria, Fifth Revised Edition (2009), including Amendment 1 (2011), would be revised to reference § 171.24, and sub-paragraph (iii) would be added to incorporate Amendment 2 (2013).

Section 171.8

This section defines terms generally used throughout the HMR that have broad or multi-modal applicability. PHMSA is proposing to add the following terms:

Adsorbed gas: The proposed adoption of this term directs the reader to § 173.115 for the definition. See the § 173.115 entry of the Section-by-Section Review for a complete discussion of the proposed adoption of the definition of adsorbed gas.

Bundle of cylinders: Consistent with the ICAO TI, in this NPRM, PHMSA proposes to amend this definition to clarify that a ''bundle of cylinders'' is not permitted for air transport.

Large salvage packaging: Consistent with the UN Model Regulations, in this NPRM, PHMSA proposes to define a large salvage packaging. A large salvage packaging is a special packaging into which damaged, defective or leaking hazardous materials packages, or hazardous materials that have spilled or leaked are placed for the purpose of transport for recovery or disposal. The general requirements for a large salvage packaging are consistent with the existing requirements for a ''large packaging.'' Large salvage packagings are not authorized for air transport.

Neutron radiation detector: Consistent with the UN Model Regulations, in this NPRM, PHMSA proposes to define a neutron radiation detector. A neutron radiation detector is a device that detects neutron radiation. In such a device, a gas may be contained in a hermetically sealed electron tube transducer that converts neutron radiation into a measurable electric signal.

Non-bulk packaging: The UN Model regulations were revised to remove the volumetric limit for certain packaging types considered in Part 6 of the UN Model Regulations that would be considered non-bulk packagings under the HMR. This was based on recognition by the UN Transport of Dangerous Goods Sub-Committee that there are packagings suitable for the transportation of high volume, low mass materials (e.g., airbags) where the capacity of a box may exceed 450 liters (119 gallons) while the net mass of the box is less than 400 kg (882 pounds). Absent a corresponding amendment to the HMR, U.S. manufacturers and shippers would be placed at a

competitive disadvantage by not being authorized to use the same packaging configurations other than as authorized for use by Part 171 Subpart C (use of international transport standards and regulations). Therefore, to maintain consistency with the UN Model Regulations, and to authorize the use of these packaging configurations for domestic transport, PHMSA proposes to revise the HMR definition of non-bulk packaging by adding a new paragraph (4) to include bags and boxes conforming to the applicable requirements for specification packagings in subpart L of part 178 of this subchapter, if they have a maximum net mass of 400 kg (882 pounds) or less. Based on our review of the UN Model Regulations, these are the only packagings affected by the UN amendment as only bags and boxes are authorized by specification to exceed 450 liters capacity.

Radiation Detection System: Consistent with the UN Model Regulations, in this NPRM, PHMSA proposes to define a radiation detection system. A radiation detection system is an apparatus that contains radiation detectors as components.

Section 171.23

Section 171.23 prescribes requirements for specific materials and packagings transported under various international standards. Section 171.22(b)(2) requires shipments made in accordance with an authorized international standard or regulation to conform to all applicable requirements of Subpart C of Part 171.

Paragraph (b)(2) of this section provides the requirement that the shipping paper description of items such as air bag inflators, air bag modules, and seat-belt pretensioners conform to the requirements in § 173.166(c). Consistent with the UN Model Regulations, in this NPRM, PHMSA proposes to revise the proper shipping name of these items to read ''Safety device,'' with the addition of the term ''pyromechanical device'' being included as a ''Safety device.'' Paragraph (b)(2) is being revised to reference the new proper shipping name, ''Safety device'' and the new term ''pyromechanical device.'' As a consequence of the addition of the proper shipping name ''Safety devices, pyrotechnic,'' and special provision 161 being removed, paragraph (b)(2)(ii) is removed and reserved.

Paragraph (11) of this section prescribes additional requirements for shipments of radioactive materials made under authorized international standards or regulations. In this NPRM, PHMSA is proposing to incorporate by reference the 2012 IAEA SSR–6 regulations to allow shipments to be offered for transportation or transported under the most recent IAEA regulations. Several changes to the definition of excepted fissile materials and the requirements for its transport were adopted by the IAEA. Under their respective statutory authorities, DOT and the Nuclear Regulatory Commission (NRC) jointly regulate the transportation of radioactive materials to, from, and within the United States. The NRC has not initiated any rulemaking activities to address changes made by the IAEA regarding the transportation of excepted fissile materials. In order to maintain uniform treatment for shippers of excepted fissile materials, PHMSA is amending § 171.23 to require that shipments of excepted fissile materials offered in accordance with the IAEA SSR–6 regulations must also conform to the requirements of § 173.453.

Section 171.24

Section 171.24 details additional requirements for the use of the ICAO TI. In this NPRM, PHMSA is proposing to amend the marking requirement for packages containing primary lithium batteries and cells that meet the exceptions in paragraph (d)(1)(ii). Packages meeting these exceptions currently are required to be marked with an indication that they contain lithium batteries, and that these lithium batteries are forbidden for transport aboard passenger aircraft. PHMSA is proposing to allow the message that these batteries are forbidden for transport aboard passenger aircraft to be expressed through the current marking or by using a CARGO AIRCRAFT ONLY label as shown in § 172.448.

Section 171.25

Section 171.24 details additional requirements for the use of the IMDG Code. In this NPRM, PHMSA is proposing to amend the marking requirement for packages containing primary lithium batteries and cells that meet the exceptions in § 173.185(c) in paragraph (b)(3). Packages meeting these exceptions currently are required to be marked with an indication that they contain lithium batteries, and that these lithium batteries are forbidden for transport aboard passenger aircraft. PHMSA is proposing to allow the message that these batteries are forbidden for transport aboard passenger aircraft to be expressed through the current marking or by using a CARGO AIRCRAFT ONLY label as shown in § 172.448.

Part 172

Section 172.101

Section 172.101 provides instructions for using the Hazardous Materials Table (HMT) and the HMT itself. In this NPRM, PHMSA is proposing to revise the instructional text that precedes the HMT for paragraph (k) of this section.

Paragraph (k) of § 172.101 explains the purpose of column (10) of the HMT and prescribes the vessel stowage and segregation for specific entries in the HMT. Column (10) is divided into two columns: Column (10A) [Vessel stowage] specifies the authorized stowage locations on board cargo and passenger vessels and column (10B) [Other provisions] specifies special stowage and segregation provisions. PHMSA is proposing to amend this instructional text to note that the codes in column 10B address not only codes for stowage requirements, but also, in certain instances, handling requirements that need to be observed during loading of the hazardous materials. The IMO, in amendment 37–14 of the IMDG Code, has split their stowage and segregation column (16) in the dangerous goods list into two columns and assigned codes to the existing stowage, handling, and segregation text. The new first column (16a) in the IMDG Code is entitled stowage and handling, and the second column (16b) is titled segregation. PHMSA is proposing to maintain the HMR's current column 10A and 10B system, with text in this section and § 176.84 indicating that handling/loading of hazardous materials is also covered by certain codes in column 10B. See *Section 176.84 other requirements for stowage, cargo handling, and segregation for cargo vessels and passenger vessels* for a detailed discussion of proposed changes.

Hazardous Materials Table (HMT)

In this NPRM, PHMSA is proposing to amend the HMT. Readers should review all changes for a complete understanding of the amendments. For purposes of the Government Printing Office's typesetting procedures, proposed changes to the HMT appear under three sections of the Table, ''remove,'' ''add,'' and ''revise.'' Certain entries in the HMT, such as those with revisions to the proper shipping names, appear as a ''remove'' and ''add.'' Proposed amendments to the HMT include the following:

New HMT Entries

UN3507 Uranium hexafluoride, radioactive material, excepted

package, *less than 0.1 kg per package, non-fissile or fissile-excepted*

This new HMT entry addresses small quantities of uranium hexafluoride having corrosive properties by assigning the material to Class 8 with a subsidiary risk of Class 7 since this would be more consistent with the general rule of classification of radioactive material in limited quantities possessing other hazards per § 173.423. Shipments must comply with new special provision 369 and requirements found in § 173.420(d).

UN3508 Capacitor, asymmetric *with an energy storage capacity greater than 0.3Wh*

This new HMT entry is intended to cover asymmetric capacitors with an energy storage capacity greater than 0.3 Wh. Asymmetric capacitors are assigned as a Class 9 miscellaneous hazardous.

UN3510 Adsorbed gas, flammable, n.o.s.
UN3511 Adsorbed gas, n.o.s.
UN3512 Adsorbed gas, toxic, n.o.s.
UN3513 Adsorbed gas, oxidizing, n.o.s.
UN3514 Adsorbed gas, toxic, flammable, n.o.s.
UN3515 Adsorbed gas, toxic, oxidizing, n.o.s.
UN3516 Adsorbed gas, toxic, corrosive, n.o.s.
UN3517 Adsorbed gas, toxic, flammable, corrosive, n.o.s.
UN3518 Adsorbed gas, toxic, oxidizing, corrosive, n.o.s.
UN3519 Boron trifluoride, adsorbed
UN3520 Chlorine, adsorbed
UN3521 Silicon tetrafluoride, adsorbed
UN3522 Arsine, adsorbed
UN3523 Germane, adsorbed
UN3524 Phosphorus pentafluoride, adsorbed
UN3525 Phosphine, adsorbed
UN3526 Hydrogen selenide, adsorbed

The ''Adsorbed gas'' HMT entries are added to address shipments of gas, which when packaged for transport, are adsorbed onto a solid porous material in a pressure receptacle. Entries classified as Division 2.3 gases are forbidden for transport by aircraft.

Duplicate entries for UN0214 Trinitrobenzene, *dry or wetted with less than 30 percent water, by mass* currently exist in the HMT; while the UN1354 entry has been inadvertently overwritten by one of these UN0214 entries in an unidentified previous rulemaking. PHMSA is proposing to remove one of the duplicate UN0214 entries, and to reinsert the correct UN1354 entry.

During the course of reviewing Column 10B (Vessel stowage Other codes) for harmonization with changes made in the 37–14 IMDG Code, PHMSA noticed that the entry for UN3231 Self-reactive liquid type B, temperature controlled is not currently listed in the HMR. This is believed to be the result of an inadvertent deletion in an unidentified rulemaking. PHMSA is proposing to reinstate the HMT entry for UN3231.

Amendments to the Column (1) Symbols

Section 172.101(b) describes column (1) of the HMT and the associated symbols that may be indicated in the column. In accordance with § 172.101(b), the symbol ''G'' identifies proper shipping names for which one or more technical names of the hazardous material must be entered in parentheses in association with the basic description on a shipping paper. The symbol ''I'' indicates these proper shipping names are appropriate for describing materials in international transportation, but that an alternate proper shipping name may be selected when only domestic transportation is involved.

In this NPRM PHMSA is proposing to add international proper shipping names for ''Asbestos, amphibole (amosite, tremolite, actinolite, anthophyllite, crocidolite)'' and ''Asbestos, chrysotile'', and remove shipping descriptions for Blue, Brown, and White Asbestos. These new international proper shipping names for ''Asbestos, amphibole'' and ''Asbestos, chrysotile'' are proposed to have an ''I'' assigned in column one. PHMSA is also proposing to assign a ''G'' to the ''Asbestos, amphibole'' entry. The ''G'' indicates that the technical name(s) of the hazardous material must be entered in parentheses, in association with the basic description. In the case of this proposed proper shipping name, the technical name shown should be selected from the list of five different minerals (amosite, tremolite, actinolite, anthophyllite, crocidolite) indicated in italics after the proper shipping name. See the amendments to column (2) of the HMT for additional discussion regarding the revision of the proper shipping names for these entries.

Amendments to the Column (2) Hazardous Materials Descriptions and Proper Shipping Names

Section 172.101(c) describes column (2) of the HMT and the requirements for hazardous materials descriptions and proper shipping names.

The proper shipping name for ''UN0222, Ammonium nitrate, *with more than 0.2 percent combustible substances, including any organic substance calculated as carbon, to the exclusion of any other added substance''* is amended by removing the italicized text and placing the text into the new special provision 370.

The proper shipping name for ''UN1942, Ammonium nitrate, *with not more than 0.2% combustible materials, including any organic substance, calculated as carbon to the exclusion of any other added substance''* is amended by replacing the word ''materials'' in italicized text with ''substances'' and the comma following ''substance'' is placed after the word ''carbon.'' Due to the present placement of the comma in the description for the two ammonium nitrate entries, the 0.2% combustible materials/substances are measured differently. This amendment ensures that the 0.2% combustible level is calculated as carbon in the case of organic substances.

Two new proper shipping names ''Asbestos, amphibole (amosite, tremolite, actinolite, anthophyllite, crocidolite)'' and ''Asbestos, chrysotile'' are proposed to be assigned to identification numbers UN2212 and UN2590, respectively. These new proper shipping names more appropriately describe the material than the present ''UN2212, Blue asbestos (Crocidolite) or Brown asbestos (amosite, mysorite)'' and ''UN2590, White asbestos (chrysotile, actinolite, anthophyllite, tremolite).'' In the scientific community, Asbestos is divided into two chemical group names, ''Amphiboles'' and ''Chrysotile''. The amphibole group includes five different minerals (amosite, tremolite, actinolite, anthophyllite, crocidolite). The chrysotile group includes only the mineral chrysotile.

The proper shipping name for ''UN3499, Capacitor, *electric double layer (with an energy storage capacity greater than 0.3 Wh)''* is amended by placing the phrase ''electric double layer'' in Roman type. This amendment is necessary to differentiate this HMT entry from the new HMT entry, Capacitor, asymmetric.

A new proper shipping name ''Safety devices, *electrically initiated''* is proposed to be assigned to identification number UN3268. Current proper shipping names assigned to UN3268 are ''Air bag inflators, *or* Air bag modules, *or* Seat-belt pretensioners.'' The proposed proper shipping name more appropriately describes materials authorized under this HMT entry in conjunction with the proposed revision to special provision 160 to include a number of automotive industry life-saving appliances that are actuated by the electric signal of the crash sensor.

A new proper shipping name ''Safety devices, pyrotechnic'' is proposed to be assigned to identification number UN0503. The current proper shipping names assigned to UN0503 are ''Air bag inflators, *or* Air bag modules, *or* Seat-belt pretensioners.'' The proposed proper shipping name more appropriately describes Class 1 materials authorized under this HMT entry.

The proper shipping name for ''UN1082, Trifluorochloroethylene, stabilized'' is amended by adding ''Refrigerant gas R 1113'' as an alternative proper shipping name for consistency with the Dangerous Goods Lists of the various international standards and the HMT of the HMR. The proposed proper shipping name for UN1082 is

''Trifluorochloroethylene, stabilized *or* Refrigerant gas R 1113''

Amendments to Column (5) Packing Group

Section 172.101(f) describes Column (5) of the HMT and the designation of the packing group(s) assigned to each proper shipping name.

For the entries ''UN3316, Chemical kits'' and ''UN3316, First aid kits'' the Packing Groups II and III designations are proposed. The assignment of packing groups to these entries are not a new requirement; however, including packing group assignments in the HMT will ensure that shippers are aware that the most stringent packing group must be assigned to any individual substance in the kit in accordance 173.161(a)(2).

The HMT entries for several articles are revised to remove packing group assignments. For articles, the packing group does not relate to the degree of hazard posed by the material but rather is assigned generically to the article. There is limited value in requiring an indication of the packing group in association with the shipment. Currently and without specific rationale, some articles are assigned packing groups while others are not. This proposed change provides a level of consistency for all articles specifically listed in the HMT. In this NPRM, PHMSA is proposing to remove packing group assignments from the following HMT entries:

Proper shipping name	UN No.
Ammunition, tear-producing, non-explosive, without burster or expelling charge, non-fuzed	UN2017
Ammunition, toxic, non-explosive, without burster or expelling charge, non-fuzed	UN2016
Batteries, containing sodium	UN3292
Lithium ion batteries *including lithium ion polymer batteries*	UN3480
Lithium ion batteries contained in equipment *including lithium ion polymer batteries*	UN3481
Lithium ion batteries packed with equipment *including lithium ion polymer batteries*	UN3481
Lithium metal batteries *including lithium alloy batteries*	UN3090
Lithium metal batteries contained in equipment *including lithium alloy batteries*	UN3091
Lithium metal batteries packed with equipment *including lithium alloy batteries*	UN3091
Mercury contained in manufactured articles	UN3506
Oxygen generator, chemical *(including when contained in associated equipment, e.g., passenger service units (PSUs), portable breathing equipment (PBE), etc)*	UN3356
Safety devices, *electrically initiated**	UN3268
Tear gas candles	UN1700

* See amendments to Column 2.

Amendments to the Column (7) Special Provisions

Section 172.101(h) describes Column (7) of the HMT and § 172.102(c) the special provisions assigned to specific entries in the HMT. The particular modifications to the entries in the HMT are discussed below. See *Section 172.102 special provisions* for a detailed discussion of the proposed additions, revisions, and deletions to the special provisions addressed in this NPRM.

In this NPRM, special provision 134 is added to the HMT entry ''UN3072, Life-saving appliances, not self-inflating *containing dangerous goods as equipment.''* The addition of this special provision will clarify that equipment containing only lithium batteries must be consigned under the entries ''Lithium batteries contained in equipment'' or ''Lithium batteries packed with equipment,'' as appropriate.

Several HMT entries are revised to include new special provision 367. Special provision 367 authorizes the use of the ''Paint related material'' entries for consignments of packages containing ''Paint'' and ''Paint related material'' in the same package. This special provision also authorizes the proper shipping name ''Printing ink related material'' for consignments of packages containing ''Printing Ink'' and ''Printing ink related material'' in the same package.

In this NPRM, new special provision 367 is proposed to be assigned to the following entries:

Proper shipping name	UN No.
Paint *including paint, lacquer, enamel, stain, shellac solutions, varnish, polish, liquid filler, and liquid lacquer base*	UN1263
Paint *or* Paint related material	UN3066
Paint, corrosive, flammable *(including paint, lacquer, enamel, stain, shellac solutions, varnish, polish, liquid filler, and liquid lacquer base)*	UN3470
Paint, flammable, corrosive, *(including paint, lacquer, enamel, stain, shellac, varnish, polish, liquid filler and liquid lacquer base)*	UN3469
Paint related material *including paint thinning, drying, removing, or reducing compound*	UN1263
Paint related material corrosive, flammable *(including paint thinning or reducing compound)*	UN3470
Paint related material, flammable, corrosive *(including paint thinning or reducing compound)*	UN3469
Printing ink, flammable or Printing ink related material *(including printing ink thinning or reducing compound), flammable*	UN1210

In this NPRM, we propose to add new special provision 368 to the HMT entry ''UN2910, Radioactive material, excepted package-limited quantity of material.''

In this NPRM, new special provision 369 is proposed to be assigned to the new HMT entry ''UN3507, Uranium hexafluoride, radioactive material, excepted package, *less than 0.1 kg per package, non-fissile or fissile-excepted.''*

In this NPRM, new special provision 370 is proposed to be assigned to the HMT entry ''UN0222, Ammonium nitrate.'' This special provision contains qualifying language that previous to this NPRM, was part of the proper shipping name for UN0222.

In this NPRM, new special provision 371 is proposed to be assigned to the HMT entry ''UN3164, Articles, pressurized pneumatic or hydraulic *containing non-flammable gas.''*

In this NPRM, new special provision 375 is proposed to be assigned to the HMT entries ''UN3077, Environmentally hazardous substance, solid, n.o.s.'' and ''UN3077, Environmentally hazardous substance, liquid, n.o.s.''

In this NPRM, for the HMT Packing Group III entry ''UN3089, Metal powders, flammable, n.o.s.'' special provision IB6 is replaced with IB8 and special provisions IP2, and IP4 are added. IB8 is presently assigned to the Packing Group II entry, therefore, fiberboard, wooden and flexible IBCs are allowed for the Packing Group II materials, but are forbidden for the less dangerous Packing Group III substance. These proposed revisions will correct the inconsistency.

In this NPRM, new special provision A61 is proposed to be assigned to the HMT entries ''UN 3107, Organic peroxide type E, liquid'' and ''UN 3109, Organic peroxide type F, liquid''.

Several HMT entries are revised to include new portable tank special provision TP47. Special provision TP47 indicates that the 2.5 year internal portable tank examination may be waived or substituted by other test methods or inspection procedures specified by the competent authority or its authorized body, provided that the portable tank is dedicated to the transport of the organometallic substances to which this tank special provision is assigned. However, this examination is required when the conditions of § 180.605(f) are met.

In this NPRM, new special provision TP47 is proposed to be assigned to the following entries:

Proper shipping name	UN No.
Organometallic substance, liquid, pyrophoric, water-reactive	UN3394
Organometallic substance, liquid, water-reactive	UN3398
Organometallic substance, liquid, water-reactive, flammable	UN3399
Organometallic substance, solid, pyrophoric, water-reactive	UN3393
Organometallic substance, solid, water-reactive	UN3395
Organometallic substance, solid, water-reactive, flammable	UN3396
Organometallic substance, solid, water-reactive, self-heating	UN3397

Amendments to the Column (9) Quantity Limitations.

Section 172.101(j) describes Column (9) of the HMT and the quantity limitations for specific entries in the HMT. Furthermore, Columns (9A) and (9B) specify the maximum quantities that may be offered for transportation in one package by passenger-carrying aircraft or passenger-carrying rail car (Column (9A)) or by cargo-only aircraft (Column (9B)). The indication of ''forbidden'' means the material may not be offered for transportation or transported in the applicable mode of transport.

For the entry ''UN3497, Krill meal'' quantity limits of 15 kg and 50 kg for PG II, and 25 kg and 100 kg for PG III, are proposed for columns (9A) and (9B) respectively. Previously, there was no limit to the amount authorized to be shipped in one package. These new quantity limits are consistent with authorized quantity limits found in the ICAO TI.

At the 24th meeting the ICAO DGP, it was agreed to incorporate certain UN numbers contained in the UN Model Regulations, but not currently listed in the ICAO TI. For the entry ''UN2216, Fish meal, stabilized or Fish scrap, stabilized,'' the panel determined that it should be forbidden for transport on both cargo and passenger aircraft. Under the HMR, this entry is assigned a ''W'' in Column (1) meaning that the material is only subject to the requirements when offered or intended for transport by vessel. Because of this discrepancy, in this NPRM, PHMSA is soliciting public comment on any potential action to align with the ICAO TI (including potentially adding ''A'' to column one and forbidding this entry aboard both cargo and passenger aircraft) and what potential benefit or burden a change to these quantity limits for UN2216 could potentially impose upon shippers and air operators.

Amendments to the Column (10) vessel stowage requirements.

Vessel stowage location (10B).

Section 172.101(k) explains the purpose of column (10) of the HMT and prescribes the vessel stowage and segregation requirements for specific entries in the HMT. Column (10) is divided into two columns: Column (10A) [Vessel stowage] specifies the authorized stowage locations on board cargo and passenger vessels and column (10B) [Other provisions] specifies special stowage and segregation provisions.

The IMO, in amendment 37–14 of the IMDG Code, split their stowage and segregation column (16) in the dangerous goods list into two columns and assigned codes to the existing stowage, handling, and segregation text. The new first column (16a) in the IMDG Code is titled stowage and handling, and the second column (16b) is titled segregation. PHMSA is proposing to maintain the HMT's current column 10A and 10B, while also harmonizing our vessel stowage codes in columns 10A and 10B as closely as possible with those in amendment 37–14 of the IMDG Code. There are several instances where PHMSA is proposing to maintain additional codes (see UN numbers 0019, 0020, 0021, 0301, 0303, 1017, 1131, 1389, 1392, 1420, 1422, 1780, 1942, 1950, 2679, 2912, 3015, 3071, 3101–3106, 3108–3110, 3242, 3323, and 3497) that vary from IMDG Code stowage and segregation requirements. These additional stowage and segregation provisions vary by UN number, but are considered additional precautions deemed necessary to ensure the safe transport of these commodities during transportation by vessel. PHMSA welcomes comments on the continued need and or the impact of maintaining this limited number of domestic variations from the international stowage, handling, and segregation requirements.

During the preparation of this NPRM, PHMSA and the United States Coast Guard conducted an extensive review of all HMT entries to verify that domestic entries correspond as closely as possible with the provisions found in the IMDG Code. PHMSA is proposing numerous changes to the codes found in the HMT's column 10B [Other provisions] as a result of this review. The majority

of the changes are a result of work done at the IMO to eliminate duplicate and unnecessary provisions. Some of the proposed changes to column 10B are proposed to harmonize existing differences in stowage, handling, and segregation provisions between the HMR and the IMDG Code. Recognizing that there are both shippers and carriers that only offer hazardous materials by vessel domestically, PHMSA seeks comments on the costs and benefits to these domestic shippers and carriers of harmonizing the stowage provisions of the HMR with the provisions of the IMDG Code as proposed in this NPRM. PHMSA also solicits comments on the costs and benefits were we to maintain domestic stowage differences within the HMR. A table of proposed changes, listed in alphabetical order, showing the proper shipping name, UN identification number, any stowage codes proposed for removal, and any stowage codes proposed for addition is provided below. If a column is blank, no changes are proposed. The meaning of the codes in column 10B can be found either in § 176.84 or are listed in the § 176.84 Section-by-Section change portion of this NPRM.

Proper shipping name	UN ID No.	Proposed removals	Proposed additions
Aircraft hydraulic power unit fuel tank	UN3165		21, 40, 49, 100
Acrylamide, solid	UN2074		25
Acrylamide solution	UN3426		25
Aldol	UN2839		25
Alkali metal alloys, liquid, n.o.s	UN1421		13, 148
Alkali metal amalgam, liquid	UN1389		13, 148
Alkali metal amalgam, solid	UN3401		13, 148
Alkali metal amides	UN1390		13, 148
Alkali metal dispersions, flammable *or* Alkaline earth metal dispersions, flammable	UN3482		13, 148
Alkali metal dispersions, *or* Alkaline earth metal dispersions	UN1391		13, 148
Alkaline earth metal alloys, n.o.s	UN1393		13, 148
Alkaline earth metal amalgams, liquid	UN1392		13, 148
Alkaline earth metal amalgams, solid	UN3402		13, 148
Allyl chloroformate	UN1722		21, 100
Aluminum borohydride *or* Aluminum borohydride in devices	UN2870		13, 148
Aluminum carbide	UN1394		13, 148
Aluminum ferrosilicon powder (PG II and III)	UN1395		13, 148
Aluminum hydride	UN2463		13, 148
Aluminum phosphide	UN1397		13, 148
Aluminum powder, coated (PG II and III)	UN1309		13, 147, 148
Aluminum powder, uncoated (PG II and III)	UN1396		13, 148
Aluminum silicon powder, uncoated	UN1398		13, 148
Aluminum smelting by-products *or* Aluminum remelting by-products (PG II and III)	UN3170		13, 148
N-Aminoethylpiperazine	UN2815		25
Aminopyridines *(o-; m-; p-)*	UN2671		25
Ammonium nitrate based fertilizer	UN2067		124
Ammonium nitrate, liquid	UN2426		124
Ammonium nitrate	UN1942		66, 124
Ammonium polysulfide, solution (PG II and III)	UN2818		25
Ammonium sulfide solution	UN2683		25
Anisoyl chloride	UN1729		40
Antimony pentafluoride	UN1732		40
Arsenic bromide	UN1555		25
Barium	UN1400		13, 148
Barium alloys, pyrophoric	UN1854		13, 148
Barium azide, wetted	UN1571		36
Barium peroxide	UN1449	56	66, 148
Batteries, containing sodium	UN3292		13, 148
Beryllium, powder	UN1567		13, 147, 148
Boron tribromide	UN2692		25
Boron trifluoride dehydrate	UN2851		25
Boron trifluoride dimethyl etherate	UN2965		25
Bromoform			25
Bromine	UN1744		25
Bromine solutions (both PG I entries)	UN1744		25
Bromobenzyl cyanides, liquid	UN1694		25
Bromobenzyl cyanides, solid	UN3449		25
tert-Butyl hypochlorite	UN3255		40
Butyl mercaptan	UN2347		102
5-tert-Butyl-2,4,6-trinitro-m-xylene *or* Musk xylene	UN2956		40
Butyric acid	UN2820		25
Calcium	UN1401		13, 148
Calcium carbide (PG I and II)	UN1402		13, 148
Calcium cyanamide *with more than 0.1 percent of calcium carbide*	UN1403		13, 148
Calcium hydride	UN1404		13, 148
Calcium manganese silicon	UN2844		13, 148
Calcium peroxide	UN1457	56	66, 148
Calcium phosphide	UN1360		13, 148
Calcium, pyrophoric *or* Calcium alloys, pyrophoric	UN1855		13, 148
Calcium silicide (PG II and III)	UN1405		13, 148

Proper shipping name	UN ID No.	Proposed removals	Proposed additions
Carbon, activated	UN1362		25
Carbon (PG II and III)	UN1361		25
Castor beans *or* Castor meal *or* Castor pomace *or* Castor flake	UN2969		44, 122
Cerium, *slabs, ingots, or rods*	UN1333		13, 147, 148
Cerium, *turnings or gritty powder*	UN3078		13, 148
Cesium *or* Caesium	UN1407		13, 148
Chloroacetonitrile	UN2668		25
Chloroacetophenone, liquid, *(CN)*	UN3416		25
Chloroacetophenone, solid, *(CN)*	UN1697		25
Chlorocresols solution (PG II and III)	UN3437		25
Chloromethyl chloroformate	UN2745	21, 100	12
Chloronitrobenzenes, liquid	UN3409		44, 89, 100, 141
Chlorosilanes, water-reactive, flammable, corrosive, n.o.s	UN2988		13, 147, 148
Corrosive liquids, water-reactive, n.o.s. (PG I and II)	UN3094		13, 148
Corrosive solids, toxic, n.o.s. (PG III)	UN2923	95	
Corrosive solids, water-reactive, n.o.s. (PG I, II, and III)	UN3096		13, 148
Crotonic acid, liquid	UN3472		25
Crotonic acid, solid	UN2823		25
Cyanogen bromide	UN1889		52
Cyanuric chloride	UN2670		25
Cyclohexyl mercaptan	UN3054		102
1,1-Dichloro-1-nitroethane	UN2650		25
1,3-Dichloroacetone	UN2649		25
1,3-Dichloropropanol-2	UN2750		25
Diethylthiophosphoryl chloride	UN2751		25
Dipicryl sulfide, wetted	UN2852		36
2-Ethylhexyl chloroformate	UN2748	21, 100	
Ferrocerium	UN1323		13, 147, 148
Ferrosilicon *with 30 percent or more but less than 90 percent silicon*	UN1408		13, 148
Ferrous metal borings *or* Ferrous metal shavings *or* Ferrous metal turnings *or* Ferrous metal cuttings *in a form liable to self-heating*	UN2793		13, 148
Fuel cell cartridges *or* Fuel cell cartridges contained in equipment *or* Fuel cell cartridges packed with equipment, *containing water-reactive substances*	UN3476		13, 148
Hafnium powder, dry (PG I, II, and III)	UN2545		13, 148
Hexachlorocyclopentadiene	UN2646		25
Hexamethylenediamine, solid	UN2280		25
Hydrofluoric acid, *with more than 60 percent strength*	UN1790		25
Hydrofluoric acid, *with not more than 60 percent strength*	UN1790		25
Hydrogen, refrigerated liquid *(cryogenic liquid)*	UN1966		57
Hypochlorites, inorganic, n.o.s	UN3212	106	
Iron oxide, spent, *or* Iron sponge, spent *obtained from coal gas purification*	UN1376		13, 148
Isopropyl chloroformate	UN2407		21, 100
Life-saving appliances, not self inflating	UN3072		122
Life-saving appliances	UN2990		122
Lithium	UN1415		13, 148
Lithium aluminum hydride	UN1410		13, 148
Lithium aluminum hydride, ethereal	UN1411		13, 148
Lithium borohydride	UN1413		13, 148
Lithium ferrosilicon	UN2830		13, 148
Lithium hydride	UN1414		13, 148
Lithium hydride, fused solid	UN2805		13, 148
Lithium peroxide	UN1472		13, 148
Lithium silicon	UN1417		13, 148
Magnesium aluminum phosphide	UN1419		13, 148
Magnesium diamide	UN2004		13, 148
Magnesium granules, coated, *particle size not less than 149 microns*	UN2950		13, 148
Magnesium hydride	UN2010		13, 148
Magnesium *or* Magnesium alloys *with more than 50 percent magnesium in pellets, turnings or ribbons*	UN1869		13, 147, 148
Magnesium peroxide	UN1476		13, 148
Magnesium phosphide	UN2011		13, 148
Magnesium, powder *or* Magnesium alloys, powder (PG I, II, and III)	UN1418		13, 148
Magnesium silicide	UN2624		13, 148
Maleic anhydride	UN2215		95, 102
Maleic anhydride, molten	UN2215		95, 102
Malononitrile	UN2647		25
Maneb *or* Maneb preparations *with not less than 60 percent maneb*	UN2210		13. 148
Maneb stabilized *or* Maneb preparations, stabilized *against self-heating*	UN2968		13, 148
Metal powders, flammable, n.o.s. (PG II and III)	UN3089		74
Mercaptans, liquid, flammable, n.o.s. *or* Mercaptan mixture, liquid, flammable, n.o.s. (PG I, II, and III)	UN3336		102
Mercaptans, liquid, flammable, toxic, n.o.s. *or* Mercaptan mixtures, liquid, flammable, toxic, n.o.s. (PG II and III)	UN1228		102

Proper shipping name	UN ID No.	Proposed removals	Proposed additions
Mercaptans, liquid, toxic, flammable, n.o.s. *or* Mercaptan mixtures, liquid, toxic, flammable, n.o.s., *flash point not less than 23 degrees C*	UN3071		102
Metal catalyst, dry (PG I, II, and III)	UN2881		13, 147, 148
Metal hydrides, water reactive, n.o.s. (PG I and II)	UN1409		13, 148
Metal powder, self-heating, n.o.s. (PG II and III)	UN3189		13, 147, 148
Metal powders, flammable, n.o.s. (PG II and III)	UN3089		13, 74, 147, 148
Metallic substance, water-reactive, n.o.s. (PG I, II, and III)	UN3208		13, 148
Metallic substance, water-reactive, self-heating, n.o.s. (PG I, II, and III)	UN3209		13, 148
Methyl iodide	UN2644		25
Methyl magnesium bromide, in ethyl ether	UN1928		13, 148
Methyl vinyl ketone, stabilized			21, 100
Organic peroxide type B, liquid	UN3101	40	25
Organic peroxide type B, liquid, temperature controlled	UN3111	40	25
Organic peroxide type B, solid	UN3102	40	25
Organic peroxide type B, solid, temperature controlled	UN3112	40	25
Organic peroxide type C, liquid	UN3103	40	25
Organic peroxide type C, liquid, temperature controlled	UN3113	40	25
Organic peroxide type C, solid	UN3104	40	25
Organic peroxide type C, solid, temperature controlled	UN3114	40	25
Organic peroxide type D, liquid	UN3105	40	25
Organic peroxide type D, liquid, temperature controlled	UN3115	40	25
Organic peroxide type D, solid	UN3106	40	25
Organic peroxide type D, solid, temperature controlled	UN3116	40	25
Organic peroxide type E, liquid	UN3107	40	25
Organic peroxide type E, liquid, temperature controlled	UN3117	40	25
Organic peroxide type E, solid	UN3108	40	25
Organic peroxide type E, solid, temperature controlled	UN3118	40	25
Organic peroxide type F, liquid	UN3109	40	25
Organic peroxide type F, liquid, temperature controlled	UN3119	40	25
Organic peroxide type F, solid	UN3110	40	25
Organic peroxide type F, solid, temperature controlled	UN3120	40	25
Organometallic substance, liquid, pyrophoric	UN3392		13, 148
Organometallic substance, liquid, pyrophoric, water-reactive	UN3394		13, 52, 148
Organometallic substance, liquid, water-reactive (PG I, II, and III)	UN3398		13, 148
Organometallic substance, liquid, water-reactive, flammable (PG I, II, and III)	UN3399		13, 148
Organometallic substance, solid, pyrophoric, water-reactive	UN3393		13, 148
Organometallic substance, solid, water-reactive (PG I, II, and III)	UN3395		13, 148
Organometallic substance, solid, water-reactive, flammable (PG I, II, and III)	UN3396		13, 148
Organometallic substance, solid, water-reactive, self-heating (PG I, II, and III)	UN3397		13, 148
Oxidizing liquid, corrosive, n.o.s. (PG I)	UN3098	106	
Oxidizing liquid, corrosive, n.o.s. (PG II and III)	UN3098	106, 34	
Oxidizing liquid, n.o.s. (PG I, II, and III)	UN3139	106	
Oxidizing liquid, toxic, n.o.s. (PG I, II, and III)	UN3099	106	
Oxidizing solid, corrosive, n.o.s. (PG I, II, and III)	UN3085	106	
Oxidizing solid, flammable, n.o.s	UN3137		13, 147, 148
Oxidizing solid, toxic, n.o.s. (PG I)	UN3087	106	
Oxidizing solid, toxic, n.o.s. (PG II and III)	UN3087	95, 106	
Oxidizing solid, water reactive, n.o.s	UN3121		13, 148
Pentaborane	UN1380		13, 148
Peroxides, inorganic, n.o.s. (PG II and III)	UN1483		148
Persulfates, inorganic, aqueous solution, n.o.s	UN3216		58
Pesticides, liquid, flammable, toxic, *flash point less than 23 degrees C* (PG I and II)	UN3021		40
Phenyl chloroformate	UN2746	21, 10	
Phosphorus heptasulfide, *free from yellow or white phosphorus*	UN1340		13, 147, 148
Phosphorus oxybromide	UN1939		25
Phosphorus pentabromide	UN2691		25
Phosphorus trioxide	UN2578		25
Phosphorus trisulfide, *free from yellow or white phosphorus*	UN1343		13, 147, 148
Piperazine	UN2579		25
Potassium	UN2257		13, 148
Potassium borohydride	UN1870		13, 148
Potassium, metal alloys, liquid	UN1420		13, 148
Potassium, metal alloys, solid	UN3403		13, 148
Potassium, metal alloys, solid	UN3403		13, 52, 148
Potassium peroxide	UN1491		148
Potassium phosphide	UN2012		13, 148
Potassium sodium alloys, liquid	UN1422		13, 148
Potassium sodium alloys, solid	UN3404		13, 148
Potassium superoxide	UN2466		13, 148
Pyrophoric liquid, inorganic, n.o.s	UN3194		13, 148
Pyrophoric liquids, organic, n.o.s	UN2845		13, 148
Pyrophoric metals, n.o.s., *or* Pyrophoric alloys, n.o.s	UN1383		13, 148
Pyrophoric solid, inorganic, n.o.s	UN3200		13, 148

Proper shipping name	UN ID No.	Proposed removals	Proposed additions
Pyrophoric solids, organic, n.o.s	UN2846		13, 148
Quinoline	UN2656		25
Rubidium	UN1423		13, 148
Seed cake *with not more than 1.5 percent oil and not more than 11 percent moisture*	UN2217		120
Self-reactive liquid type B	UN3221		25, 127
Self-reactive liquid type C	UN3223		25
Self-reactive liquid type C, temperature controlled	UN3233		25
Self-reactive liquid type D	UN3225		25
Self-reactive liquid type D, temperature controlled	UN3235		25
Self-reactive liquid type E	UN3227		25
Self-reactive liquid type E, temperature controlled	UN3237		25
Self-reactive liquid type F	UN3229		25
Self-reactive liquid type F, temperature controlled	UN3239		25
Self-reactive solid type B	UN3222		25, 127
Self-reactive solid type B, temperature controlled	UN3232		25
Self-reactive solid type C	UN3224		25
Self-reactive solid type C, temperature controlled	UN3234		25
Self-reactive solid type D	UN3226		25
Self-reactive solid type D, temperature controlled	UN3236		25
Self-reactive solid type E	UN3228		25
Self-reactive solid type E, temperature controlled	UN3238		25
Self-reactive solid type F	UN3230		25
Self-reactive solid type F, temperature controlled	UN3240		25
Sodium	UN1428		13, 148
Sodium aluminum hydride	UN2835		13, 148
Sodium borohydride	UN1426		13, 148
Sodium dinitro-o-cresolate, wetted	UN3369		28
Sodium hydride	UN1427		13, 148
Sodium peroxide	UN1504		13, 148
Sodium phosphide	UN1432		13, 148
Stannic phosphide	UN1433		13, 148
Strontium peroxide	UN1509		13, 148
Strontium phosphide	UN2013		13, 148
Titanium powder, dry (PG I, II, and III)	UN2546		13, 148
Titanium sponge granules *or* Titanium sponge powders	UN2878		13, 147, 148
Titanium trichloride, pyrophoric *or* Titanium trichloride mixtures, pyrophoric	UN2441		13, 148
Toxic by inhalation liquid, water-reactive, n.o.s. *with an LC50 lower than or equal to 200 ml/m^3 and saturated vapor concentration greater than or equal to 500 LC50*	UN3385		13, 148
Toxic by inhalation liquid, water-reactive, n.o.s. *with an LC50 lower than or equal to 1,000 ml/m^3 and saturated vapor concentration greater than or equal to 10 LC50*	UN3386		13, 148
Toxic by inhalation liquid, water-reactive, flammable, n.o.s. *with an LC50 lower than or equal to 200 ml/m3 and saturated vapor concentration greater than or equal to 500 LC50*	UN3490		13, 148
Toxic by inhalation liquid, water-reactive, flammable, n.o.s. *with an LC50 lower or equal to 1000 ml/m3 and saturated vapor concentration greater than or equal to 10 LC50*	UN3491		13, 148
Toxic liquid, corrosive, inorganic, n.o.s. (PG I and II)	UN3289		40
Toxic liquid, inorganic, n.o.s. (PG I, II, and III)	UN3287		40
Toxic liquids, water-reactive, n.o.s. (PG I and II)	UN3123		13, 148
Toxic solid, corrosive, inorganic, n.o.s. (PG I and II)	UN3290		40
Toxic solid, inorganic, n.o.s. (PG I, II, and III)	UN3288		40
Toxic solids, water-reactive, n.o.s. (PG I and II)	UN3125		13, 148
Trifluoroacetic acid	UN2699		25
Trimethylacetyl chloride	UN2438		21, 100
Trinitrobenzene, wetted, *with not less than 10% water, by mass*	UN3367		28
Trinitrobenzoic acid, wetted *with not less than 10% water by mass*	UN3368		28
Trinitrobenzoic acid, wetted *with not less than 30 percent water, by mass*	UN1355		28
Trinitrochlorobenzene (picryl chloride), wetted, *with not less than 10% water by mass*	UN3365		28
Trinitrophenol (picric acid), wetted, *with not less than 10 percent water by mass*	UN3364		28
Trinitrotoluene (TNT), wetted, *with not less than 10 percent water by mass*	UN3366		28
Urea nitrate, wetted, *with not less than 10 percent water by mass*	UN3370		28
Vinylpyridines, stabilized	UN3073		100
Water-reactive liquid, corrosive, n.o.s. (PG I, II, and III)	UN3129		13, 148
Water-reactive liquid, n.o.s. (PG I, II, and III)	UN3148		13, 148
Water-reactive liquid, toxic, n.o.s. (PG I, II, and III)	UN3130		13, 148
Water-reactive solid, corrosive, n.o.s. (PG I, II, and III)	UN3131		13, 148
Water-reactive solid, flammable, n.o.s. (PG I, II, and III)	UN3132		13, 148
Water-reactive solid, n.o.s. (PG I, II, and III)	UN2813		13, 148
Water-reactive, solid, oxidizing, n.o.s. (PG II and III)	UN3133		13, 148
Water-reactive solid, self-heating, n.o.s. (PG I, II, and III)	UN3135		13, 148
Water-reactive solid, toxic, n.o.s. (PG I, II, and III)	UN3134		13, 148
Zinc ashes	UN1435		13, 148
Zinc dithionite *or* Zinc hydrosulfite	UN1931	49	13, 26, 123
Zinc peroxide	UN1516		13, 148

Proper shipping name	UN ID No.	Proposed removals	Proposed additions
Zinc phosphide	UN1714		13, 148
Zinc powder *or* Zinc dust (PG I, II, and III)	UN1436		13, 148
Zirconium, dry, *coiled wire, finished metal sheets, strip (thinner than 254 microns but not thinner than 18 microns)*	UN2858		13, 147, 148
Zirconium, dry, *finished sheets, strip or coiled wire*	UN2009		13, 148
Zirconium powder, dry (PG I, II, and III)	UN2008		13, 148
Zirconium powder, wetted *with not less than 25 percent water (a visible excess of water must be present) (a) mechanically produced, particle size less than 53 microns; (b) chemically produced, particle size less than 840 microns*	UN1358		13, 147, 148
Zirconium scrap	UN1932		13, 148

Appendix B to § 172.101

Appendix B to § 172.101 lists Marine Pollutants regulated under the HMR. In this NPRM, PHMSA is proposing to revise the List of Marine Pollutants by adding sixty-two new entries consistent with the IMDG Code. These changes are proposed to include those substances that, by virtue of meeting the Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) defining criteria for marine pollutants, were either assigned a ''P'' in the dangerous goods list or identified in the alphabetical index to amendment 37–14 of the IMDG Code. The entry ''Chlorotoluenes (meta-;para-)'' would be removed based on its removal from the IMDG Code.

Section 172.102 Special Provisions

Section 172.102 lists special provisions applicable to the transportation of specific hazardous materials. Special provisions contain packaging requirements, prohibitions, and exceptions applicable to particular quantities or forms of hazardous materials. PHMSA is proposing the following revisions to § 172.102, special provisions:

Special Provision 28

Special provision 28 states that the dihydrated sodium salt of dichloroisocyanuric acid is not subject to the HMR. In this NPRM, PHMSA proposes to revise special provision 28 to convey that the dihydrated sodium salt of dichloroisocyanuric acid does not meet the definition of a Division 5.1 (oxidizer) and is not subject to the requirements of the subchapter unless it meets the criteria for inclusion in another Class or Division, such as Class 9, environmentally hazardous substance. Some formulations of the dihydrated sodium salt of dichloroisocyanuric acid meet the criteria for classification as an environmentally hazardous substance.

Special Provision 52

Special provision 52 authorizes use of the HMT entry ''UN2067, Ammonium nitrate based fertilizer'' for substances that do not exhibit explosive properties of Class 1 when tested in accordance with Test Series 1 and 2 of the UN Manual of Tests and Criteria, Part I. In this NPRM, PHMSA proposes to revise special provision 52 by removing the requirement to test in accordance with Test Series 1 because Test Series 2 determines whether such properties are indeed those of Class 1, not Test Series 1.

Special Provision 147

This special provision describes the composition of the material for which the use of the HMT entry ''UN3375, Ammonium nitrate emulsion *or* Ammonium nitrate suspension *or* Ammonium nitrate gel, *intermediate for blasting explosives''* is authorized and prohibits the material from being classified and transported unless approved by the Associate Administrator. Special provision 147 requires that these substances must satisfactorily pass Test Series 8 of the UN Manual of Tests and Criteria, Part I, Section 18. Test Series 8 contains four test types. Tests 8(a), (b) and (c) are used for classification purposes while Test 8(d) is used to assess suitability for transport in portable tanks. The use of this entry (UN 3375) therefore requires only that Tests 8(a), (b) and (c) are satisfactorily passed. In this NPRM, PHMSA is proposing to revise special provision 147 by clarifying that Tests 8(a), (b) and (c), not the entire Test Series 8, are required for use in classification and subsequent approval by the Associate Administrator.

Special Provision 160

Special provision 160 is presently assigned to ''UN3268, Air bag inflators, *or* Air bag modules, *or* Seat-belt pretensioners'' in Class 9. Special provision 160 includes the requirement that air bag inflators and modules must be tested in accordance with Test series 6 (c) of Part I of the UN Manual of Tests and Criteria. In this NPRM, PHMSA is proposing to revise special provision 160 in conjunction with revising the proper shipping name for UN3268 to ''Safety devices, *electrically initiated.''* The entry is revised to clarify that it applies to safety devices used in vehicles including vessels and aircraft, and pyromechanical devices that are added to the list of authorized devices. The development of safety products has seen significant progress since the introduction of UN3268 and the range of current products extends beyond what can presently be assigned to UN3268. Some of the newer safety products include elements that are actuated by the electrical signal of the crash sensor (e.g. pyromechanical devices). Examples include: Devices that interrupt the electrical connection in case of emergency by disconnecting the main power cable in the vehicle from the battery to prevent short circuit and consequentially minimize the risk of fire in the vehicle; and actuators which are used for active headrests or for pedestrian protection to release special hinges of the engine hood. In addition, PHMSA is proposing to clarify that this entry does not apply to life saving appliances described in § 173.219 (UN Nos. 2990 and 3072).

Special Provision 161

Special provision 161 required that for domestic transportation the alternate shipping description ''*Articles, pyrotechnic for technical purposes''* be used to describe air bag inflators, air bag modules and seat-belt pretensioners (UN0503) meeting the criteria for a Division 1.4G explosive. This was done to ensure a different shipping name was used to describe these articles to differentiate them from air bag inflators, air bag modules and seat-belt pretensioners (UN3268) in Class 9. In this NPRM, PHMSA proposes, consistent with the UN Model Regulations, to adopt new proper shipping names for these items, ''Safety devices'' (UN3268) for these articles

assigned to Class 9, and ''Safety Devices, pyrotechnic'' (UN0503) for these articles assigned to Division 1.4G. Since the proper shipping names for these items would no longer the same, there would be no need to use a different proper shipping name for these articles assigned to Division 1.4G. Therefore the need for this special provision would be obsolete and we propose to delete it from the regulations and to delete its reference from the UN0503 entry in the HMT. Under this proposed revision, for domestic transportation, air bag inflators, air bag modules and seat-belt pretensioners (UN0503) meeting the criteria for a Division 1.4G explosive, that are currently described as ''*Articles, pyrotechnic for technical purposes''* would be described as ''Safety devices, pyrotechnic'' (UN0503).

Special Provision 238

Special provision 238 addresses the shipment of neutron radiation detectors. In this NPRM, PHMSA proposes to revise special provision 238 to align with the UN Model Regulations special provision 373 by expanding the transport conditions for neutron radiation detectors and radiation detection systems containing such detectors. Paragraph a. is restructured into: (a)(1), General transport requirements; (a)(2), requirements for radiation detectors transported as individual components; and (a)(3), requirements for completed neutron radiation detection systems containing detectors. Consistent with the UN Model Regulations, PHMSA is proposing the following revisions to the transport conditions: [1] In (a)(1), increase the total amount of gas authorized per detector from 12.8 grams to 13 grams; clarify that the minimum burst pressure is demonstrated by design type qualification testing; and add a new leaktightness standard; [2] in (a)(2), clarify that in addition to being packed in a strong outer package, that the completed package must be capable of withstanding a drop of 1.8 meters (6-foot) without leakage of gas contents; and increase the total amount of gas from all detectors per outer packaging from 51.2 grams to 52 grams; and [3], in (a)(3), add a new requirement that for completed neutron radiation detection systems, the detectors must be contained in a strong sealed outer casing; and add a new requirement that the completed system must be capable of withstanding a 1.8 meter (6-foot) drop test without leakage unless a system's outer casing affords equivalent protection.

Special Provision 342

This special provision, assigned to ''UN1040, Ethylene oxide *or* Ethylene oxide with nitrogen'' allows sterilization devices containing ethylene oxide, conforming to the conditions in the special provision, and packaged in accordance with § 173.4a of the HMR to be offered for transportation and transported by all modes even though Column (9A) of the § 172.101 HMT lists the material as forbidden by passenger aircraft.

Consistent with the ICAO TI, in this NPRM, PHMSA is proposing to further clarify that irrespective of both Columns (9A) and (9B) of the § 172.101 HMT listing the material as forbidden, ethylene oxide conforming to the conditions in the special provision is eligible for air transport. Specifically, we are proposing to supplement the language in this special provision ''irrespective of the restriction of § 173.4a(b)'' with ''and the indication of ''forbidden'' in columns (9A) and (9B) of the § 172.101 table.''

Special Provision 362

Special provision 362 specifies when a material can be considered a chemical under pressure. Specifically, the special provision states that classification of these materials is to be based on hazard characteristics of the components in the propellant, the liquid, or the solid forms. In this NPRM, PHMSA proposes to revise special provision 362 by adding a new paragraph (f) to clarify that chemicals under pressure containing components forbidden for transport on both passenger and cargo aircraft must not be transported by air.

Special Provision 367

A new special provision 367 is proposed to clarify that the proper shipping name ''Paint related material'' or ''Printing ink related material'' may be used for consignments of packages containing both ''Paint'' and ''Paint related material'' or ''Printing Ink'' and ''Printing ink related material'' in the same package and sharing the same identification number (UN 1210, UN 1263, UN 3066, UN 3469, or UN 3470). For example, ''UN1263, Paint *including paint, lacquer, enamel, stain, shellac solutions, varnish, polish, liquid filler, and liquid lacquer base''* and ''UN1263, Paint related material'' contained in the same package, may be consigned under the entry ''UN1263, Paint related material *including paint thinning, drying, removing, or reducing compound.''* Paint mainly consists of resin, pigment and solvent. Thinning compound consists of solvent as well. Thus under the same UN entry, there is no difference between ''Paint'' and ''Paint related material'' with regard to transport requirements.

Special Provision 368

In this NPRM, PHMSA proposes adding new special provision 368 and assigning it to ''UN2910, Radioactive material, excepted package-limited quantity of material'' to clarify that in the case of non-fissile or fissile-excepted uranium hexafluoride, the material must be classified under UN3507 or UN2978.''

Special Provision 369

The 18th Revised Edition of the UN Model Regulations has adopted a new proper shipping name of ''UN3507, Uranium hexafluoride, radioactive material, excepted package, *less than 0.1 kg per package, non-fissile or fissile-excepted'',* to address small quantities of uranium hexafluoride containing corrosive properties, thus a new special provision is necessary in the HMR. In this NPRM, PHMSA proposes the assignment of special provision 369 to UN3507 to specify a primary hazard of Class 8 with subsidiary risk of Class 7, subject to certain conditions. The provisions in special provision 369 relating to conditions required when it is evident that packages have leaked are consistent with language proposed for inclusion in § 173.443(e) in HM–250 [Docket No. PHMSA–2009–0063]. PHMSA notes that if the proposed addition of these provisions in § 173.443(e) occurs, the portion of the text proposed in this NPRM referring to leaking packages may be replaced with a reference to § 173.443(e).

Special Provision 370

In this NPRM, PHMSA proposes adding new special provision 370 and assigning it to the revised HMT entry ''UN0222, Ammonium Nitrate.'' As a result of the comma placement in the descriptions for the two ammonium nitrate entries, UN1942 and UN0222, the manner in which the 0.2% combustible materials/substances level is calculated would lead to different analyses and different, non-comparable results. In conjunction with revising the proper shipping name for UN0222 by removing the qualifying text, in this NPRM, PHMSA is proposing a new special provision assigned to UN0222 to include the qualifying text previously attached to the proper shipping name and further clarify the criteria for use of this entry by stipulating the following conditions: (1) Ammonium nitrate with more than 0.2% combustible substances, including any organic

substance calculated as carbon, to the exclusion of any added substance; or (2) ammonium nitrate with not more than 0.2% combustible substances, including any organic substance calculated as carbon, to the exclusion of any added substance, that gives a positive result when tested in accordance with Test Series 2 of the UN Manual of Tests and Criteria, Part I.

Special Provision 371

In this NPRM PHMSA proposes adding a new special provision 371 and assigning it to ''UN3164, Articles, pressurized pneumatic *or* hydraulic *containing non-flammable gas.''* This special provision sets forth the requirements for confetti-shooters pressurized with gas instead of pyrotechnics. The shooter consists in principle, of a jacket of cardboard, the pressurized receptacle filled with compressed air or nitrogen, a lock mechanism made of plastics, a plug of rubber and a metal cap for closing the receptacle and different types of confetti. By turning a ring, or the bottom part of the shooter, a mechanism is unlocked and the pressurized gas is discharged so that the confetti is shot away for a few meters. This type of shooter does not contain any amount of explosives and therefore cannot be assigned to Class 1, and does not meet the requirements for gas cartridges or small pressure receptacles. The requirements set forth in the special provision ensure the same level of safety as for confetti-shooters with pyrotechnics.

Special Provision 372

In this NPRM, PHMSA proposes adding new special provision 372 and assigning it to the new HMT entry ''UN3508, Capacitor, asymmetric.'' This special provision states that this entry applies to asymmetric capacitors with an energy storage capacity greater than 0.3 watt hours (Wh) and that asymmetric capacitors with an energy storage capacity of 0.3 Wh or less are not subject to the requirements of this subchapter. This special provision also provides that nickel-carbon asymmetric capacitors containing Class 8 alkaline electrolytes must be transported as UN 2795, Batteries, wet, filled with alkali, electric storage.

Special Provision A60

Special provision A60 permits ''UN2014, Hydrogen peroxide, aqueous solution,'' to be transported in excepted quantities. The special provision authorizes packagings to include a vent to permit the slow escape of gas (i.e. not more than 0.1 mL/hour per 30 mL inner packaging at 20 °C (68 °F) produced from gradual decomposition. As venting is permitted, the requirements of §§ 173.24(g)(1) and 173.27(c) are impracticable and should not apply. To address the issue, the ICAO DGP adopted a proposal to clarify these general requirements prohibiting venting should not be applicable. In this NPRM, we are proposing to harmonize with the ICAO TI with regard to waiving the general requirements of §§ 173.24(g)(1) and 173.27(c). Special provision A60 is revised accordingly.

Special Provision A61

In this NPRM, PHMSA proposes adding new special provision A61 and assigning it to the to the HMT entries ''UN 3107, Organic peroxide type E, liquid'' and ''UN 3109, Organic peroxide type F, liquid.'' PHMSA proposes to align with Packing Instruction 570 of the ICAO TI to allow for limited venting of oxygen in the case of specialized peroxyacetic acid packagings when transported by cargo aircraft provided the packaging requirements of this special provision are met. It was reported to the ICAO DGP that peroxyacetic acid was commonly used as a sterilizer for health care purposes and that there is a need to transport the material by air for use in sterilizing medical equipment using custom packagings. The basis for the requirements that these specialized packagings must meet originated from exemptions to permit the transport of this substance in small containers approved by appropriate national authorities in four States. The inclusion of this new special provision will eliminate the need for these exemptions and facilitate international transport.

IBC Codes and IP Codes

The introductory paragraph (c)(4) states that packagings are authorized for the Packing Group III entries of specific proper shipping names when either Special Provision IB3 or IB8 is assigned to that entry in the § 172.101 Table. When no IB code is assigned in the § 172.101 Table for a specific proper shipping name, or in § 173.225(e) Organic Peroxide Table for Type F organic peroxides, use of an IBC or Large Packaging for the material may be authorized when approved by the Associate Administrator.

In this NPRM, PHMSA proposes to revise the introductory paragraph (c)(4) by adding a reference to § 173.185, preceding the reference to § 173.225(e), thereby authorizing the use of Large Packagings for lithium batteries without assigning IB3 or IB8 to the corresponding entries in the § 172.101 Table. See *Section 173.185 Lithium batteries* for a detailed discussion of the proposed a use of rigid large packagings for lithium batteries.

In two final rules published in the **Federal Register** on January 19, 2011 (76 FR 3308; HM–215K) and January 7, 2013 (78 FR 988; HM–215L) the Table 1 (IBC Codes) in paragraph (c)(4) were editorially revised to remove UN Specifications 31A, 31B, 31N, 31H1, 31H2, 31HZ1, and 31HZ2 from IBC Codes IB4 through IB8. The revisions were consistent with amendments to international standards that removed the specifications from the indicated codes in the table because IBC Codes IB4 through IB8 are assigned to solids, whereas, UN Specifications 31A, 31B, 31N, 31H1, 31H2, 31HZ1, and 31HZ2 are authorized for transportation of liquids in IBC Codes IB1 through IB3 and are assigned to liquid materials only. Information presented to the UN Committee of Experts on the Transport of Dangerous Goods (UNCOE) in this last biennium indicated that the removal of the above UN Specifications from IBC Codes IB4 through IB8 has created a problem. Prior to implementation of these revisions, certain liquid IBC types were used to transport powdery solids and solids that become liquid under conditions of transport. These solids may be loaded and unloaded from the IBC in liquid form raising the question of whether the remaining IBC's, which are intended for gravity or pressure discharge, are appropriate. The UN sub-committee adopted a proposal to reinstate the IBC's that were previously authorized. In this NPRM, we are proposing to harmonize with the UN Model Regulations by revising the IBC Codes IB4 through IB8 in paragraph (c)(4), the Table 1 (IBC Codes) to reinstate IBC's previously authorized.

A new IP Code 16 is added and assigned to UN3375. Consistent with international regulations, this special provision would authorize require IBCs of type 31A and 31N if approved by the Associate Administrator.

Special Provision TP47

In this NPRM, PHMSA proposes adding new special provision TP47 and assigning it to the organometallic substance HMT entries UN3393 through UN3399. The special provision waives the 2.5 year internal inspection for portable tanks used for the transport of liquid and solid organometallic substances provided that the portable tank remains in the dedicated service of transporting organometallic substances. However, all other required 2.5 year inspections and tests would still be

performed, as well as the full 5 year periodic test and inspection, which would include an internal inspection.

This special provision is added for the following reasons. Before an internal inspection can be performed, the tank must be cleaned and purged. In this process, it is difficult to ensure that all water or other impurities or contaminants introduced during the cleaning are fully removed before organometallic substances are again introduced into the tank potentially resulting in a dangerous reaction or have an effect on the purity of the product. Since these organometallic substances are fully compatible with, and, in particular, are not corrosive to the materials of construction used in such tanks, the likelihood that an internal inspection will reveal any corrosion, pitting or other deterioration of the tank is unlikely. In order to increase safety and avoid the risk of a dangerous reaction or product contamination the 2.5 year internal inspection is waived, provided the portable tank remains in the dedicated service of transporting organometallic substances and the tank does exhibit damaged or corroded areas, or leakage, or other conditions that indicate a deficiency in accordance with § 180.605(f).

Section 172.315

To promote the uniformity of markings, the UN Model Regulations have adopted revisions to clarify and standardize the specifications for limited quantity marking, including the air limited quantity marking. In this NPRM, PHMSA is proposing to revise the specifications for the limited quantity markings prescribed in § 172.315(a)(2) and (b)(2) to be consistent with the revised specifications for these markings in the UN Model Regulations. Also consistent with the UN Model Regulations, we propose to allow manufacturers and printers necessary time to retool to produce markings that conform to the revised specifications, and to allow for the depletion of supplies of existing markings. PHMSA proposes a transitional period to authorize a limited quantity marking that is in conformance with the requirements of the regulations in effect on October 1, 2012, to be used until December 31, 2016.

Section 172.317

To promote the uniformity of the ''Keep Away From Heat'' handling mark throughout the international transportation community, revisions have been adopted in the ICAO Technical Instructions to clarify and standardize the specifications for this hazard communications element. In this NPRM, PHMSA is proposing to revise the specifications for the ''Keep Away From Heat'' handling mark prescribed in § 172.317(b) to be consistent with the revised specifications for this marking in the ICAO TI. Also, we propose to allow manufacturers and printers necessary time to retool to produce markings that conform to the revised specifications, and to allow for the depletion of supplies of existing markings. Thus we propose a transitional period to authorize a ''Keep Away From Heat'' handling mark that is in conformance with the requirements of the regulations in effect on October 1, 2012, to be used until December 31, 2016.

Section 172.322

In this NPRM, PHMSA is proposing to clarify in § 172.322(a)(2) and (b), that the marking requirements for marine pollutants are required unless otherwise provided for in the regulations.

In § 172.322 paragraph (e) PHMSA is proposing to delete the obsolete date of January 14, 2010 for the requirements for the marine pollutant mark.

To promote the uniformity of the marine pollutant mark throughout the international transportation community, the UN Model Regulations have adopted revisions to clarify and standardize the specifications for this hazard communications element. In this NPRM, PHMSA is proposing to revise the specifications for the marine pollutant mark prescribed in § 172.322(e) to be consistent with the revised specifications for this marking in the UN Model Regulations. Also, to allow manufacturers and printers necessary time to retool to produce markings that conform to the revised specifications, and to allow for the depletion of supplies of existing markings, we propose a transitional period to authorize a marine pollutant mark that is in conformance with the requirements of the regulations in effect on October 1, 2012, to be used until December 31, 2016.

Section 172.327

To promote the uniformity of markings, in this NPRM, PHMSA is proposing to revise and clarify the specifications for the ''petroleum sour crude oil'' mark prescribed in § 172.327(a) to be consistent with the revised specifications for markings in the UN Model Regulations. Also, to allow manufacturers and printers necessary time to retool to produce markings that conform to the revised specifications, and to allow for the depletion of supplies of existing markings, we propose a transitional period to authorize a ''petroleum sour crude oil'' mark that is in conformance with the requirements of the regulations in effect on October 1, 2012, to be used until December 31, 2016.

Section 172.407

To promote the uniformity of hazard communications labels throughout the international transportation community, revisions have been adopted in the UN Model Regulations to clarify and standardize the specifications for labels. In this NPRM, PHMSA is proposing to revise the specifications for labels prescribed in § 172.407(a) to be consistent with the revised specifications for labels in the UN Model Regulations. In addition, PHMSA is proposing to revise the (d)(2)(iii) that provides a color alternative for the symbol on the ORGANIC PEROXIDE LABEL to be consistent with the UN Model Regulations. Also to be consistent with the UN Model Regulations, and to allow manufacturers and printers necessary time to retool to produce labels that conform to the revised specifications, and to allow for the depletion of supplies of existing labels, we propose a transitional period to authorize a label that is in conformance with the requirements of the regulations in effect on October 1, 2012, to be used until December 31, 2016.

Finally, PHMSA is proposing to add paragraph (d)(2)(iv) to permit, consistent with the UN Model Regulations, a FLAMMABLE GAS label to be displayed on cylinders and gas cartridges for liquefied petroleum gases, where the symbol may be shown in the background color of the receptacle if adequate contrast is provided.

Section 172.512

The placarding requirements for freight containers and aircraft unit load devices are described in § 172.512. The reference in § 172.512(a)(3) to part 7; chapter 2, section 2.7 of the ICAO TI in this paragraph is inaccurate. This reference became inaccurate in the 2013–2014 Edition of the ICAO TI where the ICAO DGP re-designated part 7; chapter 2; section 2.6 as a new requirement for visibility of labels, moving all subsequent sections up. Part 7; chapter 2, section 2.7 of the ICAO TI now refers to replacement of labels, whereas section 2.8 refers to identification of unit load devices containing dangerous goods. PHMSA is revising this paragraph for the correct

reference to cite part 7; chapter 2, section 2.8.

Section 172.519

To promote the uniformity of hazard communications placards throughout the international transportation community, revisions have been adopted in the UN Model Regulations have adopted revisions to clarify and standardize the specifications for placards. In this NPRM, PHMSA is proposing to revise the specifications for placards prescribed in § 172.519(c) to be consistent with the revised specifications for labels in the UN Model Regulations. Additionally, to allow manufacturers and printers necessary time to retool to produce placards that conform to the revised specifications, and to allow for the depletion of supplies of existing placards, a transitional period is proposed. This transitional period would authorize a placard that is in conformance with the requirements of the regulations in effect on October 1, 2012, to be used until December 31, 2016. Finally, PHMSA realizes that in domestic transportation, numerous placards of a semi-permanent nature are in service. PHMSA is proposing that for domestic transportation, a placard manufactured prior to January 1, 2017, in conformance with the requirements of the regulations in effect on October 1, 2012, may continue in service until the end of its useful life provided the color tolerances are maintained and are in accordance with the display requirements of the subchapter.

Part 173

Section 173.2a

Section 173.2a outlines classification requirements for materials having more than one hazard. In this NPRM, PHMSA is proposing to amend paragraph (a)(1) to note that shipments of uranium hexafluoride, radioactive material, excepted package, less than 0.1 kg per package are not required to apply the radioactive hazard as the primary hazard. This change is being proposed to incorporate the transportation provisions for excepted packages of uranium hexafluoride adopted in the 18th Revised Edition of the UN Model Regulations, the IMDG Code and the ICAO TI.

Section 173.3

To promote the uniformity of hazard communications markings throughout the international transportation community, the UN Model Regulations have adopted revisions to clarify and standardize the specifications for placards. In this NPRM, PHMSA is proposing to revise the specifications for markings for salvage packagings prescribed in § 173.3(c)(3); salvage cylinders prescribed in § 173.3(d)(3); and to prescribe requirements for the marking of the proposed large salvage packaging in § 173.3(f) to be consistent with the revised specifications for salvage packaging markings in the UN Model Regulations. Also, to be consistent with the UN Model Regulations, and to allow shippers necessary time to implement the new marking requirements, we propose a transitional period to authorize a marking that is in conformance with the requirements of the regulations in effect on October 1, 2012, to be used until December 31, 2016. Finally, PHMSA realizes that in domestic transportation numerous salvage and salvage cylinder markings are in service that are of a more permanent nature. In recognition of this PHMSA is proposing that for domestic transportation, a salvage packaging or a salvage cylinder that is permanently marked prior to January 1, 2017 in conformance with the requirements of the regulations in effect on October 1, 2012, may continue in service until the end of its useful life.

Also PHMSA is proposing to add a new paragraph (f) to § 173.3 authorizing and prescribing the use of large salvage packaging for all modes of transportation other than air.

Section 173.4a

To promote the uniformity of markings, throughout the international transportation community, the UN Model Regulations have been revised to clarify and standardize the specifications for the excepted quantities marking. In this NPRM, PHMSA is proposing to revise the specifications for the excepted quantities marking prescribed in § 173.4a(g)(2) to be consistent with the revised specifications for these markings in the UN Model Regulations. Also consistent with the UN Model Regulations, we propose to allow manufacturers and printers necessary time to retool to produce markings that conform to the revised specifications, and to allow for the depletion of supplies of existing markings, a transitional period is being proposed to authorize an excepted quantities marking that is in conformance with the requirements of the regulations in effect on October 1, 2012, to be used until December 31, 2016.

Section 173.9

To promote the uniformity of markings, UN Model Regulations have been revised to clarify and standardize the specifications for the fumigant marking. In this NPRM, PHMSA is proposing to revise the specifications for the fumigant marking prescribed in § 173.9(e) to be consistent with the revised specifications for these markings in the UN Model Regulations. Also consistent with the UN Model Regulations, to allow manufacturers and printers necessary time to retool to produce markings that conform to the revised specifications, and to allow for the depletion of supplies of existing markings, we propose a transitional period to authorize a fumigant marking that is in conformance with the requirements of the regulations in effect on October 1, 2012, to be used until December 31, 2016.

Section 173.11

In this NPRM, PHMSA proposes to add a new § 173.11 providing exceptions to the regulations for certain lamps containing hazardous materials based on their transport conditions, the quantity of hazardous materials contained in each lamp or package, and the type of packaging. This proposed new section is consistent with newly adopted provisions in the UN Model Regulations.

Section 173.24

In this NPRM, PHMSA proposes to revise § 173.24 to authorize the use of supplementary packagings within an outer packaging (e.g., an intermediate packaging or a receptacle inside a required inner packaging) in addition to what is required by the regulations provided all applicable requirements are met and, if appropriate suitable cushioning is used to prevent movement within the packaging. This proposed revision is consistent with newly adopted provisions in the UN Model Regulations.

Section 173.25

To promote the uniformity of markings, the UN Model Regulations have been revised to clarify and standardize the specifications for the overpack marking. In this NPRM, PHMSA is proposing to revise the specifications for the overpack marking prescribed in § 173.25(a)(4) to be consistent with the revised specifications for these markings in the UN Model Regulations. Also consistent with the UN Model Regulations, to allow manufacturers and printers necessary time to retool to produce markings that conform to the revised specifications, and to allow for the depletion of supplies of existing markings, we propose a transitional

period to authorize an overpack marking that is in conformance with the requirements of the regulations in effect on October 1, 2012, to be used until December 31, 2016.

Section 173.62

Consistent with the UN Model Regulations, in this NPRM, PHMSA is proposing to revise § 173.62 relating to specific packaging requirements for explosives as follows:

In paragraph (b), in the Explosives Table, the entry for UN0222 is revised to expand the packaging authorizations to include Packing Instruction 117 in addition to the existing Packaging Instructions 112(b) and 112(c).

In paragraph (c), in the Table of Packing Methods, Packing Instruction 116 would be revised to delete provision 5, which states that woven plastic bags (5H2 or 5H3) must be used only for UN 0082, 0241, 0331 and 0332. Packing Instruction 117 would be revised to add provision 5 which states, ''For UN0222, when other than metal or rigid plastics IBCs are used, they must be offered for transportation in a closed freight container or a closed transport vehicle.''; and provision 6 which states, ''For UN0222, flexible IBCs must be sift-proof and water-resistant or must be fitted with a sift-proof and water-resistant liner.'' Packing Instructions 131 and 137 would be revised to expand the authorization for outer packagings to include solid plastic boxes (4H2).

Section 173.115

Section 173.115 prescribes the definitions for Class 2 materials. In this NPRM a new paragraph (m) is proposed to define the term ''Adsorbed gas''. The term means a gas which when packaged for transport is adsorbed onto a solid porous material resulting in an internal receptacle pressure of less than 101.3 kPa at 20 °C and less than 300 kPa at 50 °C.

Currently the HMR do not prescribe requirements for the transport of adsorbed gases. In this NPRM, PHMSA is proposing to adopt various transportation requirements for adsorbed gases. Prior to adoption of such standards, the term ''Adsorbed gas'' must be defined. Therefore in this NPRM we are proposing to adopt the above definition of an adsorbed gas based on the definition found in the 18th Revised Edition of the UN Model Regulations, the IMDG Code and the ICAO TI.

Section 173.121

Section 173.121 prescribes the requirements for the selection of packing groups for Class 3 flammable liquids. Paragraph (b) of this section describes the criteria for inclusion of viscous Class 3 materials in Packing Group III. Paragraph (b)(1)(ii) currently states that the mixture cannot contain any substances with a primary or subsidiary risk of Division 6.1 or Class 8. In this NPRM, PHMSA proposes to revise paragraph (b)(1)(ii) to clarify that a mixture or any separated solvent cannot contain any substances with a primary or subsidiary risk of Division 6.1 or Class 8. This proposed change is consistent with the current language in the 18th Revised Edition of the UN Model Regulations, the IMDG Code and the ICAO TI.

Section 173.127

In this NPRM, PHMSA is proposing to revise § 173.127(a) to authorize an alternative test for assigning packing groups to Division 5.1 oxidizing solids. The proposed test is in addition to the currently authorized test using potassium bromate. The alternative test uses calcium peroxide as a reference substance which is neither carcinogenic nor as acutely toxic as potassium bromate. In addition, the proposed alternative test replaces the highly subjective visual determination of the burning time with a gravimetric determination of the burning rate. This change is consistent with the test adopted into the UN Model Regulations.

Section 173.151

Section 173.151 provides exceptions for Class. In this NPRM PHMSA is proposing to revise paragraph (b) to replace a pre-existing paragraph (b)(2) relating to exceptions for charcoal briquettes (NA1361) that was inadvertently deleted in the final rule dated January 7, 2013 (HM–215K; 78 FR 1101).

Section 173.161

Section 173.161 prescribes packaging requirements for chemical kits and first aid kits that contain small amounts of hazardous materials. Paragraph (b)(2) contains the requirement that ''The packing group assigned to the chemical kit and first aid kit as a whole must be the most stringent packing group assigned to any individual substance in the kit.'' This requirement creates problems for shippers and air transport acceptance personnel because it does not specify what must be shown for the packing group on the shipping paper or what packaging standard must be applied to kits containing hazardous materials to which no packing group is assigned. In this NPRM, PHMSA is proposing to revise paragraph (b)(2) to require that for kits containing only hazardous materials to which no packing group is assigned, a packing group need not be indicated on the shipping paper although such packagings shall meet the Packing Group II performance level.

Section 173.164

Section 173.164 prescribes requirements for the transportation of Mercury (metallic and articles containing mercury). In this NPRM, PHMSA is eliminating the existing exception for lamps containing mercury in paragraph (b)(5). This paragraph will be redundant and unnecessary since this exception will be covered in the proposed new § 173.11 relating to exceptions for shipment of lamps containing hazardous materials.

Section 173.166

Section 173.166 prescribes requirements for the transportation of air bag inflators, air bag modules and seat-belt pretensioners, UN3268 and UN0503. Due to technological developments, new safety devices for vehicles are becoming available. The devices include pyromechanical devices that meet the definition of a hazardous material but are not accurately described by the proper shipping names Air bag inflators, Air bag modules, or Seat-belt pretensioners. The proper shipping name for these devices has been revised in the UN Model Regulations to ''Safety devices, *electrically initiated*'' for UN 3268 and ''Safety devices, pyrotechnic'' for UN0503. Consistent with the UN Model Regulations, in this NPRM, PHMSA is proposing to adopt these revised proper shipping names and revise § 173.166 to adopt the term ''Safety Devices'' for these items. An entry for the existing proper shipping name ''Air bag inflators, or Air bag modules, or Seat-belt pretensioners'' has been left in the § 172.101 Hazardous Materials Table to direct the reader to the new proper shipping names ''Safety devices, *electrically initiated*'' and ''Safety devices, pyrotechnic.''

Also, the current § 173.166(b)(1)(iv) provides that under certain conditions a Class 9 (UN3268) air bag inflator, air bag module, or seat-belt pretensioner design is not required to be submitted to the Associate Administrator for approval or assigned an EX number. Air bag inflators, air bag modules, and seat-belt pretensioners have a long history of safety in their design and manufacture. However, new types of safety devices such as pyromechanical devices do not yet have an established history. Therefore in the interest of safety PHMSA is proposing not to extend this

exception to all Class 9 safety devices but only maintain this exception for air bag inflators, air bag modules, and seat-belt pretensioners and still require that other types of safety devices, such as pyromechanical devices, that are candidates for Class 9 be submitted to the Associate Administrator for approval or assigned an EX number. Finally, in this NPRM, PHMSA proposes to add a new paragraph (d)(5) to § 173.166 to permit the continued transportation of an air bag inflator, air bag module, or seat-belt pretensioner that was classed and approved for transportation prior to January 1, 2015 under the terms of the existing approval, using the proper shipping name ''Safety Devices'' or ''Safety Devices, Pyrotechnic'' as appropriate.

Section 173.167

Section 173.167 prescribes the requirements for consumer commodities intended for air transportation. In this NPRM, PHMSA is proposing to revise the drop test requirements in (a)(4) by including the criteria for passing the test. A completed consumer commodity package will be considered to have passed the drop test if the outer packaging does not exhibit any damage liable to affect safety during transport and there is no leakage from the inner packaging(s).

Section 173.176

Section 173.176 addresses capacitors by prescribing the testing, marking, safety, and packaging requirements for electric double layer capacitors with energy storage capacity greater than 0.3 watt hours (Wh). In this NPRM, PHMSA is proposing to revise section 173.176 to include provisions for asymmetric capacitors in accordance with the new HMT entry ''UN3508, Capacitor, asymmetric *(with an energy storage capacity greater than 0.3Wh).''* In addition, paragraph (a)(5) presently requires that capacitors must be marked with the energy storage capacity in Wh. As many pre-existing capacitors do not have Wh marking they are not permitted to be transported even when all other requirements of this section are met. In this NPRM, PHMSA is proposing to amend paragraph (a)(5) to require that the Wh marking is required for non-asymmetric capacitors manufactured after December 31, 2013 and for asymmetric capacitors manufactured after December 31, 2015.

Section 173.181

Section 173.181 prescribes the non-bulk packaging requirements applicable to pyrophoric liquids. On January 7, 2013, PHMSA published final rule PHMSA–2012–0027 (HM–215L) [78 FR 987] to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. In that final rule PHMSA revised paragraphs (b) and (c) to add authorizations for additional authorized packagings for these materials. Paragraphs (c) 1–3 were inadvertently deleted due to an incorrect amendatory instruction and in this NPRM PHMSA is proposing to place paragraphs (c) 1–3 back into § 173.181 as they were prior to the publication of HM–215L. It was never PHMSA's intention to remove these important safety provisions for the transport of pyrophoric liquids, and we ask individuals who package and offer these materials to continue to abide by these requirements pending their reinsertion in the HMR.

Section 173.185

In this NPRM, PHMSA is proposing to add paragraph (b)(6) and revise paragraph(f)(3) to authorize and prescribe the use of a large packaging for a single large lithium battery or a battery contained in equipment. This authorization does not include transportation by aircraft. The proposed addition of this packaging type into this section is consistent with provisions for lithium batteries in the UN Model Regulations.

The ICAO DGP took a decision during the most recent biennium to remove the alternative written documentation option in Section IB of ICAO Packing Instructions 965 and 968 and instead require a standard transport document (shipping paper). Section IB is applicable to packages that exceed the number or quantity (mass) limits for smaller lithium batteries in Section II of Packing Instructions 965 and 968 excepting such packages from specification packaging requirements when containing no more than 2.5 kg of lithium metal cells or batteries or 10 kg of lithium ion cells or batteries per package. As this revision will appear in the 2015–2016 Edition of the ICAO TI, in this NPRM PHMSA is proposing to amend paragraph (c)(4)(v) to require a shipping paper for these packages containing no more than 2.5 kg of lithium metal cells or batteries or 10 kg of lithium ion cells or batteries per package. PHMSA is seeking input as to the costs and benefits of harmonizing the provisions of the HMR with the provisions of the ICAO Technical Instructions by requiring shipping papers as opposed to alternative documentation. PHMSA also solicits comments on the costs and benefits of maintaining a domestic difference within the HMR to continue to allow the use of the alternative documentation in lieu of a shipping paper as required by the ICAO Technical Instructions.

The ICAO Working Group on Lithium Batteries, at their April 2014 meeting, forbid the shipment of lithium metal cells and batteries as cargo on passenger aircraft with the exception of lithium metal cells and batteries packed with or contained in equipment not exceeding 5 kg net weight. This prohibition of lithium metal batteries as cargo on passenger aircraft is consistent with current HMR requirements. As a consequence to this prohibition, Section II of Packing Instruction 968 in the ICAO TI was amended to require shipments of small lithium metal cells and batteries to display the ''CARGO AIRCRAFT ONLY'' label where previously only a lithium battery handling marking was required. Presently under the HMR, a package containing such lithium metal cells or batteries as provided in § 173.185(c)(1)(iii), is required to be marked ''PRIMARY LITHIUM BATTERIES—FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT'' or ''LITHIUM METAL BATTERIES—FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT.'' Following the change to the ICAO TI, the present text marking will now be redundant for international shipments. In this NPRM, PHMSA is proposing to provide an alternative to the existing marking requirement in § 173.185(c)(1)(iii) with the option to display a ''CARGO AIRCRAFT ONLY'' label. This allowance to either utilize the current marking or the ''CARGO AIRCRAFT ONLY'' label will provide shippers with the flexibility to utilize supplies of preprinted markings or packagings, while also allowing shippers to transition to the use of the ''CARGO AIRCRAFT ONLY'' if desired.

Section 173.199

To promote the uniformity of markings, the UN Model Regulations have been revised to clarify and standardize the specifications for the square-on-point marking for Category B infectious substances. In this NPRM, PHMSA is proposing to revise the specifications for the Category B infectious substance marking prescribed in § 173.199(a)(5) to be consistent with the revised specifications for these markings in the UN Model Regulations. Also consistent with the UN Model Regulations, to allow manufacturers and

printers necessary time to retool to produce markings that conform to the revised specifications, and to allow for the depletion of supplies of existing markings, we propose a transitional period to authorize a Category B infectious substance marking that is in conformance with the requirements of the regulations in effect on October 1, 2012, to be used until December 31, 2016.

Section 173.225

Section 173.225 prescribes packaging requirements and other provisions for organic peroxides. In this NPRM, PHMSA is proposing to revise the Organic Peroxide Portable Tank Table in paragraph (g). PHMSA proposes to revise the entry in the second column of the table pertaining to the hazardous material ''Peroxyacetic acid, distilled, stabilized, not more than 41%'' to include a Note 1, that a '''Corrosive'' subsidiary risk placard is required.'' The proposed adoption of this requirement is consistent with the requirements in the UN Model Regulations.

Section 173.231

Currently, the § 172.101 HMT Column (8B) and (8C) packaging authorization for Ammonium nitrate emulsion, suspension, or gel, UN3375, directs the reader to § 173.214 which requires that packagings and method of shipment must be approved by the Associate Administrator prior to the first shipment. In this NPRM, PHMSA is proposing to add a new § 173.231 titled ''Ammonium nitrate emulsion, suspension or gel'' and assigned this section to UN3375 to authorize and prescribe the use of packagings for this material. The requirements of the proposed new section are consistent with the requirements in the UN Model Regulations.

Section 173.301b

In this NPRM, PHMSA is proposing to revise paragraph (c) relating to pressure receptacle valve requirements to include that a valve manufactured on or before December 31, 2008, conforming to the requirements in ISO 10297:1999 is authorized. This proposed revision is consistent with the requirements in the UN Model Regulations.

Section 173.302

In this NPRM, PHMSA is proposing to adopt the new UN Model Regulation requirements for the transportation of adsorbed gases in cylinders. This section specifies requirements for the filling of cylinders with non-liquefied (permanent) compressed gases. PHMSA is proposing to amend the title of this section and to amend paragraph (a) to include and specify requirements for the transportation of adsorbed gases.

Section 172.302c

In this NPRM, PHMSA is proposing to add a new § 173.302c to adopt the new authorization in the UN Model Regulations for the transportation of adsorbed gases in UN pressure receptacles. The proposed adoption of these requirements into this new section is consistent with the requirements in the UN Model Regulations.

Section 173.307

Section 173.307 provides exceptions from the regulations for compressed gases. In this NPRM, PHMSA is proposing to revise paragraph (a)(5) relating to manufactured articles or apparatuses to clarify that the exception for manufactured articles does not include lamps. The exceptions for lamps are contained in the proposed new § 173.11 relating to exceptions for shipment of lamps containing hazardous materials. Also, we are proposing to revise paragraph (a)(6) relating to light bulbs to clarify that the exceptions does not apply to lamps as described in the proposed new § 173.11 relating to exceptions for shipment of lamps containing hazardous materials.

Section 173.309

Section 173.309 prescribes requirements for fire extinguishers. In this NPRM, we are proposing to add a new introductory paragraph describing fire extinguisher types authorized for transport in accordance with this section and covered by the HMT entry ''UN1044, Fire extinguishers.''

Section 173.403

Consistent with the UN Model regulations, in this NPRM, PHMSA is proposing to revise two definitions in § 173.403 relating to the transportation of Class 7 (Radioactive Materials). ''Exclusive Use'' is being revised to clarify that it also applies to the shipment of the load and that exclusive use only applies when compliance is required by the regulations. ''Freight Container'' is being revised to eliminate the requirement that a ''small freight container'' has one outer dimension less than 1.4 m (4.9 feet).

Section 173.420

Section 173.420 prescribes the transport conditions for Uranium hexafluoride. In this NPRM PHMSA is proposing to amend paragraph (d) which provides the requirements for shipments of uranium hexafluoride in quantities less than 0.1 kg to incorporate changes made by the IAEA in SSR–6 that were subsequently incorporated in the UN Model Regulations. In this NPRM PHMSA is proposing to amend this paragraph to note that fissile-excepted shipments less than 0.1 kg may be offered under UN3507. PHMSA is proposing to amend the requirements for these shipments to align with IAEA SSR–6 requirements, while maintaining general packaging requirements from §§ 173.24 and 173.24a.

Part 175

Section 175.9

Section 175.9 prescribes the applicability of the HMR to special aircraft and rotocraft operations. This section also prescribes the conditions under which certain operations may be performed in accordance with 14 CFR and 49 CFR (e.g., avalanche and weather control). Consistent with the ICAO TI, in this NPRM, PHMSA is proposing to revise paragraphs (b)(6) and (b)(6)(v) by including ''ice jam control'' and ''landslide clearance'' for operations where explosives are used in a similar manner to avalanche control.

Section 175.10

Section 175.10 specifies the conditions for which passengers, crew members, or an operator may carry hazardous materials aboard an aircraft. Consistent with revisions to the ICAO TI, in this NPRM, PHMSA is proposing several revisions to this section.

PHMSA is proposing to revise paragraph (a)(11), applicable to passenger provisions for self-inflating life jackets, to include different types of self-inflating personal safety devices in order to account for those carried by, but not limited to, motorcycle and horseback riders. In addition, PHMSA is clarifying that a passenger is limited to one self-inflating safety device, in addition to two spare cartridges, and is requiring that both the safety device and spares be packed in such a manner that they cannot be accidently activated.

PHMSA is proposing to add a new subparagraph (a)(18)(iv) to clarify that articles containing lithium metal or lithium ion cells or batteries, with a primary function to provide power to another device, must carried as spare batteries in accordance with the provisions of this paragraph.

PHMSA is proposing to revise paragraph (a)(24), applicable to small cartridges for other devices, by amending the phrase ''small cylinders'' to the more appropriate phrase ''small cartridges,'' and restricting the carriage of small gas cartridges to only those without a subsidiary risk. The existing

operator approval requirement was moved to make it more clearly align with the ICAO TI.

Section 175.25

Section 175.25 prescribes the notification that operators must provide to passengers regarding restrictions on the types of hazardous material they may or may not carry aboard an aircraft on their person or in checked or carry-on baggage. Consistent with revisions to the ICAO TI, in this NPRM, PHMSA is proposing to revise paragraph (b) as follows: (1) For all ticket purchases, clarify that the hazardous materials notification must be presented at the point of ticket purchase, or if this is not practical, made available to passengers in another manner prior to the check-in process and; (2) for such internet purchases, require that the final ticket purchase cannot be completed until the passenger or a person acting on the passenger's behalf has been presented with this information, in addition to the existing requirement to indicate that they understand the restrictions on hazardous materials in baggage. In this NPRM, PHMSA is proposing to revise paragraph (c) as follows: (1) Replace the text ''provided'' with ''presented'' to make it clear that passengers must see information on the types of hazardous material forbidden to be transported before proceeding with check-in. It was reported that some operators published the required information in areas on a Web site that were not always visible to the passenger, believing that this met the requirement of being ''provided'' and; (2) require that the check-in process cannot be completed until the passenger or a person acting on the passenger's behalf has been presented with the hazardous materials information, in addition to the existing requirement to indicate that they understand the restrictions on hazardous materials in baggage.

In paragraphs (b) and (c) PHMSA is proposing to remove the present effective dates of January 1, 2015 and the word ''phone'' used as an example of a ticket purchase or check-in completed remotely. Furthermore, PHMSA is proposing to remove the words ''regardless if the process is completed remotely (e.g., via the Internet and Phone) or when completed at the airport, with or without assistance from another person (e.g., automated check in facility)'' in order to bring paragraph (b) into full alignment with 7;5.1.1 of the ICAO TI. By removing the examples in conjunction with other revisions to paragraph (b) it is now clear that passenger notification is required for all ticket purchases; however, for assisted ticket purchase transactions via the telephone the hazardous material information may be provided to the passenger using any suitable method prior to the check-in process and passenger acknowledgement is not required. These revisions represent full harmonization with the ICAO TI and additional flexibility in meeting the passenger notification requirements and, therefore, the previous effective date of January 1, 2015 will be waived as of publication of the rule.

In addition, the revision proposed in this NPRM providing clarification for ticket purchases made via the telephone, permitting the hazardous materials notification to be made available in another manner to passengers prior to the check-in process, is consistent with a petition for rulemaking (P–1623) filed by COSTHA.

Section 175.30

Section 175.30 prescribes inspection procedures for operators. Paragraph (e)(1) prohibits an overpack from containing a package bearing the ''CARGO AIRCRAFT ONLY'' label unless certain conditions are met and that the overpack affords clear visibility of and easy access to the package contained within. In this NPRM, PHMSA is proposing to remove paragraph (e)(1) consistent with revisions made to the ICAO TI in which current provisions require accessibility to the overpack when loaded aboard an aircraft, not the individual packages contained within, making reference to packages redundant. As the loading requirements in § 175.75(d)(1) require a package bearing the ''CARGO AIRCRAFT ONLY'' label to be accessible once loaded on the aircraft, but do not require they are visible, the requirements in (e)(1) place an unnecessary burden on offerers without any additional safety function in the loading process.

Paragraph (a)(5) states that no person may accept for transportation aboard an aircraft shipments of lithium batteries described with an alternative written document authorized in § 173.185(c)(4)(v). The proposed removal of the alternative written document from § 173.185(c)(4)(v) necessitates the removal of this paragraph.

Section 175.33

Section 175.33 establishes requirements for shipping papers and for the notification of the pilot-in-command when hazardous materials are transported by aircraft.

With the exception of package type, paragraph (a)(1)(i) currently requires any additional shipping paper description requirements provided in §§ 172.202, and 172.203 to be included on the notification of the pilot-in-command. Section 172.203(k) requires the use of technical names for ''n.o.s.'' and generic descriptions for proper shipping names identified by the letter ''G'' in column (1) of the § 172.101 Table. In this NPRM, PHMSA is proposing to revise paragraph (a)(1)(i) to state that technical names are not required to be provided on the notification of pilot-in-command. This clarification will align the HMR with changes adopted in the ICAO TI and supports the overall goal of harmonization. Harmonization of the notification of pilot-in-command requirements ensures consistency across all air operators thus reducing impediments in commerce and reducing costs associated with training to two different sets of standards. In addition, the technical name is not referenced in the Emergency Response Guidance for Aircraft Incidents Involving Dangerous Goods (Doc 9481) or the North American Emergency Response Guidebook (ERG). The ICAO panel determined that the technical names provided little benefit to safety, particularly during the initial stage of emergency response while the number of materials requiring a technical name is on the rise, thereby increasing the burden on operators to provide this information. In addition, the technical name is not referenced in the Emergency Response Guidance for Aircraft Incidents Involving Dangerous Goods (Doc 9481) or the North American Emergency Response Guidebook (ERG).

Paragraphs (a)(12) and (c)(5) both mention the alternative written document authorized in § 173.185(c)(4)(v). The proposed removal of the alternative written document from § 173.185(c)(4)(v) necessitates the removal of these paragraphs. Any information required to be a part of the notification of the pilot-in-command previously under paragraph (a)(12) will be detailed on a shipping paper and be included on the notification of the pilot-in-command.

Section 175.630

Section 175.630 prescribes special requirements for Division 6.1 (Toxic) and 6.2 (Infectious) materials in the HMT. Consistent with revisions to the ICAO TI, in this NPRM, PHMSA is proposing to remove paragraph (a) which prescribes segregation requirements for loading certain Division 6.1 or Division 6.2 materials in the same compartment of an aircraft

with material marked as or known to be a foodstuff, feed, or any other edible material intended for consumption by humans or animals. At the time these segregation requirements were initially included in the ICAO TI and the HMR, the packing instructions were much less detailed than they are at present. The UN Model Regulations do not impose segregation requirements for Division 6.2 infectious substances. The segregation requirements for infectious substances under the ICAO TI and HMR only apply to UN2814 and UN2900 which already require robust triple packagings. For Division 6.1, the UN Recommendations allow the segregation requirements to be relaxed for substances in Packing Groups II and III, provided the competent authority is satisfied that the packing and segregation are adequate to prevent contamination. In addition, the inspection procedures prescribed in § 175.30 require a physical check to ensure that the packagings are free from damage. The revisions proposed in this NPRM are consistent with a petition for rulemaking (P–1631) filed by UPS, Inc., who voiced strong support for such action.

Section 175.705

Section 175.705 prescribes requirements for aircraft that have been contaminated with radioactive material and the procedures that must be followed prior to returning the aircraft to service. Consistent with revisions to the ICAO TI, in this NPRM, PHMSA is proposing to revise paragraph (c) by stating that the dose rate at every accessible surface ''must not exceed'' 0.005 mSv per hour, where it presently states ''is less than''.

Part 176

Section 176.80

Section 176.80 details segregation requirements in addition to any segregation requirements set forth elsewhere in subchapter C. In this NPRM PHMSA is proposing a prohibition on stowing goods of Division 1.4, compatibility group S in the same compartment or hold, or cargo transport unit with hazardous materials of Class 1 of compatibility groups A and L. Limited quantity shipments are currently excepted from segregation requirements for vessel transport by both the IMDG Code and the HMR. The IMO noted that when creating this exception a long standing prohibition on stowing limited quantity goods of division 1.4, compatibility group S in the same compartment or hold, or cargo transport unit with hazardous materials of Class 1 of compatibility groups A and L was not carried over into amendment 36–12 of the IMDG Code. Amendment 37–14 of the IMDG Code reinstates these segregation provisions, and PHMSA is proposing an equivalent change.

Section 176.83

Section 176.83 details segregation requirements for hazardous materials vessel transport. Paragraph (b) includes a table for users to determine segregation requirements between various Classes (Divisions) of hazardous materials. In this NPRM, PHMSA proposes to amend the segregation requirements for vessel transportation between hazardous materials of Class 4.3 (dangerous when wet) and Class 2.1 (flammable gas), and Class 3 (flammable liquid). Proposed changes in the segregation table in paragraph (b) are to change the segregation requirements between goods of Class 4.3 and Class 2.1 from an ''x'' (segregation, if any, is shown in the § 172.101 table) to a ''2'' (separated from), and between goods of Class 4.3 and Class 3 from a ''1'' (away from) to a ''2'' (separated from). The meaning of these terms differs depending on the method of transport onboard a vessel (shipping break-bulk cargo versus segregation of cargo transport units on board container vessels). PHMSA assumes the majority of commodities transported by vessel that will be affected by the proposed changes, are offered in closed cargo transport units (CTU). A description of the proposed changes, and how they will be impact these CTUs, is outlined in the following table.

Hazard classes and transport unit	Current segregation	Proposed segregation
Class 4.3 versus Class 2.1 CTU	*Vertical*—Segregation if any, is shown in the § 172.101 table. *Horizontal fore and aft both on and under deck*—Segregation if any, is shown in the § 172.101 table. *Horizontal athwartships*—Segregation if any, is shown in the § 172.101 table.	*Vertical*—Not in the same vertical line unless segregated by a deck. *Horizontal fore and aft both on and under deck*—One container space. *Horizontal athwartships*—One container space.
Class 4.3 versus Class 3 CTU	*Vertical*—One on top of the other permitted *Horizontal fore and aft both on and under deck*—No restriction. *Horizontal athwartships*—No restriction	*Vertical*—Not in the same vertical line unless segregated by a deck. *Horizontal fore and aft on deck*—One container space. *Horizontal fore and aft under deck*—One container space or one bulkhead. *Horizontal athwartships*—One container space.

The proposed changes are based on amendments adopted by the IMO and are aimed at enhancing efforts to prevent the spread of fire in an emergency situation. Fire extinguishing methods available to vessel crews are often quite limited. Due to these limited fire extinguishing options, the only recommended option to control the consequences of a fire originating from these goods is to let the fire burn and to prevent the spread of fire to other cargo or equipment which is crucial for the safe operation of the ship. The proposed changes are intended to address situations where a fire originates in a shipment of flammable liquids or gases and is likely to spread to goods which cannot be extinguished, or when a fire originates in goods which cannot be extinguished and threatens to spread to highly flammable goods. The new proposed segregation distances will enhance efforts to control the emergency situation.

Section 176.84

Section 176.84 prescribes the meanings and requirements for numbered or alpha-numeric stowage provisions for vessel shipments listed in column 10B of the § 172.101 Hazardous Materials Table. The provisions in § 176.84 are broken down into general stowage provisions whose meanings are

defined in the ''table of provisions'' in paragraph (b), and the stowage provisions applicable to vessel shipments of Class 1 explosives, which are defined in the table to paragraph (c)(2).

In this NPRM, PHMSA is proposing to amend the title of the section to note that the codes in column 10B address not only codes for stowage requirements, but also handling requirements that need to be observed during loading of the hazardous materials. PHMSA is also proposing to create footnote 3 and assign it to stowage provision 12 and 13. Footnote 3 is added to note that these provisions apply not only to stowage of the cargo transport unit, but also to the loading of hazardous materials into the cargo transport unit.

PHMSA is additionally proposing to create new stowage provisions 147 and 148 consistent with changes adopted in Amendment 37–14 of the IMDG Code. Stowage provision 147 is proposed to read ''Stow ''separated from'' flammable gases and flammable liquids.'' Stowage provision 148 is proposed to read ''In addition: From flammable gases and flammable liquids when stowed on deck of a containership a minimum distance of two container spaces athwartship shall be maintained, when stowed on ro-ro ships a distance of 6 m athwartship shall be maintained.''

Section 176.905

Section 176.905 prescribes specific requirements for motor vehicles or mechanical equipment powered by internal combustion engines that are offered for transportation and transported by vessel. In this NPRM PHMSA is proposing to align our exceptions for vessel transportation for motor vehicles and mechanical equipment powered by internal combustion engines with those recently adopted by the IMO. PHMSA believes aligning these exceptions will enhance the safe vessel transport of motor vehicles and mechanical equipment powered by internal combustion engines.

PHMSA is proposing to amend paragraphs (i)(1), (i)(2), (i)(4), and (i)(5) to require as a condition of exception from the subchapter that batteries installed in motor vehicles or mechanical equipment powered by internal combustion engines be protected from short circuit. PHMSA is also proposing to revise paragraph (i)(2), which provides conditions that need to be met for vehicles or mechanical equipment with an internal combustion engine that uses liquid fuel with a flashpoint of 38 °C (100 °F) or higher. Currently up to 418 L (110 gallons) may remain in the equipment or vehicle, and if other noted conditions are met the vehicle is excepted from all other requirements of subchapter C. PHMSA is proposing to amend this fuel threshold to 450 L (119 gallons).

PHMSA is proposing to add paragraph (i)(6) to add exceptions for fuel cell powered vehicles or mechanical equipment with an internal combustion engine powered by fuel cells. When the engine is protected from inadvertent operation by closing fuel supply lines or by other means, and the fuel supply reservoir has been drained and sealed, the vehicle or mechanical equipment is excepted from the requirements of subchapter C.

Part 178

Section 178.71

Consistent with the UN Model Regulations, in this NPRM, PHMSA is proposing to revise paragraph (a) to clarify that UN pressure receptacles and service equipment constructed according to the standards applicable at the date of manufacture may continue in use subject to the continuing qualification and maintenance provisions of part 180 of the subchapter.

Consistent with the UN Model Regulations PHMSA is proposing to revise paragraphs (d)(2), (g), and (k) to reflect the adoption of the latest ISO standards for the design, construction, and testing of gas cylinders and their associated service equipment. These paragraphs also contain proposed end dates when the manufacture of cylinders and service equipment are no longer authorized to be manufactured in accordance with the outdated ISO standard.

Consistent with the UN Model Regulations PHMSA is proposing a new paragraph (n) and the redesignation of the existing paragraphs (n) through (s). The proposed new paragraph (n) adopts design and construction requirements of UN cylinders for the transportation of adsorbed gases, consistent with those adopted into the UN Model Regulations.

Consistent with the UN Model Regulations, PHMSA is proposing to revise the proposed redesignated paragraph (o) to adopt the current ISO standards relating to material compatibility.

Finally, PHMSA is proposing to add new paragraphs (u) and (v) to adopt the marking requirements for bundles of cylinders that have been adopted in the UN Model regulations.

Section 178.75

Consistent with the UN Model Regulations PHMSA is proposing to revise paragraph (d)(3) to reflect the adoption of the latest ISO standards for the design, construction, and testing of gas cylinders that are part of MEGCs. This paragraph also contains proposed end dates when the manufacture of cylinders that are part of MEGCs are no longer authorized to be manufactured in accordance with the outdated ISO standard.

Section 178.703

To promote the uniformity of markings, throughout the international transportation community, revisions have been adopted in the UN Model Regulations to clarify and standardize the specifications for markings, including the marking of IBCs. In this NPRM, PHMSA is proposing to revise the specifications for the markings prescribed in § 178.703(b)(7)(iii) to be consistent with the revised specifications for these markings in the UN Model Regulations. Also consistent with the UN Model Regulations, a transitional period is being proposed to authorize markings in conformance with the requirements of this paragraph in effect on October 1, 2012, to continue to be applied to all IBCs manufactured, repaired or remanufactured between January 1, 2011 and December 31, 2016.

Section 178.910

In this NPRM, PHMSA is proposing to revise paragraph (a) relating to the marking of large packagings to include markings for the proposed large salvage packagings. Consistent with the UN Model Regulations, following the large packaging design type identification code on a large packaging. a large salvage packaging conforming to the requirements of subpart P of part 178 is proposed to be marked with the letter ''T''.

In addition, to promote the uniformity of markings, throughout the international transportation community, revisions have been adopted in the UN Model Regulations to clarify and standardize the specifications for markings, including the marking of large packagings and large salvage packaging. In this NPRM, PHMSA is proposing to revise the specifications for the markings prescribed in § 178.910(b) to be consistent with the revised specifications for these markings in the UN Model Regulations. Also consistent with the UN Model Regulations, a transitional period is being proposed to authorize markings in conformance with the requirements of this paragraph in effect on October 1, 2012, to continue to be applied to all large packagings manufactured, repaired or

remanufactured between January 1, 2015 and December 31, 2016.

Part 180

Section 180.207

Requirements for requalification of UN pressure receptacles are prescribed in § 180.207. Table 1 in paragraph (c) of § 180.207 provides requalification intervals for UN pressure vessels. In this NPRM, PHMSA is proposing to add an additional entry to the end of Table 1 to prescribe a requalification interval of 5 years for pressure receptacles used for adsorbed gases. This requalification period is consistent with the requalification period adopted in the UN Model Regulations for the use of these cylinders. Section 173.302c relating to authorization for the use of cylinders for adsorbed gases directs the reader to this section for the requalification period for these cylinders.

The proposed paragraph (d)(5) provides that each UN cylinder used for adsorbed gases must be inspected and tested in accordance with § 173.302c and ISO 11513:2011. Both § 173.302c and ISO 11513:2011 are being proposed for adoption in this NPRM.

VI. Regulatory Analyses and Notices

A. Statutory/Legal Authority for This Rulemaking

This proposed rule is published under the following statutory authorities:

1. 49 U.S.C. 5103(b) authorizes the Secretary of Transportation to prescribe regulations for the safe transportation, including security, of hazardous materials in intrastate, interstate, and foreign commerce. This proposed rule amends regulations to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements. To this end, the proposed rule amends the HMR to more fully align with the biennial updates of the UN Model Regulations, the IMDG Code and the ICAO TI.

Harmonization serves to facilitate international commerce; at the same time, harmonization promotes the safety of people, property, and the environment by reducing the potential for confusion and misunderstanding that could result if shippers and transporters were required to comply with two or more conflicting sets of regulatory requirements. While the intent of this rulemaking is to align the HMR with international standards, we review and consider each amendment on its own merit based on its overall impact on transportation safety and the economic implications associated with its adoption into the HMR. Our goal is to harmonize without sacrificing the current HMR level of safety and without imposing undue burdens on the regulated community. Thus, as explained in the corresponding sections above, we are not proposing harmonization with certain specific provisions of the UN Model Regulations, the IMDG Code, and the ICAO TI. Moreover, we are maintaining a number of current exceptions for domestic transportation that should minimize the compliance burden on the regulated community. Additionally, the following external agencies were consulted in the development of this rule:

U.S. Coast Guard
U.S. Department of Energy
U.S. Department of Interior

2. 49 U.S.C. 5120(b) authorizes the Secretary of Transportation to ensure that, to the extent practicable, regulations governing the transportation of hazardous materials in commerce are consistent with standards adopted by international authorities. This rule proposes to amend the HMR to maintain alignment with international standards by incorporating various amendments to facilitate the transport of hazardous material in international commerce. To this end, as discussed in detail above, PHMSA proposes to incorporate changes into the HMR based on the 18th Revised Edition of the UN Model Regulations, Amendment 37–14 to the IMDG Code, and the 2015–2016 Edition of the ICAO TI, which become effective January 1, 2015. The large volume of hazardous materials transported in international commerce warrants the harmonization of domestic and international requirements to the greatest extent possible.

B. Executive Orders 12866 and 13563 and DOT Regulatory Policies and Procedures

This notice is not considered a significant regulatory action under section 3(f) of Executive Order 12866 (''Regulatory Planning and Review'') and, therefore, was not reviewed by the Office of Management and Budget. This notice is not considered a significant rule under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). Additionally, E.O. 13563 (''Improving Regulation and Regulatory Review'') supplements and reaffirms E.O. 12866, stressing that, to the extent permitted by law, an agency rulemaking action must be based on benefits that justify its costs, impose the least burden, consider cumulative burdens, maximize benefits, use performance objectives, and assess available alternatives.

Benefits To Harmonization

In an earlier regulatory evaluation,[1] we estimated a proxy for benefits of harmonization of the HMR with international standards of $62 million. More specifically, this $62 million was estimated by multiplying a hazard communication cost per dollar of hazardous materials output—$0.001—by the value of hazardous materials involved in international trade, as estimated by the proportion of trade (the total of gross imports and gross exports) in the fuels and lubricants, chemicals, and medicinal/dental/pharmaceutical products industries ($498 billion in 2010)[2] that are hazardous products (i.e., 12.4 percent).[3] [4]

For estimating benefits of this Amendment 1, we follow a nearly identical approach (acknowledging there is an inherent imprecision of benefits here), updating data and assumptions where possible. 2012 Commodity Flow Survey data on hazardous materials are not yet available as of the date of this regulatory evaluation.

However, the 12.4 percent proportion (of total shipment values classed as hazardous materials) estimated in the earlier regulatory evaluation may have had a high-side bias due to the variety of different classes of products classified as hazardous. In actuality, the percentage of shipments properly classified as hazardous is likely lower, particularly for medicinal/dental/pharmaceuticals. Here, we assume a slightly lower proportion to arrive at an estimate of benefits of 10 percent.

We update our estimate of value of hazardous materials involved in international trade by using U.S. Trade in Goods seasonally adjusted, Census-based total gross imports and gross exports in the fuels and lubricants, chemicals, and medicinal/dental/pharmaceutical products industries for the fourth quarter of 2013, the most recent quarter available—

[1] HM–215L: Hazardous Materials: Harmonization with International Standards (RRR), Final Rule, Section V.B., 78 FR 1023 et seq., January 7, 2013.

[2] As reported in the quarterly trade data of the U.S. Bureau of Economic Analysis, available at: *http://www.bea.gov/international/detailed_trade_data.htm*.

[3] U.S. Census Bureau's 2007 Commodity Flow Survey, Table 10.

[4] See Section V.B. for more detailed calculations of these figures.

- Gross imports: $134 billion (rounded)
  - Fuels and lubricants: $94.744 billion
  - Chemicals: $18.637 billion
  - Medicinal/dental/pharmaceutical products: $20.613 billion
- Gross exports: $85.8 billion (rounded)
  - Fuels and lubricants: $44.301 billion
  - Chemicals: $30.089 billion
  - Medicinal/dental/pharmaceutical products: $11.416 billion
- Gross imports plus gross exports: $219.8 billion [5]

Multiplying the quarterly estimate of $219.8 billion by 4 gives an annual estimate of gross imports plus gross exports in the three industries of $879.2 billion. Multiplying this figure by 10 percent (the estimated proportion of annual trade in these three industries that are hazardous products) by the average hazard communication cost per dollar of hazardous materials produced in the United States ($0.001) results in an estimate of benefits from Amendment 1 of $87.9 million (rounded) annually.

If U.S. regulations are not harmonized with international standards, we estimate that it will cost U.S. companies an additional $87.9 million per year to comply with both the HMR and the international standards. Harmonizing the HMR with the international standards, however, will avert these $87.9 million in additional costs, and these averted costs are therefore considered the primary benefit attributable to this rulemaking.

Costs of Harmonization. The primary cost of updating references in the U.S. HMR (to incorporate the most recent international hazardous material standards) is the purchase of updated copies of the international standards being incorporated by reference in the HMR. These costs will be borne by offerors and transporters of hazmat if this rulemaking were finalized.

It is unknown how many individuals and firms involved in shipping hazmat will purchase copies of these international standards as a result of finalizing this rulemaking. We take a conservative approach to estimating such a figure by using as a proxy the number of shippers, carriers, or other offerors or transporters of hazmat in commerce with a PHMSA registration expiring in 2014. Currently, PHMSA's registration database indicates 36,731 registrants as of May 20, 2014.[6] Of these, 29,877 (approximately 81 percent) are small businesses as defined by the U.S. Small Business Administration. Further, 31,598 registrants (approximately 86 percent) indicated that they offer or transport hazmat solely by highway method.

If we assume (for conservative estimation purposes) that all registrants will purchase copies of all publications, this indicates an estimated cost of this amendment of $56.68 million (rounded, $1,543 cost of all publications * 36,731 registrants). (In reality, all of the ISO standards incorporated will not be purchased by the majority of shippers and carriers, and will likely only impact a small subset of the regulated community. Further, it is likely that many companies will purchase multiple copies of the IMDG Code and ICAO TI, rather than only one copy. We do not believe we have sufficient data to estimate the precise number of registrants. However, we use one copy per registrant as a reasonably conservative estimate on costs of the proposed rulemaking.)

However, further assuming that those who indicated that they offer or transport in commerce hazmat only via highway, two publications included in the $1,543 cost will not apply to such registrants (ICAO TI [for air] and IMDG Code [by vessel]). Therefore, costs for the 31,598 highway-only registrants would total $32.99 million ($1,543—$155 [ICAO TI]—$344 [IMDG Code] * 31,598 highway-only registrants). Conservatively (i.e., overestimating costs and underestimating benefits) assuming all other registrants (while acknowledging that, in fact, some will purchase all standards copies and some will purchase none) will purchase updated copies of all standards publications listed here indicates a total cost of this Amendment 1 of $40.91 million, incurred once ($32.99 million + $1,543 * [36,731 total registrants—31,598 highway-only registrants], rounded).

Net Benefit. Based on the discussions of benefits and costs provided above, the estimated net benefit associated with the international harmonization final rule (2137–AF05) is $47 million in the first year after publication and $87.9 million in the second year after publication. Please see the complete regulatory analysis, a copy of which has been placed in the docket for this rulemaking, for a more detailed analysis of the costs and benefits of this proposed rule.

C. Executive Order 13132

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 (''Federalism''). This proposed rule preempts State, local, and Indian tribe requirements but does not propose any regulation that has substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

The Federal hazardous material transportation law, 49 U.S.C. 5101–5128, contains an express preemption provision (49 U.S.C. 5125(b)) that preempts State, local, and Indian tribe requirements on certain covered subjects, as follows:

- The designation, description, and classification of hazardous material;
- The packing, repacking, handling, labeling, marking, and placarding of hazardous material;
- The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;
- The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and
- The design, manufacture, fabrication, inspection, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This proposed rule addresses the covered subject items above and preempts State, local, and Indian tribe requirements not meeting the ''substantively the same'' standard. This proposed rule is necessary to incorporate changes adopted in international standards, effective January 1, 2015. If the changes in this proposed rule are not adopted in the HMR, U.S. companies, including numerous small entities competing in foreign markets, would be at an economic disadvantage. These companies would be forced to comply with a dual system of regulations. The changes in this proposed rulemaking are intended to avoid this result. Federal hazardous materials transportation law provides at 49 U.S.C. 5125(b)(2) that, if DOT issues a regulation concerning any of the covered subjects, DOT must

[5] Bureau of Economic Analysis, U.S. Department of Commerce, U.S. Trade in Goods (IDS–0008), available at: *http://www.bea.gov/international/detailed_trade_data.htm.*

[6] See PHMSA Hazardous Materials Registration Program Registration Data Files, link available at *http://www.phmsa.dot.gov/hazmat/registration*, accessed on May 20, 2014.

determine and publish in the **Federal Register** the effective date of Federal preemption. The effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. PHMSA proposes the effective date of Federal preemption be 90 days from publication of a final rule in this matter.

D. Executive Order 13175

This proposed rule was analyzed in accordance with the principles and criteria contained in Executive Order 13175 (''Consultation and Coordination with Indian Tribal Governments''). Because this proposed rule does not have tribal implications, does not impose substantial direct compliance costs, and is required by statute, the funding and consultation requirements of Executive Order 13175 do not apply.

E. Regulatory Flexibility Act, Executive Order 13272, and DOT Procedures and Policies

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to review regulations to assess their impact on small entities, unless the agency determines that a rule is not expected to have a significant impact on a substantial number of small entities. This proposed rule facilitates the transportation of hazardous materials in international commerce by providing consistency with international standards. This proposed rule applies to offerors and carriers of hazardous materials, some of whom are small entities, such as chemical manufacturers, users and suppliers, packaging manufacturers, distributors, and training companies. As discussed above, under *Executive Order 12866,* the majority of amendments in this proposed rule should result in cost savings and ease the regulatory compliance burden for shippers engaged in domestic and international commerce, including trans-border shipments within North America.

Many companies will realize economic benefits as a result of these amendments. Additionally, the changes effected by this NPRM will relieve U.S. companies, including small entities competing in foreign markets, from the burden of complying with a dual system of regulations. Therefore, we certify that these amendments will not, if promulgated, have a significant economic impact on a substantial number of small entities.

This proposed rule has been developed in accordance with Executive Order 13272 (''Proper Consideration of Small Entities in Agency Rulemaking'') and DOT's procedures and policies to promote compliance with the Regulatory Flexibility Act to ensure that potential impacts of draft rules on small entities are properly considered.

F. Paperwork Reduction Act

PHMSA currently has approved information collection under Office of Management and Budget (OMB) Control Number 2137–0034, ''Hazardous Materials Shipping Papers and Emergency Response Information.'' We anticipate that this proposed rule will result in an increase in the annual information collection burden of this information collection due to an increase in the number of shipping papers prepared for packages containing batteries that exceeds the number or quantity (mass) limits in the table shown in § 173.185(c)(4), but containing no more than 2.5 kg of lithium metal cells or batteries or 10 kg of lithium ion cells or batteries per package. Shipments utilizing this allowance currently provide alternative documentation containing the name and address of the offeror and consignee, the UN number, an indication of compliance with this paragraph (c)(4) (or the applicable ICAO Packing Instruction), and the number of packages and the gross mass of each package.

This rulemaking identifies a revised information collection that PHMSA will submit to OMB for approval based on the requirements in this NPRM. PHMSA has developed burden estimates to reflect changes in this NPRM, and estimates the information collection and recordkeeping burden in this rule are as follows:

OMB Control Number: 2137–0034.

Annual Increase in Number of Respondents: 150.

Annual Increase in Annual Number of Responses: 13,167.

Annual Increase in Annual Burden Hours: 219.

Annual Increase in Annual Burden Costs: $4,380.

Under the Paperwork Reduction Act of 1995, no person is required to respond to an information collection unless it has been approved by OMB and displays a valid OMB control number. Section 1320.8(d), title 5, Code of Federal Regulations requires that PHMSA provide interested members of the public and affected agencies an opportunity to comment on information and recordkeeping requests. PHMSA specifically requests comments on the information collection and recordkeeping burdens associated with developing, implementing, and maintaining these proposed requirements. Address written comments to the Dockets Unit as identified in the **ADDRESSES** section of this rulemaking. We must receive comments regarding information collection burdens prior to the close of the comment period identified in the **DATES** section of this rulemaking. In addition, you may submit comments specifically related to the information collection burden to the PHMSA Desk Officer, Office of Management and Budget, at fax number 202–395–6974. Requests for a copy of this information collection should be directed to Steven Andrews or T. Glenn Foster, Standards and Rulemaking Division (PHH–10), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. If these proposed requirements are adopted in a final rule, PHMSA will submit the revised information collection and recordkeeping requirements to OMB for approval.

G. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

H. Unfunded Mandates Reform Act

This proposed rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $141.3 million or more, adjusted for inflation, to either State, local, or tribal governments, in the aggregate, or to the private sector in any one year, and is the least burdensome alternative that achieves the objective of the rule.

I. Environmental Assessment

The National Environmental Policy Act, 42 U.S.C. 4321–4375, requires that federal agencies analyze proposed actions to determine whether the action will have a significant impact on the human environment. The Council on Environmental Quality (CEQ) regulations require federal agencies to conduct an environmental review considering: (1) The need for the proposed action; (2) alternatives to the proposed action; (3) probable environmental impacts of the proposed action and alternatives; and (4) the agencies and persons consulted during the consideration process. 40 CFR 1508.9(b).

Description of Action

Docket No. PHMSA–2013–0260 (HM–215M), NPRM. The transportation of hazardous materials in commerce is subject to the HMR, issued under authority of Federal hazardous materials transportation law, codified at 49 U.S.C. 5001 et seq. To facilitate the safe and efficient transportation of hazardous materials in international commerce, the HMR provides that both domestic and international shipments of hazardous materials may be offered for transportation and transported under provisions of the international regulations.

Purpose and Need

This action is necessary to integrate into the HMR recent changes to the International Maritime Dangerous Goods Code (IMDG Code), the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO TI), and the United Nations Recommendations on the Transport of Dangerous Goods—Model Regulations (UN Model Regulations) effective January 1, 2015. If the changes in this proposed rule are not adopted in the HMR by this effective date, US companies, including numerous small entities competing in foreign markets, would be at an economic disadvantage. These companies would be forced to comply with a dual system of transport regulations that could result in shippers and carriers segmenting domestic and international operations to accommodate differing requirements. The changes to the HMR contained in this proposed rulemaking are intended to avoid this result.

The intended effect of this action is to align the HMR with international hazardous material transport standards and requirements to the extent practicable in accordance with Federal Hazardous Materials transportation law (49 U.S.C. 5210). When considering the adoption of international hazardous material standards under the HMR, PHMSA reviews and evaluates each amendment on its own merit, on the basis of its overall impact on transportation safety, and the economic implications associated with its adoption into the HMR. Our goal is to harmonize without diminishing the level of safety currently provided by the HMR and without imposing undue burdens on the regulated public.

In this NPRM, PHMSA is proposing to amend the Hazardous Materials Regulations to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. These revisions are necessary to harmonize and align the HMR with recent amendments adopted in the UN Model Regulations, IMDG Code, and the ICAO TI. The amendments proposed in this notice are intended to facilitate the safe and efficient transportation of hazardous materials in international commerce, provide clarity to encourage and increase regulatory compliance, and improve the efficacy of emergency response in the event of a hazardous materials incident.

Alternatives

In proposing this rulemaking, PHMSA is considering the following alternatives:

No Action Alternative:

If PHMSA chose this alternative, it would not proceed with any rulemaking on this subject and the current regulatory standards would remain in effect.

Preferred Alternative:

This alternative is the current proposal as it appears in this Notice of Proposed Rulemaking (NPRM), applying to the transportation of hazardous materials by various transport modes (highway, rail, vessel and aircraft). The proposed amendments included in this alternative are more fully addressed in the preamble and regulatory text sections of this NPRM. However, they generally include: (1) Updates to references to various international hazardous materials transport standards; (2) Amendments to the hazardous materials table to add, revise, or remove certain proper shipping names, packing groups, special provisions, packaging authorizations, bulk packaging requirements and vessel stowage requirements; (3) Amendments to add and delete various substances to the list of marine pollutants in Appendix B to § 172.101; (4) Changes throughout the Part 173 packaging requirements to authorize more flexibility when choosing packages for hazardous materials; (5) An exception from the HMR for marine pollutants up to 5 liters (1.3 gallons) for liquids or 5 kg (11 pounds) for solids when these materials are packaged in accordance with the general packaging requirements of §§ 173.24 and 173.24a; (6) Minimum sizes for the OVERPACK and SALVAGE markings; and; (7) Revisions and additions to vessel stowage codes listed in column 10B of the HMT and segregation requirements in § 176.83 consistent with the IMDG Code.

No Action Alternative

If PHMSA were to select the No Action Alternative, current regulations would remain in place, and no new provisions would be added. However, efficiencies gained through harmonization in updates to transport standards, lists of regulated substances, definitions, packagings, stowage requirements/codes, flexibilities allowed, enhanced markings, segregation requirements, etc., would not be realized. Foregone efficiencies in the No Action Alternative include freeing up limited resources to concentrate on vessel transport hazard communication (hazcom) issues of potentially much greater environmental impact.

Additionally, the Preferred Alternative encompasses enhanced and clarified regulatory requirements, which would result in increased compliance and fewer environmental and safety incidents. Not adopting the proposed environmental and safety requirements in the NPRM under the No Action Alternative would result in a lost opportunity for reducing environmental and safety-related incidents.

Greenhouse gas emissions would remain the same under the No Action Alternative.

Preferred Alternative

If PHMSA selects the provisions as proposed in this NPRM, we believe that safety and environmental risks would be reduced and that protections to human health and environmental resources would be increased. Potential environmental impacts of each proposed amendment in the preferred alternative are discussed below:

1. *Propose updates to references to various international hazardous materials transport standards, including the 2015–2016 Edition of the ICAO TI; Amendment 37–14 to the IMDG Code; the 18th Revised Edition of the UN Model Regulations; Amendment 2 to the 5th revised edition of the UN Manual of Tests and Criteria; incorporation by reference of the Canadian Transportation of Dangerous Goods Regulations to include Amendment 11 (SOR/2011–239) October 27, 2011 and; adding two new references standards and update four other references to standards applicable to the manufacture, use, and requalification of pressure vessels published by the International Organization for Standardization:*

The HMR authorize shipments prepared in accordance with the ICAO TI and transported by motor vehicle either before or after being transported

by aircraft. Similarly, the HMR authorize shipments prepared in accordance with the IMDG Code if all or part of the transportation is by vessel. The authorizations to use the ICAO TI and the IMDG code are subject to certain conditions and limitations outlined in part 171 subpart C. PHMSA believes that this proposed amendment, which will increase standardization and consistency of regulations, will result in greater protection of human health and the environment. Consistency between U.S. and international regulations enhances the safety and environmental protection of international hazardous materials transportation through better understanding of the regulations, an increased level of industry compliance, the smooth flow of hazardous materials from their points of origin to their points of destination, and consistent emergency response in the event of a hazardous materials incident.

Enhanced environmental protection will also be achieved through more targeted and effective training. This proposed amendment will eliminate inconsistent hazardous materials regulations, which hamper compliance training efforts. For ease of compliance with appropriate regulations, air and vessel carriers engaged in the transportation of hazardous materials generally elect to comply with the ICAO TI and IMDG Code as appropriate. By maintaining consistency between these international regulations and the HMR, shippers and carriers are able to train their hazmat employees in a single set of requirements for classification, packaging, hazard communication, handling, stowage, etc., thereby minimizing the possibility of improperly preparing and transporting a shipment of hazardous materials because of differences between domestic and international regulations.

Greenhouse gas emissions would remain the same under this proposed amendment.

2. *Propose amendments to the HMT to add, revise, or remove certain proper shipping names, packing groups, special provisions, packaging authorizations, bulk packaging requirements and vessel stowage requirements:*

PHMSA believes that this proposed amendment, which will increase standardization and consistency of regulations, will result in greater protection of human health and the environment. Consistency between US and international regulations enhances the safety and environmental protection of international hazardous materials transportation through better understanding of the regulations, an increased level of industry compliance, the smooth flow of hazardous materials from their points of origin to their points of destination, and consistent emergency response in the event of a hazardous materials incident. New and revised entries to the HMT reflect emerging technologies, and a need to better describe or differentiate between existing entries. These proposed changes mirror changes in the Dangerous Goods list of The 18th Revised Edition of the UN Model Regulations, the 2015–2016 Edition of the ICAO TI and the 37–14 amendments to the IMDG Code. It is extremely important for the domestic HMR to mirror the UN Model Regulations, the ICAO TI, and the IMDG Code with respect to the entries in the HMT to ensure consistent naming conventions across modes and international borders.

Enhanced environmental protection will also be achieved through more targeted and effective training. This proposed amendment will eliminate inconsistent hazardous materials regulations, which hamper compliance training efforts. For ease of compliance with appropriate regulations, international carriers engaged in the transportation of hazardous materials by vessel generally elect to comply with the IMDG Code. By maintaining consistency between these international regulations and the HMR, shippers and carriers are able to train their hazmat employees in a single set of requirements for classification, packaging, hazard communication, handling, stowage, etc., thereby minimizing the possibility of improperly preparing and transporting a shipment of hazardous materials because of differences between domestic and international regulations.

The packing group assignment reflects a degree of danger associated with a particular material and identifies appropriate packaging. However, assignment of a packing group is not appropriate in all cases (e.g. explosives, gases, radioactive material). In such cases the packing group does not indicate a degree of danger and the packaging requirements for those materials are specified in the appropriate section in part 173. Similarly for articles, the packing group only reflects the degree of the danger posed by the hazardous component, but may not reflect danger of the article itself, which may be substantially reduced or changed when compared to shipping the hazardous component alone. Currently and without specific rationale, some articles are assigned packing groups while others are not. The inconsistent application of packing groups to articles can create problems for trainers when trying to explain regulatory structure to students. This proposed change provides a level of consistency for all articles specifically listed in the HMT, without diminishing environmental protection and safety.

For adsorbed gases, PHMSA proposes adding into the HMR a definition, HMT entries, authorized packagings and safety requirements including but not limited to quantity limitations and filling limits. PHMSA believes that this proposed amendment will result in greater protection of human health and the environment by facilitating the safe and efficient transport of gases adsorbed onto a porous media within cylinders. This technology allows the cylinder to be filled and transported with gas at sub-atmospheric pressure. Sub-atmospheric transport of gas minimizes potential leaks of gas during transportation, thus providing significant safety and environmental improvements over traditional high-pressure cylinders. This method of transporting gas is a proven safe method authorized through a PHMSA special permit for over ten years and recently adopted into the UN Model Regulations, the ICAO TI and the IMDG Code.

Greenhouse gas emissions would remain the same under this proposed amendment.

3. *Propose additions and deletions of various substances to/from the list of Marine Pollutants in HMR, Appendix B to 172.101:*

As for the above amendments, PHMSA believes that this proposed amendment, which will increase standardization and consistency of regulations, will result in greater protection of human health and the environment. Consistency between US and international regulations enhances the safety and environmental protection of international hazardous materials transportation through better understanding of the regulations, an increased level of industry compliance, the smooth flow of hazardous materials from their points of origin to their points of destination, and consistent emergency response in the event of a hazardous materials incident. The proposed additions and deletions are based on the criteria contained in the IMDG code for substances classified as toxic to the aquatic environment. The HMR maintain a list as the basis for regulating substances toxic to the aquatic environment and allow use of the criteria in the IMDG Code if a listed material does not meet the criteria for a marine pollutant. PHMSA periodically updates its list based on changes to the IMDG code and evaluation of listed materials against the IMDG code

criteria. Amending the marine pollutant list will facilitate consistent communication of the presence of marine pollutants and facilitate safe and efficient transportation without imposing significant burden associated with characterizing mixtures as marine pollutants.

Also similar to the above amendments, enhanced environmental protection will also be achieved through more targeted and effective training. This proposed amendment will eliminate inconsistent hazardous materials regulations, which hamper compliance training efforts. For ease of compliance with appropriate regulations, international carriers engaged in the transportation of hazardous materials by vessel generally elect to comply with the IMDG Code. By maintaining consistency between these international regulations and the HMR, shippers and carriers are able to train their hazmat employees in a single set of requirements for classification, packaging, hazard communication, handling, stowage, etc., thereby minimizing the possibility of improperly preparing and transporting a shipment of hazardous materials because of differences between domestic and international regulations.

Greenhouse gas emissions would remain the same under this proposed amendment.

4. *Propose adopting changes throughout the HMR Part 173 packaging requirements to authorize more flexibility when choosing packages for hazardous materials:*

The proposed changes would adopt manufacturing and performance standards for small gas pressure receptacles without a relief device, clarify the use of the HMT entry ''fire extinguisher'', authorize the use of large salvage packagings and provide a list of authorized packagings for ammonium nitrate emulsions. As for the above amendments, PHMSA believes that these proposed amendments, which will increase standardization and consistency of regulations, will result in greater protection of human health and the environment. Consistency between US and international regulations enhances the safety and environmental protection of international hazardous materials transportation through better understanding of the regulations, an increased level of industry compliance, the smooth flow of hazardous materials from their points of origin to their points of destination, and consistent emergency response in the event of a hazardous materials incident. PHMSA proposes to adopt changes throughout the Part 173 packaging requirements to authorize more flexibility when choosing packages for hazardous materials. This action is consistent with amendments adopted into the UN Model Regulations.

These amendments permit additional flexibility for authorized packages without compromising environmental protection or safety. Manufacturing and performance standards for small gas pressure receptacles ensure a safe packaging that is capable of retaining its contents without being overly prescriptive. The proposed clarification for fire extinguishers increases the transparency of the regulations, which will in turn result in increased compliance, reduced incidents of undeclared or mis-declared hazardous material and enhanced environmental protection and safety. Increased flexibility will also add to environmental protection by increasing the ease of regulatory compliance.

Also similar to the above amendments, enhanced environmental protection will be achieved through more targeted and effective training. This proposed amendment will eliminate inconsistent hazardous materials regulations, which hamper compliance training efforts. By maintaining consistency between the UN Model Regulations and the HMR, shippers and carriers are able to train their hazmat employees in a single set of requirements for classification, packaging, hazard communication, handling, stowage, etc., thereby minimizing the possibility of improperly preparing and transporting a shipment of hazardous materials because of differences between domestic and international regulations.

Greenhouse gas emissions would remain the same under this proposed amendment.

5. *Proposed exception from the HMR for marine pollutants up to 5 liters (1.3 gallons) for liquids or 5 kg (11 lbs.) for solids when these materials are packaged in accordance with the general packaging requirements of §§ 173.24 and 173.24a:*

PHMSA believes that this proposed amendment would provide for a slight net increase in environmental protection and safety by reducing confusion and simplifying multi-modal transit hazardous material transportation requirements. Currently, packages containing less than 5 liters (1.3 gallons) for liquids or 5 kg (11 lbs.) of material containing marine pollutants are subject to additional requirements such as shipping papers, Class 9 labelling and UN packaging when offered for transport by air or vessel in accordance with the ICAO TI or the IMDG Code. However, these same materials would not be subject to the HMR when transported by motor vehicle, rail car or aircraft in the U.S. The presence of these labels in one mode of transport can cause confusion in the U.S. supply chain.

The proposed amendment would exempt from the HMR small packages of hazardous material that are regulated only because of the presence of one or more marine pollutants. Materials in these quantities pose a low risk in transportation. In addition, these low quantities of materials present even lower risks in transportation because they often contain low concentrations of marine pollutant constituents. Lastly, risks of incidents are very low. In the past 10 years, in tens of thousands of vessel shipments, PHMSA's data contains only one record of marine pollutant released on a vessel that caused environmental damage. In this incident, the material was packaged in a 55-gallon drum and would not be impacted by the proposed amendment, since the package would still be required to display the marine pollutant mark and the shipping documents would still have to communicate the presence of a marine pollutant. By reducing the hazard communication (hazcom) burdens for lower risk commodities, industry, shippers, and transporters can focus hazard communication resources on areas with potentially greater environmental and safety consequences.

The proposed action is consistent with recent revisions to the IMDG Code. PHMSA believes that this proposed amendment will increase standardization and consistency of regulations, may also result in greater protection of human health and the environment. Consistency between U.S. and international regulations enhances the safety and environmental protection of international hazardous materials transportation through better understanding of the regulations, an increased level of industry compliance, the smooth flow of hazardous materials from their points of origin to their points of destination, and consistent emergency response in the event of a hazardous materials incident. Excepting these quantities of marine pollutants from the HMR will facilitate consistent communication of the presence of marine pollutants and facilitate safe and efficient transportation without imposing significant burden associated with characterizing mixtures as marine pollutants.

Also similar to the above amendments, enhanced environmental protection will also be achieved through

more targeted and effective training. This proposed amendment will eliminate inconsistent hazardous materials regulations, which hamper compliance training efforts. For ease of compliance with appropriate regulations, international carriers engaged in the transportation of hazardous materials by vessel generally elect to comply with the IMDG Code. By maintaining consistency between these international regulations and the HMR, shippers and carriers are able to train their hazmat employees in a single set of requirements for classification, packaging, hazard communication, handling, stowage, etc., thereby minimizing the possibility of improperly preparing and transporting a shipment of hazardous materials because of differences between domestic and international regulations.

Greenhouse gas emissions would remain the same under this proposed amendment.

6. *Proposed amendments to add minimum sizes for the OVERPACK and SALVAGE markings. These markings would be characters at least 12 mm (.47 inches) high:*

PHMSA believes that this proposed amendment, which will provide for enhanced hazard communication, will result in greater protection of human health and the environment. An overpack is an enclosure to provide protection or convenience of handling for one or more packages such as pallets and crates. A salvage package is used to contain a damaged, leaking or non-conforming package. The HMR require these packages to be marked OVERPACK or SALVAGE, as appropriate. This communicates the nature of these specialized packaging configurations to package handlers and emergency responders. However, because there is currently no minimum size requirement for these marks, this information is not always readily visible. This proposed amendment would ensure that these hazard markings are visible, thus resulting in decreased incidents with impacts to the environment and safety.

Greenhouse gas emissions would remain the same under this proposed amendment.

7. *Proposed amendments to revise and add vessel stowage codes listed in column 10B of the HMT and segregation requirements in HMR § 176.83 consistent with the IMDG Code. These changes are designed to harmonize with the IMDG Code and would provide additional guidance on the loading and stowage of various materials. Additionally, proposed amendments to increase the required segregation distances between Division 4.3 dangerous when wet material (i.e. materials liable to give off a flammable or toxic gas in contact with water) and Class 3 flammable liquids and Division 2.1 flammable gases:*

As discussed for previous amendments herein, PHMSA believes that this proposed amendment, which will increase standardization and consistency of regulations, will result in greater protection of human health and the environment. Consistency between U.S. and international regulations enhances the safety and environmental protection of international hazardous materials transportation through better understanding of the regulations, an increased level of industry compliance, the smooth flow of hazardous materials from their points of origin to their points of destination, and consistent emergency response in the event of a hazardous materials incident. New and revised entries to the HMT reflect emerging technologies, and a need to better describe or differentiate between existing entries. These proposed changes mirror the IMDG Code. It is extremely important for the domestic HMR and HMT to mirror the IMDG Code to ensure consistent naming conventions across modes and international borders.

Enhanced environmental protection will also be achieved through more targeted and effective training. This proposed amendment will eliminate inconsistent hazardous materials regulations, which hamper compliance training efforts. For ease of compliance with appropriate regulations, international carriers engaged in the transportation of hazardous materials by vessel generally elect to comply with the IMDG Code. By maintaining consistency between these international regulations and the HMR, shippers and carriers are able to train their hazmat employees in a single set of requirements for classification, packaging, hazard communication, handling, stowage, etc., thereby minimizing the possibility of improperly preparing and transporting a shipment of hazardous materials because of differences between domestic and international regulations.

PHMSA also believes that this group of amendments will increase environmental protection and safety through its increased segregation distance requirements and enhanced guidance, which will better prevent materials from contacting each other and/or water in transportation. Increased segregation distances prevent the mixing of incompatible material and the subsequent evolution of flammable or toxic gases, along with attendant fires and explosions. Together, stowage and segregation help manage the risks associated with the transport of hazardous materials by water. While the risk associated with the transport of these materials is relatively low, these measures would further reduce that risk and prevent the spread of a fire between flammable materials and materials that react dangerously with water.

Greenhouse gas emissions would remain the same under this proposed amendment.

Agencies Consulted:

This NPRM represents PHMSA's first action in the U.S. for this program area. PHMSA has coordinated with the U.S. Federal Aviation Administration and the U.S. Coast Guard, in the development of this proposed rule. PHMSA will consider the views expressed in comments to the NPRM submitted by members of the public, state and local governments, and industry.

Conclusion:

The provisions of this proposed rule build on current regulatory requirements to enhance the transportation safety and security of shipments of hazardous materials transported by highway, rail, aircraft and vessel, thereby reducing the risks of an accidental or intentional release of hazardous materials and consequent environmental damage. PHMSA believes the net environmental impact will be positive. PHMSA believes that there are no significant environmental impacts associated with this proposed rule.

PHMSA welcomes any views, data, or information related to environmental impacts that may result if the proposed requirements are adopted, as well as possible alternatives and their environmental impacts.

J. Privacy Act

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or you may visit *http://www.dot.gov/privacy.html.*

K. Executive Order 13609 and International Trade Analysis

Under E.O. 13609, agencies must consider whether the impacts associated with significant variations between

domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA participates in the establishment of international standards to protect the safety of the American public, and we have assessed the effects of the proposed rule to ensure that it does not cause unnecessary obstacles to foreign trade. In fact, the rule is designed to facilitate international trade. Accordingly, this rulemaking is consistent with E.O. 13609 and PHMSA's obligations under the Trade Agreement Act, as amended.

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Incorporation by reference, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Incorporation by reference, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 175

Air carriers, Hazardous materials transportation, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 176

Maritime carriers, Hazardous materials transportation, Incorporation by reference, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 178

Hazardous materials transportation, Incorporation by reference, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 180

Hazardous materials transportation, Motor carriers, Motor vehicle safety, Packaging and containers, Railroad safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, PHMSA proposes to amend 49 CFR Chapter I as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

■ 1. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4 (28 U.S.C. 2461 note); Pub. L. 104–134, section 31001; 49 CFR 1.81 and 1.97.

■ 2. In § 171.4, paragraph (c) is revised to read as follows:

§ 171.4 Marine pollutants.

* * * * *

(c) *Exceptions.* (1) Except when all or part of the transportation is by vessel, the requirements of this subchapter specific to marine pollutants do not apply to non-bulk packagings transported by motor vehicle, rail car or aircraft.

(2) Single or combination packagings containing a net quantity per single or inner packaging of 5 L or less for liquids or having a net mass of 5 kg or less for solids, are not subject to any other requirements of this subchapter provided the packagings meet the general requirements in §§ 173.24 and 173.24a. This exception does not apply to marine pollutants that are a hazardous waste, a hazardous substance, or meet the definition for inclusion in another hazard class.

* * * * *

■ 3. In § 171.7:

■ a. Paragraphs (a)(1), (s)(1), (t)(1), (v)(2), and (w)(1) through (52) are revised;

■ b. Paragraphs (w)(53 through (58) and (bb)(1)(ix) through (xii) are added;

■ c. Paragraph (dd)(1) and paragraph (dd)(2) introductory text are revised; and

■ d. Paragraph (dd)(2)(iii) is added.

The revisions and additions read as follows:

§ 171.7 Reference material.

(a) *Matter incorporated by reference*—(1) *General.* There is incorporated, by reference in parts 170–189 of this subchapter, matter referred to that is not specifically set forth. This matter is hereby made a part of the regulations in parts 170–189 of this subchapter. The matter subject to change is incorporated only as it is in effect on the date of issuance of the regulation referring to that matter. The material listed in paragraphs (b) through (ee) of this section have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval and a notice of any change in the material will be published in the **Federal Register**. Matters referenced by footnote are included as part of the regulations of this subchapter.

* * * * *

(s) * * *

(1) IAEA Safety Standards for Protecting People and the Environment; Regulations for the Safe Transport of Radioactive Material, No. SSR–6, (IAEA Regulations), 2012 Edition, into §§ 171.22, 171.23, 171.26, 173.415, 173.416, 173.417, 173.473.

* * * * *

(t) * * *

(1) Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), 2015–2016 Edition, into §§ 171.8; 171.22; 171.23; 171.24; 172.101; 172.202; 172.401; 172.512; 172.519; 172.602; 173.56; 173.320; 175.10, 175.33; 178.3.

* * * * *

(v) * * *

(2) International Maritime Dangerous Goods Code (IMDG Code), Incorporating Amendment 37–14 (English Edition), 2013, into §§ 171.22; 171.23; 171.25; 172.101 172.202; 172.203 172.401; 172.502; 172.519; 172.602; 173.21; 173.56; 176.2; 176.5; 176.11; 176.27; 176.30; 176.83; 176.84; 176.140; 176.720; 178.3; 178.274.

(w) * * *

(1) ISO 535–1991(E) Paper and board—Determination of water absorptiveness—Cobb method, 1991, into § 178.516; 178.707; 178.708.

(2) ISO 1496–1: 1990 (E)—Series 1 freight containers—Specification and

testing, Part 1: General cargo containers. Fifth Edition, (August 15, 1990), into § 173.411.

(3) ISO 1496–3(E)—Series 1 freight containers—Specification and testing—Part 3: Tank containers for liquids, gases and pressurized dry bulk, Fourth edition, March 1995, into § 178.74; 178.75; 178.274.

(4) ISO 1516:2002(E), Determination of flash/no flash—Closed cup equilibrium method, Third Edition, 2002–03–01, into § 173.120.

(5) ISO 1523:2002(E), Determination of flash point—Closed cup equilibrium method, Third Edition, 2002–03–01, into § 173.120.

(6) ISO 2431–1984(E) Standard Cup Method, 1984, into § 173.121.

(7) ISO 2592:2000(E), Determination of flash and fire points—Cleveland open cup method, Second Edition, 2000–09–15, into § 173.120.

(8) ISO 2719:2002(E), Determination of flash point—Pensky-Martens closed cup method, Third Edition, 2002–11–15, into § 173.120.

(9) ISO 2919:1999(E), Radiation Protection—Sealed radioactive sources—General requirements and classification, (ISO 2919), second edition, February 15, 1999, into § 173.469.

(10) ISO 3036–1975(E) Board—Determination of puncture resistance, 1975, into § 178.708.

(11) ISO 3405:2000(E), Petroleum products—Determination of distillation characteristics at atmospheric pressure, Third Edition, 2000–03–01, into § 173.121.

(12) ISO 3574–1986(E) Cold-reduced carbon steel sheet of commercial and drawing qualities, into § 178.503; Part 178, appendix C.

(13) ISO 3679:2004(E), Determination of flash point—Rapid equilibrium closed cup method, Third Edition, 2004–04–01, into § 173.120.

(14) ISO 3680:2004(E), Determination of flash/no flash—Rapid equilibrium closed cup method, Fourth Edition, 2004–04–01, into § 173.120.

(15) ISO 3807–2(E), Cylinders for acetylene—Basic requirements—Part 2: Cylinders with fusible plugs, First edition, March 2000, into §§ 173.303; 178.71.

(16) ISO 3924:1999(E), Petroleum products—Determination of boiling range distribution—Gas chromatography method, Second Edition, 1999–08–01, into § 173.121.

(17) ISO 4126–1:2004(E): Safety devices for protection against excessive pressure—Part 1: Safety valves, Second edition 2004–02–15, into § 178.274.

(18) ISO 4126–7:2004(E): Safety devices for protection against excessive pressure—Part 7: Common data, First Edition 2004–02–15 into § 178.274.

(19) ISO 4126–7:2004/Cor.1:2006(E): Safety devices for protection against excessive pressure—Part 7: Common data, Technical Corrigendum 1, 2006–11–01, into § 178.274.

(20) ISO 4626:1980(E), Volatile organic liquids—Determination of boiling range of organic solvents used as raw materials, First Edition, 1980–03–01, into § 173.121.

(21) ISO 4706:2008(E), Gas cylinders—Refillable welded steel cylinders—Test pressure 60 bar and below, First Edition, 2008–04–15, Corrected Version, 2008–07–01, into § 178.71.

(22) ISO 6406(E), Gas cylinders—Seamless steel gas cylinders—Periodic inspection and testing, Second edition, February 2005, into § 180.207.

(23) ISO 6892 Metallic materials—Tensile testing, July 15, 1984, First Edition, into § 178.274.

(24) ISO 7225(E), Gas cylinders—Precautionary labels, Second Edition, July 2005, into § 178.71.

(25) ISO 7866(E), Gas cylinders—Refillable seamless aluminum alloy gas cylinders—Design, construction and testing, First edition, June 1999, into § 178.71.

(26) ISO 8115 Cotton bales—Dimensions and density, 1986 Edition, into § 172.102.

(27) ISO 9809–1:1999: Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 1: Quenched and tempered steel cylinders with tensile strength less than 1100 MPa., First edition, June 1999, into §§ 178.71; 178.75.

(28) ISO 9809–1:2010: Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 1: Quenched and tempered steel cylinders with tensile strength less than 1100 MPa., Second edition, 2010–04–15, into §§ 178.71; 178.75.

(29) ISO 9809–2:2000: Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 2: Quenched and tempered steel cylinders with tensile strength greater than or equal to 1100 MPa., First edition, June 2000, into §§ 178.71; 178.75.

(30) ISO 9809–2:2010: Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 2: Quenched and tempered steel cylinders with tensile strength greater than or equal to 1100 MPa., Second edition, 2010–04–15, into §§ 178.71; 178.75.

(31) ISO 9809–3:2000: Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 3: Normalized steel cylinders, First edition, December 2000, into §§ 178.71; 178.75.

(32) ISO 9809–3:2010: Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 3: Normalized steel cylinders, Second edition, 2010–04–15, into §§ 178.71; 178.75.

(33) ISO 9978:1992(E)—Radiation protection—Sealed radioactive sources—Leakage test methods. First Edition, (February 15, 1992), into § 173.469.

(34) ISO 10156:2010(E): Gases and gas mixtures—Determination of fire potential and oxidizing ability for the selection of cylinder valve outlets, Third edition, 2010–04–01, into § 173.115.

(35) ISO 10156:2010/Cor.1:2010(E): Gases and gas mixtures—Determination of fire potential and oxidizing ability for the selection of cylinder valve outlets, Technical Corrigendum 1, 2010–09–01, into § 173.115.

(36) ISO 10297:1999(E), Transportable gas cylinders—Cylinder valves—Specification and type testing, First Edition, 1995–05–01, into § 173.301b; 178.71.

(37) ISO 10297:2006(E), Transportable gas cylinders—Cylinder valves—Specification and type testing, Second Edition, 2006–01–15, into § 173.301b; 178.71.

(38) ISO 10461:2005(E), Gas cylinders—Seamless aluminum-alloy gas cylinders—Periodic inspection and testing, Second Edition, 2005–02–15 and Amendment 1, 2006–07–15, into § 180.207.

(39) ISO 10462 (E), Gas cylinders—Transportable cylinders for dissolved acetylene—Periodic inspection and maintenance, Second edition, February 2005, into § 180.207.

(40) ISO 10692–2:2001(E), Gas cylinders—Gas cylinder valve connections for use in the micro-electronics industry—Part 2: Specification and type testing for valve to cylinder connections, First Edition, 2001–08–01, into §§ 173.40; 173.302c.

(41) ISO 11114–1:2012(E), Gas cylinders—Compatibility of cylinder and valve materials with gas contents—Part 1: Metallic materials, Second edition, (2012–03–16), into §§ 173.301b; 178.71.

(42) ISO 11114–2(E), Transportable gas cylinders—Compatibility of cylinder and valve materials with gas contents—Part 2: Non-metallic materials, First edition, December 2000, into §§ 173.301b; 178.71.

(43) ISO 11117:1998(E): Gas cylinders—Valve protection caps and valve guards—Design, construction and

tests, First edition, 1998–08–01, into § 173.301b.

(44) ISO 11117:2008(E): Gas cylinders—Valve protection caps and valve guards—Design, construction and tests, Second edition, 2008–09–01, into § 173.301b.

(45) ISO 11117:2008/Cor.1:2009(E): Gas cylinders—Valve protection caps and valve guards—Design, construction and tests, Technical Corrigendum 1, 2009–05–01, into § 173.301b.

(46) ISO 11118(E), Gas cylinders—Non-refillable metallic gas cylinders—Specification and test methods, First edition, October 1999, into § 178.71.

(47) ISO 11119–1(E), Gas cylinders—Gas cylinders of composite construction—Specification and test methods—Part 1: Hoop-wrapped composite gas cylinders, First edition, May 2002, into § 178.71.

(48) ISO 11119–2(E), Gas cylinders—Gas cylinders of composite construction—Specification and test methods—Part 2: Fully wrapped fibre reinforced composite gas cylinders with load-sharing metal liners, First edition, May 2002, into § 178.71.

(49) ISO 11119–3(E), Gas cylinders of composite construction—Specification and test methods—Part 3: Fully wrapped fibre reinforced composite gas cylinders with non-load-sharing metallic or non-metallic liners, First edition, September 2002, into § 178.71.

(50) ISO 11120(E), Gas cylinders—Refillable seamless steel tubes of water capacity between 150 L and 3000 L—Design, construction and testing, First edition, March 1999, into §§ 178.71; 178.75.

(51) ISO 11513:2011(E), Gas cylinders—Refillable welded steel cylinders containing materials for sub-atmospheric gas packaging (excluding acetylene)—Design, construction, testing, use and periodic inspection, First edition, 2011–09–12, into § 173.302c; 180.207.

(52) ISO 11621(E), Gas cylinders—Procedures for change of gas service, First edition, April 1997, into §§ 173.302, 173.336, 173.337.

(53) ISO 11623(E), Transportable gas cylinders—Periodic inspection and testing of composite gas cylinders, First edition, March 2002, into § 180.207.

(54) ISO 13340:2001(E) Transportable gas cylinders—Cylinder valves for non-refillable cylinders—Specification and prototype testing, First edition, 2004–04–01, into §§ 173.301b; 178.71.

(55) ISO 13736:2008(E), Determination of flash point—Abel closed-cup method, Second Edition, 2008–09–15, into § 173.120.

(56) ISO 16111:2008(E), Transportable gas storage devices—Hydrogen absorbed in reversible metal hydride, First Edition, 2008–11–15, into §§ 173.301b; 173.311; 178.71.

(57) ISO 18172–1:2007(E), Gas cylinders—Refillable welded stainless steel cylinders—Part 1: Test pressure 6 MPa and below, First Edition, 2007–03–01, into § 178.71.

(58) ISO 20703:2006(E), Gas cylinders—Refillable welded aluminum-alloy cylinders—Design, construction and testing, First Edition, 2006–05–01, into § 178.71.

* * * * *

(bb) * * *

(1) * * *

(ix) SOR/2011–239 November 9, 2011

(x) SOR/2011–60 March 16, 2011

(xi) SOR/2011–210 October 12, 2011

(xii) SOR/2012–245 November 9, 2012

* * * * *

(dd) * * *

(1) UN Recommendations on the Transport of Dangerous Goods, Model Regulations (UN Recommendations), 18th revised edition, Volumes I and II (2013), into §§ 171.8; 171.12; 172.202; 172.401; 172.407; 172.502; 173.22; 173.24; 173.24b; 173.40; 173.56; 173.192; 173.302b; 173.304b; 178.75; 178.274.

(2) UN Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria, (Manual of Tests and Criteria), into §§ 171.24, 172.102; 173.21; 173.56; 173.57; 173.58; 173.60; 173.115; 173.124; 173.125; 173.127; 173.128; 173.137; 173.185; 173.220; part 173, appendix H; 178.274:

* * * * *

(iii) Fifth revised edition, amendment 2 (2013).

* * * * *

■ 4. In § 171.8:

■ a. A definition for ''Adsorbed gas'' is added in alphabetical order;

■ b. The definition for ''Bundle of cylinders'' is revised;

■ c. Definitions for ''Large salvage packaging'' and ''Neutron Radiation Detector'' are added in alphabetical order;

■ d. The definition for ''Non-bulk packaging'' is revised; and

■ e. A definition for ''Radiation detection system'' is added in alphabetical order.

The additions and revisions read as follows:

§ 171.8 Definitions and abbreviations.

* * * * *

Adsorbed gas. See § 173.115 of this subchapter.

* * * * *

Bundle of cylinders means assemblies of UN cylinders fastened together and interconnected by a manifold and transported as a unit. The total water capacity for the bundle may not exceed 3,000 L, except that a bundle intended for the transport of gases in Division 2.3 is limited to a water capacity of 1,000 L. Not permitted for air transport.

* * * * *

Large salvage packaging means a special packaging into which damaged, defective or leaking hazardous materials packages, or hazardous materials that have spilled or leaked are placed for the purpose of transport for recovery or disposal, that—

(1) Is designed for mechanical handling; and

(2) Has a net mass greater than 400 kg (882 pounds) or a capacity of greater than 450 L (119 gallons), but has a volume of not more than 3 cubic meters (106 cubic feet).

* * * * *

Neutron Radiation Detector means a device that detects neutron radiation. In such a device, a gas may be contained in a hermetically sealed electron tube transducer that converts neutron radiation into a measurable electric signal.

Non-bulk packaging means a packaging which has:

(1) A maximum capacity of 450 L (119 gallons) or less as a receptacle for a liquid;

(2) A maximum net mass of 400 kg (882 pounds) or less and a maximum capacity of 450 L (119 gallons) or less as a receptacle for a solid;

(3) A water capacity of 454 kg (1000 pounds) or less as a receptacle for a gas as defined in § 173.115 of this subchapter; or

(4) Regardless of the definition of bulk packaging, a maximum net mass of 400 kg (882) or less for a bag or a box conforming to the applicable requirements for specification packagings in subpart L of part 178 of this subchapter.

* * * * *

Radiation detection system means an apparatus that contains radiation detectors as components.

* * * * *

■ 5. In § 171.23 revise paragraph (b)(2) and add paragraph (b)(11)(ix) to read as follows:

§ 171.23 Requirements for specific materials and packagings transported under the ICAO Technical Instructions, IMDG Code, Transport Canada TDG Regulations, or the IAEA Regulations.

* * * * *

(b) * * *

(2) Safety devices for vehicles, vessels or aircraft, e.g. air bag inflators, air bag modules, seat-belt pretensioners, and

pyromechanical devices. For each approved safety device, the shipping paper description must conform to the requirements in § 173.166(c) of this subchapter.

(i) The EX number or product code must be included in association with the basic shipping description. When a product code is used, it must be traceable to the specific EX number assigned to the inflator, module or seat-belt pretensioner by the Associate Administrator. The EX number or product code is not required to be marked on the outside package.

(ii) [Reserved]

* * * * *

(11) * * *

(ix) Packages containing fissile materials must conform to the requirements of § 173.453 to be otherwise excepted from the requirements of Subpart I of Part 173 for fissile materials.

* * * * *

■ 6. In § 171.24 paragraph (d)(1)(ii) is revised to read as follows:

§ 171.24 Additional requirements for the use of the ICAO Technical Instructions.

* * * * *

(d) * * *

(1) * * *

(ii) *Lithium metal cells and batteries.* Lithium metal cells and batteries (UN3090) are forbidden for transport aboard passenger-carrying aircraft. The outside of each package that contains lithium metal cells or lithium metal batteries (UN3090) transported in accordance with Packing Instruction 968, Section II must be marked ''PRIMARY LITHIUM BATTERIES—FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT'' or ''LITHIUM METAL BATTERIES—FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT'', or labeled with a CARGO AIRCRAFT ONLY label specified in § 172.448 of this subchapter.

* * * * *

■ 7. In § 171.25, paragraph (b)(3) is revised to read as follows:

§ 171.25 Additional requirements for the use of the IMDG Code.

* * * * *

(b) * * *

(3) The outside of each package containing lithium metal cells or batteries (UN3090) transported in accordance with special provision 188 of the IMDG Code must be marked ''PRIMARY LITHIUM BATTERIES—FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT'' or ''LITHIUM METAL BATTERIES—FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT'', or labeled with a CARGO AIRCRAFT ONLY label specified in § 172.448 of this subchapter. The provisions of this paragraph do not apply to packages that contain 5 kg (11 pounds) net weight or less of lithium metal cells or batteries that are packed with, or contained in, equipment.

* * * * *

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, TRAINING REQUIREMENTS, AND SECURITY PLANS

■ 8. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

■ 9. In § 172.101:

■ a. Paragraph (f) and paragraph (k) introductory text are revised;

■ b. The Hazardous Materials Table is amended by removing the entries under ''[REMOVE]'', by adding in the appropriate alphabetical sequence the entries under ''[ADD]'' and revising entries under ''[REVISE]''; and

■ c. Appendix B to § 172.101, the List of Marine Pollutants is amended by removing one (1) entry and adding the following sixty-two (62) entries in appropriate alphabetical order.

The additions and revisions read as follows:

§ 172.101 Purpose and use of the hazardous materials table.

* * * * *

(f) *Column 5: Packing group.* Column 5 of the HMT specifies one or more packing groups assigned to a material corresponding to the proper shipping name and hazard class for that material. Class 2, Class 7, Division 6.2 (other than regulated medical wastes), and ORM–D materials, do not have packing groups. Articles in other than Class 1 are not assigned to packing groups. For packing purposes, any requirement for a specific packaging performance level is set out in the applicable packing authorizations of part 173. Packing Groups I, II and III indicate the degree of danger presented by the material is either great, medium or minor, respectively. If more than one packing group is indicated for an entry, the packing group for the hazardous material is determined using the criteria for assignment of packing groups specified in subpart D of part 173. When a reevaluation of test data or new data indicates a need to modify the specified packing group(s), the data should be submitted to the Associate Administrator. Each reference in this column to a material which is a hazardous waste or a hazardous substance, and whose proper shipping name is preceded in Column 1 of the Table by the letter ''A'' or ''W'', is modified to read ''III'' on those occasions when the material is offered for transportation or transported by a mode in which its transportation is not otherwise subject to requirements of this subchapter.

* * * * *

(k) *Column 10: Vessel stowage requirements.* Column 10A [Vessel stowage] specifies the authorized stowage locations on board cargo and passenger vessels. Column 10B [Other provisions] specifies codes for stowage and handling requirements for specific hazardous materials. Hazardous materials offered for transportation as limited quantities are allocated stowage category A and are not subject to the stowage codes assigned by column 10B. The meaning of each code in Column 10B is set forth in § 176.84 of this subchapter. Section 176.63 of this subchapter sets forth the physical requirements for each of the authorized locations listed in Column 10A. (For bulk transportation by vessel, see 46 CFR parts 30 to 40, 70, 98, 148, 151, 153 and 154.) The authorized stowage locations specified in Column 10A are defined as follows:

* * * * *

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging § 173.* * * Exceptions	(8) Non-bulk	(8) Bulk	(9) Quantity limitations (see §§ 173.27 and 175.75) Passenger aircraft/rail	(9) Cargo aircraft only	(10) Vessel stowage Location	(10) Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	[REMOVE].												
		*		*	*	*	*		*	*			
I	Air bag inflators, *or* Air bag modules, *or* Seat-belt pretensioners.	1.4G	UN0503		1.4G	161, A200	None	62	None	Forbidden	75 kg	02	25.
	Air bag inflators, *or* Air bag modules, *or* Seat-belt pretensioners.	9	UN3268	III	9	160, A200	166	166	166	25 kg	100 kg	A.	
		*		*	*	*	*		*	*			
	Ammonium nitrate, *with more than 0.2 percent combustible substances, including any organic substance calculated as carbon, to the exclusion of any other added substance.*	1.1D	UN0222	II	1.1D		None	62	None	Forbidden	Forbidden	04	25, 19E.
	Ammonium nitrate, *with not more than 0.2% total combustible material, including any organic substance, calculated as carbon to the exclusion of any other added substance.*	5.1	UN1942	III	5.1	A1, A29, B120, IB8, IP3, T1, TP33.	152	213	240	25 kg	100 kg	A	25, 59, 60, 116.
		*		*	*	*	*		*	*			
I	Blue asbestos (Crocidolite) or Brown asbestos (amosite, mysorite).	9	UN2212	II	9	156, IB8, IP2, IP4, T3, TP33.	155	216	240	Forbidden	Forbidden	A	34, 40.
		*		*	*	*	*		*	*			
	Capacitor, *electric double layer (with an energy storage capacity greater than 0.3 Wh).*	9	UN3499		9	361	176	176	176	No limit	No limit	A.	
		*		*	*	*	*		*	*			
	Chemical kits	9	UN3316		9	15	161	161	None	10 kg	10 kg	A.	
		*		*	*	*	*		*	*			
	First aid kits	9	UN3316		9	15	161	161	None	10 kg	10 kg	A.	
		*		*	*	*	*		*	*			
	Trinitrobenzene, *dry or wetted with less than 30 percent water, by mass.*	1.1D	UN0214	II	1.1D		None	62	None	Forbidden	Forbidden	04	25.

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging § 173.* * * Exceptions	Non-bulk	Bulk	(9) Quantity limitations (see §§ 173.27 and 175.75) Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
		*		*	*	*	*		*	*			
I	White asbestos *(chrysotile, actinolite, anthophyllite, tremolite).*	9	UN2590	III	9	156, IB8, IP2, IP3, T1, TP33.	155	216	240	200 kg	200 kg	A	34, 40.
		*		*	*	*	*		*	*			
	[ADD].												
G	Adsorbed gas, n.o.s	2.2	UN3511		2.2		None	302c	302c	75 kg	150 kg	A.	
G	Adsorbed gas, flammable, n.o.s.	2.1	UN3510		2.1		None	302c	302c	Forbidden	150 kg	D	40.
G	Adsorbed gas, oxidizing, n.o.s.	2.2	UN3513		2.2, 5.1		None	302c	302c	75 kg	150 kg	D.	
G	Adsorbed gas, toxic, n.o.s. *Inhalation hazard zone A.*	2.3	UN3512		2.3	1	None	302c	302c	Forbidden	Forbidden	D	40.
G	Adsorbed gas, toxic, n.o.s. *Inhalation hazard zone B.*	2.3	UN3512		2.3	2, B9, B14	None	302c	302c	Forbidden	Forbidden	D	40.
G	Adsorbed gas, toxic, n.o.s. *Inhalation hazard zone C.*	2.3	UN3512		2.3	3, B14	None	302c	302c	Forbidden	Forbidden	D	40.
G	Adsorbed gas, toxic, n.o.s. *Inhalation hazard zone D.*	2.3	UN3512		2.3	4	None	302c	302c	Forbidden	Forbidden	D	40.
G	Adsorbed gas, toxic, corrosive, n.o.s. *Inhalation hazard zone A.*	2.3	UN3516		2.3, 8	1	None	302c	302c	Forbidden	Forbidden	D	40.
G	Adsorbed gas, toxic, corrosive, n.o.s. *Inhalation hazard zone B.*	2.3	UN3516		2.3, 8	2, B9, B14	None	302c	302c	Forbidden	Forbidden	D	40.
G	Adsorbed gas, toxic, corrosive, n.o.s. *Inhalation hazard zone C.*	2.3	UN3516		2.3, 8	3, B14	None	302c	302c	Forbidden	Forbidden	D	40.
G	Adsorbed gas, toxic, corrosive, n.o.s. *Inhalation hazard zone D.*	2.3	UN3516		2.3, 8	4	None	302c	302c	Forbidden	Forbidden	D	40.
G	Adsorbed gas, toxic, flammable, n.o.s. *Inhalation hazard zone A.*	2.3	UN3514		2.3, 2.1	1	None	302c	302c	Forbidden	Forbidden	D	40.
G	Adsorbed gas, toxic, flammable, n.o.s. *Inhalation hazard zone B.*	2.3	UN3514		2.3, 2.1	2, B9, B14	None	302c	302c	Forbidden	Forbidden	D	40.
G	Adsorbed gas, toxic, flammable, n.o.s. *Inhalation hazard zone C.*	2.3	UN3514		2.3, 2.1	3, B14	None	302c	302c	Forbidden	Forbidden	D	40.

G	Adsorbed gas, toxic, flammable, n.o.s. *Inhalation hazard zone D.*	2.3	UN3514		2.3, 2.1	4	None	302c	302c	Forbidden	Forbidden	D	40.
G	Adsorbed gas, toxic, flammable, corrosive, n.o.s. *Inhalation hazard zone A.*	2.3	UN3517		2.3, 2.1, 8	1	None	302c	302c	Forbidden	Forbidden	D	17, 40.
G	Adsorbed gas, toxic, flammable, corrosive, n.o.s. *Inhalation hazard zone B.*	2.3	UN3517		2.3, 2.1, 8	2, B9, B14	None	302c	302c	Forbidden	Forbidden	D	17, 40.
G	Adsorbed gas, toxic, flammable, corrosive, n.o.s. *Inhalation hazard zone C.*	2.3	UN3517		2.3, 2.1, 8	3, B14	None	302c	302c	Forbidden	Forbidden	D	17, 40.
G	Adsorbed gas, toxic, flammable, corrosive, n.o.s. *Inhalation hazard zone D.*	2.3	UN3517		2.3, 2.1, 8	4	None	302c	302c	Forbidden	Forbidden	D	17, 40.
G	Adsorbed gas, toxic, oxidizing, n.o.s. *Inhalation hazard zone A.*	2.3	UN3515		2.3, 5.1	1	None	302c	302c	Forbidden	Forbidden	D	40.
G	Adsorbed gas, toxic, oxidizing, n.o.s. *Inhalation hazard zone B.*	2.3	UN3515		2.3, 5.1	2, B9, B14	None	302c	302c	Forbidden	Forbidden	D	40.
G	Adsorbed gas, toxic, oxidizing, n.o.s. *Inhalation hazard zone C.*	2.3	UN3515		2.3, 5.1	3, B14	None	302c	302c	Forbidden	Forbidden	D	40.
G	Adsorbed gas, toxic, oxidizing, n.o.s. *Inhalation hazard zone D.*	2.3	UN3515		2.3, 5.1	4	None	302c	302c	Forbidden	Forbidden	D	40.
G	Adsorbed gas, toxic, oxidizing, corrosive, n.o.s. *Inhalation hazard zone A.*	2.3	UN3518		2.3, 5.1, 8	1	None	302c	302c	Forbidden	Forbidden	D	40, 89, 90.
G	Adsorbed gas, toxic, oxidizing, corrosive, n.o.s. *Inhalation hazard zone B.*	2.3	UN3518		2.3, 5.1, 8	2, B9, B14	None	302c	302c	Forbidden	Forbidden	D	40, 89, 90.
G	Adsorbed gas, toxic, oxidizing, corrosive, n.o.s. *Inhalation hazard zone C.*	2.3	UN3518		2.3, 5.1, 8	3, B14	None	302c	302c	Forbidden	Forbidden	D	40, 89, 90.
G	Adsorbed gas, toxic, oxidizing, corrosive, n.o.s. *Inhalation hazard zone D.*	2.3	UN3518		2.3, 5.1, 8	4	None	302c	302c	Forbidden	Forbidden	D	40, 89, 90.
		*		*	*	*	*		*	*			
	Air bag inflators, or Air bag modules, or Seat-belt pretensioners, see Safety devices, *electrically initiated or* Safety devices, pyrotechnic.												
		*		*	*	*	*		*	*			
	Ammonium nitrate	1.1D	UN0222	II	1.1D	370	None	62	None	Forbidden	Forbidden	04	25, 19E.

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging § 173.* * * Exceptions	Non-bulk	Bulk	(9) Quantity limitations (see §§ 173.27 and 175.75) Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Ammonium nitrate, *with not more than 0.2% combustible substances, including any organic substance, calculated as carbon to the exclusion of any other added substance.*	5.1	UN1942	III	5.1	A1, A29, B120, IB8, IP3, T1, TP33.	152	213	240	25 kg	100 kg	A	25, 59, 60, 66, 116, 124.
		*		*	*	*	*		*	*			
G I	Asbestos, amphibole *(amosite, tremolite, actinolite, anthophyllite, or crocidolite).*	9	UN2212	II	9	156, IB8, IP2, IP4, T3, TP33.	155	216	240	Forbidden	Forbidden	A	34, 40.
I	Asbestos, chrysotile	9	UN2590	III	9	156, IB8, IP2, IP3, T1, TP33.	155	216	240	200 kg	200 kg	A	34, 40.
		*		*	*	*	*		*	*			
	Boron trifluoride, adsorbed.	2.3	UN3519		2.3, 8	2, B9, B14	None	302c	302c	Forbidden	Forbidden	D	40.
		*		*	*	*	*		*	*			
	Capacitor, asymmetric *(with an energy storage capacity greater than 0.3Wh).*	9	UN3508		9	372	176	176	176	No limit	No Limit	A.	
	Capacitor, electric double layer *(with an energy storage capacity greater than 0.3 Wh).*	9	UN3499		9	361	176	176	176	No limit	No limit	A.	
		*		*	*	*	*		*	*			
	Chemical kits	9	UN3316	II	9	15	161	161	None	10 kg	10 kg	A.	
		*		*	*	*	*		*	*			
	Chlorine, adsorbed	2.3	UN3520		2.3, 5.1, 8	2, B9, B14, N86.	None	302c	302c	Forbidden	Forbidden	D	40, 89, 90.
		*		*	*	*	*		*	*			
	First aid kits	9	UN3316	II	9	15	161	161	None	10 kg	10 kg	A.	
	First aid kits	9	UN3316	III	9	15	161	161	None	10 kg	10 kg	A.	
		*		*	*	*	*		*	*			
	Germane, adsorbed	2.3	UN3523		2.3, 2.1	2	None	302c	302c	Forbidden	Forbidden	D	40.
		*		*	*	*	*		*	*			
	Hydrogen selenide, adsorbed.	2.3	UN3526		2.3, 2.1	1	None	302c	302c	Forbidden	Forbidden	D	40.
		*		*	*	*	*		*	*			
	Phosphine, adsorbed	2.3	UN3525		2.3, 2.1	1	None	302c	302c	Forbidden	Forbidden	D	40.

		*		*		*		*		*		*		
	Phosphorus pentafluoride, adsorbed.	2.3	UN3524			2.3, 8	2, B9, B14	None	302c	302c	Forbidden	Forbidden	D	40.
		*		*		*		*		*		*		
G	Self-reactive liquid type B, temperature controlled.	4.1	UN3231	II		4.1		None	224	None	Forbidden	Forbidden	D	2, 25, 52, 53.
		*		*		*		*		*		*		
	Safety devices, *electrically initiated.*	9	UN3268			9	160, A200	166	166	166	25 kg	100 kg	A.	
	Safety devices, pyrotechnic.	1.4G	UN0503			1.4G	A200	None	62	None	Forbidden	75 kg	02	25.
		*		*		*		*		*		*		
	Silicon tetrafluoride, adsorbed.	2.3	UN3521			2.3, 8	2	None	302c	302c	Forbidden	Forbidden	D	40.
		*		*		*		*		*		*		
	Trifluorochloroethylene, stabilized *or* Refrigerant gas R 1113.	2.3	UN1082			2.3, 2.1	3, B14, T50	None	304	314, 315	Forbidden	Forbidden	D	40.
		*		*		*		*		*		*		
	Trinitrobenzene, *dry or wetted with less than 30 percent water, by mass.*	1.1D	UN0214	II		1.1D		None	62	None	Forbidden	Forbidden	04	25.
	Trinitrobenzene, *wetted with not less than 30 percent water, by mass.*	4.1	UN1354	I		4.1	23, A2, A8, A19, N41.	None	211	None	0.5 kg	0.5 kg	E	28, 36.
		*		*		*		*		*		*		
	Uranium hexafluoride, radioactive material, excepted package, *less than 0.1 kg per package, non-fissile or fissile-excepted.*	8	UN3507	I		8, 7	369	420	None	None	Less than .1 kg.	Less than .1 kg.	A	132.
		*		*		*		*		*		*		
	[REVISE]..													
	Aircraft hydraulic power unit fuel tank *(containing a mixture of anhydrous hydrazine and monomethyl hydrazine) (M86 fuel).*	3	UN3165	I		3, 6.1, 8		None	172	None	Forbidden	42 L	E	21, 40, 49, 100.
		*		*		*		*		*		*		
	Acrylamide, solid	6.1	UN2074	III		6.1	IB8, IP3, T1, TP33.	153	213	240	100 kg	200 kg	A	12, 25.
	Acrylamide solution	6.1	UN3426	III		6.1	IB3, T4, TP1.	153	203	241	60 L	220 L	A	12, 25.
		*		*		*		*		*		*		
	Aldol	6.1	UN2839	II		6.1	IB2, T7, TP2.	153	202	243	5 L	60 L	A	12, 25.
		*		*		*		*		*		*		
	Alkali metal alloys, liquid, n.o.s.	4.3	UN1421	I		4.3	A2, A3, A7, B48, N34.	None	201	244	Forbidden	1 L	D	13, 52, 148.

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging § 173.* * * Exceptions	Non-bulk	Bulk	(9) Quantity limitations (see §§ 173.27 and 175.75) Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Alkali metal amalgam, liquid.	4.3	UN1389	I	4.3	A2, A3, A7, N34.	None	201	244	Forbidden	1 L	D	13, 40, 52, 148.
	*			*	*	*	*		*	*			
	Alkali metal amalgam, solid.	4.3	UN3401	I	4.3	IB4, IP1, N40, T9, TP7, TP33.	None	211	242	Forbidden	15 kg	D	13, 52, 148.
	*			*	*	*	*		*	*			
	Alkali metal amides	4.3	UN1390	II	4.3	A6, A7, A8, A19, A20, IB7, IP2, T3, TP33.	151	212	241	15 kg	50 kg	E	13, 40, 52, 148.
	*			*	*	*	*		*	*			
	Alkali metal dispersions, flammable *or* Alkaline earth metal dispersions, flammable.	4.3	UN3482	I	4.3, 3	A2, A3, A7	None	201	244	Forbidden	1 L	D	13, 52, 148.
	Alkali metal dispersions, *or* Alkaline earth metal dispersions.	4.3	UN1391	I	4.3	A2, A3, A7	None	201	244	Forbidden	1 L	D	13, 52, 148.
	*			*	*	*	*		*	*			
	Alkaline earth metal alloys, n.o.s.	4.3	UN1393	II	4.3	A19, IB7, IP2, T3, TP33.	151	212	241	15 kg	50 kg	E	13, 52, 148.
	Alkaline earth metal amalgams, liquid.	4.3	UN1392	I	4.3	A19, N34, N40.	None	201	244	Forbidden	1 L	E	13, 40, 52, 148.
	Alkaline earth metal amalgams, solid.	4.3	UN3402	I	4.3	A19, N34, N40, T9, TP7, TP33.	None	211	242	Forbidden	15 kg	D	13, 52, 148.
	*			*	*	*	*		*	*			
	Allyl chloroformate	6.1	UN1722	I	6.1, 3, 8	2, B9, B14, B32, N41, T20, TP2, TP13, TP38, TP45.	None	227	244	Forbidden	Forbidden	D	21, 40, 100.
	*			*	*	*	*		*	*			
	Aluminum borohydride *or* Aluminum borohydride in devices.	4.2	UN2870	I	4.2, 4.3	B11, T21, TP7, TP33.	None	181	244	Forbidden	Forbidden	D	13, 148.

*		*	*	*	*	*	*		*				
Aluminum carbide	4.3	UN1394	II	4.3	A20, IB7, IP2, N41, T3, TP33.	151	212	242	15 kg	50 kg	A	13, 52, 148.
*		*	*	*	*	*	*		*				
Aluminum ferrosilicon powder.	4.3	UN1395	II	4.3, 6.1	A19, IB5, IP2, T3, TP33.	151	212	242	15 kg	50 kg	A	13, 39, 40, 52, 53, 85, 103, 148.
			III	4.3, 6.1	A19, A20, IB4.	151	213	241	25 kg	100 kg	A	13, 39, 40, 52, 53, 85, 103.
Aluminum hydride	4.3	UN2463	I	4.3	A19, N40	None	211	242	Forbidden	15 kg	E	13, 148.
*		*	*	*	*	*	*		*				
Aluminum phosphide	4.3	UN1397	I	4.3, 6.1	A8, A19, N40.	None	211	242	Forbidden	15 kg	E	13, 40, 52, 85, 148.
*		*	*	*	*	*	*		*				
Aluminum powder, coated.	4.1	UN1309	II	4.1	IB8, IP2, IP4, T3, TP33.	151	212	240	15 kg	50 kg	A	13, 39, 52, 53, 74, 101, 147, 148.
			III	4.1	IB8, IP3, T1, TP33.	151	213	240	25 kg	100 kg	A	13, 39, 52, 53, 74, 101, 147, 148.
Aluminum powder, uncoated.	4.3	UN1396	II	4.3	A19, A20, IB7, IP2, T3, TP33.	151	212	242	15 kg	50 kg	A	13, 39, 52, 53, 148.
			III	4.3	A19, A20, IB8, IP4, T1, TP33.	151	213	241	25 kg	100 kg	A	13, 39, 52, 53, 148.
*		*	*	*	*	*	*		*				
Aluminum silicon powder, uncoated.	4.3	UN1398	III	4.3	A1, A19, IB8, IP4, T1, TP33.	151	213	241	25 kg	100 kg	A	13, 39, 40, 52, 53, 85, 103, 148.
Aluminum smelting by-products *or* Aluminum remelting by-products.	4.3	UN3170	II	4.3	128, B115, IB7, IP2, T3, TP33.	None	212	242	15 kg	50 kg	B	13, 85, 103, 148.
			III	4.3	128, B115, IB8, IP4, T1, TP33.	None	213	241	25 kg	100 kg	B	13, 85, 103, 148.
*		*	*	*	*	*	*		*				
N-Aminoethyl- piperazine.	8	UN2815	III	8	IB3, T4, TP1.	154	203	241	5 L	60 L	A	12, 25.
*		*	*	*	*	*	*		*				
Aminopyridines *(o-; m-; p-)*.	6.1	UN2671	II	6.1	IB8, IP2, IP4, T3, TP33.	153	212	242	25 kg	100 kg	B	12, 25, 40, 52.
*		*	*	*	*	*	*		*				
Ammonium nitrate based fertilizer.	5.1	UN2067	III	5.1	52, 150, B120, IB8, IP3, T1, TP33.	152	213	240	25 kg	100 kg	B	25, 59, 60, 66, 117, 124.

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging § 173.* * * Exceptions	Non-bulk	Bulk	(9) Quantity limitations (see §§ 173.27 and 175.75) Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	*	*		*	*	*	*		*	*			
	Ammonium nitrate emulsion *or* Ammonium nitrate suspension *or* Ammonium nitrate gel, *intermediate for blasting explosives.*	5.1	UN3375	II	5.1	147, 163, IB2, IP16, TP32.	None	231	231	Forbidden	Forbidden	D	25, 59, 60, 66, 124.
	*	*		*	*	*	*		*	*			
	Ammonium nitrate, liquid *(hot concentrated solution).*	5.1	UN2426		5.1	B5, T7	None	None	243	Forbidden	Forbidden	D	59, 60, 124.
	*	*		*	*	*	*		*	*			
	Ammonium nitrate, *with not more than 0.2% total combustible material, including any organic substance, calculated as carbon to the exclusion of any other added substance.*	5.1	UN1942	III	5.1	A1, A29, B120, IB8, IP3, T1, TP33.	152	213	240	25 kg	100 kg	A	25, 59, 60, 66, 116, 124.
	*	*		*	*	*	*		*	*			
	Ammonium polysulfide, solution.	8	UN2818	II	8, 6.1	IB2, T7, TP2, TP13.	154	202	243	1 L	30 L	B	12, 25, 40, 52.
				III	8, 6.1	IB3, T4, TP1, TP13.	154	203	241	5 L	60 L	B	12, 25, 40, 52.
	*	*		*	*	*	*		*	*			
	Ammonium sulfide solution.	8	UN2683	II	8, 6.1, 3	IB1, T7, TP2, TP13.	154	202	243	1 L	30 L	B	12, 25, 22, 52, 100.
	*	*		*	*	*	*		*	*			
	Ammunition, tear-producing, non-explosive, *without burster or expelling charge, non-fuzed.*	6.1	UN2017		6.1, 8		None	212	None	Forbidden	50 kg	E	13, 40.
	*	*		*	*	*	*		*	*			
	Ammunition, toxic, non-explosive, *without burster or expelling charge, non-fuzed.*	6.1	UN2016		6.1		None	212	None	Forbidden	100 kg	E	13, 40.

*			*	*	*	*	*	*					
Anisoyl chloride	8	UN1729	II	8	B2, B4, IB8, IP2, IP4, T3, TP33.	154	212	240	15 kg	50 kg	A	40.
*			*	*	*	*	*	*					
Antimony pentafluoride	8	UN1732	II	8, 6.1	A3, A6, A7, A10, IB2, N3, N36, T7, TP2.	None	202	243	Forbidden	30 L	D	40, 44, 89, 100, 141.
*			*	*	*	*	*	*					
Arsenic bromide	6.1	UN1555	II	6.1	IB8, IP2, IP4, T3, TP33.	153	212	242	25 kg	100 kg	A	12, 25, 40.
*			*	*	*	*	*	*					
Articles, pressurized pneumatic *or* hydraulic *containing non-flammable gas*.	2.2	UN3164		2.2	371	306	302, 304	None	No limit	No limit	A.	
*			*	*	*	*	*	*					
Barium	4.3	UN1400	II	4.3	A19, IB7, IP2, T3, TP33.	151	212	241	15 kg	50 kg	E	13, 52, 148.
Barium alloys, pyrophoric.	4.2	UN1854	I	4.2	T21, TP7, TP33.	None	181	None	Forbidden	Forbidden	D	13, 148.
*			*	*	*	*	*	*					
Barium azide, wetted *with not less than 50 percent water, by mass*.	4.1	UN1571	I	4.1, 6.1	162, A2	None	182	None	Forbidden	0.5 kg	D	28, 36.
*			*	*	*	*	*	*					
Barium peroxide	5.1	UN1449	II	5.1, 6.1	A9, IB6, IP2, T3, TP33.	152	212	242	5 kg	25 kg	C	13, 52, 66, 75, 148.
*			*	*	*	*	*	*					
Batteries, containing sodium.	4.3	UN3292		4.3		189	189	189	Forbidden	No limit	A	13, 148.
Batteries, dry, containing potassium hydroxide solid, *electric storage*.	8	UN3028		8	237	None	213	None	25 kg	230 kg	A.	
*			*	*	*	*	*	*					
Batteries, wet, filled with acid, *electric storage*.	8	UN2794		8	A51	159	159	159	30 kg	No limit	A.	
Batteries, wet, filled with alkali, *electric storage*.	8	UN2795		8	A51	159	159	159	30 kg	No limit	A.	
Batteries, wet, non-spillable, *electric storage*.	8	UN2800		8		159a	159	159	No limit	No limit	A.	
Beryllium, powder	6.1	UN1567	II	6.1, 4.1	IB8, IP2, IP4, T3, TP33.	153	212	242	15 kg	50 kg	A	13, 147, 148.

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging § 173.* * * Exceptions	Non-bulk	Bulk	(9) Quantity limitations (see §§ 173.27 and 175.75) Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
+	Boron tribromide	8	UN2692	I	8, 6.1	2, B9, B14, B32, N34, T20, TP2, TP13, TP38, TP45.	None	227	244	Forbidden	Forbidden	C	12, 25.
	*		*		*	*	*		*	*			
	Boron trifluoride dihydrate.	8	UN2851	II	8	IB2, T7, TP2.	154	212	240	15 kg	50 kg	B	12, 25, 40.
	Boron trifluoride dimethyl etherate.	4.3	UN2965	I	4.3, 8, 3	A19, T10, TP2, TP7, TP13.	None	201	243	Forbidden	1 L	D	13, 21, 25, 28, 40, 49, 100, 147, 148.
	*		*		*	*	*		*	*			
	Bromoform	6.1	UN2515	III	6.1	IB3, T4, TP1.	153	203	241	60 L	220 L	A	12, 25, 40.
	*		*		*	*	*		*	*			
+	Bromine	8	UN1744	I	8, 6.1	1, B9, B85, N34, N43, T22, TP2, TP10, TP13.	None	226	249	Forbidden	Forbidden	D	12, 25, 40, 66, 74.
	*		*		*	*	*		*	*			
+	Bromine solutions	8	UN1744	I	8, 6.1	1, B9, B85, N34, N43, T22, TP2, TP10, TP13.	None	226	249	Forbidden	Forbidden	D	12, 25, 40, 66, 74, 89, 90.
+	Bromine solutions	8	UN1744	I	8, 6.1	2, B9, B85, N34, N43, T22, TP2, TP10, TP13.	None	227	249	Forbidden	Forbidden	D	12, 25. 40, 66, 74, 89, 90.
	*		*		*	*	*		*	*			
	Bromobenzyl cyanides, liquid.	6.1	UN1694	I	6.1	T14, TP2, TP13.	None	201	243	Forbidden	30 L	D	12, 25, 40, 52.
	Bromobenzyl cyanides, solid.	6.1	UN3449	I	6.1	T6, TP33	None	211	242	5 kg	50 kg	D	12, 25, 40, 52.
	*		*		*	*	*		*	*			
	tert-Butyl hypochlorite	4.2	UN3255	I	4.2, 8		None	211	243	Forbidden	Forbidden	D	40.

*			*	*	*	*	*	*					
Butyl mercaptan	3	UN2347	II	3	A3, A6, IB2, T4, TP1.	150	202	242	5 L	60 L	D	52, 95, 102.
*			*	*	*	*	*	*					
5-tert-Butyl-2,4,6-trinitro-m-xylene *or* Musk xylene.	4.1	UN2956	III	4.1	159	None	223	None	Forbidden	Forbidden	D	12, 25, 40, 127.
*			*	*	*	*	*	*					
Butyric acid	8	UN2820	III	8	IB3, T4, TP1.	154	203	241	5 L	60 L	A	12, 25.
*			*	*	*	*	*	*					
Calcium	4.3	UN1401	II	4.3	IB7, IP2, T3, TP33.	151	212	241	15 kg	50kg	E	13, 52, 148.
*			*	*	*	*	*	*					
Calcium carbide	4.3	UN1402	I	4.3	A1, A8, B55, B59, IB4, IP1, N34, T9, TP7, TP33.	None	211	242	Forbidden	15 kg	B	13, 52, 148.
			II	4.3	A1, A8, B55, B59, IB7, IP2, N34, T3, TP33.	151	212	241	15 kg	50 kg	B	13, 52, 148.
*			*	*	*	*	*	*					
Calcium cyanamide *with more than 0.1 percent of calcium carbide.*	4.3	UN1403	III	4.3	A1, A19, IB8, IP4, T1, TP33.	151	213	241	25 kg	100 kg	A	13, 52, 148.
*			*	*	*	*	*	*					
Calcium hydride	4.3	UN1404	I	4.3	A19, N40	None	211	242	Forbidden	15 kg	E	13, 52, 148.
*			*	*	*	*	*	*					
Calcium manganese silicon.	4.3	UN2844	III	4.3	A1, A19, IB8, IP4, T1, TP33.	151	213	241	25 kg	100 kg	A	13, 52, 85, 103, 148.
*			*	*	*	*	*	*					
Calcium peroxide	5.1	UN1457	II	5.1	IB6, IP2, T3, TP33.	152	212	242	5 kg	25 kg	C	13, 52, 66, 75, 148.
Calcium phosphide	4.3	UN1360	I	4.3, 6.1	A8, A19, N40.	None	211	242	Forbidden	15 kg	E	13, 40, 52, 85, 148.
Calcium, pyrophoric *or* Calcium alloys, pyrophoric.	4.2	UN1855	I	4.2		None	187	None	Forbidden	Forbidden	D	13, 148.
*			*	*	*	*	*	*					
Calcium silicide	4.3	UN1405	II	4.3	A19, IB7, IP2, T3, TP33.	151	212	241	15 kg	50 kg	B	13, 52, 85, 103, 148.
			III	4.3	A1, A19, IB8, IP4, T1, TP33.	151	213	241	25 kg	100 kg	B	13, 52, 85, 103, 148.

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging § 173.* * * Exceptions	Non-bulk	Bulk	(9) Quantity limitations (see §§ 173.27 and 175.75) Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
		*		*	*	*	*		*	*			
I	Carbon, activated	4.2	UN1362	III	4.2	IB8, IP3, T1, TP33.	None	213	241	0.5 kg	0.5 kg	A	12, 25.
I	Carbon, *animal or vegetable origin.*	4.2	UN1361	II	4.2	IB6, T3, TP33.	None	212	242	Forbidden	Forbidden	A	12, 25.
				III	4.2	IB8, IP3, T1, TP33.	None	213	241	Forbidden	Forbidden	A	12, 25.
		*		*	*	*	*		*	*			
A W	Castor beans *or* Castor meal *or* Castor pomace *or* Castor flake.	9	UN2969	II	None	IB8, IP2, IP4, T3, TP33.	155	204	240	No limit	No limit	E	34, 40, 44, 122.
		*		*	*	*	*		*	*			
	Cerium, *slabs, ingots, or rods.*	4.1	UN1333	II	4.1	IB8, IP2, IP4, N34.	None	212	240	15 kg	50 kg	A	13, 66, 74, 91, 147, 148.
	Cerium, *turnings or gritty powder.*	4.3	UN3078	II	4.3	A1, IB7, IP2, T3, TP33.	151	212	242	15 kg	50 kg	E	13, 52, 148.
	Cesium *or* Caesium	4.3	UN1407	I	4.3	A7, A19, IB4, IP1, N34, N40.	None	211	242	Forbidden	15 kg	D	13, 52, 148.
		*		*	*	*	*		*	*			
+	Chloroacetonitrile	6.1	UN2668	I	6.1, 3	2, B9, B14, B32, IB9, T20, TP2, TP13, TP38, TP45.	None	227	244	Forbidden	Forbidden	A	12, 25, 40, 52.
		*		*	*	*	*		*	*			
	Chloroacetophenone, liquid, *(CN).*	6.1	UN3416	II	6.1	A3, IB2, N12, N32, N33, T7, TP2, TP13.	None	202	243	Forbidden	60 L	D	12, 25, 40.
	Chloroacetophenone, solid, *(CN).*	6.1	UN1697	II	6.1	A3, IB8, IP2, IP4, N12, N32, N33, N34, T3, TP2, TP13, TP33.	None	212	None	Forbidden	100 kg	D	12, 25, 40.
		*		*	*	*	*		*	*			
	Chlorocresols solution	6.1	UN2669	II	6.1	IB2, T7, TP2.	153	202	243	5 L	60 L	A	12, 25.

				III	6.1	IB3, T7, TP2.	153	203	241	60 L	220 L	A	12, 25.
	Chlorocresols, solid	6.1	UN3437	II	6.1	IB8, IP2, IP4, T3, TP33.	153	212	242	25 kg	100 kg	A	12, 25.
	*			*	*	*	*		*	*			
	Chloromethyl chloroformate.	6.1	UN2745	II	6.1, 8	IB2, T7, TP2, TP13.	153	202	243	1 L	30 L	A	12, 13, 25, 40.
	*			*	*	*	*		*	*			
	Chloronitrobenzenes, liquid.	6.1	UN3409	II	6.1	IB2, T7, TP2.	153	202	243	5 L	60 L	A	44, 89, 100, 141.
	*			*	*	*	*		*	*			
	Chlorosilanes, water-reactive, flammable, corrosive, n.o.s.	4.3	UN2988	I	4.3, 3, 8	A2, T14, TP2, TP7, TP13.	None	201	244	Forbidden	1 L	D	13, 21, 28, 40, 49, 100, 147, 148.
	*			*	*	*	*		*	*			
G	Corrosive liquids, water-reactive, n.o.s.	8	UN3094	I	8, 4.3	A6, A7	None	201	243	Forbidden	1 L	E	13, 148.
				II	8, 4.3	A6, A7	None	202	243	1 L	5 L	E	13, 148.
	*			*	*	*	*		*	*			
G	Corrosive solids, toxic, n.o.s.	8	UN2923	I	8, 6.1	IB7, T6, TP33.	None	211	242	1 kg	25 kg	B	40.
				II	8, 6.1	IB8, IP2, IP4, T3, TP33.	154	212	240	15 kg	50 kg	B	40.
				III	8, 6.1	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	B	40.
G	Corrosive solids, water-reactive, n.o.s.	8	UN3096	I	8, 4.3	IB4, IP1, T6, TP33.	None	211	243	1 kg	25 kg	D	13, 148.
				II	8, 6.1	IB8, IP2, IP4, T3, TP33.	154	212	240	15 kg	50 kg	B	13, 40, 148.
				III	8, 6.1	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	B	13, 40, 95, 148.
	*			*	*	*	*		*	*			
	Crotonic acid, liquid	8	UN3472	III	8	IB8, T1	154	203	241	5 L	60 L	A	12, 25.
	Crotonic acid, solid	8	UN2823	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	12, 25.
	*			*	*	*	*		*	*			
	Cyanogen bromide	6.1	UN1889	I	6.1, 8	A6, A8, T6, TP33.	None	211	242	1 kg	15 kg	D	40, 52.
	*			*	*	*	*		*	*			
	Cyanuric chloride	8	UN2670	II	8	IB8, IP2, IP4, T3, TP33.	None	212	240	15 kg	50 kg	A	12, 25, 40.
	*			*	*	*	*		*	*			
	Cyclohexyl mercaptan	3	UN3054	III	3	B1, IB3, T2, TP1.	150	203	242	60 L	220 L	A	40, 95, 102.
	*			*	*	*	*		*	*			
	1,1-Dichloro-1-nitroethane.	6.1	UN2650	II	6.1	IB2, T7, TP2.	153	202	243	5 L	60 L	A	12, 25, 40, 74.

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
		*		*	*	*	*		*	*			
	1,3-Dichloroacetone	6.1	UN2649	II	6.1	IB8, IP2, IP4, T3, TP33.	153	212	242	25 kg	100 kg	B	12, 25, 40.
		*		*	*	*	*		*	*			
	1,3-Dichloropropanol-2	6.1	UN2750	II	6.1	IB2, T7, TP2.	153	202	243	5 L	60 L	A	12, 25, 40.
		*		*	*	*	*		*	*			
	Diethylthiophosphoryl chloride.	8	UN2751	II	8	B2, IB2, T7, TP2.	None	212	240	15 kg	50 kg	D	12,25, 40.
		*		*	*	*	*		*	*			
	Dipicryl sulfide, wetted *with not less than 10 percent water, by mass.*	4.1	UN2852	I	4.1	162, A2, N41, N84.	None	211	None	Forbidden	0.5 kg	D	28, 36.
	2-Ethylhexyl chloroformate.	6.1	UN2748	II	6.1, 8	IB2, T7, TP2, TP13.	153	202	243	1 L	30 L	A	12, 13, 25, 40.
		*		*	*	*	*		*	*			
	Ferrocerium	4.1	UN1323	II	4.1	59, A19, IB8, IP2, IP4, T3, TP33.	151	212	240	15 kg	50 kg	A	13, 147, 148.
	Ferrosilicon *with 30 percent or more but less than 90 percent silicon.*	4.3	UN1408	III	4.3, 6.1	A1, A19, B6, IB8, IP4, IP7, T1, TP33.	151	213	240	25 kg	100 kg	A	13, 40, 52, 53, 85, 103, 148.
		*		*	*	*	*		*	*			
	Ferrous metal borings *or* Ferrous metal shavings *or* Ferrous metal turnings *or* Ferrous metal cuttings *in a form liable to self-heating.*	4.2	UN2793	III	4.2	A1, A19, IB8, IP3, IP7.	None	213	241	25 kg	100 kg	A	13, 148.
		*		*	*	*	*		*	*			
	Fuel cell cartridges *or* Fuel cell cartridges contained in equipment *or* Fuel cell cartridges packed with equipment, *containing water-reactive substances.*	4.3	UN3476		4.3	328	230	230	230	5 kg	50 kg	A	13, 148.
		*		*	*	*	*		*	*			
	Hafnium powder, dry	4.2	UN2545	I	4.2		None	211	242	Forbidden	Forbidden	D	13, 148.

				II	4.2	A19, A20, IB6, IP2, N34, T3, TP33.	None	212	241	15 kg	50 kg	D	13, 148.
				III	4.2	IB8, IP3, T1, TP33.	None	213	241	25 kg	100 kg	D	13,148.
	*			*	*	*	*		*	*			
	Hexachlorocyclopentadiene.	6.1	UN2646	I	6.1	2, B9, B14, B32, B77, T20, TP2, TP13, TP38, TP45.	None	227	244	Forbidden	Forbidden	D	25, 40.
	*			*	*	*	*		*	*			
	Hexamethylenediamine, solid.	8	UN2280	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	12, 25.
	*			*	*	*	*		*	*			
	Hydrofluoric acid, *with more than 60 percent strength.*	8	UN1790	I	8, 6.1	A6, A7, B4, B15, B23, N5, N34, T10, TP2, TP13.	None	201	243	0.5 L	2.5 L	D	12, 25, 40.
	Hydrofluoric acid, *with not more than 60 percent strength.*	8	UN1790	II	8, 6.1	A6, A7, B15, IB2, N5, N34, T8, TP2.	154	202	243	1 L	30 L	D	12, 25, 40.
	*			*	*	*	*		*	*			
	Hydrogen, refrigerated liquid *(cryogenic liquid).*	2.1	UN1966		2.1	T75, TP5	None	316	318, 319	Forbidden	Forbidden	D	40, 57.
	*			*	*	*	*		*	*			
G	Hypochlorites, inorganic, n.o.s.	5.1	UN3212	II	5.1	349, A9, IB8, IP2, IP4, T3, TP33.	152	212	240	5 kg	25 kg	D	4, 25, 52, 56, 58, 69, 116, 118.
	*			*	*	*	*		*	*			
	Iron oxide, spent, *or* Iron sponge, spent *obtained from coal gas purification.*	4.2	UN1376	III	4.2	B18, IB8, IP3, T1, TP33.	None	213	240	Forbidden	Forbidden	E	13, 148.
	*			*	*	*	*		*	*			
	Isopropyl chloroformate.	6.1	UN2407	I	6.1, 3, 8	2, B9, B14, B32, B77, T20, TP2, TP13, TP38, TP44.	None	227	244	Forbidden	Forbidden	B	21, 40, 100.
	*			*	*	*	*		*	*			
	Krill meal	4.2	UN3497	II	4.2	155, IB6, IP2, T3, TP33.	None	212	242	15 kg	50 kg	B	25, 88, 128.

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
				III	4.2	155, IB8, IP3, T1, TP33.	None	213	242	25 kg	100 kg	A	128.
		*		*	*	*	*		*	*			
	Life-saving appliances, not self inflating *containing dangerous goods as equipment.*	9	UN3072		None	134	None	219	None	No limit	No limit	A	122.
	Life-saving appliances, self inflating.	9	UN2990		None		None	219	None	No limit	No limit	A	122.
		*		*	*	*	*		*	*			
	Lithium	4.3	UN1415	I	4.3	A7, A19, IB4, IP1, N45.	None	211	244	Forbidden	15 kg	E	13, 52, 148.
		*		*	*	*	*		*	*			
	Lithium aluminum hydride.	4.3	UN1410	I	4.3	A19	None	211	242	Forbidden	15 kg	E	13, 52, 148.
	Lithium aluminum hydride, ethereal.	4.3	UN1411	I	4.3, 3	A2, A3, A11, N34.	None	201	244	Forbidden	1 L	D	13,40, 148.
		*		*	*	*	*		*	*			
	Lithium borohydride	4.3	UN1413	I	4.3	A19, N40	None	211	242	Forbidden	15 kg	E	13,52, 148.
	Lithium ferrosilicon	4.3	UN2830	II	4.3	A19, IB7, IP2, T3, TP33.	151	212	241	15 kg	50 kg	E	13, 40, 85, 103, 148.
	Lithium ion batteries *including lithium ion polymer batteries.*	9	UN3480		9	A51	185	185	185	5 kg	35 kg	A.	
	Lithium ion batteries contained in equipment *including lithium ion polymer batteries.*	9	UN3481		9	A54	185	185	185	5 kg	35 kg	A.	
	Lithium ion batteries packed with equipment *including lithium ion polymer batteries.*	9	UN3481		9	A54	185	185	185	5 kg	35 kg	A.	
	Lithium metal batteries *including lithium alloy batteries.*	9	UN3090		9		185	185	185	Forbidden	35 kg	A.	
	Lithium metal batteries contained in equipment *including lithium alloy batteries.*	9	UN3091		9	A54, A101	185	185	185	5 kg	35 kg	A.	
	Lithium metal batteries packed with equipment *including lithium alloy batteries.*	9	UN3091		9	A54	185	185	185	5 kg	35 kg	A.	
		*		*	*	*	*		*	*			
	Lithium hydride	4.3	UN1414	I	4.3	A19, N40	None	211	242	Forbidden	15 kg	E	13, 52, 148.

Lithium hydride, fused solid.	4.3	UN2805	II	4.3	A8, A19, A20, IB4, T3, TP33.	151	212	241	15 kg	50 kg	E	13, 52, 148.
*		*		*	*	*		*	*			
Lithium peroxide	5.1	UN1472	II	5.1	A9, IB6, IP2, N34, T3, TP33.	152	212	None	5 kg	25 kg	C	13, 52, 66, 75, 148.
*		*		*	*	*		*	*			
Lithium silicon	4.3	UN1417	II	4.3	A19, A20, IB7, IP2, T3, TP33.	151	212	241	15 kg	50 kg	A	13, 85, 103, 148.
*		*		*	*	*		*	*			
Magnesium aluminum phosphide.	4.3	UN1419	I	4.3, 6.1	A19, N34, N40.	None	211	242	Forbidden	15 kg	E	13, 40, 52, 85, 148.
*		*		*	*	*		*	*			
Magnesium diamide	4.2	UN2004	II	4.2	A8, A19, A20, IB6, T3, TP33.	None	212	241	15 kg	50 kg	C	13, 148.
*		*		*	*	*		*	*			
Magnesium granules, coated, *particle size not less than 149 microns*.	4.3	UN2950	III	4.3	A1, A19, IB8, IP4, T1, TP33.	151	213	240	25 kg	100 kg	A	13, 52, 148.
Magnesium hydride	4.3	UN2010	I	4.3	A19, N40	None	211	242	Forbidden	15 kg	E	13, 52, 148.
Magnesium *or* Magnesium alloys *with more than 50 percent magnesium in pellets, turnings or ribbons*.	4.1	UN1869	III	4.1	A1, IB8, IP3, T1, TP33.	151	213	240	25 kg	100 kg	A	13, 39, 52, 53, 74, 101, 147, 148.
*		*		*	*	*		*	*			
Magnesium peroxide	5.1	UN1476	II	5.1	IB6, IP2, T3, TP33.	152	212	242	5 kg	25 kg	C	13, 52, 66, 75, 148.
Magnesium phosphide	4.3	UN2011	I	4.3, 6.1	A19, N40	None	211	None	Forbidden	15 kg	E	13, 40, 52, 85, 148.
Magnesium, powder *or* Magnesium alloys, powder.	4.3	UN1418	I	4.3, 4.2	A19, B56	None	211	244	Forbidden	15 kg	A	13, 39, 52, 148.
			II	4.3, 4.2	A19, B56, IB5, IP2, T3, TP33.	None	212	241	15 kg	50 kg	A	13, 39, 52, 148.
			III	4.3, 4.2	A19, B56, IB8, IP4, T1, TP33.	None	213	241	25 kg	100 kg	A	13, 39, 52, 148.
*		*		*	*	*		*	*			
Magnesium silicide	4.3	UN2624	II	4.3	A19, A20, IB7, IP2, T3, TP33.	151	212	241	15 kg	50 kg	B	13, 85, 103, 148.
*		*		*	*	*		*	*			
Maleic anhydride	8	UN2215	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	95, 102.
Maleic anhydride, molten.	8	UN2215	III	8	T4, TP3	None	213	240	Forbidden	Forbidden	A	95, 102.
Malononitrile	6.1	UN2647	II	6.1	IB8, IP2, IP4, T3, TP33.	153	212	242	25 kg	100 kg	A	12, 25.

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging § 173.* * * Exceptions	Non-bulk	Bulk	(9) Quantity limitations (see §§ 173.27 and 175.75) Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Maneb *or* Maneb preparations *with not less than 60 percent maneb*.	4.2	UN2210	III	4.2, 4.3	57, A1, A19, IB6, T1, TP33.	None	213	242	25 kg	100 kg	A	13, 34, 148.
	Maneb stabilized *or* Maneb preparations, stabilized *against self-heating*.	4.3	UN2968	III	4.3	54, A1, A19, IB8, IP4, T1, TP33.	151	213	242	25 kg	100 kg	B	13, 34, 52, 148.
		*		*	*	*	*		*	*			
	Mercaptans, liquid, flammable, n.o.s or Mercaptan mixture, liquid, flammable, n.o.s.	3	UN3336	I	3	T11, TP2	150	201	243	1 L	30 L	E	95, 102.
				II	3	IB2, T7, TP1, TP8, TP28.	150	202	242	5 L	60 L	B	95, 102.
				III	3	B1, B52, IB3, T4, TP1, TP29.	150	203	241	60 L	220 L	B	95, 102.
	Mercaptans, liquid, flammable, toxic, n.o.s. *or* Mercaptan mixtures, liquid, flammable, toxic, n.o.s.	3	UN1228	II	3, 6.1	IB2, T11, TP2, TP27.	None	202	243	Forbidden	60 L	B	40, 95, 102.
				III	3, 6.1	A6, B1, IB3, T7, TP1, TP28.	150	203	242	5 L	220 L	A	40, 95, 102.
	Mercaptans, liquid, toxic, flammable, n.o.s. *or* Mercaptan mixtures, liquid, toxic, flammable, n.o.s., *flash point not less than 23 degrees C.*	6.1	UN3071	II	6.1, 3	A6, IB2, T11, TP2, TP13, TP27.	153	202	243	5 L	60 L	C	40, 102, 121.
		*		*	*	*	*		*	*			
A W	Mercury contained in manufactured articles.	8	UN3506		8, 6.1	A191	164	None	None	No limit	No limit	B	40, 97.
		*		*	*	*	*		*	*			
G	Metal catalyst, dry	4.2	UN2881	I	4.2	N34, T21, TP7, TP33.	None	187	None	Forbidden	Forbidden	C	13, 147, 148.
				II	4.2	IB6, IP2, N34, T3, TP33.	None	187	242	Forbidden	50 kg	C	13, 147, 148.

				III	4.2	IB8, IP3, N34, T1, TP33.	None	187	241	25 kg	100 kg	C	13, 147, 148.
	*			*	*	*	*		*	*			
	Metal hydrides, water reactive, n.o.s.	4.3	UN1409	I	4.3	A19, N34, N40.	None	211	242	Forbidden	15 kg	D	13, 52, 148.
				II	4.3	A19, IB4, N34, N40, T3, TP33.	151	212	242	15 kg	50 kg	D	13, 52, 148.
	*			*	*	*	*		*	*			
	Metal powder, self-heating, n.o.s.	4.2	UN3189	II	4.2	IB6, IP2, T3, TP33.	None	212	241	15 kg	50 kg	C	13, 148.
				III	4.2	IB8, IP3, T1, TP33.	None	213	241	25 kg	100 kg	C	13, 148.
	Metal powders, flammable, n.o.s.	4.1	UN3089	II	4.1	IB8, IP2, IP4, T3, TP33.	151	212	240	15 kg	50 kg	B	13, 74, 147, 148.
				III	4.1	IB8, IP2, IP4, T1, TP33.	151	213	240	25 kg	100 kg	B	13, 74, 147, 148.
G	Metallic substance, water-reactive, n.o.s.	4.3	UN3208	I	4.3	A7, IB4	None	211	242	Forbidden	15 kg	E	13, 40, 148.
				II	4.3	A7, IB7, IP2, T3, TP33.	151	212	242	15 kg	50 kg	E	13, 40, 148.
				III	4.3	A7, IB8, IP4, T1, TP33.	151	213	241	25 kg	100 kg	E	13, 40, 148.
G	Metallic substance, water-reactive, self-heating, n.o.s.	4.3	UN3209	I	4.3, 4.2	A7	None	211	242	Forbidden	15 kg	E	13, 40, 148.
				II	4.3, 4.2	A7, IB5, IP2, T3, TP33.	None	212	242	15 kg	50 kg	E	13, 40, 148.
				III	4.3, 4.2	A7, IB8, IP4, T1, TP33.	None	213	242	25 kg	100 kg	E	13, 40, 148.
	*			*	*	*	*		*	*			
	Methyl iodide	6.1	UN2644	I	6.1	2, B9, B14, B32, T20, TP2, TP13, TP38, TP45.	None	227	244	Forbidden	Forbidden	D	12, 25, 40.
	*			*	*	*	*		*	*			
	Methyl magnesium bromide, in ethyl ether.	4.3	UN1928	I	4.3, 3		None	201	243	Forbidden	1 L	D	13, 148.
	*			*	*	*	*		*	*			
	Methyl vinyl ketone, stabilized.	6.1	UN1251	I	6.1, 3, 8	1, B9, B14, B30, T22, TP2, TP13, TP38, TP44.	None	226	244	Forbidden	Forbidden	B	21, 40, 100.

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging § 173.* * * Exceptions	Non-bulk	Bulk	(9) Quantity limitations (see §§ 173.27 and 175.75) Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
		*		*	*	*	*		*	*			
G	Organic peroxide type B, liquid.	5.2	UN3101	II	5.2, 1	53	152	225	None	Forbidden	Forbidden	D	12, 25, 52, 53.
G	Organic peroxide type B, liquid, temperature controlled.	5.2	UN3111	II	5.2, 1	53	None	225	None	Forbidden	Forbidden	D	2, 25, 52, 53.
G	Organic peroxide type B, solid.	5.2	UN3102	II	5.2, 1	53	152	225	None	Forbidden	Forbidden	D	12, 25, 52, 53.
G	Organic peroxide type B, solid, temperature controlled.	5.2	UN3112	II	5.2, 1	53	None	225	None	Forbidden	Forbidden	D	2, 25, 52, 53.
G	Organic peroxide type C, liquid.	5.2	UN3103	II	5.2		152	225	None	5 L	10 L	D	12, 25, 52, 53.
G	Organic peroxide type C, liquid, temperature controlled.	5.2	UN3113	II	5.2		None	225	None	Forbidden	Forbidden	D	2, 25, 52, 53.
G	Organic peroxide type C, solid.	5.2	UN3104	II	5.2		152	225	None	5 kg	10 kg	D	12, 25, 52, 53.
G	Organic peroxide type C, solid, temperature controlled.	5.2	UN3114	II	5.2		None	225	None	Forbidden	Forbidden	D	2, 25, 52, 53.
G	Organic peroxide type D, liquid.	5.2	UN3105	II	5.2		152	225	None	5 L	10 L	D	12, 25, 52, 53.
G	Organic peroxide type D, liquid, temperature controlled.	5.2	UN3115	II	5.2		None	225	None	Forbidden	Forbidden	D	2, 25, 52, 53.
G	Organic peroxide type D, solid.	5.2	UN3106	II	5.2		152	225	None	5 kg	10 kg	D	12, 25, 52, 53.
G	Organic peroxide type D, solid, temperature controlled.	5.2	UN3116	II	5.2		None	225	None	Forbidden	Forbidden	D	2, 25, 52, 53.
G	Organic peroxide type E, liquid.	5.2	UN3107	II	5.2	A61	152	225	None	10 L	25 L	D	12, 40, 52, 53.
G	Organic peroxide type E, liquid, temperature controlled.	5.2	UN3117	II	5.2		None	225	None	Forbidden	Forbidden	D	2, 25, 52, 53.
G	Organic peroxide type E, solid.	5.2	UN3108	II	5.2		152	225	None	10 kg	25 kg	D	12, 25, 52, 53.
G	Organic peroxide type E, solid, temperature controlled.	5.2	UN3118	II	5.2		None	225	None	Forbidden	Forbidden	D	2, 25, 52, 53.
G	Organic peroxide type F, liquid.	5.2	UN3109	II	5.2	A61, IP5	152	225	225	10 L	25 L	D	12, 25, 52, 53.
G	Organic peroxide type F, liquid, temperature controlled.	5.2	UN3119	II	5.2	IP5	None	225	225	Forbidden	Forbidden	D	2, 25, 52, 53.
G	Organic peroxide type F, solid.	5.2	UN3110	II	5.2	TP33	152	225	225	10 kg	25 kg	D	12, 25, 52, 53.
G	Organic peroxide type F, solid, temperature controlled.	5.2	UN3120	II	5.2	TP33	None	225	225	Forbidden	Forbidden	D	2, 25, 52, 53.

		*			*	*	*	*		*		*			
G	Organometallic substance, liquid, pyrophoric.	4.2	UN3392	I	4.2	B11, T21, TP2, TP7, TP36.	None	181	244	Forbidden	Forbidden	D	13, 78, 148.
G	Organometallic substance, liquid, pyrophoric, water-reactive.	4.2	UN3394	I	4.2, 4.3	B11, T21, TP2, TP7, TP36, TP47.	None	181	244	Forbidden	Forbidden	D	13, 52, 78, 148.
G	Organometallic substance, liquid, water-reactive.	4.3	UN3398	I	4.3	T13, TP2, TP7, TP36, TP47.	None	201	244	Forbidden	1 L	E	13, 40, 52, 148.
				II	4.3, 3	IB1, IP2, T7, TP2, TP7, TP36, TP47.	None	202	243	1 L	5 L	D	13, 40, 52, 148.
				III	4.3, 3	IB2, IP4, T7, TP2, TP7, TP36, TP47.	None	203	242	5 L	60 L	E	13, 40, 52, 148.
G	Organometallic substance, liquid, water-reactive, flammable.	4.3	UN3399	I	4.3, 3	T13, TP2, TP7, TP36, TP47.	None	201	244	Forbidden	1 L	D	13, 40, 52, 148.
				II	4.3, 3	IB1, IP2, T7, TP2, TP7, TP36, TP47.	None	202	243	1 L	5 L	D	13, 40, 52, 148.
				III	4.3, 3	IB2, IP4, T7, TP2, TP7, TP36, TP47.	None	203	242	5 L	60 L	E	13, 40, 52, 148.
G	Organometallic substance, solid, pyrophoric.	4.2	UN3391	I	4.2	T21, TP7, TP33, TP36.	None	187	244	Forbidden	Forbidden	D	13, 148.
G	Organometallic substance, solid, pyrophoric, water-reactive.	4.2	UN3393	I	4.2, 4.3	B11, T21, TP7, TP33, TP36, TP47.	None	187	244	Forbidden	Forbidden	D	13, 52, 148.
		*		*	*	*	*		*	*			
G	Organometallic substance, solid, water-reactive.	4.3	UN3395	I	4.3	N40, T9, TP7, TP33, TP36, TP47.	None	211	242	Forbidden	15 kg	E	13, 40, 52, 148.
				II	4.3	IB4, T3, TP33, TP36, TP47.	151	212	242	15 kg	50 kg	E	13, 40, 52, 148.
				III	4.3	IB6, T1, TP33, TP36, TP47.	151	213	241	25 kg	100 kg	E	13, 40, 52, 148.

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging § 173.* * * Exceptions	Non-bulk	Bulk	(9) Quantity limitations (see §§ 173.27 and 175.75) Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
G	Organometallic substance, solid, water-reactive, flammable.	4.3	UN3396	I	4.3, 4.1	N40, T9, TP7, TP33, TP36, TP47.	None	211	242	Forbidden	15 kg	E	13, 40, 52, 148.
				II	4.3, 4.1	IB4, T3, TP33, TP36, TP47.	151	212	242	15 kg	50 kg	E	13, 40, 52, 148.
				III	4.3, 4.1	IB6, T1, TP33, TP36, TP47.	151	213	241	25 kg	100 kg	E	13, 40, 52, 148.
G	Organometallic substance, solid, water-reactive, self-heating.	4.3	UN3397	I	4.3, 4.2	N40, T9, TP7, TP33, TP36, TP47.	None	211	242	Forbidden	15 kg	E	13, 40, 52, 148.
				II	4.3, 4.2	IB4, T3, TP33, TP36, TP47.	None	212	242	15 kg	50 kg	E	13, 40, 52, 148.
				III	4.3, 4.2	IB6, T1, TP33, TP36, TP47.	None	213	241	25 kg	100 kg	E	13, 40, 52, 148.
		*		*	*	*	*		*	*			
G	Oxidizing liquid, corrosive, n.o.s.	5.1	UN3098	I	5.1, 8	62, A6	None	201	244	Forbidden	2.5 L	D	13, 56, 58, 138.
				II	5.1, 8	62, IB1	None	202	243	1 L	5 L	B	13, 56, 58, 138.
				III	5.1, 8	62, IB2	152	203	242	2.5 L	30 L	B	13, 56, 58, 138.
G	Oxidizing liquid, n.o.s ..	5.1	UN3139	I	5.1	62, 127, A2, A6.	None	201	243	Forbidden	2.5 L	D	56, 58, 138.
				II	5.1	62, 127, A2, IB2.	152	202	242	1 L	5 L	B	56, 58, 138.
				III	5.1	62, 127, A2, IB2.	152	203	241	2.5 L	30 L	B	56, 58, 138.
G	Oxidizing liquid, toxic, n.o.s.	5.1	UN3099	I	5.1, 6.1	62, A6	None	201	244	Forbidden	2.5 L	D	56, 58, 138.
				II	5.1, 6.1	62, IB1	152	202	243	1 L	5 L	B	56, 58, 138.
				III	5.1, 6.1	62, IB2	152	203	242	2.5 L	30 L	B	56, 58, 138.
		*		*	*	*	*		*	*			
G	Oxidizing solid, corrosive, n.o.s.	5.1	UN3085	I	5.1, 8	62	None	211	242	1 kg	15 kg	D	13, 56, 58, 138.
				II	5.1, 8	62, IB6, IP2, T3, TP33.	None	212	242	5 kg	25 kg	B	13, 56, 58, 138.
				III	5.1, 8	62, IB8, IP3, T1, TP33.	152	213	240	25 kg	100 kg	B	13, 56, 58, 138.

G	Oxidizing solid, flammable, n.o.s.	5.1	UN3137	I	5.1, 4.1	62	None	214	214	Forbidden	Forbidden			13, 147, 148.
	*			*	*	*	*		*	*				
G	Oxidizing solid, toxic, n.o.s.	5.1	UN3087	I	5.1, 6.1	62	None	211	242	1 kg	15 kg	D		56, 58, 138.
				II	5.1, 6.1	62, IB6, IP2, T3, TP33.	152	212	242	5 kg	25 kg	B		56, 58, 138.
				III	5.1, 6.1	62, IB8, IP3, T1, TP33.	152	213	240	25 kg	100 kg	B		56, 58, 138.
G	Oxidizing solid, water reactive, n.o.s.	5.1	UN3121		5.1, 4.3	62	None	214	214	Forbidden	Forbidden			13, 148.
	*			*	*	*	*		*	*				
	Oxygen generator, chemical *(including when contained in associated equipment, e.g., passenger service units (PSUs), portable breathing equipment (PBE), etc).*	5.1	UN3356		5.1		None	168	None	Forbidden	25 kg	D		56, 58, 69, 106.
	*			*	*	*	*		*	*				
	Paint *including paint, lacquer, enamel, stain, shellac solutions, varnish, polish, liquid filler, and liquid lacquer base.*	3	UN1263	I	3	367, T11, TP1, TP8, TP27.	150	201	243	1 L	30 L	E..		
				II	3	149, 367, B52, IB2, T4, TP1, TP8, TP28.	150	173	242	5 L	60 L	B..		
				III	3	367, B1, B52, IB3, T2, TP1, TP29.	150	173	242	60 L	220 L	A.		
	Paint *or* Paint related material.	8	UN3066	II	8	367, B2, IB2, T7, TP2, TP28.	154	173	242	1 L	30 L	A		40.
				III	8	367, B52, IB3, T4, TP1, TP29.	154	173	241	5 L	60 L	A		40.
	Paint, corrosive, flammable *(including paint, lacquer, enamel, stain, shellac solutions, varnish, polish, liquid filler, and liquid lacquer base).*	8	UN3470	II	8, 3	367, IB2, T7, TP2, TP8, TP28.	154	202	243	1 L	30 L	B		40.
	Paint, flammable, corrosive, *(including paint, lacquer, enamel, stain, shellac, varnish, polish, liquid filler and liquid lacquer base).*	3	UN3469	I	3, 8	367, T11, TP2, TP27.	None	201	243	0.5 L	2.5 L	E		40.

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging § 173.* * * Exceptions	Non-bulk	Bulk	(9) Quantity limitations (see §§ 173.27 and 175.75) Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
				II	3, 8	367, IB2, T7, TP2, TP8, TP28.	150	202	243	1 L	5 L	B	40.
				III	3, 8	367, IB3, T4, TP1, TP29.	150	203	242	5 L	60 L	A	40.
	Paint related material *including paint thinning, drying, removing, or reducing compound.*	3	UN1263	I	3	367, T11, TP1, TP8, TP27.	150	201	243	1 L	30 L	E..	
				II	3	149,367, B52, IB2, T4, TP1, TP8, TP28.	150	173	242	5 L	60 L	B..	
				III	3	367, B1, B52, IB3, T2, TP1, TP29.	150	173	242	60 L	220 L	A.	
	Paint related material corrosive, flammable *(including paint thinning or reducing compound).*	8	UN3470	II	8, 3	367, IB2, T7, TP2, TP8, TP28.	154	202	243	1 L	30 L	B	40.
	Paint related material, flammable, corrosive *(including paint thinning or reducing compound).*	3	UN3469	I	3, 8	367, T11, TP2, TP27.	None	201	243	0.5 L	2.5 L	E	40.
				II	3, 8	367, IB2, T7, TP2, TP8, TP28.	150	202	243	1 L	5 L	B	40.
				III	3, 8	367, IB3, T4, TP1, TP29.	150	203	242	5 L	60 L	A	40.
		*		*	*	*	*		*	*			
+	Pentaborane	4.2	UN1380	I	4.2, 6.1	1	None	205	245	Forbidden	Forbidden	D	13, 148.
		*		*	*	*	*		*	*			
	Peroxides, inorganic, n.o.s.	5.1	UN1483	II	5.1	A7, A20, IB6, IP2, N34, T3, TP33.	None	212	242	5 kg	25 kg	C	13, 52, 66, 75, 148.
				III	5.1	A7, A20, IB8, IP3, N34, T1, TP33.	152	213	240	25 kg	100 kg	C	13, 52, 66, 75, 148.
		*		*	*	*	*		*	*			
	Persulfates, inorganic, aqueous solution, n.o.s.	5.1	UN3216	III	5.1	IB2, T4, TP1, TP29.	152	203	241	2.5 L	30 L	A	56, 58, 133.

		*			*		*		*		*		*		
G	Pesticides, liquid, flammable, toxic, flash point less than 23 degrees C.	3	UN3021	I	3, 6.1	B5, T14, TP2, TP13, TP27.	None	201	243	Forbidden	30 L	B	40.
				II	3, 6.1	IB2, T11, TP2, TP13, TP27.	150	202	243	1 L	60 L	B	40.
		*		*	*	*	*	*	*				
	Phenyl chloroformate	6.1	UN2746	II	6.1, 8	IB2, T7, TP2, TP13.	153	202	243	1 L	30 L	A	12, 13, 25, 40.
		*		*	*	*	*	*	*				
	Phosphorus heptasulfide, *free from yellow or white phosphorus*.	4.1	UN1339	II	4.1	A20, IB4, N34, T3, TP33.	None	212	240	15 kg	50 kg	B	13, 74, 147, 148.
		*		*	*	*	*	*	*				
	Phosphorus oxybromide.	8	UN1939	II	8	B8, IB8, IP2, IP4, N41, N43, T3, TP33.	None	212	240	Forbidden	50 kg	C	12, 25, 40.
		*		*	*	*	*	*	*				
	Phosphorus pentabromide.	8	UN2691	II	8	A7, IB8, IP2, IP4, N34, T3, TP33.	154	212	240	Forbidden	50 kg	B	12, 25, 40, 53, 55.
		*		*	*	*	*	*	*				
	Phosphorus pentasulfide, *free from yellow or white phosphorus*.	4.3	UN1340	II	4.3, 4.1	A20, B59, IB4, T3, TP33.	151	212	242	15 kg	50 kg	B	13, 74, 148.
		*		*	*	*	*	*	*				
	Phosphorus trioxide	8	UN2578	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	12, 25.
	Phosphorus trisulfide, *free from yellow or white phosphorus*.	4.1	UN1343	II	4.1	A20, IB4, N34, T3, TP33.	None	212	240	15 kg	50 kg	B	13, 74, 147, 148.
		*		*	*	*	*	*	*				
	Piperazine	8	UN2579	III	8	IB8, IP3, T1, TP33.	154	213	240	25 kg	100 kg	A	12, 25, 52.
		*		*	*	*	*	*	*				
	Potassium	4.3	UN2257	I	4.3	A7, A19, A20, B27, IB4, IP1, N6, N34, T9, TP7, TP33.	None	211	244	Forbidden	15 kg	D	13, 52, 148.
		*		*	*	*	*	*	*				
	Potassium borohydride	4.3	UN1870	I	4.3	A19, N40	None	211	242	Forbidden	15 kg	E	13, 52, 148.

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging § 173.* * * Exceptions	Non-bulk	Bulk	(9) Quantity limitations (see §§ 173.27 and 175.75) Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
		*		*	*	*	*		*	*			
	Potassium, metal alloys, liquid.	4.3	UN1420	I	4.3	A7, A19, A20, B27.	None	201	244	Forbidden	1 L	E	13, 40, 52, 148.
	Potassium, metal alloys, solid.	4.3	UN3403	I	4.3	A19, A20, B27, IB4, IP1, T9, TP7, TP33.	None	211	244	Forbidden	15 kg	D	13, 52, 148.
		*		*	*	*	*		*	*			
	Potassium peroxide	5.1	UN1491	I	5.1	A20, IB6, IP1, N34.	None	211	None	Forbidden	15 kg	C	13, 52, 66, 75, 148.
		*		*	*	*	*		*	*			
	Potassium phosphide	4.3	UN2012	I	4.3, 6.1	A19, N40	None	211	None	Forbidden	15 kg	E	13, 40, 52, 85, 148.
		*		*	*	*	*		*	*			
	Potassium sodium alloys, liquid.	4.3	UN1422	I	4.3	A7, A19, B27, N34, N40, T9, TP3, TP7, TP31.	None	201	244	Forbidden	1 L	E	13, 40, 52, 148.
	Potassium sodium alloys, solid.	4.3	UN3404	I	4.3	A19, B27, N34, N40, T9, TP7, TP33.	None	211	244	Forbidden	15 kg	D	13, 52, 148.
		*		*	*	*	*		*	*			
	Potassium superoxide	5.1	UN2466	I	5.1	A20, IB6, IP1.	None	211	None	Forbidden	15 kg	D	13, 52, 66, 75, 148.
		*		*	*	*	*		*	*			
	Printing ink, flammable or Printing ink related material *(including printing ink thinning or reducing compound), flammable.*	3	UN1210	I	3	367, T11, TP1, TP8.	150	173	243	1 L	30 L	E.	
				II	3	367, 149, IB2, T4, TP1, TP8.	150	173	242	5 L	60 L	B.	
				III	3	367, B1, IB3, T2, TP1.	150	173	242	60 L	220 L	A.	
		*		*	*	*	*		*	*			
G	Pyrophoric liquid, inorganic, n.o.s.	4.2	UN3194	I	4.2		None	181	244	Forbidden	Forbidden	D	13, 78, 148.
G	Pyrophoric liquids, organic, n.o.s.	4.2	UN2845	I	4.2	B11, T22, TP2, TP7.	None	181	244	Forbidden	Forbidden	D	13, 78, 148.

G	Pyrophoric metals, n.o.s., *or* Pyrophoric alloys, n.o.s.	4.2	UN1383	I	4.2	B11, T21, TP7, TP33.	None	187	242	Forbidden	Forbidden	D	13, 148.
G	Pyrophoric solid, inorganic, n.o.s.	4.2	UN3200	I	4.2	T21, TP7, TP33.	None	187	242	Forbidden	Forbidden	D	13, 148.
G	Pyrophoric solids, organic, n.o.s.	4.2	UN2846	I	4.2		None	187	242	Forbidden	Forbidden	D	13, 148.
	*			*	*	*	*		*	*			
	Quinoline	6.1	UN2656	III	6.1	IB3, T4, TP1.	153	203	241	60 L	220 L	A	12, 25.
	*			*	*	*	*		*	*			
	Radioactive material, excepted package-limited quantity of material.	7	UN2910		None	368	421, 422	421, 422	421, 422			A.	
	*			*	*	*	*		*	*			
	Rubidium	4.3	UN1423	I	4.3	22, A7, A19, IB4, IP1, N34, N40, N45.	None	211	242	Forbidden	15 kg	D	13,52, 148.
	*			*	*	*	*		*	*			
I	Seed cake *with not more than 1.5 percent oil and not more than 11 percent moisture.*	4.2	UN2217	III	None	IB8, IP3, IP7, N7.	None	213	241	Forbidden	Forbidden	A	13, 25, 120.
	*			*	*	*	*		*	*			
G	Self-reactive liquid type B.	4.1	UN3221	II	4.1	53	151	224	None	Forbidden	Forbidden	D	25, 52, 53, 127.
G	Self-reactive liquid type C.	4.1	UN3223	II	4.1		151	224	None	5 L	10 L	D	25, 52, 53.
G	Self-reactive liquid type C, temperature controlled.	4.1	UN3233	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 25, 52, 53.
G	Self-reactive liquid type D.	4.1	UN3225	II	4.1		151	224	None	5 L	10 L	D	25, 52, 53.
G	Self-reactive liquid type D, temperature controlled.	4.1	UN3235	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 25, 52, 53.
G	Self-reactive liquid type E.	4.1	UN3227	II	4.1		151	224	None	10 L	25 L	D	25, 52, 53.
G	Self-reactive liquid type E, temperature controlled.	4.1	UN3237	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 25, 52, 53.
G	Self-reactive liquid type F.	4.1	UN3229	II	4.1		151	224	None	10 L	25 L	D	25, 52, 53.
G	Self-reactive liquid type F, temperature controlled.	4.1	UN3239	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 25, 52, 53.
G	Self-reactive solid type B.	4.1	UN3222	II	4.1	53	151	224	None	(1)	(2)	D	25, 52, 53, 127.
G	Self-reactive solid type B, temperature controlled.	4.1	UN3232	II	4.1	53	None	224	None	Forbidden	Forbidden	D	2, 25, 52, 53.
G	Self-reactive solid type C.	4.1	UN3224	II	4.1		151	224	None	5 kg	10 kg	D	25, 52, 53.
G	Self-reactive solid type C, temperature controlled.	4.1	UN3234	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 25, 52, 53.
G	Self-reactive solid type D.	4.1	UN3226	II	4.1		151	224	None	5 kg	10 kg	D	25, 52, 53.

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label codes	Special provisions (§ 172.102)	(8) Packaging § 173.* * * Exceptions	Non-bulk	Bulk	(9) Quantity limitations (see §§ 173.27 and 175.75) Passenger aircraft/rail	Cargo aircraft only	(10) Vessel stowage Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
G	Self-reactive solid type D, temperature controlled.	4.1	UN3236	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 25, 52, 53.
G	Self-reactive solid type E.	4.1	UN3228	II	4.1		151	224	None	10 kg	25 kg	D	25, 52, 53.
G	Self-reactive solid type E, temperature controlled.	4.1	UN3238	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 25, 52, 53.
G	Self-reactive solid type F.	4.1	UN3230	II	4.1		151	224	None	10 kg	25 kg	D	25, 52, 53.
G	Self-reactive solid type F, temperature controlled.	4.1	UN3240	II	4.1		None	224	None	Forbidden	Forbidden	D	2, 25, 52, 53.
	*			*	*	*	*		*	*			
	Sodium	4.3	UN1428	I	4.3	A7, A8, A19, A20, B9, B48, B68, IB4, IP1, N34, T9, TP7, TP33, TP46.	None	211	244	Forbidden	15 kg	D	13, 52, 148.
	*			*	*	*	*		*	*			
	Sodium aluminum hydride.	4.3	UN2835	II	4.3	A8, A19, A20, IB4, T3, TP33.	151	212	242	Forbidden	50 kg	E	13, 52, 148.
	*			*	*	*	*		*	*			
	Sodium borohydride	4.3	UN1426	I	4.3	N40	None	211	242	Forbidden	15 kg	E	13, 52, 148.
	*			*	*	*	*		*	*			
	Sodium dinitro-o-cresolate, wetted *with not less than 10% water, by mass.*	4.1	UN3369	I	4.1	162, A8, A19, N41, N84.	None	211	None	0.5 kg	0.5 kg	E	28, 36.
	*			*	*	*	*		*	*			
	Sodium hydride	4.3	UN1427	I	4.3	A19, N40	None	211	242	Forbidden	15 kg	E	13, 52, 148.
	*			*	*	*	*		*	*			
	Sodium peroxide	5.1	UN1504	I	5.1	A20, IB5, IP1, N34.	None	211	None	Forbidden	15 kg	C	13, 52, 66, 75, 148.
	*			*	*	*	*		*	*			
	Sodium phosphide	4.3	UN1432	I	4.3, 6.1	A19, N40	None	211	None	Forbidden	15 kg	E	13, 40, 52, 85, 148.
	*			*	*	*	*		*	*			
	Sodium superoxide	5.1	UN2547	I	5.1	A20, IB6, IP1, N34.	None	211	None	Forbidden	15 kg	D	13, 52, 66, 75, 148.

		*		*	*	*	*	*	*					
	Stannic phosphide	4.3	UN1433	I	4.3, 6.1	A19, N40	None	211	242	Forbidden	15 kg	E	13, 40, 52, 85, 148.
		*		*	*	*	*	*	*					
	Strontium peroxide	5.1	UN1509	II	5.1	IB6, IP2, T3, TP33.	152	212	242	5 kg	25 kg	C	13, 52, 66, 75, 148.
	Strontium phosphide	4.3	UN2013	I	4.3, 6.1	A19, N40	None	211	None	Forbidden	15 kg	E	13, 40, 52, 85, 148.
		*		*	*	*	*	*	*					
	Tear gas candles	6.1	UN1700		6.1, 4.1		None	340	None	Forbidden	50 kg	D	40.
		*		*	*	*	*	*	*					
	Titanium powder, dry	4.2	UN2546	I	4.2		None	211	242	Forbidden	Forbidden	D	13, 148.
				II	4.2	A19, A20, IB6, IP2, N5, N34, T3, TP33.	None	212	241	15 kg	50 kg	D	13, 148.
				III	4.2	IB8, IP3, T1, TP33.	None	213	241	25 kg	100 kg	D	13, 148.
		*		*	*	*	*	*	*					
	Titanium sponge granules *or* Titanium sponge powders.	4.1	UN2878	III	4.1	A1, IB8, IP3, T1, TP33.	None	213	240	25 kg	100 kg	D	13, 74, 147, 148.
		*		*	*	*	*	*	*					
	Titanium trichloride, pyrophoric *or* Titanium trichloride mixtures, pyrophoric.	4.2	UN2441	I	4.2, 8	N34	None	181	244	Forbidden	Forbidden	D	13, 40, 148.
		*		*	*	*	*	*	*					
G	Toxic by inhalation liquid, water-reactive, n.o.s. *with an LC50 lower than or equal to 200 ml/m³ and saturated vapor concentration greater than or equal to 500 LC50.*	6.1	UN3385	I	6.1, 4.3	1, B9, B14, B30, T22, TP2, TP13, TP38, TP44.	None	226	244	Forbidden	Forbidden	D	13, 40, 148.
G	Toxic by inhalation liquid, water-reactive, n.o.s. *with an LC50 lower than or equal to 1000 ml/m³ and saturated vapor concentration greater than or equal to 10 LC50.*	6.1	UN3386	I	6.1, 4.3	2, B9, B14, B32, T20, TP2, TP13, TP38, TP44.	None	227	244	Forbidden	Forbidden	D	13, 40, 148.
G	Toxic by inhalation liquid, water-reactive, flammable, n.o.s. *with an LC50 lower than or equal to 200 ml/m3 and saturated vapor concentration greater than or equal to 500 LC50.*	6.1	UN3490	I	6.1, 4.3, 3	1, B9, B14, B30, T22, TP2, TP13, TP27, TP38, TP44.	None	226	244	Forbidden	Forbidden	D	13, 21, 28, 40, 49, 148.

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
G	Toxic by inhalation liquid, water-reactive, flammable, n.o.s. *with an LC50 lower or equal to 1000 ml/m3 and saturated vapor concentration greater than or equal to 10 LC50.*	6.1	UN3491	I	6.1, 4.3, 3	2, B9, B14, B32, T20, TP2, TP13, TP27, TP38, TP45.	None	227	244	Forbidden	Forbidden	D	13, 21, 28, 40, 49, 148.
		*		*	*	*	*		*	*			
G	Toxic liquid, corrosive, inorganic, n.o.s.	6.1	UN3289	I	6.1, 8	T14, TP2, TP13, TP27.	None	201	243	0.5 L	2.5 L	A	40.
				II	6.1, 8	IB2, T11, TP2, TP27.	153	202	243	1 L	30 L	A	40.
		*		*	*	*	*		*	*			
G	Toxic liquid, inorganic, n.o.s.	6.1	UN3287	I	6.1	T14, TP2, TP13, TP27.	None	201	243	1 L	30 L	A	40.
				II	6.1	IB2, T11, TP2, TP27.	153	202	243	5 L	60 L	A	40.
				III	6.1	IB3, T7, TP1, TP28.	153	203	241	60 L	220 L	A	40.
		*		*	*	*	*		*	*			
G	Toxic liquids, water-reactive, n.o.s.	6.1	UN3123	I	6.1, 4.3	A4	None	201	243	Forbidden	1 L	E	13, 40, 148.
				II	6.1, 4.3	IB2	None	202	243	1 L	5 L	E	13, 40, 148.
		*		*	*	*	*		*	*			
G	Toxic solid, corrosive, inorganic, n.o.s.	6.1	UN3290	I	6.1, 8	IB7, T6, TP33.	None	211	242	1 kg	25 kg	A	40.
				II	6.1, 8	IB6, IP2, T3, TP33.	153	212	242	15 kg	50 kg	A	40.
G	Toxic solid, inorganic, n.o.s.	6.1	UN3288	I	6.1	IB7, T6, TP33.	None	211	242	5 kg	50 kg	A	40.
				II	6.1	IB8, IP2, IP4, T3, TP33.	153	212	242	25 kg	100 kg	A	40.
				III	6.1	IB8, IP3, T1, TP33.	153	213	240	100 kg	200 kg	A	40.
		*		*	*	*	*		*	*			
G	Toxic solids, water-reactive, n.o.s.	6.1	UN3125	I	6.1, 4.3	A5, T6, TP33.	None	211	242	5 kg	15 kg	D	13, 40, 148.
				II	6.1, 4.3	IB6, IP2, T3, TP33.	153	212	242	15 kg	50 kg	D	13, 40, 148.

*		*	*	*	*	*	*	*					
Trifluoroacetic acid	8	UN2699	I	8	A3, A6, A7, B4, N3, N34, N36, T10, TP2.	None	201	243	0.5 L	2.5 L	B	12, 25, 40.
*		*	*	*	*	*	*	*					
Trimethylacetyl chloride.	6.1	UN2438	I	6.1, 8, 3	2, B3, B9, B14, B32, N34, T20, TP2, TP13, TP38, TP45.	None	227	244	Forbidden	Forbidden	D	21, 25, 40, 100.
*		*	*	*	*	*	*	*					
Trinitrobenzene, wetted, *with not less than 10% water, by mass.*	4.1	UN3367	I	4.1	162, A8, A19, N41, N84.	None	211	None	0.5 kg	0.5 kg	E	28, 36.
*		*	*	*	*	*	*	*					
Trinitrobenzoic acid, wetted *with not less than 10% water by mass.*	4.1	UN3368	I	4.1	162, A8, A19, N41, N84.	None	211	None	0.5 kg	0.5 kg	E	28, 36.
Trinitrobenzoic acid, wetted *with not less than 30 percent water, by mass.*	4.1	UN1355	I	4.1	23, A2, A8, A19, N41.	None	211	None	0.5 kg	0.5 kg	E	28, 36.
*		*	*	*	*	*	*	*					
Trinitrochlorobenzene (picryl chloride), wetted, *with not less than 10% water by mass.*	4.1	UN3365	I	4.1	162, A8, A19, N41, N84.	None	211	None	0.5 kg	0.5 kg	E	28, 36.
*		*	*	*	*	*	*	*					
Trinitrophenol (picric acid), wetted, *with not less than 10 percent water by mass.*	4.1	UN3364	I	4.1	162, A8, A19, N41, N84.	None	211	None	0.5 kg	0.5 kg	E	28, 36.
*		*	*	*	*	*	*	*					
Trinitrotoluene (TNT), wetted, *with not less than 10 percent water by mass.*	4.1	UN3366	I	4.1	162, A8, A19, N41, N84.	None	211	None	0.5 kg	0.5 kg	E	28, 36.
*		*	*	*	*	*	*	*					
Urea nitrate, wetted, *with not less than 10 percent water by mass.*	4.1	UN3370	I	4.1	162, A8, A19, N41, N84.	None	211	None	0.5 kg	0.5 kg	E	28, 36.
*		*	*	*	*	*	*	*					
Vinylpyridines, stabilized.	6.1	UN3073	II	6.1, 3, 8	IB1, T7, TP2, TP13.	153	202	243	1 L	30 L	B	21, 40, 52, 100.

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
		*		*	*	*	*		*	*			
G	Water-reactive liquid, corrosive, n.o.s.	4.3	UN3129	I	4.3, 8	T14, TP2, TP7, TP13.	None	201	243	Forbidden	1 L	D	13, 148.
				II	4.3, 8	IB1, T11, TP2, TP7.	None	202	243	1 L	5 L	E	13, 85, 148.
				III	4.3, 8	IB2, T7, TP2, TP7.	None	203	242	5 L	60 L	E	13, 148.
G	Water-reactive liquid, n.o.s.	4.3	UN3148	I	4.3	T13, TP2, TP7, TP41.	None	201	244	Forbidden	1 L	E	13, 40, 148.
				II	4.3	IB1, T7, TP2, TP7.	None	202	243	1 L	5 L	E	13, 40, 148.
				III	4.3	IB2, T7, TP2, TP7.	None	203	242	5 L	60 L	E	13, 40, 148.
G	Water-reactive liquid, toxic, n.o.s.	4.3	UN3130	I	4.3, 6.1	A4	None	201	243	Forbidden	1 L	D	13, 148.
				II	4.3, 6.1	IB1	None	202	243	1 L	5 L	E	13, 85, 148.
				III	4.3, 6.1	IB2	None	203	242	5 L	60 L	E	13, 85, 148.
G	Water-reactive solid, corrosive, n.o.s.	4.3	UN3131	I	4.3, 8	IB4, IP1, N40, T9, TP7, TP33.	None	211	242	Forbidden	15 kg	D	13, 148.
				II	4.3, 8	IB6, IP2, T3, TP33.	151	212	242	15 kg	50 kg	E	13, 85, 148.
				III	4.3, 8	IB8, IP4, T1, TP33.	151	213	241	25 kg	100 kg	E	13, 85, 148.
G	Water-reactive solid, flammable, n.o.s.	4.3	UN3132	I	4.3, 4.1	IB4, N40	None	211	242	Forbidden	15 kg	D	13, 148.
				II	4.3, 4.1	IB4, T3, TP33.	151	212	242	15 kg	50 kg	E	13, 148.
				III	4.3, 4.1	IB6, T1, TP33.	151	213	241	25 kg	100 kg	E	13, 148.
G	Water-reactive solid, n.o.s.	4.3	UN2813	I	4.3	IB4, N40, T9, TP7, TP33.	None	211	242	Forbidden	15 kg	E	13, 40, 148.
				II	4.3	IB7, IP2, T3, TP33.	151	212	242	15 kg	50 kg	E	13, 40, 148.
				III	4.3	IB8, IP4, T1, TP33.	151	213	241	25 kg	100 kg	E	13, 40, 148.
G	Water-reactive, solid, oxidizing, n.o.s.	4.3	UN3133	II	4.3, 5.1		None	214	214	Forbidden	Forbidden	E	13, 40, 148.
				III	4.3, 5.1		None	214	214	Forbidden	Forbidden	E	13, 40, 148.
G	Water-reactive solid, self-heating, n.o.s.	4.3	UN3135	I	4.3, 4.2	N40	None	211	242	Forbidden	15 kg	E	13, 148.
				II	4.3, 4.2	IB5, IP2, T3, TP33.	None	212	242	15 kg	50 kg	E	13, 148.
				III	4.3, 4.2	IB8, IP4, T1, TP33.	None	213	241	25 kg	100 kg	E	13, 148.
G	Water-reactive solid, toxic, n.o.s.	4.3	UN3134	I	4.3, 6.1	A8, IB4, IP1, N40.	None	211	242	Forbidden	15 kg	D	13, 148.
				II	4.3, 6.1	IB5, IP2, T3, TP33.	151	212	242	15 kg	50 kg	E	13, 85, 148.

			III	4.3, 6.1	IB8, IP4, T1, TP33.	151	213	241	25 kg	100 kg	E	13, 85, 148.
	*		*	*	*	*	*	*				
Zinc ashes	4.3	UN1435	III	4.3	A1, A19, IB8, IP4, T1, TP33.	151	213	241	25 kg	100 kg	A	13, 148.
	*		*	*	*	*	*	*				
Zinc dithionite *or* Zinc hydrosulfite.	9	UN1931	III	None	IB8, IP3, T1, TP33.	155	204	240	100 kg	200 kg	A	13, 26, 123.
	*		*	*	*	*	*	*				
Zinc peroxide	5.1	UN1516	II	5.1	IB6, IP2, T3, TP33.	152	212	242	5 kg	25 kg	C	13, 52, 66, 75, 148.
Zinc phosphide	4.3	UN1714	I	4.3, 6.1	A19, N40	None	211	None	Forbidden	15 kg	E	13, 40, 52, 85, 148.
	*		*	*	*	*	*	*				
Zinc powder *or* Zinc dust.	4.3	UN1436	I	4.3, 4.2	A19, IB4, IP1, N40.	None	211	242	Forbidden	15 kg	A	13, 52, 53, 148.
			II	4.3, 4.2	A19, IB7, IP2, T3, TP33.	None	212	242	15 kg	50 kg	A	13, 52, 53, 148.
			III	4.3, 4.2	IB8, IP4, T1, TP33.	None	213	242	25 kg	100 kg	A	13, 52, 53, 148.
	*		*	*	*	*	*	*				
Zirconium, dry, *coiled wire, finished metal sheets, strip (thinner than 254 microns but not thinner than 18 microns).*	4.1	UN2858	III	4.1	A1	151	213	240	25 kg	100 kg	A	13, 147, 148.
Zirconium, dry, *finished sheets, strip or coiled wire.*	4.2	UN2009	III	4.2	A1, A19	None	213	240	25 kg	100 kg	D	13, 148.
	*		*	*	*	*	*	*				
Zirconium powder, dry	4.2	UN2008	I	4.2	T21, TP7, TP33.	None	211	242	Forbidden	Forbidden	D	13, 148.
			II	4.2	A19, A20, IB6, IP2, N5, N34, T3, TP33.	None	212	241	15 kg	50 kg	D	13, 148.
			III	4.2	IB8, IP3, T1, TP33.	None	213	241	25 kg	100 kg	D	13, 148.
Zirconium powder, wetted *with not less than 25 percent water (a visible excess of water must be present) (a) mechanically produced, particle size less than 53 microns; (b) chemically produced, particle size less than 840 microns.*	4.1	UN1358	II	4.1	A19, A20, IB6, IP2, N34, T3, TP33.	None	212	241	15 kg	50 kg	E	13, 74, 147, 148.
Zirconium scrap	4.2	UN1932	III	4.2	IB8, IP3, N34, T1, TP33.	None	213	240	Forbidden	Forbidden	D	13, 148.
	*		*	*	*	*	*	*				

* * * * *

Appendix B to § 172.101—List of Marine Pollutants

* * * * *

LIST OF MARINE POLLUTANTS

S, M, P (1)	Marine pollutant (2)
[Remove:]	Chlorotoluenes (meta-;para-).
*	* * * * * *
[Add:]	
*	* * * * * *
	Acroleic acid, stabilized.
*	* * * * * *
	Acrylic Acid, Stabilized.
*	* * * * * *
	Allyl alcohol.
*	* * * * * *
	Aminobenzene.
*	* * * * * *
	Ammonia, anhydrous (I). Ammonia solution, *relative density less than 0.880 at 15 degrees C in water, with more than 50 percent ammonia.* Ammonia Solution *relative density less than 0.880 at 15 degrees C in water, with more than 35% but not more than 50% ammonia.* Ammonia solution, *relative density between 0.880 and 0.957 at 15 degrees C in water, with more than 10 percent but not more than 35 percent ammonia, by mass.*
*	* * * * * *
	Aniline. Aniline oil.
*	* * * * * *
	Bleaching powder.
*	* * * * * *
	Butylbenzenes.
*	* * * * * *
	Calcium hypochlorite , dry *with more than 39% available chlorine (8.8% available oxygen).* Calcium hypochlorite mixture, dry *with more than 10% but not more than 39% available chlorine.* Calcium hypochlorite mixture, dry *with more than 39% available chlorine (8.8% available oxygen).* Calcium hypochlorite mixture, dry, corrosive *with more than 10% but not more than 39% available chlorine.* Calcium hypochlorite mixture, dry, corrosive *with more than 39% available chlorine (8.8% available oxygen).* Calcium hypochlorite, hydrated *with not less than 5.5% but not more than 16% water.* Calcium hypochlorite, hydrated, corrosive *with not less than 5.5% but not more than 16% water.* Calcium hypochlorite, hydrated mixture *with not less than 5.5% but not more than 16% water.* Calcium hypochlorite, hydrated mixture, corrosive *with not less than 5.5% but not more than 16% water.*
*	* * * * * *
	ortho-Chlorotoluene.
*	* * * * * *
	Creosote salts.
*	* * * * * *
	Cycloheptane.
*	* * * * * *
	2,4-Dichlorophenol.
*	* * * * * *
	1,3-Dichloropropene.
*	* * * * * *
	Dimethyl Disulphide.
*	* * * * * *
	Dinitrotoluenes, Liquid. Dinitrotoluenes, Molton.

LIST OF MARINE POLLUTANTS—Continued

S, M, P (1)	Marine Pollutant (2)
	Dintrotoluenes, Solid.
* * * * * * *	
	Dodecene.
* * * * * * *	
	Heptanes.
* * * * * * *	
	Hexane.
* * * * * * *	
	Isooctane.
* * * * * * *	
	Mesitylene.
* * * * * * *	
	Methyl disulphide.
* * * * * * *	
	2-Methyl-2-phenylpropane.
* * * * * * *	
	Methyldinitrobenzenes, liquid. Methyldinitrobenzenes, molten. Methyldinitrobenzenes, solid. Methyldithiomethane. 2-Methylheptane.
* * * * * * *	
	2-Methylpentane.
* * * * * * *	
	Naphthalene, crude or Naphthalene, refined. Napthalene, molten.
* * * * * * *	
	Nonanes.
* * * * * * *	
	Octanes.
* * * * * * *	
	Phenylamine.
* * * * * * *	
	Pine Oil. alpha-Pinene.
* * * * * * *	
	Propenoic acid, stabilized. Propenyl alcohol.
* * * * * * *	
	Propylene Tetramer.
* * * * * * *	
	Sodium hypochlorite solution.
* * * * * * *	
	Tetrapropylene.
* * * * * * *	
	Toluidines, liquid. Toluidines, Solid.
* * * * * * *	
	1,3,5- Trimethylbenzene.
* * * * * * *	
	2,2,4-Trimethylpentane.

LIST OF MARINE POLLUTANTS—Continued

S, M, P (1)	Marine Pollutant (2)
* * * * * * *	
	Turpentine.
* * * * * * *	
	Zinc Chloride, Anhydrous.
	Zinc Chloride Solution.
* * * * * * *	

■ 10. In § 172.102:

■ a. In paragraph (c)(1), special provisions 28, 52, 147, 160, 238, 342 and 362 are revised, special provisions 367, 368, 369, 370, 371, and 372 are added, and special provision 161 is removed.

■ b. In paragraph (c)(2), special provision A60 is revised and A61 is added.

■ c. Paragraph (c)(4) introductory text, (c)(4) Table 1 and (c)(4) Table 2 are revised.

■ d. In paragraph (c)(8)(ii), TP47 is added in numerical sequence.

The additions and revisions read as follows:

§ 172.102 Special provisions.

* * * * *

(c) * * *

(1) * * *

28 The dihydrated sodium salt of dichloroisocyanuric acid does not meet the criteria for inclusion in Division 5.1 (Oxidizer) and is not subject to the requirements of this subchapter unless meeting the criteria for inclusion in another class or division.

* * * * *

52 This entry may only be used for substances that are too insensitive for acceptance into Class 1 (explosive) when tested in accordance with Test Series 2 in the UN Manual of Tests and Criteria, Part I (incorporated by reference; see § 171.7 of this subchapter).

* * * * *

147 This entry applies to non-sensitized emulsions, suspensions, and gels consisting primarily of a mixture of ammonium nitrate and fuel, intended to produce a Type E blasting explosive only after further processing prior to use. The mixture for emulsions typically has the following composition: 60–85% ammonium nitrate; 5–30% water; 2–8% fuel; 0.5–4% emulsifier or thickening agent; 0–10% soluble flame suppressants; and trace additives. Other inorganic nitrate salts may replace part of the ammonium nitrate. The mixture for suspensions and gels typically has the following composition: 60–85% ammonium nitrate; 0–5% sodium or potassium perchlorate; 0–17% hexamine nitrate or monomethylamine nitrate; 5–30% water; 2–15% fuel; 0.5–4% thickening agent; 0–10% soluble flame suppressants; and trace additives. Other inorganic nitrate salts may replace part of the ammonium nitrate. These substances must satisfactorily pass Tests 8(a), (b) and (c) of Test Series 8 of the UN Manual of Tests and Criteria, Part I, Section 18 (IBR, see § 171.7 of this subchapter), and may not be classified and transported unless approved by the Associate Administrator.

* * * * *

160 This entry applies to safety devices for vehicles, vessels or aircraft, e.g. air bag inflators, air bag modules, seat-belt pretensioners, and pyromechanical devices containing Class 1 (explosive) materials or materials of other hazard classes. These articles must be tested in accordance with Test series 6(c) of Part I of the UN Manual of Tests and Criteria (incorporated by reference; see § 171.7 of this subchapter), with no explosion of the device, no fragmentation of device casing or pressure vessel, and no projection hazard nor thermal effect that would significantly hinder fire-fighting or other emergency response efforts in the immediate vicinity. If the air bag inflator unit satisfactorily passes the series 6(c) test, it is not necessary to repeat the test on the air bag module. This entry does not apply to life saving appliances described in § 173.219 (UN2990 and UN3072).

* * * * *

238 Neutron radiation detectors:

a. Neutron radiation detectors containing non-pressurized boron trifluoride gas in excess of 1 gram and radiation detection systems containing such neutron radiation detectors as components may be transported by highway, rail, vessel, or cargo aircraft in accordance with the following:

(1) Each radiation detector must meet the following conditions:

(i) The pressure in each neutron radiation detector must not exceed 105 kPa absolute at 20 °C;

(ii) The amount of gas must not exceed 13 grams per detector;

(iii) Each neutron radiation detector must be of welded metal construction with brazed metal to ceramic feed through assemblies. These detectors must have a minimum burst pressure of 1800 kPa as demonstrated by design type qualification testing; and

(iv) Each detector must be tested to a 1×10^{-10} cm^3/s leaktightness standard before filling.

(2) Radiation detectors transported as individual components must be transported as follows:

(i) They must be packed in a sealed intermediate plastic liner with sufficient absorbent material to absorb the entire gas contents.

(ii) They must be packed in strong outer packagings and the completed package must be capable of withstanding a 1.8 meter (6-foot) drop without leakage of gas contents from detectors.

(iii) The total amount of gas from all detectors per outer packaging must not exceed 52 grams.

(3) Completed neutron radiation detection systems containing detectors meeting the conditions of paragraph (a)(1) of this special provision must be transported as follows:

(i) The detectors must be contained in a strong sealed outer casing;

(ii) The casing must contain include sufficient absorbent material to absorb the entire gas contents;

(iii) The completed system must be packed in strong outer packagings capable of withstanding a 1.8 meter (6-foot) drop test without leakage unless a system's outer casing affords equivalent protection.

b. Except for transportation by aircraft, neutron radiation detectors and radiation detection systems containing such detectors transported in accordance with paragraph (a) of this special provision are not subject to the

labeling and placarding requirements of part 172 of this subchapter.

c. When transported by highway, rail, vessel, or as cargo on an aircraft, neutron radiation detectors containing not more than 1 gram of boron trifluoride, including those with solder glass joints are not subject to any other requirements of this subchapter provided they meet the requirements in paragraph (a)(1) of this special provision and are packed in accordance with paragraph (a)(2) of this special provision. Radiation detection systems containing such detectors are not subject to any other requirements of this subchapter provided they are packed in accordance with paragraph (a)(3) of this special provision.

* * * * *

342 Glass inner packagings (such as ampoules or capsules) intended only for use in sterilization devices, when containing less than 30 mL of ethylene oxide per inner packaging with not more than 300 mL per outer packaging, may be transported in accordance with § 173.4a of this subchapter, irrespective of the restriction of § 173.4a(b) and the indication of ''forbidden'' in columns (9A) and (9B) of the § 172.101 table provided that:

a. After filling, each glass inner packaging must be determined to be leak-tight by placing the glass inner packaging in a hot water bath at a temperature and for a period of time sufficient to ensure that an internal pressure equal to the vapor pressure of ethylene oxide at 55 °C is achieved. Any glass inner packaging showing evidence of leakage, distortion or other defect under this test must not be transported under the terms of this special provision;

b. In addition to the packaging required in § 173.4a, each glass inner packaging must be placed in a sealed plastic bag compatible with ethylene oxide and capable of containing the contents in the event of breakage or leakage of the glass inner packaging; and

c. Each glass inner packaging is protected by a means of preventing puncture of the plastic bag (e.g., sleeves or cushioning) in the event of damage to the packaging (e.g., by crushing).

* * * * *

362 This entry applies to liquids, pastes or powders, pressurized with a propellant that meets the definition of a gas in § 173.115. A chemical under pressure packaged in an aerosol dispenser must be transported under UN1950. The chemical under pressure must be classed based on the hazard characteristics of the components in the propellant; the liquid; or the solid. The following provisions also apply:

a. If one of the components, which can be a pure substance or a mixture, is classed as flammable, the chemical under pressure must be classed as flammable in Division 2.1. Flammable components are flammable liquids and liquid mixtures, flammable solids and solid mixtures or flammable gases and gas mixtures meeting the following criteria:

(1) A flammable liquid is a liquid having a flashpoint of not more than 93 °C (200 °F);

(2) A flammable solid is a solid that meets the criteria in § 173.124 of this subchapter; or

(3) A flammable gas is a gas that meets the criteria in § 173.115 of this subchapter.

b. Gases of Division 2.3 and gases with a subsidiary risk of 5.1 must not be used as a propellant in a chemical under pressure.

c. Where the liquid or solid components are classed as Division 6.1, Packing Group II or III, or Class 8, Packing Group II or III, the chemical under pressure must be assigned a subsidiary risk of Division 6.1 or Class 8 and the appropriate identification number must be assigned. Components classed as Division 6.1, Packing Group I, or Class 8, Packing Group I, must not be offered for transportation and transported under this description.

d. A chemical under pressure with components meeting the properties of: Class 1 (explosives); Class 3 (liquid desensitized explosives); Division 4.1 (self-reactive substances and solid desensitized explosives); Division 4.2 (substances liable to spontaneous combustion); Division 4.3 (substances which, in contact with water, emit flammable gases or toxic gases); Division 5.1 (oxidizing substances); Division 5.2 (organic peroxides); Division 6.2 (Infectious substances); or, Class 7 (Radioactive material), must not be offered for transportation under this description.

d. A description to which special provision 170 or TP7 is assigned in Column 7 of the § 172.101 Hazardous Materials Table, and therefore requires air to be eliminated from the package vapor space by nitrogen or other means, must not be offered for transportation under this description.

(f) Chemicals under pressure containing components forbidden for transport on both passenger and cargo aircraft in Columns (9A) and (9B) of 13 of the § 172.101 Hazardous Materials Table, must not be transported by air.

* * * * *

367 For the purposes of documentation and package marking:

a. The proper shipping name ''Paint related material'' may be used for consignments of packages containing ''Paint'' and ''Paint related material'' in the same package;

b. The proper shipping name ''Paint related material, corrosive, flammable'' may be used for consignments of packages containing ''Paint, corrosive, flammable'' and ''Paint related material, corrosive, flammable'' in the same package;

c. The proper shipping name ''Paint related material, flammable, corrosive'' may be used for consignments of packages containing ''Paint, flammable, corrosive'' and ''Paint related material, flammable, corrosive'' in the same package; and

d. The proper shipping name ''Printing ink related material'' may be used for consignments of packages containing ''Printing ink'' and ''Printing ink related material'' in the same package.

368 In the case of non-fissile or fissile-excepted uranium hexafluoride, the material must be classified under UN3507 or UN2978.

369 In accordance with § 173.2a, this radioactive material in an excepted package possessing corrosive properties is classified in Class 8 with a radioactive material subsidiary risk. Uranium hexafluoride may be classified under this entry only if the conditions of §§ 173.420(a)(4) and (a)(6), 173.420 (d), 173.421(a)(2) and (a)(4), and, for fissile-excepted material, the conditions of 173.453 are met. In addition to the provisions applicable to the transport of Class 8 substances, the provisions of §§ 173.421(a)(3), and 173.443(a) apply. In addition, packages shall be legibly and durably marked with an identification of the consignor, the consignee, or both. No Class 7 label is required to be displayed. The consignor shall be in possession of a copy of each applicable certificate when packages include fissile material excepted by competent authority approval. When a consignment is undeliverable, the consignment shall be placed in a safe location and the appropriate competent authority shall be informed as soon as possible and a request made for instructions on further action. If it is evident that a package of radioactive material, or conveyance carrying unpackaged radioactive material, is leaking, or if it is suspected that the package, or conveyance carrying unpackaged material, may have leaked, access to the package or conveyance must be restricted and, as soon as possible, the extent of contamination

and the resultant radiation level of the package or conveyance must be assessed. The scope of the assessment must include, as applicable, the package, the conveyance, the adjacent loading and unloading areas, and, if necessary, all other material which has been carried in the conveyance. When necessary, additional steps for the protection of persons, property, and the environment must be taken to overcome and minimize the consequences of such leakage. Packages, and conveyances carrying unpackaged material, which are leaking radioactive contents in excess of limits for normal conditions of transport may be removed to an interim location under supervision, but must not be forwarded until repaired or reconditioned and decontaminated, or as approved by the Associate Administrator.

370 This entry applies to:

a. Ammonium nitrate with more than 0.2% combustible substances, including any organic substance calculated as carbon, to the exclusion of any added substance; and

b. Ammonium nitrate with not more than 0.2% combustible substances, including any organic substance calculated as carbon, to the exclusion of any added substance, that gives a positive result when tested in accordance with Test Series 2 of the UN Manual of Tests and Criteria, Part I (incorporated by reference; see § 171.7 of this subchapter). See also UN No. 1942.

371 a. This entry also applies to articles, containing a small pressure receptacle with a release device. Such articles must comply with the following requirements:

(1) The water capacity of the pressure receptacle must not exceed 0.5 L and the working pressure must not exceed 25 bar at 15 °C;

(2) The minimum burst pressure of the pressure receptacle must be at least four times the pressure of the gas at 15 °C;

(3) Each article must be manufactured in such a way that unintentional firing or release is avoided under normal conditions of handling, packing, transport and use. This may be fulfilled by an additional locking device linked to the activator;

(4) Each article must be manufactured in such a way as to prevent hazardous projections of the pressure receptacle or parts of the pressure receptacle;

(5) Each pressure receptacle must be manufactured from material which will not fragment upon rupture;

(6) The design type of the article must be subjected to a fire test. For this test, the provisions of paragraphs 16.6.1.2 except letter g, 16.6.1.3.1 to 16.6.1.3.6, 16.6.1.3.7(b) and 16.6.1.3.8 of the UN Manual of Tests and Criteria must be applied. It must be demonstrated that the article relieves its pressure by means of a fire degradable seal or other pressure relief device, in such a way that the pressure receptacle will not fragment and that the article or fragments of the article do not rocket more than 10 meters; and

(7) The design type of the article must be subjected to the following test. A stimulating mechanism must be used to initiate one article in the middle of the packaging. There must be no hazardous effects outside the package such as disruption of the package, metal fragments or a receptacle which passes through the packaging.

b. The manufacturer must produce technical documentation of the design type, manufacture as well as the tests and their results. The manufacturer must apply procedures to ensure that articles produced in series are made of good quality, conform to the design type and are able to meet the requirements in (a).

The manufacturer must provide such information to a representative of the Department upon request.

372 This entry applies to asymmetric capacitors with an energy storage capacity greater than 0.3 Wh. Capacitors with an energy storage capacity of 0.3 Wh or less are not subject to the requirements of this subchapter.

Energy storage capacity means the energy stored in a capacitor, as calculated according to the following equation,

$$Wh=1/2C_N(U_R{}^2-U_L{}^2)\times(1/3600)$$

Using the nominal capacitance (C_N), rated voltage (U_R) and the rated lower limit voltage (U_L).

Nickel-carbon asymmetric capacitors containing Class 8 alkaline electrolytes must be transported as UN2795, Batteries, wet, filled with alkali, electric storage.

* * * * *

(2) * * *

A60 Sterilization devices, when containing less than 30 mL per inner packaging with not more than 150 mL per outer packaging, may be transported in accordance with the provisions in § 173.4a, irrespective of § 173.4a(b), provided such packagings were first subjected to comparative fire testing. Comparative fire testing between a package as prepared for transport (including the substance to be transported) and an identical package filled with water must show that the maximum temperature measured inside the packages during testing does not differ by more than 200 °C (392 °F). Packagings may include a vent to permit the slow escape of gas (i.e. not more than 0.1 mL/hour per 30 mL inner packaging at 20 °C (68 °F) produced from gradual decomposition. The requirements of §§ 173.24(g)(1) and 173.27(c) do not apply.

A61 a. When used for purposes such as sterilization, inner packagings of peroxyacetic acid, stabilized, classified as UN 3107 Organic peroxide type E, liquid or UN 3109 Organic peroxide type F, liquid may be fitted with a vent consisting of hydrophobic membrane, provided:

(1) Each inner packaging contains not more than 70 mL;

(2) The inner packaging is designed so that the vent is not immersed in liquid in any orientation;

(3) Each inner packaging is enclosed in an intermediate rigid plastic packaging with a small opening to permit release of gas and contains a buffer that neutralizes the contents of the inner packaging in the event of leakage;

(4) Intermediate packagings are packed in a fiberboard box (4G) outer packaging;

(5) Each outer packaging contains not more than 1.4 L of liquid; and

(6) The rate of oxygen release from the outer packaging does not exceed 15 mL per hour.

b. Such packages must be transported on cargo aircraft only. The requirements of §§ 173.24(g)(1) and 173.27(c) do not apply.

* * * * *

(4) *IB Codes and IP Codes.* These provisions apply only to transportation in IBCs and Large Packagings. Table 1 authorizes IBCs for specific proper shipping names through the use of IB Codes assigned in the § 172.101 table of this subchapter. Table 2 defines IP Codes on the use of IBCs that are assigned to specific commodities in the § 172.101 Table of this subchapter. Table 3 authorizes Large Packagings for specific proper shipping names through the use of IB Codes assigned in the § 172.101 table of this subchapter. Large Packagings are authorized for the Packing Group III entries of specific proper shipping names when either special provision IB3 or IB8 is assigned to that entry in the § 172.101 Table. When no IB code is assigned in the § 172.101 Table for a specific proper shipping name, or in § 173.185 or § 173.225(e) Organic Peroxide Table for Type F organic peroxides, use of an IBC or Large Packaging for the material may be authorized when approved by the

Associate Administrator. The letter ''Z'' shown in the marking code for composite IBCs must be replaced with a capital code letter designation found in § 178.702(a)(2) of this subchapter to specify the material used for the other packaging. Tables 1, 2, and 3 follow:

TABLE 1—IB CODES

[IBC Codes]

IBC code	Authorized IBCs
IB1	*Authorized IBCs:* Metal (31A, 31B and 31N). *Additional Requirement:* Only liquids with a vapor pressure less than or equal to 110 kPa at 50 °C (1.1 bar at 122 °F), or 130 kPa at 55 °C (1.3 bar at 131 °F) are authorized.
IB2	*Authorized IBCs:* Metal (31A, 31B and 31N); Rigid plastics (31H1 and 31H2); Composite (31HZ1). *Additional Requirement:* Only liquids with a vapor pressure less than or equal to 110 kPa at 50 °C (1.1 bar at 122 °F), or 130 kPa at 55 °C (1.3 bar at 131 °F) are authorized.
IB3	*Authorized IBCs:* Metal (31A, 31B and 31N); Rigid plastics (31H1 and 31H2); Composite (31HZ1 and 31HA2, 31HB2, 31HN2, 31HD2 and 31HH2). *Additional Requirement:* Only liquids with a vapor pressure less than or equal to 110 kPa at 50 °C (1.1 bar at 122 °F), or 130 kPa at 55 °C (1.3 bar at 131 °F) are authorized, except for UN2672 (also see special provision IP8 in Table 2 for UN2672).
IB4	*Authorized IBCs:* Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N).
IB5	*Authorized IBCs:* Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N); Rigid plastics (11H1, 11H2, 21H1, 21H2, 31H1 and 31H2); Composite (11HZ1, 21HZ1 and 31HZ1).
IB6	*Authorized IBCs:* Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N); Rigid plastics (11H1, 11H2, 21H1, 21H2, 31H1 and 31H2); Composite (11HZ1, 11HZ2, 21HZ1, 21HZ2 and 31HZ1). *Additional Requirement:* Composite IBCs 11HZ2 and 21HZ2 may not be used when the hazardous materials being transported may become liquid during transport.
IB7	*Authorized IBCs:* Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N); Rigid plastics (11H1, 11H2, 21H1, 21H2, 31H1 and 31H2); Composite (11HZ1, 11HZ2, 21HZ1, 21HZ2 and 31HZ1); Wooden (11C, 11D and 11F). *Additional Requirement:* Liners of wooden IBCs must be sift-proof.
IB8	*Authorized IBCs:* Metal (11A, 11B, 11N, 21A, 21B, 21N, 31A, 31B and 31N); Rigid plastics (11H1, 11H2, 21H1, 21H2, 31H1 and 31H2); Composite (11HZ1, 11HZ2, 21HZ1, 21HZ2 and 31HZ1); Fiberboard (11G); Wooden (11C, 11D and 11F); Flexible (13H1, 13H2, 13H3, 13H4, 13H5, 13L1, 13L2, 13L3, 13L4, 13M1 or 13M2).
IB9	IBCs are only authorized if approved by the Associate Administrator.

TABLE 2—IP CODES

IP code	
IP1	IBCs must be packed in closed freight containers or a closed transport vehicle.
IP2	When IBCs other than metal or rigid plastics IBCs are used, they must be offered for transportation in a closed freight container or a closed transport vehicle.
IP3	Flexible IBCs must be sift-proof and water-resistant or must be fitted with a sift-proof and water-resistant liner.
IP4	Flexible, fiberboard or wooden IBCs must be sift-proof and water-resistant or be fitted with a sift-proof and water-resistant liner.
IP5	IBCs must have a device to allow venting. The inlet to the venting device must be located in the vapor space of the IBC under maximum filling conditions.
IP6	Non-specification bulk bins are authorized.
IP7	For UN identification numbers 1327, 1363, 1364, 1365, 1386, 1841, 2211, 2217, 2793 and 3314, IBCs are not required to meet the IBC performance tests specified in part 178, subpart N of this subchapter.
IP8	Ammonia solutions may be transported in rigid or composite plastic IBCs (31H1, 31H2 and 31HZ1) that have successfully passed, without leakage or permanent deformation, the hydrostatic test specified in § 178.814 of this subchapter at a test pressure that is not less than 1.5 times the vapor pressure of the contents at 55 °C (131 °F).
IP13	Transportation by vessel in IBCs is prohibited.
IP14	Air must be eliminated from the vapor space by nitrogen or other means.
IP15	For UN2031 with more than 55% nitric acid, rigid plastic IBCs and composite IBCs with a rigid plastic inner receptacle are authorized for two years from the date of IBC manufacture.
IP16	IBCs of type 31A and 31N are only authorized if approved by the Associate Administrator.
IP20	Dry sodium cyanide or potassium cyanide is also permitted in siftproof, water-resistant, fiberboard IBCs when transported in closed freight containers or transport vehicles.

* * * * *

(8) * * *

(ii) * * *

TP47 The 2.5 year internal examination may be waived or substituted by other test methods or inspection procedures specified by the competent authority or its authorized body, provided that the portable tank is dedicated to the transport of the organometallic substances to which this tank special provision is assigned. However this examination is required when the conditions of § 180.605(f) are met.

* * * * *

■ 11. In § 172.315, paragraphs (a)(2) and (b)(2) are revised to read as follows:

§ 172.315 Limited quantities.

(a) * * *

(2) The square-on-point must be durable, legible and of a size relative to the packaging, readily visible, and must be applied on at least one side or one end of the outer packaging. The width of the border forming the square-on-point must be at least 2 mm and the minimum dimension of each side, as measured from the outside of the lines forming the border, must be 100 mm unless the packaging size requires a reduced size marking that must be no less than 50 mm on each side and the width of the border forming the square on point may be reduced to a minimum

of 1 mm. Where dimensions are not specified, all features shall be in approximate proportion to those shown. When intended for transportation by vessel, a cargo transport unit (see § 176.2 of this subchapter) containing packages of hazardous materials in only limited quantities must be marked once on each side and once on each end of the exterior of the unit with an identical mark which must have minimum dimensions of 250 mm on each side.

(i) *Transitional exception*—A marking in conformance with the requirements of this paragraph in effect on October 1, 2012, may continue to be used until December 31, 2016.

(ii) [Reserved]

(b) * * *

(2) The square-on-point must be durable, legible and of a size relative to the package as to be readily visible. The square-on-point must be applied on at least one side or one end of the outer packaging. The width of the border forming the square-on-point must be at least 2 mm and the minimum dimension of each side, as measured from the outside of the lines forming the border, must be 100 mm unless the package size requires a reduced size marking that must be no less than 50 mm on each side and the width of the border forming the square on point may be reduced to a minimum of 1 mm. Where dimensions are not specified, all features shall be in approximate proportion to those shown.

(i) *Transitional exception*—A marking in conformance with the requirements of this paragraph in effect on October 1, 2012, may continue to be used until December 31, 2016.

(ii) [Reserved]

* * * * *

■ 12. In § 172.317, paragraph (b) is revised to read as follows:

§ 172.317 KEEP AWAY FROM HEAT handling mark.

* * * * *

(b) *Location and design.* The marking must be a rectangle measuring at least 105 mm (4.1 inches) in height by 74 mm (2.9 inches) in width as measured from the outside of the lines forming the border. Markings with not less than half this dimension are permissible where the dimensions of the package can only bear a smaller mark.

(1) *Transitional exception*—A marking in conformance with the requirements of this paragraph in effect on October 1, 2012, may continue to be used until December 31, 2016.

(2) [Reserved]

* * * * *

■ 13. In § 172.322, paragraphs (a)(2), (b) introductory text, (e) introductory text, (e)(2) introductory text, (e)(2)(i) introductory text, and (e)(2)(i)(A) are revised and adding paragraph (e)(3) to read as follows:

§ 172.322 Marine pollutants.

* * * * *

(a) * * *

(2) Except as otherwise provided in this subchapter, the MARINE POLLUTANT mark shall be placed in association with the hazard warning labels required by subpart E of this part or, in the absence of any labels, in association with the marked proper shipping name.

(b) Except as otherwise provided in this subchapter, a bulk packaging that contains a marine pollutant must—

* * * * *

(e) *MARINE POLLUTANT mark.* The MARINE POLLUTANT mark must conform to the following:

* * * * *

(2) The marking must be in the form of a square-on-point. The symbol and border must be black on a white or suitable contrasting background. The width of the border forming the square-on-point marking must be at least 2 mm. Each side of the mark must be—

(i) At least 100 mm (4 inches) as measured from the outside of the lines forming the border for marks applied to:

(A) Non-bulk packages, except in the case of packages which, because of their size, can only bear smaller marks. If the size of the package so requires, the dimensions/line thickness may be reduced, provided the marking remains clearly visible. Where dimensions are not specified, all features shall be in approximate proportion to those shown.

* * * * *

(3) *Transitional exception*—A marking in conformance with the requirements of this paragraph in effect on October 1, 2012, may continue to be used until December 31, 2016.

* * * * *

■ 14. In § 172.327, paragraph (a) is revised to read as follows:

§ 172.327 Petroleum sour crude oil in bulk packaging.

* * * * *

(a) The marking must be durable, legible and of a size relative to the package as to be readily visible and similar to the illustration shown in this paragraph with the minimum dimension of each side of the marking at least 100 mm (3.9 inches) as measured from the outside of the lines forming the border. The width of the border forming the square-on-point marking must be at least 5 mm. The marking must be displayed at each location (*e.g.,* manhole, loading head) where exposure to hydrogen sulfide vapors may occur.

(1) *Transitional exception*—A marking in conformance with the requirements of this paragraph in effect on October 1, 2012, may continue to be used until December 31, 2016.

(2) [Reserved]

* * * * *

■ 15. In § 172.407, paragraphs (c)(1) and (d)(2)(iii) are revised and paragraph (d)(2)(iv) is added to read as follows:

§ 172.407 Label specifications.

* * * * *

(c) *Size.* (1) Each diamond (square-on-point) label prescribed in this subpart must be at least 100 mm (3.9 inches) on each side with each side having a solid line inner border 5 mm inside and parallel to the edge. The 5 mm measurement is from the outside edge of the label to the outside of the solid line forming the inner border. The width of the solid line forming the inner border must be at least 2 mm.

(i) If the size of the package so requires, the dimensions of the label and its features may be reduced provided the symbol and other elements of the label remain clearly visible. The solid line forming the inner border must remain 5 mm from the outside edge of the label and the minimum width of the line must remain 2 mm.

(ii) Where dimensions are not specified, all features shall be in approximate proportion to those shown in §§ 172.411 through 172.448 of this subpart, as appropriate.

(iii) *Transitional exception*—A label in conformance with the requirements of this paragraph in effect on October 1, 2012, may continue to be used until December 31, 2016.

* * * * *

(d) * * *

(2) * * *

(iii) White may be used for the symbol for the ORGANIC PEROXIDE label.

(A) *Inner border color*—If white is used for the symbol for the ORGANIC PEROXIDE label then the solid line forming the inner border on the upper half of the label must also be white.

(B) *Transitional exception*—A label in conformance with the requirements of this paragraph in effect on October 1, 2012, may continue to be used until December 31, 2016.

(iv) The FLAMMABLE GAS label displayed on cylinders and gas cartridges for liquefied petroleum gases, where they may be shown in the background color of the receptacle if adequate contrast is provided.

* * * * *

■ 16. In § 172.512, paragraph (a)(3) is revised to read as follows:

§ 172.512 Freight containers and aircraft unit load devices.

(a) * * *

(3) Placarding is not required on a freight container or aircraft unit load device if it is only transported by air and is identified as containing a hazardous material in the manner provided in part 7, chapter 2, section 2.8, of the ICAO Technical Instructions (IBR, see § 171.7 of this subchapter).

* * * * *

■ 17. In § 172.519, paragraph (c)(1) is revised to read as follows:

§ 172.519 General specifications for placards.

* * * * *

(c) *Size.* (1) Each diamond (square-on-point) placard prescribed in this subpart must measure at least 250 mm (9.84 inches) on each side and must have a solid line inner border 12.5 mm inside and parallel to the edge. The 12.5 mm measurement is from the outside edge of the placard to the outside of the solid line forming the inner border.

(i) *Transitional exceptions*—(A) A placard in conformance with the requirements of this paragraph in effect on October 1, 2012, may continue to be used until December 31, 2016.

(B) For domestic transportation, a placard manufactured prior to January 1, 2017 in conformance with the requirements of this paragraph in effect on October 1, 2012, may continue in service until the end of its useful life provided the color tolerances are maintained and are in accordance with the display requirements of this subchapter.

(ii) [Reserved]

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

■ 18. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

■ 19. In § 173.2a, paragraph (a)(1) is revised to read as follows:

§ 173.2a Classification of a material having more than one hazard.

(a) * * *

(1) Class 7 (radioactive materials, other than limited quantities; and shipments of Uranium hexafluoride, radioactive material, excepted package, UN 3507).

* * * * *

■ 20. In § 173.3, paragraphs (c)(3) and (d)(3)(iv) are revised and paragraph (f) is added to read as follows:

§ 173.3 Packaging and exceptions.

* * * * *

(c) * * *

(3) Each salvage packaging must be marked with the proper shipping name of the hazardous material inside the packaging and the name and address of the consignee. In addition, the packaging must be marked ''SALVAGE''. The lettering of the marking must be at least 12 mm (0.5 inches) high.

(i) *Transitional exception*—A marking in conformance with the requirements of this paragraph in effect on October 1, 2012, may continue to be used until December 31, 2016.

(ii) Exception for permanently marked packagings. For domestic transportation, a packaging manufactured prior to January 1, 2017 and permanently marked (e.g., by embossing or through a heat stamp process) in conformance with the requirements of this paragraph in effect on October 1, 2012, may continue in service until the end of its useful life.

* * * * *

(d) * * *

(3) * * *

(iv) The word ''SALVAGE'' in letters at least 12 mm (0.5 inches) high on opposite sides near the middle of the cylinder; stamping on the sidewall is not authorized.

(A) *Transitional exception*—A marking in conformance with the requirements of this paragraph in effect on October 1, 2012, may continue to be used until December 31, 2016.

(B) Exception for permanently marked packagings. For domestic transportation, a packaging manufactured prior to January 1, 2017 and permanently marked in conformance with the requirements of this paragraph in effect on October 1, 2012, may continue in service until the end of its useful life.

* * * * *

(f) *Large salvage packagings.* Except for transportation by air, packages of hazardous materials that are damaged, defective, or leaking; packages found to be not conforming to the requirements of this subchapter after having been placed in transportation; and, hazardous materials that have spilled or leaked may be placed in a large salvage packaging that is compatible with the lading and shipped for repackaging or disposal under the following conditions:

(1) Large salvage packagings must be tested and marked for Packing Group II or higher performance standards for large packagings intended for the transport of solids or inner packagings, except as follows:

(i) The test substance used in performing the tests shall be water, and the large salvage packagings must be filled to not less than 98 percent of their maximum capacity; and

(ii) Large salvage packagings must have been successfully subjected to a leakproofness test of 30 kPA (4.4 psig).

(2) Each large salvage packaging shall be provided when necessary with sufficient cushioning and absorption material to prevent excessive shifting of the contents and to eliminate the presence of any free liquid at the time the packaging is closed. All cushioning and absorbent material used in the large salvage packaging must be compatible with the hazardous material.

(3) Each large salvage packaging must be marked with the proper shipping name of the hazardous material inside the packaging and the name and address of the consignee. In addition, the packaging must be marked ''SALVAGE''. The lettering of the marking must be at least 12 mm (0.5 inches) high.

(4) Each large salvage packaging shall be labeled as prescribed for the respective material.

(5) The shipper shall prepare shipping papers in accordance with subpart C of part 172 of this subchapter.

(6) The overpack requirements of § 173.25 do not apply to large salvage packagings used in accordance with this paragraph.

■ 21. In § 173.4a, paragraph (g)(2) is revised to read as follows:

§ 173.4a Excepted quantities.

* * * * *

(g) * * *

(2) The marking must be durable and clearly visible and in the form of a square. The hatching must be of the same color, black or red on white or a suitable contrasting background. The minimum dimensions must not be less than 100 mm (3.9 inches) by 100 mm (3.9 inches) as measured from the outside of the hatching forming the border. Where dimensions are not specified, all features shall be in approximate proportion to those shown.

(i) *Transitional exception*—A marking in conformance with the requirements of this paragraph in effect on October 1, 2012, may continue to be used until December 31, 2016.

(ii) [Reserved]

* * * * *

■ 22. In § 173.9, paragraph (e)(1) is revised to read as follows:

§ 173.9 Transport vehicles or freight containers containing lading which has been fumigated.

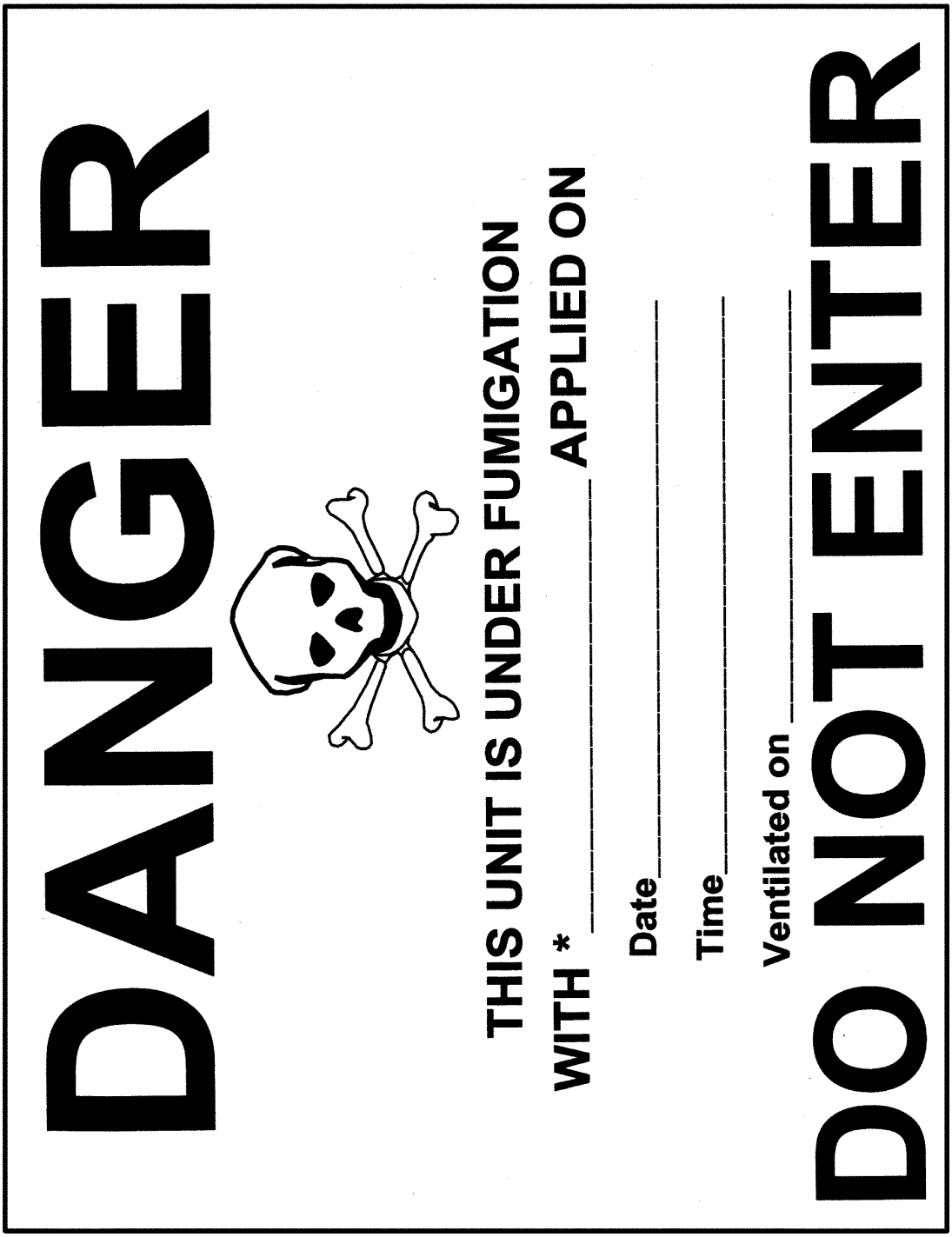
* * * * *

(e) *FUMIGANT marking.* (1) The FUMIGANT marking must consist of black letters on a white background that is a rectangle at least 400 mm (15.75 inches) wide and at least 300 mm (11.8 inches) high as measured to the outside of the lines forming the border of the marking. The minimum width of the line forming the forming the border must be 2 mm and the text on the marking must not be less than 25 mm high. Except for size and color, the FUMIGANT marking must be as shown in the following figure. Where dimensions are not specified, all features shall be in approximate proportion to those shown.

(i) *Transitional exception*—A marking in conformance with the requirements of this paragraph in effect on October 1, 2012, may continue to be used until December 31, 2016.

(ii) [Reserved]

BILLING CODE 4910–60–P



BILLING CODE 4910–60–C

■ 23. Section 173.11 is added to read as follows:

§ 173.11 Exceptions for shipment of lamps containing hazardous materials.

The following lamps are not subject to any other requirements of this subchapter provided they do not contain Class 7 (radioactive) material:

(a) Lamps that are collected directly from individuals and households when transported to a collection or recycling facility.

(b) Lamps each containing not more than 1 g of hazardous materials and packaged so that there is not more than 30 g of hazardous materials per package. Each lamp must be packed in inner packagings separated by dividers, or surrounded by cushioning material to protect the lamps and packed into strong outer packagings meeting the requirements of § 173.24(b) of this part and capable of passing a 1.2 m (4 feet) drop test.

(c) Used, damaged, defective lamps each containing not more than 1 g of hazardous materials and packaged so that there is not more than 30 g of hazardous materials per package when transported from a collection or recycling facility. The lamps must be packed in strong outer packagings meeting the requirements of § 173.24(b) of this part and capable of passing a 1.2 m (4 feet) drop test.

(d) Lamps containing only gases of Division 2.2 provided they are packaged so that the projectile effects of any rupture of the bulb will be contained within the package.

■ 24. In § 173.24, paragraph (c) is revised to read as follows:

§ 173.24 General requirements for packaging and packages.

* * * * *

(c) *Authorized packagings.* (1) A packaging is authorized for a hazardous material only if—

(i) The packaging is prescribed or permitted for the hazardous material in a packaging section specified for that material in Column 8 of the § 172.101 Hazardous Materials Table and conforms to applicable requirements in the special provisions of Column 7 of the § 172.101 Hazardous Materials Table and, for specification packagings (but not including UN standard packagings manufactured outside the United States), the specification requirements in parts 178 and 179 of this subchapter; or

(ii) The packaging is permitted under, and conforms to, provisions contained in subparts B or C of part 171 of this subchapter or §§ 173.3, 173.4, 173.4a, 173.4b, 173.5, 173.5a, 173.6, 173.7, 173.8, 173.27, or § 176.11 of this subchapter.

(2) The use of supplementary packagings within an outer packaging (e.g., an intermediate packaging or a receptacle inside a required inner packaging) additional to what is required by this subchapter is authorized provided all applicable requirements of this subchapter are met and, if appropriate suitable cushioning is used to prevent movement within the packaging.

* * * * *

■ 25. In § 173.25, paragraph (a)(4) is revised to read as follows:

§ 173.25 Authorized packagings and overpacks.

(a) * * *

(4) The overpack is marked with the word ''OVERPACK'' when specification packagings are required, unless specification markings on the inside packages are visible. The lettering on the ''OVERPACK'' marking must be at least 12 mm (0.5 inches) high.

(i) *Transitional exception*—A marking in conformance with the requirements of this paragraph in effect on October 1, 2012, may continue to be used until December 31, 2016.

(ii) [Reserved]

* * * * *

■ 26. In § 173.62:

■ a. In paragraph (b), in the Explosives Table, the entry for UN0222 is revised; and

■ b. In paragraph (c), in the Table of Packing Methods, Packing Instructions 116, 117, 131, and 137 are revised.

The revisions and addition read as follows:

§ 173.62 Specific packaging requirements for explosives.

* * * * *

(b) * * *

EXPLOSIVES TABLE

ID #	PI
* * * * *	
UN0222	112(b), 112(c) or 117.
* * * * *	

(c) * * *

TABLE OF PACKING METHODS

Packing instruction	Inner packagings	Intermediate packagings	Outer packagings
* * * * * * *			
116	Bags	Not necessary.	Bags.

TABLE OF PACKING METHODS—Continued

Packing instruction	Inner packagings	Intermediate packagings	Outer packagings
PARTICULAR PACKING REQUIREMENTS OR EXCEPTIONS: 1. For UN0082, 0241, 0331 and 0332, inner packagings are not necessary if leakproof removable head drums are used as the outer packaging. 2. For UN0082, 0241, 0331 and 0332, inner packagings are not required when the explosive is contained in a material impervious to liquid. 3. For UN0081, inner packagings are not required when contained in rigid plastic that is impervious to nitric esters. 4. For UN0331, inner packagings are not required when bags (5H2), (5H3) or (5H4) are used as outer packagings. 5. *Deleted* 6. For UN0081, bags must not be used as outer packagings	paper, water and oil resistant plastics textile, plastic coated or lined woven plastics, sift-proof Receptacles fiberboard, water resistant metal plastics wood, sift-proof Sheets paper, water resistant paper, waxed plastics		woven plastics (5H1/2/3). paper, multiwall, water resistant (5M2). plastics, film (5H4). textile, sift-proof (5L2). textile, water resistant (5L3). Boxes. steel (4A). aluminum (4B). other metal (4N). wood, natural, ordinary (4C1). natural wood, sift proof walls (4C2). plywood (4D). reconstituted wood (4F). fiberboard (4G). plastics, solid (4H2). Drums. steel (1A1 or 1A2). aluminum (1B1 or 1B2). other metal (1N1 or 1N2). plywood (1D). fiber (1G). plastics (1H1 or 1H2). Jerricans. steel (3A1 or 3A2). plastics (3H1 or 3H2).
117	Not necessary	Not necessary	IBCs. metal (11A), (11B), (11N), (21A), (21B), (21N), (31A), (31B), (31N). flexible (13H2), (13H3), (13H4), (13L2), (13L3), (13L4), (13M2). rigid plastics (11H1), (11H2), (21H1), (21H2), (31H1), (31H2). composite (11HZ1), (11HZ2), (21HZ1), (21HZ2), (31HZ1), (31HZ2).
PARTICULAR PACKING REQUIREMENTS OR EXCEPTIONS: 1. This packing instruction may only be used for explosives of UN0082 when they are mixtures of ammonium nitrate or other inorganic nitrates with other combustible substances that are not explosive ingredients. Such explosives must not contain nitroglycerin, similar liquid organic nitrates, liquid or solid nitrocarbons, or chlorates. 2. This packing instruction may only be used for explosives of UN0241 that consist of water as an essential ingredient and high proportions of ammonium nitrate or other oxidizers, some or all of which are in solution. The other constituents may include hydrocarbons or aluminum powder, but must not include nitroderivatives such as trinitrotoluene. 3. Metal IBCs must not be used for UN0082, UN0222 and UN0241. 4. Flexible IBCs may only be used for solids. 5. For UN0222, when other than metal or rigid plastics IBCs are used, they must be offered for transportation in a closed freight container or a closed transport vehicle. 6. For UN0222, flexible IBCs must be sift-proof and water-resistant or must be fitted with a sift-proof and water-resistant liner.			
* *	* *	*	* *
131	Bags	Not necessary	Boxes.

TABLE OF PACKING METHODS—Continued

Packing instruction	Inner packagings	Intermediate packagings	Outer packagings
PARTICULAR PACKING REQUIREMENTS OR EXCEPTIONS: 1. For UN0029, 0267 and 0455, bags and reels may not be used as inner packagings. 2. For UN0030, 0255 and 0456, inner packagings are not required when detonators are packed in pasteboard tubes, or when their leg wires are wound on spools with the caps either placed inside the spool or securely taped to the wire on the spool, so as to restrict free moving of the caps and to protect them from impact forces. 3. For UN0360, 0361 and 0500, detonators are not required to be attached to the safety fuse, metal-clad mild detonating cord, detonating cord, or shock tube. Inner packagings are not required if the packing configuration restricts free moving of the caps and protects them from impact forces.	paper plastics Receptacles fiberboard metal plastics wood Reels		steel (4A). aluminum (4B). other metal (4N). wood, natural, ordinary (4C1). natural wood, sift proof walls (4C2). plastics, solid (4H2). plywood (4D). reconstituted wood (4F). fiberboard (4G). Drums. steel (1A1 or 1A2). Aluminum (1B1 or 1B2). other metal (1N1 or 1N2). Plywood (1D). fiber (1G). plastics (1H1 or 1H2).
* *	* *	*	* *
137	Bags	Not necessary	Boxes.
PARTICULAR PACKING REQUIREMENTS OR EXCEPTIONS: For UN0059, 0439, 0440 and 0441, when the shaped charges are packed singly, the conical cavity must face downwards and the package marked "THIS SIDE UP". When the shaped charges are packed in pairs, the conical cavities must face inwards to minimize the jetting effect in the event of accidental initiation.	plastics Boxes fiberboard wood Tubes fiberboard metal plastics Dividing partitions in the outer packagings		steel (4A). aluminum (4B). other metal (4N). wood, natural, ordinary (4C1). wood, natural, sift proof walls (4C2). plastics, solid (4H2). plywood (4D). reconstituted wood (4F). fiberboard (4G). Drums. steel (1A1 or 1A2). aluminum (1B1 or 1B2). other metal (1N1 or 1N2). plywood (1D). fiber (1G). plastics (1H1 or 1H2).
* *	* *	*	* *

* * * * *

■ 27. In § 173.115, paragraph (m) is added to read as follows:

§ 173.115 Class 2, Divisions 2.1, 2.2, and 2.3—Definitions.

* * * * *

(m) *Adsorbed gas.* A gas which when packaged for transport is adsorbed onto a solid porous material resulting in an internal receptacle pressure of less than 101.3 kPa at 20 °C and less than 300 kPa at 50 °C.

■ 28. In § 173.121, paragraph (b)(1)(ii) is revised to read as follows:

§ 173.121 Class 3—Assignment of packing group.

* * * * *

(b) * * *

(1) * * *

(ii) The mixture or any separated solvent does not contain any substances with a primary or a subsidiary risk of Division 6.1 or Class 8;

* * * * *

■ 29. In § 173.127, paragraphs (a)(1) and (b) are revised to read as follows.

§ 173.127 Class 5, Division 5.1—Definition and assignment of packing groups.

(a) * * *

(1) A solid material is classed as a Division 5.1 material if, when tested in accordance with the UN Manual of Tests and Criteria (IBR, see § 171.7 of this subchapter):

(i) If test O.1 is used (UN Manual of Tests and Criteria, sub-section 34.4.1), the mean burning time is less than or equal to the burning time of a 3:7 potassium bromate/cellulose mixture; or

(ii) If test O.3 is used (UN Manual of Tests and Criteria, sub-section 34.4.3), the mean burning rate is greater than or equal to the burning rate of a 1:2 calcium peroxide/cellulose mixture.

* * * * *

(b) *Assignment of packing groups.* (1) The packing group of a Division 5.1 material which is a solid shall be assigned using the following criteria:

(i) Packing Group I, for any material which, in either concentration tested:

(A) If test O.1 is used (UN Manual of Tests and Criteria, sub-section 34.4.1), the mean burning time is less than the mean burning time of a 3:2 potassium bromate/cellulose mixture; or

(B) If test O.3 is used (UN Manual of Tests and Criteria, sub-section 34.4.3), the mean burning rate is greater than the mean burning rate of a 3:1 calcium peroxide/cellulose mixture.

(ii) Packing Group II, for any material which, in either concentration tested:

(A) If test O.1 is used (UN Manual of Tests and Criteria, sub-section 34.4.1), the mean burning time is less than the mean burning time of a 2:3 potassium bromate/cellulose mixture and the criteria for Packing Group I are not met; or

(B) If test O.3 is used (UN Manual of Tests and Criteria, sub-section 34.4.3), the mean burning rate is greater than the mean burning rate of a 1:1 calcium peroxide/cellulose mixture and the criteria for Packing Group I are not met.

(iii) Packing Group III for any material which, in either concentration tested:

(A) If test O.1 is used (UN Manual of Tests and Criteria, sub-section 34.4.1), the mean burning time is less than the mean burning time of a 3:7 potassium bromate/cellulose mixture and the criteria for Packing Groups I and II are not met; or

(B) If test O.3 is used (UN Manual of Tests and Criteria, sub-section 34.4.3), the mean burning rate is greater than the mean burning rate of a 1:2 calcium peroxide/cellulose mixture and the criteria for Packing Groups I and II are not met.

(iv) The materials is not classified as a Division 5.1 material if, in either concentration tested:

(A) If test O.1 is used (UN Manual of Tests and Criteria, sub-section 34.4.1), the sample tested does not ignite and exhibit burn, or exhibits a mean burning time of greater than or equal to the mean burning time of a 3:7 potassium bromate/cellulose mixture.

(B) If test O.3 is used (UN Manual of Tests and Criteria, sub-section 34.4.3), the sample tested does not ignite and exhibit burn, or exhibits a mean burning rate less than or equal to the mean burning rate of a 1:2 calcium peroxide/cellulose mixture.

* * * * *

■ 30. In § 173.151, revise paragraph (b) to read as follows:

§ 173.151 Exceptions for Class 4.

* * * * *

(b) *Limited quantities of Division 4.1.* (1) Limited quantities of flammable solids (Division 4.1) in Packing Groups II and III and, where authorized by this section, charcoal briquettes (Division 4.2) in Packing Group III, are excepted from labeling requirements unless the material is offered for transportation or transported by aircraft, and are excepted from the specification packaging requirements of this subchapter when packaged in combination packagings according to this paragraph. If authorized for transportation by aircraft, the package must also conform to applicable requirements of § 173.27 of this part (*e.g.,* authorized materials, inner packaging quantity limits and closure securement) and only hazardous material authorized aboard passenger-carrying aircraft may be transported as a limited quantity. A limited quantity package that conforms to the provisions of this section is not subject to the shipping paper requirements of subpart C of part 172 of this subchapter, unless the material meets the definition of a hazardous substance, hazardous waste, marine pollutant, or is offered for transportation and transported by aircraft or vessel, and is eligible for the exceptions provided in § 173.156 of this part. In addition, shipments of limited quantities are not subject to subpart F (Placarding) of part 172 of this subchapter. Each package must conform to the packaging requirements of subpart B of this part and may not exceed 30 kg (66 pounds) gross weight. Except for transportation by aircraft, the following combination packagings are authorized:

(i) For flammable solids in Packing Group II, inner packagings not over 1.0 kg (2.2 pounds) net capacity each, packed in a strong outer packaging.

(ii) For flammable solids in Packing Group III, inner packagings not over 5.0 kg (11 pounds) net capacity each, packed in a strong outer packaging.

(2) For transportation by highway or rail, Charcoal briquettes (NA1361) may be packaged as a limited quantity in accordance with paragraph (b) of this section in packagings not exceeding 30 kg gross weight and are eligible for the exceptions provided in § 173.156.

* * * * *

■ 31. In § 173.161, paragraph (b)(2) is revised to read as follows:

§ 173.161 Chemical kits and first aid kits.

* * * * *

(b) * * *

(2) The packing group assigned to the chemical kit and first aid kit as a whole must be the most stringent packing group assigned to any individual substance in the kit. Where the kit contains only hazardous materials to which no packing group is assigned, the packagings shall meet the Packing Group II performance level. The packing group must be shown on the shipping paper. Where the kit contains only hazardous materials to which no packing group is assigned, the packing group does not have to be indicated on the shipping paper.

* * * * *

§ 173.164 [Amended]

■ 32. In § 173.164, paragraph (a)(5) is removed and reserved:

■ 33. Section 173.166 is revised to read as follows:

§ 173.166 Safety devices.

For the purpose of this section, safety devices are articles which contain pyrotechnic substances or hazardous materials of other classes and are used in vehicles, vessels or aircraft to enhance safety to persons. Examples are: air bag inflators, air bag modules, seat-belt pretensioners and pyromechanical devices. Pyromechanical devices are assembled components for tasks such as but not limited to separation, locking, or release-and-drive or occupant restraint. The term includes ''Safety devices, pyrotechnic''.

(a) *Definitions.* An *air bag inflator* (consisting of a casing containing an igniter, a booster material, a gas generant and, in some cases, a pressure receptacle (cylinder)) is a gas generator used to inflate an air bag in a supplemental restraint system in a motor vehicle. An *air bag module* is the air bag inflator plus an inflatable bag assembly. A *seat-belt pretensioner* contains similar hazardous materials and is used in the operation of a seat-belt restraining system in a motor vehicle.

(b) *Classification.* (1) Safety devices, excluding those which contain flammable or toxic gases or mixtures thereof, may be classed as Class 9 (UN3268) if the safety device, or if more than a single safety device is involved then the representative of the maximum parameters of each design type, is examined and successfully tested by a person or agency who is authorized by the Associate Administrator to perform examination and testing of explosives under § 173.56(b)(1), and who:

(i) Does not manufacture or market explosives or safety devices, is not owned in whole or in part, or is not financially dependent upon any entity that manufactures or markets explosives or safety devices;

(ii) Performs all examination and testing in accordance with the applicable requirements as specified in special provision 160 (see § 172.102 of this subchapter); and

(iii) Maintains records in accordance with paragraph (g) of this section.

(iv) By adhering to all the provisions specified in paragraph (b)(1) of this section, a Class 9 (UN3268) air bag inflator, air bag module or seat-belt pretensioner design is not required to be submitted to the Associate Administrator for approval or assigned an EX number. All other Class 9 (UN3268) safety device designs are required to be submitted to the Associate Administrator for approval and assigned an EX number;

(2) A safety device may be classed as Division 1.4G if the maximum parameters of each design type has been examined and successfully tested by a person or agency who is authorized by the Associate Administrator to perform such examination and testing of explosives under § 173.56(b)(1). As a Class 1 explosive, the manufacturer must submit to the Associate Administrator a report of the examination and assignment of a recommended shipping description, division, and compatibility group, and if the Associate Administrator finds the approval request meets the regulatory criteria, the explosive may be approved in writing and assigned an EX number; or

(3) The manufacturer has submitted an application, including a classification issued by the competent authority of a foreign government to the Associate Administrator, and received written notification from the Associate Administrator that the device has been approved for transportation and assigned an EX number.

(c) *EX numbers.* (1) When a safety device is offered for transportation, the shipping paper must contain the EX number or product code for each approved device in association with the basic description required by § 172.202(a) of this subchapter. Product codes must be traceable to the specific EX number assigned to the device by the Associate Administrator. Further, if the EX number or product code is contained on the shipping paper then it is not required to be marked on the outside package.

(2) An air bag inflator, air bag module or seat-belt pretensioner, when classed as a Class 9 (UN3268) under the terms of paragraph (b)(1) of this section, is excepted from the EX number requirements of this paragraph (c).

(d) *Exceptions.* (1) A safety device that is classed as a Class 9 (UN3268) under the terms of paragraph (b)(1) of this section and is installed in a motor vehicle, aircraft, boat or other transport conveyance or its completed components, such as steering columns or door panels, is not subject to the requirements of this subchapter. A safety device that has been classed as a Division 1.4G and approved by the Associate Administrator and is installed in a motor vehicle, aircraft, boat or other transport conveyance or its completed components, such as steering columns or door panels, is not subject to the requirements of this subchapter.

(2) An air bag module containing an inflator that has been previously approved by the Associate Administrator for transportation is not required to be submitted for further examination or approval. For classifications granted after July 30, 2013, if the Class 9 designation for the inflator is contingent upon packaging or other special means specified by the authorized testing agency, the modules must be tested and certified separately to determine if they can be shipped as ''UN3268, Safety Devices, 9, PG III''.

(3) An air bag module containing an inflator that has previously been approved by the Associate Administrator as a Division 2.2 material is not required to be submitted for further examination to be reclassed as a Class 9 material.

(4) *Shipments to recycling or waste disposal facilities.* When offered for domestic transportation by highway, rail freight, cargo vessel or cargo aircraft, a serviceable safety device classed as either Class 9 (UN3268) or Division 1.4G removed from a motor vehicle that was manufactured as required for use in the United States may be offered for transportation and transported without compliance with the shipping paper requirement prescribed in paragraph (c) of this section. However, when these articles are shipped to a recycling facility, the word ''Recycled'' must be entered on the shipping paper immediately after the basic description prescribed in § 172.202 of this subchapter. No more than one device is authorized in the packaging prescribed in paragraph (e)(1), (2), or (3) of this section. The device must be cushioned and secured within the package to prevent movement during transportation.

(5) An air bag inflator, air bag module, or seat-belt pretensioner that was classed and approved for transportation prior to January 1, 2015 may continue to be transported under the terms of the existing approval, using the appropriate proper shipping name ''Safety Devices'' or ''Safety Devices, Pyrotechnic'' based on the classification of the device as assigned by PHMSA or the authorized person or agency that examined and tested the design type.

(e) *Packagings.* Rigid, outer packagings, meeting the general packaging requirements of part 173 are authorized as follows. Additionally, the UN specification packagings listed in paragraphs (e)(1) through (3) of this section must meet the packaging specification and performance requirements of part 178 of this subchapter at the Packing Group III performance level. The packagings must be designed and constructed to prevent movement of the articles and inadvertent activation. Further, if the Class 9 designation is contingent upon packaging specified by the authorized testing agency, shipments of the safety device must be in compliance with the prescribed packaging.

(1) 1A2, 1B2, 1N2, 1D, 1G, or 1H2 drums.

(2) 3A2, 3B2, or 3H2 jerricans.

(3) 4A, 4B, 4N, 4C1, 4C2, 4D, 4F, 4G, 4H1, or 4H2 boxes.

(4) *Reusable high-strength containers or dedicated handling devices.* (i) Reusable containers manufactured from high-strength plastic, metal, or other suitable material, or other dedicated handling devices are authorized for shipment of safety devices from a manufacturing facility to the assembly facility, subject to the following conditions:

(A) The gross weight of the containers or handling devices may not exceed 1000 kg (2205 pounds). Containers or handling devices must provide adequate support to allow stacking at least three units high with no resultant damage;

(B) If not completely enclosed by design, the container or handling device must be covered with plastic, fiberboard, metal, or other suitable material. The covering must be secured to the container by banding or other comparable methods; and

(C) Internal dunnage must be sufficient to prevent movement of the devices within the container.

(ii) Reusable containers manufactured from high-strength plastic, metal, or other suitable material, or other dedicated handling devices are authorized for shipment of safety devices only to, between, and from, intermediate handling locations, provided they meet the conditions specified in paragraphs (e)(4)(i)(A) through (C) of this section and:

(A) The packages may be opened and re-packed by an intermediate handler as long as no modifications or changes are made to the packagings; and

(B) Transportation must be made by private or contract carrier.

(5) Packagings which were previously authorized in an approval issued by the Associate Administrator may continue to be used, provided a copy of the approval is maintained while such packaging is being used.

(6) *Safety Devices removed from a vehicle.* When removed from, or were intended to be used in, a motor vehicle that was manufactured as required for use in the United States and offered for domestic transportation by highway to Recycling or Waste Disposal facilities, a serviceable safety device classed as Class 9 UN3268 may be offered for transportation and transported in the following additional packaging:

(i) Specification and non-specification steel drums with a wall and lid thickness not less than 20 gauge. The lid must be securely affixed with a lever-locking or bolted-ring assembly. The lid of the drum must provide ventilation of the drum contents in a fire. The drum may be filled with any combination of safety devices to a capacity not greater than fifty (50) percent of the drum's total volume. In addition, inner packagings or cushioning may not be used to fill the void space; or

(ii) Outer packaging consisting of 4H2 solid plastic boxes or non-specification rugged reusable plastic outer packaging and inner static-resistant plastic bags or trays. If not completely enclosed by design, the container or handling device must be covered with plastic, fiberboard, metal or other suitable material. The covering must be secured to the container by banding or other comparable methods. The articles must be packed to prevent movement within the container during transportation.

(f) *Labeling.* Notwithstanding the provisions of § 172.402 of this subchapter, each package or handling device must display a CLASS 9 label. Additional labeling is not required when the package contains no hazardous materials other than the devices.

(g) *Recordkeeping requirements.* (1) Following the examination of each new design type classed as a Class 9 in accordance with paragraph (b)(1) of this section, the person that conducted the examination must prepare a test report and provide the test report to the manufacturer of the safety device. At a minimum, the test report must contain the following information:

(i) Name and address of the test facility;

(ii) Name and address of the applicant;

(iii) Manufacturer of the device. For a foreign manufacturer, the U.S. agent or importer must be identified;

(iv) A test report number, drawing of the device, and description of the safety device in sufficient detail to ensure that the test report is traceable (e.g. a unique product identifier) to a specific design;

(v) The tests conducted and the results; and

(vi) A certification that the safety device is classed as a Class 9 (UN3268).

(2) For at least fifteen (15) years after testing, a copy of each test report must be maintained by the authorizing testing agency. For as long as any safety device design is being manufactured, and for at least fifteen (15) years thereafter, a copy of each test report must be maintained by the manufacturer of the product.

(3) Test reports must be made available to a representative of the Department upon request.

■ 34. In section 173.167, paragraph (a)(4) is revised to read as follows:

§ 173.167 Consumer commodities.

(a) * * *

(4) *Drop test capability.* Breakable inner packagings (e.g., glass, earthenware, or brittle plastic) must be packaged to prevent failure under conditions normally incident to transport. Packages of consumer commodities as prepared for transport must be capable of withstanding a 1.2 m drop on solid concrete in the position most likely to cause damage. The criteria for passing the test are that the outer packaging must not exhibit any damage liable to affect safety during transport and there must be no leakage from the inner packaging(s).

* * * * *

■ 35. Section § 173.176 is revised to read as follows:

§ 173.176 Capacitors.

(a) Capacitors, including capacitors containing an electrolyte that does not meet the definition of any hazard class or division as defined in this part, must conform to the following requirements:

(1) Except for asymmetric capacitors, capacitors not installed in equipment must be transported in an uncharged state.

(2) Each capacitor or module must be protected against a potential short circuit hazard in transport as follows:

(i) Except for asymmetric capacitors, when a capacitor's energy storage capacity is less than or equal to 10 Wh or when the energy storage capacity of each capacitor in a module is less than or equal to 10 Wh, the capacitor or module must be protected against short circuit or be fitted with a metal strap connecting the terminals; or

(ii) Except for asymmetric capacitors, when the energy storage capacity of a capacitor or a capacitor in a module is more than 10 Wh, the capacitor or module must be fitted with a metal strap connecting the terminals.

(iii) When an asymmetric capacitor's energy storage capacity is greater than 0.3 Wh, or when the energy storage capacity of each capacitor in a module is greater than 0.3 Wh, the capacitor or module must be protected against short circuit.

(3) Capacitors containing an electrolyte that meets the definition of one or more hazard class or division as defined in this part, must be designed to withstand a 95 kPa (0.95 bar, 14 psi) pressure differential.

(4) Capacitors must be designed and constructed to safely relieve pressure that may build up in use, through a vent or a weak point in the capacitor casing. Any liquid that is released upon venting must be contained by the packaging or by the equipment in which a capacitor is installed.

(5) Capacitors must be marked with the energy storage capacity in Wh as follows:

(i) Except for asymmetric capacitors, capacitors manufactured after December 31, 2013; or

(ii) Asymmetric capacitors manufactured after December 31, 2015.

(b) Capacitors must be packed in strong outer packagings. For transport by air, capacitors must be securely cushioned within the outer packagings. Capacitors installed in equipment may be offered for transport unpackaged or on pallets, when the capacitors are afforded equivalent protection by the equipment in which they are contained.

(c) Capacitors containing an electrolyte not meeting the definition of any hazard class or division as defined in this part, including when configured in a module or when installed in equipment, are not subject to any other requirements of this subchapter.

(d) Except for asymmetric capacitors, capacitors containing an electrolyte that meets the definition of one or more hazard class or division as defined in this part, with an energy storage capacity of 10 Wh or less are not subject to any other requirements of this subchapter, when they are capable of withstanding a 1.2 m (3.9 feet) drop test unpackaged onto a rigid, non-resilient, flat and horizontal surface without loss of contents.

(e) Asymmetric capacitors containing an electrolyte that meets the definition of one or more hazard class or division as defined in this part, with an energy storage capacity of 20 Wh or less, including when configured in a module, are not subject to other provisions of this subchapter when the capacitors are capable of withstanding a 1.2 meter (3.9 feet) drop test unpackaged onto a rigid, non-resilient, flat and horizontal surface without loss of contents.

(f) Except for asymmetric capacitors, capacitors containing an electrolyte meeting the definition of one or more hazard class or division as defined in

this part, that are not installed in equipment, and with an energy storage capacity of more than 10 Wh are subject to the requirements of this subchapter.

(g) Asymmetric capacitors containing an electrolyte meeting the definition of one or more hazard class or division as defined in this part, that are not installed in equipment, and with an energy storage capacity of more than 20 Wh are to the requirements of this subchapter.

(h) Capacitors installed in equipment and containing an electrolyte meeting the definition of one or more hazard class or division as defined in this part, are not subject to any other requirements of this subchapter, provided the equipment is packaged in a strong outer packaging and in such a manner as to prevent accidental functioning of the capacitors during transport. Large, robust equipment containing capacitors may be offered for transport unpackaged or on pallets when the capacitors are afforded equivalent protection by the equipment in which they are contained.

■ 36. In § 173.181, paragraph (c) is revised to read as follows:

§ 173.181 Pyrophoric materials (liquids).

* * * * *

(c) Steel drums (1A1 or 1A2), aluminum drums (1B1 or 1B2), metal drums, other than steel or aluminum (1N1 or 1N2) or fiber drums (1G); steel jerricans (3A1 or 3A2) or aluminum jerricans (3B1 or 3B2); or steel boxes (4A), aluminum boxes (4B) or metal boxes, other than steel or aluminum (4N) not exceeding 220 L (58 gallons) capacity each with strong, tight inner metal cans not over 4.0 L (1 gallon) capacity each. The strong, tight metal cans must be closed by positive means, not friction.

(1) Inner packagings must have no opening exceeding 25 mm (1 inch) diameter and must be surrounded with noncombustible cushioning material.

(2) Net quantity of pyrophoric liquids may not exceed two-thirds of the rated capacity of the outer drum. For example, a 220 L (58 gallons) outer drum may contain no more than 147 L (39 gallons) of pyrophoric liquids.

(3) Each layer of inner containers must be separated by a metal plate separator in addition to cushioning material.

■ 37. In § 173.185,

■ a. Paragraph (b)(6) is added;

■ b. Paragraphs (c)(1)(iii) and (c)(4)(v) are revised; and

■ d. Paragraph (f)(3) is revised.

The revisions and addition read as follows:

§ 173.185 Lithium cells and batteries.

* * * * *

(b) * * *

(6) Except for transportation by aircraft, the following rigid large packagings are authorized for a single battery, including for a battery contained in equipment, meeting provisions (b)(1) and (2) of this section and the requirements of part 178, subparts P and Q, of this subchapter at the Packing Group II level:

(i) Metal (50A, 50B, 50N);

(ii) Rigid plastic (50H);

(iii) Wooden (50C, 50D, 50F);

(iv) Rigid fiberboard (50G).

(c) * * *

(1) * * *

(iii) Except when lithium metal cells or batteries are packed with or contained in equipment in quantities less than 5 kg net weight, the outer package that contains lithium metal cells or batteries must be marked: ''PRIMARY LITHIUM BATTERIES—FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT'' or ''LITHIUM METAL BATTERIES—FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT, or labeled with a CARGO AIRCRAFT ONLY label specified in § 172.448 of this subchapter.

* * * * *

(4) * * *

(v) A package that exceeds the number or quantity (mass) limits in the table shown in (c)(4) is subject to all applicable requirements of this subchapter, except that a package containing no more than 2.5 kg lithium metal cells or batteries or 10 kg lithium ion cells or batteries is not subject to the UN performance packaging requirements in paragraphs (b)(3)(ii) of this section when the package displays both the lithium battery handling marking and the Class 9 label.

* * * * *

(f) * * *

(3) Each inner packaging must be individually placed in one of the following packagings meeting the applicable requirements of part 178, subparts L, M, P and Q of this subchapter at the Packing Group I level:

(i) Metal (4A, 4B, 4N), wooden (4C1, 4C2, 4D, 4F), or solid plastic (4H2) box;

(ii) Metal (1A2, 1B2, 1N2), plywood (1D), or plastic (1H2) drum; or

(iii) Except for transportation by aircraft, for a single large battery or for a single battery contained in equipment, the following rigid large packagings are authorized:

(A) Metal (50A, 50B, 50N);

(B) Rigid plastic (50H);

(C) Plywood (50D); and

* * * * *

■ 38. In § 173.199, paragraph (a)(5) introductory text is revised, paragraph (a)(5)(i) and reserved paragraph (a)(5)(ii) are added to read as follows:

§ 173.199 Category B infectious substances.

* * * * *

(a) * * *

(5) The following square-on-point mark must be displayed on the outer packaging on a background of contrasting color. The width of the line forming the border must be at least 2 mm (0.08 inches) and the letters and numbers must be at least 6 mm (0.24 inches) high. The size of the mark must be such that no side of the diamond is less than 50 mm (1.97 inches) in length as measured from the outside of the lines forming the border. The proper shipping name ''Biological substances, Category B'' must be marked on the outer packaging adjacent to the diamond-shaped mark in letters that are at least 6 mm (0.24 inches) high.

(i) *Transitional exception*—A marking in conformance with the requirements of this paragraph in effect on October 1, 2012, may continue to be used until December 31, 2016.

(ii) [Reserved]

* * * * *

■ 39. In § 173.225, in the paragraph (g) Organic Peroxide Portable Tank Table, the last entry in the table is revised to read as follows:

§ 173.225 Packaging requirements and other provisions for organic peroxides.

* * * * *

(g) * * *

ORGANIC PEROXIDE PORTABLE TANK TABLE

UN No.	Hazardous material	Minimum test pressure (bar)	Minimum shell thickness (mm-reference steel) See . . .	Bottom opening requirements See . . .	Pressure relief requirements See . . .	Filling limits	Control temperature	Emergency temperature

[REVISE].

ORGANIC PEROXIDE PORTABLE TANK TABLE—Continued

UN No.	Hazardous material	Minimum test pressure (bar)	Minimum shell thickness (mm-reference steel) See . . .	Bottom opening requirements See . . .	Pressure relief requirements See . . .	Filling limits	Control temperature	Emergency temperature
	*	*	*	*	*	*		*
	Peroxyacetic acid, distilled, stabilized, not more than 41% [1].	4	§ 178.274(d)(2)	§ 178.275(d)(3)	§ 178.275(g)(1)	Not more than 90% at 59 °F (15 °C).	+30 °C	+35 °C.

[1] "Corrosive" subsidiary risk placard is required.

* * * * *

■ 40. Section 173.231 is added to subpart E to read as follows

§ 173.231 Ammonium nitrate emulsion, suspension or gel.

(a) Packagings for non-bulk shipments of Ammonium nitrate emulsions, suspensions and gels must conform to the general packaging requirements of subpart B of part 173, to the requirements of part 178 of this subchapter at the Packing Group I or II performance level, and the requirements of the special provisions of column 7 of the § 172.101 table.

(1) The following combination packagings are authorized:

(i) *Outer packagings:*

Drums: 1B2, 1G, 1N2, 1H2 or 1D
Boxes: 4B, 4C1, 4C2, 4D, 4G or 4H2
Jerricans: 3B2 of 3H2

(ii) *Inner Packagings:*

Glass, plastic or metal inner receptacles

(2) For combination packagings, the capacity of each inner packaging must not exceed 5 liters (1.3 gallons) and the maximum authorized net weight of each outer packaging is 125 kg (275 pounds).

(3) The following single packagings are authorized:

(i) Drums: 1B1, 1B2, 1H1 or 1H2 with a maximum capacity of 250 liters (66 gallons)

(ii) Jerricans: 3B1, 3B2, 3H1 or 3H2 with a maximum capacity if 60 liters (15.9 gallons)

(iii) Plastic receptacle in aluminum, fiber, plastic or plywood drum: 6HB1, 6HG1, 6HH1 or 6HD1 with the outer drum having a maximum capacity of 250 liters (66 gallons).

(iv) Plastic receptacle in aluminum wood, plywood, fiberboard, or solid plastic box: 6HB2, 6HC, 6HD2, 6HG2, or 6HH2 with the outer box having a maximum capacity of 60 liters (15.9 gallons).

(v) Glass receptacle in aluminum, fiber, or plywood drum: 6PB1, 6PF1 or 6PD1 with the outer drum having a maximum capacity of 60 liters (15.9 gallons).

(vi) Glass receptacle in expanded plastic or solid plastic packaging: 6PH1 or 6PH2 with the outer packaging having a maximum capacity of 60 liters (15.9 gallons).

(vii) Glass receptacle in aluminum, wood, or fiberboard box, or wickerwork hamper: 6PB2, 6PC, 6PG2 or 6PD2 with the outer box or hamper having a maximum capacity of 60 liters (15.9 gallons).

■ 41. In § 173.301b, paragraphs (c)(1) and (c)(2)(ii) and (iii) are revised to read as follows:

§ 173.301b Additional general requirements for shipment of UN pressure receptacles.

* * * * *

(c) *Pressure receptacle valve requirements.* (1) When the use of a valve is prescribed, the valve must conform to the requirements in ISO 10297:2006 (IBR, see § 171.7 of this subchapter). Until December 31, 2008, the manufacture of a valve conforming to the requirements in ISO 10297:1999 (IBR, see § 171.7 of this subchapter) is authorized.

(2) * * *

(ii) By equipping the UN pressure receptacle with a valve cap conforming to the requirements in ISO 11117:2008 and Technical Corrigendum 1 (IBR, see § 171.7 of this subchapter). Until December 31, 2014, the manufacture of a valve cap conforming to the requirements in ISO 11117:1998 (IBR, see § 171.7 of this subchapter) is authorized. The cap must have vent-holes of sufficient cross-sectional area to evacuate the gas if leakage occurs at the valve;

(iii) By protecting the valves by shrouds or guards conforming to the requirements in ISO 11117:2008 and Technical Corrigendum 1 (IBR; *see* § 171.7 of this subchapter). Until December 31, 2014, the manufacture of a shroud or guard conforming to the requirements in ISO 11117:1998 (IBR, see § 171.7 of this subchapter) is authorized. For metal hydride storage systems, by protecting the valves in accordance with the requirements in ISO 16111 (IBR; *see* § 171.7 of this subchapter).

* * * * *

■ 42. In § 173.302, the section heading and paragraph (a) are revised to read as follows:

§ 173.302 Filling of cylinders with nonliquefied (permanent) compressed gases or adsorbed gases.

(a) *General requirements.* (1) A cylinder filled with a non-liquefied compressed gas (except gas in solution) must be offered for transportation in accordance with the requirements of this section and § 173.301. In addition, a DOT specification cylinder must meet the requirements in §§ 173.301a, 173.302a and 173.305, as applicable. UN pressure receptacles must meet the requirements in §§ 173.301b and 173.302b, as applicable. Where more than one section applies to a cylinder, the most restrictive requirements must be followed.

(2) *Adsorbed gas.* A cylinder filled with an adsorbed gas must be offered for transportation in accordance with the requirements of subsection (d) this section, § 173.301, and § 173.302c. UN pressure receptacles must meet the requirements in §§ 173.301b and 173.302b, as applicable. Where more than one section applies to a cylinder, the most restrictive requirements must be followed.

* * * * *

■ 43. Section 173.302c is added to read as follows:

§ 173.302c Additional requirements for the shipment of adsorbed gases in UN pressure receptacles.

(a) *General.* A cylinder filled with an adsorbed gas must be offered for transportation in UN pressure receptacles subject to the requirements in this section and § 173.302. In addition, the requirements in §§ 173.301 and 173.301b must be met.

(b) The pressure of each filled cylinder must be less than 101.3 kPa at 20 °C and must not exceed 300 kPa at 50 °C.

(c) The minimum test pressure of the cylinder must be 21 bar.

(d) The minimum burst pressure of the cylinder must be 94.5 bar.

(e) The internal pressure at 65 °C of the filled cylinder must not exceed the test pressure of the cylinder.

(f) The adsorbent material must be compatible with the cylinder and must not form harmful or dangerous compounds with the gas to be adsorbed. The gas in combination with the adsorbent material must not affect or weaken the cylinder or cause a dangerous reaction (e.g., a catalyzing reaction).

(g) The quality of the adsorbent must be verified at the time of each fill to assure the pressure and chemical stability requirements of this packing instruction are met each time an adsorbed gas package is offered for transport.

(h) The adsorbent material must not meet the definition of any other hazard class.

(i) Requirements for cylinders and closures containing toxic gases with an LC50 less than or equal to 200 ml/m3 (ppm) (see the following Adsorbed Gases Table) must be as follows:

(1) Valve outlets must be fitted with pressure retaining gas-tight plugs or caps having threads matching those of the valve outlets.

(2) Each valve must either be of the packless type with non-perforated diaphragm, or be of a type which prevents leakage through or past the packing.

(3) Each cylinder and closure must be tested for leakage after filling.

(4) Each valve must be capable of withstanding the test pressure of the cylinder and be directly connected to the cylinder by either a taper-thread or other means which meets the requirements of ISO 10692–2 (IBR, see § 171.7 of this subchapter)

(5) Cylinders and valves must not be fitted with a pressure relief device.

(j) Valve outlets for cylinders containing pyrophoric gases must be fitted with gas-tight plugs or caps having threads matching those of the valve outlets.

(k) The filling procedure must be in accordance with Annex A of ISO 11513 (IBR, see § 171.7 of this subchapter).

(l) The maximum period for periodic requalification must be in accordance with § 180.207(c) of this subchapter.

ADSORBED GASES TABLE

ID No.	Hazardous material	LC_{50} ml/m³	Notes
3510	Adsorbed gas, flammable, n.o.s		z
3511	Adsorbed gas, n.o.s		z
3512	Adsorbed gas, toxic, n.o.s	≤5000	z
3513	Adsorbed gas, oxidizing, n.o.s		z
3514	Adsorbed gas, toxic, flammable, n.o.s	≤5000	z
3515	Adsorbed gas, toxic, oxidizing, n.o.s	≤5000	z
3516	Adsorbed gas, toxic, corrosive, n.o.s	≤5000	z
3517	Adsorbed gas, toxic, flammable, corrosive, n.o.s	≤5000	z
3518	Adsorbed gas, toxic, oxidizing, corrosive, n.o.s	≤5000	z
3519	Boron trifluoride, adsorbed	387	a
3520	Chlorine, adsorbed	293	a
3521	Silicon tetrafluoride, adsorbed	450	a
3522	Arsine, adsorbed	20	d
3523	Germane, adsorbed	620	d, r
3524	Phosphorus pentafluoride, adsorbed	190	
3525	Phosphine, adsorbed	20	d
3526	Hydrogen selenide, adsorbed	2	

Notes: a: Aluminum alloy cylinders must not be used.
d: When steel cylinders are used, only those bearing the "H" mark in accordance with § 173.302b(f) are authorized.
r: The filling of this gas must be limited such that, if complete decomposition occurs, the pressure does not exceed two thirds of the test pressure of the cylinder.
z: The construction materials of the cylinders and their accessories must be compatible with the contents and must not react to form harmful or dangerous compounds therewith.

■ 44. In § 173.307, paragraphs (a)(5) and (6) are revised to read as follows:

§ 173.307 Exceptions for compressed gases.

(a) * * *

(5) Manufactured articles or apparatuses, other than lamps, each containing not more than 100 mg (0.0035 ounce) of inert gas and packaged so that the quantity of inert gas per package does not exceed 1 g (0.35 ounce).

(6) Light bulbs, provided they are packaged so that the projectile effects of any rupture of the bulb will be contained within the package. This exception does not apply to lamps as described in § 173.11 of this part.

* * * * *

■ 45. In § 173.309, introductory text and paragraph (e) are added to read as follows:

§ 173.309 Fire extinguishers.

This section applies to portable fire extinguishers for manual handling and operation, fire extinguishers for installation in aircraft, and large fire extinguishers. *Large fire extinguishers* include fire extinguishers mounted on wheels for manual handling; fire extinguishing equipment or machinery mounted on wheels or wheeled platforms or units transported similar to (small) trailers; and fire extinguishers composed of a non-rollable pressure drum and equipment, and handled e.g. by fork lift or crane when loaded or unloaded.

* * * * *

(e) Large fire extinguishers may be transported unpackaged provided the requirements of § 173.24(b) of this part are met, the valves are protected in accordance with § 173.301(c)(2)(i), (ii), (iii), or (v) and other equipment mounted on the fire extinguisher is protected to prevent accidental activation.

■ 46. In § 173.403, the definition of *Exclusive use* and *Freight container* are revised to read as follows:

§ 173.403 Definitions.

* * * * *

Exclusive use means sole use by a single consignor of a conveyance for which all initial, intermediate, and final loading and unloading and shipment are carried out in accordance with the direction of the consignor or consignee where required by this subchapter. The consignor and the carrier must ensure that any loading or unloading is performed by personnel having radiological training and resources appropriate for safe handling of the consignment. The consignor must provide to the initial carrier specific written instructions for maintenance of exclusive use shipment controls, including the vehicle survey requirement of § 173.443(c) as applicable, and include these instructions with the shipping paper information provided to the carrier by the consignor.

* * * * *

Freight container means a reusable container having a volume of 1.81 cubic meters (64 cubic feet) or more, designed and constructed to permit it being lifted with its contents intact and intended primarily for containment of packages in unit form during transportation. A ''small freight container'' is one which has an internal volume of not more than 3.0 cubic meters (106 cubic feet). All other freight containers are designated as ''large freight containers.''

* * * * *

■ 47. In § 173.420 paragraph (d) is revised to read as follows:

§ 173.420 Uranium hexafluoride (fissile, fissile excepted and non-fissile).

* * * * *

(d) Uranium hexafluoride not exceeding the limits specified in the limited quantity package limits column of table 4 in § 173.425 may be classified under UN 3507 Uranium hexafluoride, radioactive material, excepted package, less than 0.1 kg (0.22 pounds) per package, non-fissile or fissile-excepted provided that:

(1) The mass of uranium hexafluoride in the package is less than 0.1 kg (0.22 pounds); and

(2) The conditions of §§ 173.24, 173.24a, and 173.421(a)(1) and (4) are met.

PART 175—CARRIAGE BY AIRCRAFT

■ 48. The authority citation for part 175 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81 and 1.97.

■ 49. In § 175.9, paragraphs (b)(6) introductory text and (b)(6)(v) are revised to read as follows:

§ 175.9 Special aircraft operations.

* * * * *

(b) * * *

(6) Hazardous materials that are loaded and carried on or in cargo only aircraft, and that are to be dispensed or expended during flight for weather control, environmental restoration or protection, forest preservation and protection, fire fighting and prevention, flood control, avalanche control, landslide clearance, or ice jam control purposes, when the following requirements are met:

* * * * *

(v) When Division 1.1, 1.2, and 1.3 materials (except detonators and detonator assemblies) and detonators or detonator assemblies are carried for avalanche control, landslide clearance, or ice jam control flights, the explosives must be handled by, and at all times be under the control of, a qualified blaster. When required by a State or local authority, the blaster must be licensed and the State or local authority must be identified in writing to the FAA Principal Operations Inspector assigned to the operator.

■ 50. In § 175.10, paragraphs (a)(11) and (24) are revised and (a)(18)(iii) is added to read as follows:

§ 175.10 Exceptions for passengers, crewmembers, and air operators.

(a) * * *

(11) A single self-inflating personal safety device such as a life jacket or vest fitted with no more than two small gas cartridges (containing no hazardous material other than a Div. 2.2 gas) for inflation purposes plus no more than two spare cartridges. The personal safety device and spare cartridges may be carried in carry-on or checked baggage, with the approval of the aircraft operator, and must be packed in such a manner that it cannot be accidently activated.

* * * * *

(18) * * *

(iii) Articles containing lithium metal or lithium ion cells or batteries the primary purpose of which is to provide power to another device must be carried as spare batteries in accordance with the provisions of this paragraph.

* * * * *

(24) Small cartridges fitted into devices with no more than four small cartridges of carbon dioxide or other suitable gas in Division 2.2, without subsidiary risk with the approval of the operator. The water capacity of each cartridge must not exceed 50 mL (equivalent to a 28 g cartridge).

* * * * *

■ 51. In § 175.25, paragraphs (b) and (c) are revised to read as follows:

§ 175.25 Notification at air passenger facilities of hazardous materials restrictions.

(a) * * *

(b) *Ticket purchase.* An aircraft operator must ensure that information on the types of hazardous materials which a passenger is forbidden to transport aboard an aircraft is presented at the point of ticket purchase or, if this is not practical, made available in another manner to passengers prior to the check-in process. Information provided via the Internet may be in text or pictorial form but must be such that ticket purchase cannot be completed until the passenger, or a person acting on their behalf, has been presented with this information and indicated that they have understood the restrictions on hazardous materials in baggage.

(c) *Check-in.* When the flight check-in process is conducted remotely (e.g., via the Internet) or when completed at the airport, without assistance from another person (e.g., automated check-in kiosk), the aircraft operator must ensure that information on the types of hazardous materials a passenger is forbidden to transport aboard an aircraft is presented to passengers. Information may be in text or in pictorial form but must be such that the check-in process cannot be completed until the passenger, or a person acting on their behalf, has been presented with this information and indicated that they have understood the restrictions on hazardous materials in baggage.

* * * * *

§ 175.30 [Amended]

■ 52. In § 175.30, paragraphs (a)(5) and paragraph (e)(1) are removed and paragraphs (e)(2) and (3) are redesignated as (e)(1) and (2), respectively.

■ 53. In § 175.33, paragraph (a)(1)(i) is revised and paragraphs (a)(12) and (c)(5) are removed.

The revision reads as follows:

§ 175.33 Shipping paper and notification of pilot-in-command.

(a) * * *

(1) * * *

(i) Section 172.101 of this subchapter. Except for the requirement to indicate the type of package or technical name, any additional description requirements provided in §§ 172.202, and 172.203 of this subchapter must also be shown on the notification.

* * * * *

§ 175.630 [Amended]

■ 54. In § 175.630, paragraph (a) is removed and reserved.

■ 55. In § 175.705, paragraph (c) is revised to read as follows:

§ 175.705 Radioactive contamination.

* * * * *

(c) An aircraft in which Class 7 (radioactive) material has been released must be taken out of service and may not be returned to service or routinely occupied until the aircraft is checked for radioactive substances and it is determined that any radioactive substances present do not meet the definition of radioactive material, as defined in § 173.403 of this subchapter, and it is determined in accordance with § 173.443 of this subchapter that the dose rate at every accessible surface must not exceed 0.005 mSv per hour (0.5 mrem per hour) and there is no significant removable surface contamination.

* * * * *

PART 176—CARRIAGE BY VESSEL

■ 56. The authority citation for part 176 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.81 and 1.97.

■ 57. In § 176.80, paragraph (b) is revised to read as follows:

§ 176.80 Applicability.

* * * * *

(b) Hazardous materials in limited quantities when loaded in transport vehicles and freight containers, are excepted from the segregation requirements of this subpart and any additional segregation specified in this subchapter for transportation by vessel; except that articles of division 1.4, compatibility group S, shall not be stowed in the same compartment or hold, or cargo transport unit with hazardous materials of Class 1 of compatibility groups A and L.

■ 58. In § 176.83, table 176.83b is revised to read as follows:

§ 176.83 Segregation.

* * * * *

TABLE 176.83(B)—GENERAL SEGREGATION REQUIREMENTS FOR HAZARDOUS MATERIALS

[Segregation must also take account of a single secondary hazard label, as required by paragraph (a)(6) of this section.]

Class	1.1 1.2 1.5	1.3	1.4 1.6	2.1	2.2	2.3	3	4.1	4.2	4.3	5.1	5.2	6.1	6.2	7	8	9
Explosives, 1.1, 1.2, 1.5	(*)	(*)	(*)	4	2	2	4	4	4	4	4	4	2	4	2	4	X
Explosives, 1.3	(*)	(*)	(*)	4	2	2	4	3	3	4	4	4	2	4	2	2	X
Explosives, 1.4, 1.6	(*)	(*)	(*)	2	1	1	2	2	2	2	2	2	X	4	2	2	X
Flammable gases 2.1	4	4	2	X	X	X	2	1	2	2	2	2	X	4	2	1	X
Non-toxic, non-flammable gases 2.2	2	2	1	X	X	X	1	X	1	X	X	1	X	2	1	X	X
Poisonous gases 2.3	2	2	1	X	X	X	2	X	2	X	X	2	X	2	1	X	X
Flammable liquids 3	4	4	2	2	1	2	X	X	2	2	2	2	X	3	2	X	X
Flammable solids 4.1	4	3	2	1	X	X	X	X	1	X	1	2	X	3	2	1	X
Spontaneously combustible substances 4.2	4	3	2	2	1	2	2	1	X	1	2	2	1	3	2	1	X
Substances which are dangerous when wet 4.3	4	4	2	2	X	X	2	X	1	X	2	2	X	2	2	1	X
Oxidizing substances 5.1	4	4	2	2	X	X	2	1	2	2	X	2	1	3	1	2	X
Organic peroxides 5.2	4	4	2	2	1	2	2	2	2	2	2	X	1	3	2	2	X
Poisons 6.1	2	2	X	X	X	X	X	X	1	X	1	1	X	1	X	X	X
Infectious substances 6.2	4	4	4	4	2	2	3	3	3	2	3	3	1	X	3	3	X
Radioactive materials 7	2	2	2	2	1	1	2	2	2	2	1	2	X	3	X	2	X
Corrosives 8	4	2	2	1	X	X	X	1	1	1	2	2	X	3	2	X	X
Miscellaneous dangerous substances 9	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Numbers and symbols relate to the following terms as defined in this section:
1—"Away from."
2—"Separated from."
3—"Separated by a complete compartment or hold from."
4—"Separated longitudinally by an intervening complete compartment or hold from."
X—The segregation, if any, is shown in the § 172.101 table.
*—See § 176.144 of this part for segregation within Class 1.

* * * * *

■ 59. In § 176.84, the section heading is revised and in the table in paragraph (b), footnote 3 is added to stowage codes 12 and 13 and provisions 147 and 148 are added to read as follows:

§ 176.84 Other requirements for stowage, cargo handling, and segregation for cargo vessels and passenger vessels.

* * * * *

(b) * * *

Code	Provisions
*	* * * * * *
12	Keep as cool as reasonably practicable.[3]
13	Keep as dry as reasonably practicable.[3]
*	* * * * * *
147	Stow "separated from" flammable gases and flammable liquids.
148	In addition: from flammable gases and flammable liquids when stowed on deck of a containership a minimum distance of two container spaces athwartship shall be maintained, when stowed on ro-ro ships a distance of 6 m athwartship shall be maintained.
*	* * * * * *

* * * * * * *

[3] These requirements apply to the loading of hazardous materials in cargo transport units as well as the stowage of cargo transport units.

* * * * *

■ 60. In § 176.905, paragraphs (i)(1) through (5) are revised and paragraph (i)(6) is added to read as follows:

§ 176.905 Stowage of motor vehicles or mechanical equipment.

* * * * *

(i) * * *

(1) The vehicle or mechanical equipment has an internal combustion engine using liquid fuel that has a flashpoint less than 38 °C (100 °F), the fuel tank is empty, installed batteries are protected from short circuit, and the engine is run until it stalls for lack of fuel;

(2) The vehicle or mechanical equipment has an internal combustion engine using liquid fuel that has a flashpoint of 38 °C (100 °F) or higher, the fuel tank contains 450 L (119 gallons) of fuel or less, installed batteries are protected from short circuit, and there are no fuel leaks in any portion of the fuel system;

(3) The vehicle or mechanical equipment is stowed in a hold or compartment designated by the administration of the country in which the vessel is registered as specially designed and approved for vehicles and mechanical equipment and there are no signs of leakage from the battery, engine, fuel cell, compressed gas cylinder or accumulator, or fuel tank, as appropriate. For vehicles with batteries connected and fuel tanks containing gasoline transported by U.S. vessels, *see* 46 CFR 70.10–1 and 90.10–38;

(4) The vehicle or mechanical equipment is electrically powered solely by wet electric storage batteries (including non-spillable batteries) or sodium batteries and the installed batteries are protected from short circuit;

(5) The vehicle or mechanical equipment is equipped with liquefied petroleum gas or other compressed gas fuel tanks, the tanks are completely emptied of liquefied or compressed gas and the positive pressure in the tank does not exceed 2 bar (29 psig), the fuel shut-off or isolation valve is closed and secured, and installed batteries are protected from short circuit; or

(6) The vehicle or mechanical equipment is powered by a fuel cell engine, the engine is protected from inadvertent operation by closing fuel supply lines or by other means, and the fuel supply reservoir has been drained and sealed.

* * * * *

PART 178—SPECIFICATIONS FOR PACKAGINGS

■ 61. The authority citation for part 178 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.81 and 1.97.

■ 62. In § 178.71:

■ a. Paragraphs (a), (d)(2), (g)(1) through (3), and (k)(1)(i) and (ii) are revised;

■ b. Paragraphs (n) through (s) are redesignated as paragraphs (o) through (t), respectively;

■ c. New paragraph (n) is added;

■ d. Newly redesignated paragraph (o) is revised; and

■ e. Paragraphs (u) and (v) are added.

The revisions and additions read as follows:

§ 178.71 Specifications for UN pressure receptacles.

* * * * *

(a) *General.* Each UN pressure receptacle must meet the requirements of this section. UN pressure receptacles and service equipment constructed according to the standards applicable at the date of manufacture may continue in use subject to the continuing qualification and maintenance provisions of part 180 of this subchapter. Requirements for approval, qualification, maintenance, and testing are contained in § 178.70, and subpart C of part 180 of this subchapter.

* * * * *

(d) * * *

(2) Service equipment must be configured or designed to prevent damage that could result in the release of the pressure receptacle contents during normal conditions of handling and transport. Manifold piping leading to shut-off valves must be sufficiently flexible to protect the valves and the piping from shearing or releasing the pressure receptacle contents. The filling and discharge valves and any protective caps must be secured against unintended opening. The valves must conform to ISO 10297:2006 (IBR, *see* § 171.7 of this subchapter), or ISO 13340 (IBR, *see* § 171.7 of this subchapter) for non-refillable pressure receptacles, and be protected as specified in § 173.301b(f) of this subchapter. Until December 31, 2008, the manufacture of a valve conforming to the requirements in ISO 10297:1999 (IBR, see § 171.7 of this subchapter) is authorized.

* * * * *

(g) * * *

(1) ISO 9809–1: Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 1: Quenched and tempered steel cylinders with tensile strength less than 1100 MPa. (IBR, see § 171.7 of this subchapter). Until December 31, 2018, the manufacture of a cylinder conforming to the requirements in ISO 9809–1:1999 (IBR, see § 171.7 of this subchapter) is authorized.

(2) ISO 9809–2: Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 2: Quenched and tempered steel cylinders with tensile strength greater than or equal to 1100 MPa. (IBR, see § 171.7 of this subchapter). Until December 31, 2018, the manufacture of a cylinder conforming to the requirements in ISO 9809–2:2000 (IBR, see § 171.7 of this subchapter) is authorized.

(3) ISO 9809–3: Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 3: Normalized steel cylinders. (IBR, *see* § 171.7 of this subchapter). Until December 31, 2018, the manufacture of a cylinder conforming to the requirements in ISO 9809–3:2000 (IBR, see § 171.7 of this subchapter) is authorized.

* * * * *

(k) * * *

(1) * * *

(i) ISO 9809–1: Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 1: Quenched and tempered steel cylinders with tensile strength less than 1100 MPa. Until December 31, 2018, the manufacture of a cylinder conforming to the requirements in ISO 9809–1:1999 (IBR, see § 171.7 of this subchapter) is authorized.

(ii) ISO 9809–3: Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 3: Normalized steel cylinders. Until December 31, 2018, the manufacture of a cylinder conforming to the requirements in ISO 9809–3:2000 (IBR, see § 171.7 of this subchapter) is authorized.

* * * * *

(n) *Design and construction requirements for UN cylinders for the transportation of adsorbed gases.* In addition to the general requirements of this section, UN cylinders for the transportation of adsorbed gases must conform to the following ISO standards, as applicable: ISO 11513:2011, Gas cylinders—Refillable welded steel cylinders containing materials for sub-atmospheric gas packaging (excluding acetylene)—Design, construction, testing, use and periodic inspection, or ISO 9809–1:2010: Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 1: Quenched and tempered steel

cylinders with tensile strength less than 1100 MPa. (IBR, see § 171.7 of this subchapter.)

(o) *Material compatibility.* In addition to the material requirements specified in the UN pressure receptacle design and construction ISO standards, and any restrictions specified in part 173 for the gases to be transported, the requirements of the following standards must be applied with respect to material compatibility:

(1) ISO 11114–1:2012: Gas cylinders—Compatibility of cylinder and valve materials with gas contents—Part 1: Metallic materials. (IBR, *see* § 171.7 of this subchapter).

(2) ISO 11114–2: Transportable gas cylinders—Compatibility of cylinder and valve materials with gas contents—Part 2: Non-metallic materials. (IBR, *see* § 171.7 of this subchapter).

* * * * *

(u) *Marking of bundles of cylinders.* (1) Individual cylinders in a bundle of cylinders must be marked in accordance with paragraphs (q), (r), (s), and (t) of this section as appropriate.

(2) Refillable UN bundles of cylinders must be marked clearly and legibly with certification, operational, and manufacturing marks. These marks must be permanently affixed (e.g., stamped, engraved, or etched) on a plate permanently attached to the frame of the bundle of cylinders. Except for the ''UN'' mark, the minimum size of the marks must be 5 mm. The minimum size of the ''UN'' mark must be 10 mm. A refillable UN bundle of cylinders must be marked as follows:

(i) The UN packaging symbol.

(ii) The ISO standard, for example ISO 9809–1, used for design, construction and testing. Acetylene cylinders must be marked to indicate the porous mass and the steel shell, for example: ''ISO 3807–2/ISO 9809–1.''

(iii) The mark of the country where the approval is granted. The letters ''USA'' must be marked on UN pressure receptacles approved by the United States. The manufacturer must obtain an approval number from the Associate Administrator. The manufacturer approval number must follow the country of approval mark, separated by a slash (for example, USA/MXXXX). Pressure receptacles approved by more than one national authority may contain the mark of each country of approval, separated by a comma.

(iv) The identity mark or stamp of the IIA.

(v) The date of the initial inspection, the year (four digits) followed by the month (two digits) separated by a slash, for example ''2006/04''.

(vi) The test pressure in bar, preceded by the letters ''PH'' and followed by the letters ''BAR''.

(vii) For pressure receptacles intended for the transport of compressed gases and UN 1001 acetylene, dissolved, the working pressure in bar, proceeded by the letters ''PW''.

(viii) For liquefied gases, the water capacity in liters expressed to three significant digits rounded down to the last digit, followed by the letter ''L''. If the value of the minimum or nominal water capacity is an integer, the digits after the decimal point may be omitted.

(ix) The total mass of the frame of the bundle and all permanently attached parts (cylinders, manifolds, fittings and valves). Bundles intended for the carriage of UN 1001 acetylene, dissolved must bear the tare mass as specified in clause N.4.2 of ISO 10961:2010.

(x) The country of manufacture. The letters ''USA'' must be marked on cylinders manufactured in the United States.

(xi) The serial number assigned by the manufacturer.

(xii) For steel pressure receptacles, the letter ''H'' showing compatibility of the steel, as specified in 1SO 11114–1.

(v) *Marking sequence.* The marking required by paragraph (u) of this section must be placed in three groups as follows:

(1) The top grouping contains manufacturing marks and must appear consecutively in the sequence given in paragraphs (u)(2)(x) through (xii) of this section as applicable.

(2) The middle grouping contains operational marks described in paragraphs (u)(2)(vi) through (ix) of this section as applicable. When the operational mark specified in paragraph (u)(2)(vii) is required, it must immediately precede the operational mark specified in paragraph (u)(2)(vi).

(3) The bottom grouping contains certification marks and must appear consecutively in the sequence given in paragraphs (u)(2)(i) through (v) of this section as applicable.

■ 63. In § 178.75, paragraphs (d)(3)(i) through (iii) and are revised to read as follows:

§ 178.75 Specifications for MEGCs.

* * * * *

(d) * * *

(3) * * *

(i) ISO 9809–1: Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 1: Quenched and tempered steel cylinders with tensile strength less than 1100 MPa. (IBR, see § 171.7 of this subchapter). Until December 31, 2018, the manufacture of a cylinder conforming to the requirements in ISO 9809–1:1999 (IBR, see § 171.7 of this subchapter) is authorized;

(ii) ISO 9809–2: Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 2: Quenched and tempered steel cylinders with tensile strength greater than or equal to 1100 MPa. (IBR, see § 171.7 of this subchapter). Until December 31, 2018, the manufacture of a cylinder conforming to the requirements in ISO 9809–2:2000 (IBR, see § 171.7 of this subchapter) is authorized;

(iii) ISO 9809–3: Gas cylinders—Refillable seamless steel gas cylinders—Design, construction and testing—Part 3: Normalized steel cylinders. (IBR, see § 171.7 of this subchapter). Until December 31, 2018, the manufacture of a cylinder conforming to the requirements in ISO 9809–3:2000 (IBR, see § 171.7 of this subchapter) is authorized; or

* * * * *

■ 64. In § 178.703, paragraph (b)(7)(iii) is revised to read as follows:

§ 178.703 Marking of IBCs.

* * * * *

(b) * * *

(7) * * *

(iii) The symbol must be a square with each side being not less than 100 mm (3.9 inches) by 100 mm (3.9 inches) as measured from the corner printer marks shown on the figures in paragraph (b)(7)(i) of this section. Where dimensions are not specified, all features must be in approximate proportion to those shown.

(A) *Transitional exception*—A marking in conformance with the requirements of this paragraph in effect on October 1, 2012, may continue to be applied to all IBCs manufactured, repaired or remanufactured between January 1, 2011 and December 31, 2016.

(B) [Reserved]

* * * * *

■ 65. In § 178.910, paragraphs (a)(1)(ii) is revised, paragraph (a)(2)(iv) is added, paragraph (b) introductory text is revised, and paragraphs (b)(1) and reserved (b)(2) are added to read as follows:

§ 178.910 Marking of Large Packagings.

* * * * *

(a) * * *

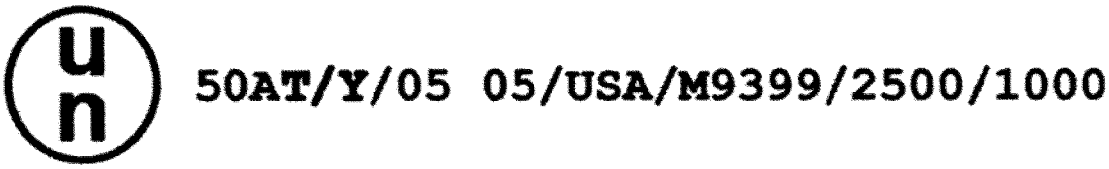
(1) * * *

(ii) *The code number designating the Large Packaging design type according to § 178.905.* The letters ''T'' or ''W'' may follow the Large Packaging design type identification code on a Large Packaging. Large Salvage Packagings conforming to the requirements of subpart P of this part must be marked with the letter ''T''. Large Packagings must be marked with the letter ''W'' when the Large Packaging differs from the requirements in subpart P of this part, or is tested using methods other than those specified in this subpart, and is approved by the Associate Administrator in accordance with the provisions in § 178.955;

(iii) * * *

(2) * * *

(iv) For a steel Large Salvage Packaging suitable for stacking; stacking load: 2,500 kg; maximum gross mass: 1,000 kg.



(b) All Large Packages manufactured, repaired or remanufactured after January 1, 2015 must be marked with the symbol applicable to a Large Package designed for stacking or not designed for stacking, as appropriate. The symbol must be a square with each side being not less than 100 mm (3.9 inches) by 100 mm (3.9 inches) as measured from the corner printer marks shown on the following figures. Where dimensions are not specified, all features must be in approximate proportion to those shown.

* * * * *

(1) *Transitional exception*—A marking in conformance with the requirements of this paragraph in effect on October 1, 2012, may continue to be applied to all IBCs manufactured, repaired or remanufactured between January 1, 2015 and December 31, 2016.

(2) [Reserved]

* * * * *

PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

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

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.81 and 1.97.

■ 67. In § 180.207, in paragraph (c), an entry is added to the end of Table 1 and paragraph (d)(5) is added to read as follows:

§ 180.207 Requirements for requalification of UN pressure receptacles.

* * * * *

(c) * * *

TABLE 1—REQUALIFICATION INTERVALS OF UN PRESSURE RECEPTACLES

Interval (years)	UN pressure receptacles/ hazardous materials
*	* * * *
5	Pressure receptacles used for adsorbed gases.

(d) * * *

(5) UN cylinders for adsorbed gases: Each UN cylinder for adsorbed gases must be inspected and tested in accordance with § 173.302c and ISO 11513:2011 (IBR, see § 171.7 of this subchapter).

Issued in Washington, DC, under authority delegated in 49 CFR part 106.

William S. Schoonover,

Deputy Associate Administrator.

[FR Doc. 2014–19161 Filed 8–22–14; 8:45 am]

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